Summit for the future - UN Civil Society Conference: Written Statement by Derechos Digitales

Chapeau: Human Rights and Gender Equality

The Pact, as a pivotal framework, must reiterate its commitment to the fundamental human rights and freedoms enshrined in the Universal Declaration of Human Rights and other pertinent international instruments through the whole text. Acknowledging the paramount importance of upholding international human rights law, the Pact must be a steadfast advocate for the realization of 2030 Agenda for Sustainable Development, thereby ensuring an open, free, and secure digital future for all. Moreover, we stress the importance of recognizing the structural asymmetries and inequalities inherent in the global digital economy. Measures within the Pact must target the North-South disparities and include concrete measures to advance gender and racial equality.

Derechos Digitales' inputs for the UN Civil Society Conference aim to enhance the discussions on:

- The importance of integrating an effective gender mainstreaming with an intersectional perspective into global communication governance frameworks.
- Addressing the impact of digital technologies on historically marginalized communities.
- Promoting transparency, inclusivity, and accountability in the development and implementation of policies regarding digital technologies at all levels.
- Advocating for human-rights based approach to legislation and policy with a special focus on freedom of expression, privacy, and non-discrimination.

Our organization brings to the table valuable insights, evidence and experiences from Latin America that we believe will contribute significantly to the discussions at the UN Civil Society Conference. We are committed to collaborating with other civil society organizations, governments, and stakeholders to ensure that the Pact for the Future reflects the core values of human rights and gender equality.

Key Reforms for the Summit of the Pact for the Future

As we look towards the outcomes of the Summit of the Pact for the Future, our organization advocates for key reforms related to the Chapeau:

1. Define clear actions for compliance of International Commitments: The Pact must emphasize and reinforce a country's duties according to international human rights and humanitarian law. This requires concrete steps to ensure state commitment and compliance. Allocating resources, defining responsibilities, and establishing oversight mechanisms are essential actions for effective implementation.

2. Establish clear legal and technical safeguards for international cooperation within a human rights framework. The cooperation aimed at managing risks and harnessing opportunities should be based on clear legal limitations to prevent extensive collection and processing of personal information that could lead to the restriction of fundamental rights, including to privacy, freedom of expression and other social and economic rights. States must adhere to international obligations concerning privacy and data protection, including safeguarding personal data, the right to informational self-determination, and the integrity and confidentiality of communications. Transparency and accountability mechanisms should be in place to ensure that international cooperation observes such safeguards.

3. Concrete commitments for addressing Global Economic Disparities: specific, actionable economic commitments are vital to addressing the structural asymmetries and inequalities within the global digital economy, particularly in bridging North-South disparities. The Pact should prioritize the establishment of conditions that enable responsibilities related to economic reform.

4. Ensure an effective intersectional Gender Mainstreaming: While the Chapeu reaffirms the commitment of accelerating action to achieve gender equality, women's participation and the empowerment of women and girls in all domains and to eliminating all forms of discrimination and violence against women and girls; it's imperative to mainstream gender from an intersectional perspective that recognizes the differential impacts of intersecting categories of oppression such as social class, race, ethnicity, sexual orientation, gender expression among others, as they jointly interact with gender to produce patrons of exclusion. Current best practices in gender mainstreaming are "dual" or "multiple": the gender perspective is incorporated into all aspects of policy and program development and pursued as a distinct and independent objective.

5. Reinforce commitment to multi stakeholder governance in the digital sphere, with Inclusivity and Transparency: Uphold existing commitments in the field of Internet governance ensuring openness, inclusivity, and transparency in all

facets of the Pact's implementation, particularly in stakeholder participation in alignment with WSIS+20.

These reforms are crucial for the Summit of the Pact for the Future to uphold the principles of human rights and gender equality in the digital age. They will pave the way for a more inclusive, equitable, and rights-respecting digital future for all.

Submit your written statement on Chapter 2: International Peace and Security

Derechos Digitales emphasizes the critical role of the Pact in upholding international law, including the UN Charter, to safeguard global peace and security. To effectively counter the interconnected threats to international peace, a human rights-centered approach must be at the core, ensuring a delicate balance of rights. This includes, first, mandating human rights impact assessments for technological implementations that may result in the restriction of fundamental rights, including within humanitarian purposes and the United Nations. International cooperation and support from development banks involving the deployment of technologies, particularly the ones with surveillance capabilities, should also be subject to previous human rights impact assessments regardless of the purposes of their implementation.

The same should be observed by States at the national level when adopting new technologies as tools for providing economic and humanitarian aid. t The deployment of surveillance technologies by development actors, foreign aid donors, and humanitarian organizations often takes place without any public discussion or deliberation, and overlooking the opinions and needs of the target populations. As noted by civil society organizations, key strategy documents such as the UN Office for Humanitarian Affairs' 'Humanitarianism in a Networked Age' or the UN High-Level Panel on the Post-2015 Development Agenda's 'A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development' pay minimal attention to the potential impact of adopting new technologies or data analysis techniques on individuals' privacy. This needs to change and the statement should include a strong recommendation on the observation and mitigation of such impacts.

Secondly, it is imperative to establish clear limitations on counterterrorism actions to ensure compliance with international human rights law. These limitations must be legally defined, pursuing legitimate goals and proportionate to the intended aims. States should craft responses in an open, inclusive, and transparent manner, avoiding

overly broad legislation that risks criminalizing legitimate activities and infringing on fundamental rights like freedom of expression and association.

Third, while we celebrate the reference to adherence to the universally agreed upon framework of responsible state behavior in cyberspace it's important to highlight that this includes supporting the establishment of a Cyber Programme of Action with meaningful stakeholder participation.

Fourth, the reference to strengthening oversight mechanisms for the use of data-driven technology to support the maintenance of international peace and security is essential, but insufficient. It's imperative that if data-driven technology will be implemented in this regard, States must adhere to international obligations concerning privacy and the confidentiality of communications, and observe data protection principles and best practices. States should assess their existing laws, policies, and practices on data protection to align with human rights standards, ensure independent oversight mechanisms and ensure access to effective remedies, serving as a prerequisite for data collection and   sharing.

Finally, the commitment to establish standards, regulations, and guidelines for the design, development, and use of military applications of artificial intelligence through a multilateral process raises concerns about the legitimization of AI for military purposes without adequate safeguards. While recognizing the need to advance rules for AI development and implementation, it is crucial to ensure that the regulatory approach is sufficiently focused and defined. The Pact should explicitly outline that any AI regulation must mandate the respect for human rights, with a particular emphasis on promoting non-discrimination and diversity throughout the entire life cycle of AI systems—from design to implementation and evaluation.

It is imperative that the Pact includes minimum obligations within its text to ensure they are reflected in the norms and principles to be developed. These should include following open procurement standards, mandating human rights impact assessments, ensuring transparency, enabling independent audits of systems and data, establishing accountability mechanisms and procedures for remedy and ensuring effective participation.

Additionally, the international community already has established frameworks, such as the 2018-2019 guiding principles on lethal autonomous weapons systems, the 2021 recommendations on AI ethics agreed through UNESCO, recommendations by the United Nations Office of Counter-Terrorism, and the "AI for Good" summits hosted by the International Telecommunication Union (ITU). Understanding how these

references and commitments will interact with the proposed norms is crucial for coherence and avoiding duplication.

What key reforms related to Chapter 2 do you want to see as an outcome of the Summit of and Pact for the Future?

1. Human Rights-Centered Approach: The Pact must mandate human rights impact assessments for all technological implementations, irrespective of their intended use. This includes rigorous assessments on programs funded by international bodies, particularly those deploying technologies with surveillance capabilities.

2. Clear Limitations on Counterterrorism Actions: It is imperative to establish legally defined limitations on counterterrorism actions to align with international human rights law. States must craft responses openly, inclusively, and transparently, avoiding broad legislation that risks infringing on fundamental rights like freedom of expression and association.

3. Support for a Cyber Programme of Action: The Pact should support the establishment of a Cyber Programme of Action with meaningful stakeholder participation. This ensures that responsible state behavior in cyberspace is supported by concrete actions, promoting cybersecurity while respecting rights.

4. Adherence to Privacy and Data Protection Standards: To protect human rights, especially the right to privacy and data protection, States must adhere to international obligations. This includes aligning existing laws, policies, and practices with human rights standards, establishing independent oversight mechanisms, and providing access to effective remedies before data collection and sharing.

5. Explicit limitations for AI in Military Applications: Build from existing advances to respond to some of the risks of AI, including IGF discussions, the Human Rights Council Resolution 48/4 and the report from the High Commissioner for Human Rights which calls for a moratorium, and even a ban, of AI tools "that cannot be used in compliance with international human rights law".

6. Inclusion of Minimum guidelines on human rights-based regulation of AI development and implementation: These minimum obligations, such as following open procurement standards, mandating human rights impact assessments, ensuring transparency, enabling independent audits, and establishing accountability mechanisms, must be included within the Pact's text to guide the development of norms and principles.

Submit your written statement on Chapter 3: Science, Technology and Innovation and Digital Cooperation

Derechos Digitales advocates for the right of individuals and communities to shape and utilize digital technologies, emphasizing their role in bridging divides and advancing the Sustainable Development Goals. We promote the establishment of technical communications infrastructure for unconnected communities through innovative models like community networks and cooperative operators.

We stress the importance of preserving the open, interconnected nature of the Internet, urging all stakeholders to uphold its global connectivity and accessibility. States must refrain from impeding the free flow of information and prevent the development of standards that could lead to human rights violations.

Our approach emphasizes the integration of international human rights law into regulatory frameworks for technology and digital cooperation. We advocate for inclusive, transparent frameworks that facilitate meaningful stakeholder participation in decision-making processes.

We defend the right of all people to have access to and benefit from science and technology developments and advocate for greater inclusion of historically marginalized groups within their production. We believe that building enabling environments to foster sustainable and human rights respectful innovation should be a priority within this chapter. This includes not only mechanisms to foster such types of innovation, but also to increase controls on the one that can negatively impact human rights. Stimulating the adoption of diversity, equity and inclusion criteria within science and technology initiatives, and the implementation of human rights impact assessments are key in such a direction.

What key reforms related to Chapter 3 do you want to see as an outcome of the Summit of and Pact for the Future?

Derechos Digitales calls for the adoption of comprehensive data protection frameworks aligned with international standards, such as Convention 108+ which include requirements for consent, independent oversight, grievance mechanisms and access to remedy. These frameworks should address issues like micro-targeting, commercial surveillance, and data processing that discriminates based on protected characteristics.

We advocate for policy approaches to new technologies, such as artificial intelligence (AI), rooted in the existing international human rights framework. These approaches should prioritize transparency, accountability, multi stakeholder participation and human rights impact assessments as well as audits throughout the AI life cycle. Ensuring redress mechanisms is crucial.

Regulation of emerging technologies, particularly AI systems, should be human rights-based and applicable to both public and private entities. There should be no exceptions for their use in contexts posing significant threats to human rights, such as immigration, national security, or law enforcement.

States must prohibit the use of AI systems in scenarios posing unacceptable risks to human rights, including biometric systems for categorizing individuals based on protected characteristics -in particular if they can lead to mass surveillance- or for social scoring. These reforms aim to balance the benefits of technology with the protection of human rights in the digital age.

Submit your written statement on Chapter V: Transforming Global Governance

At the core of Transforming Global Governance is the commitment to a diverse, equitable, and inclusive multistakeholder model. We advocate for bolstering UN policymaking processes to ensure they are more accessible and reflective of global realities.

We emphasize the importance of enhancing connections between existing forums like the IGF and other bodies addressing new digital challenges. The IGF's open and inclusive nature must be preserved, and any new governance bodies should adopt a multistakeholder approach. It is crucial that civil society and under-represented groups, especially those most impacted by emerging technologies, are meaningfully involved in decision-making processes.

States play a pivotal role in promoting an open and secure Internet within multilateral and multi stakeholder settings. Processes should be transparent, consensus-driven, and accessible to stakeholders from diverse backgrounds. This requires providing adequate notice, funding, and accessible accreditation systems. We stress the need for a range of robust participation options, including travel and visa support, to ensure meaningful engagement for all.

Finally, evidence-based research indicates a troubling trend wherein the technologies and methodologies employed by bilateral donors and international funding agencies increasingly lean towards surveillance practices, often at the expense of individual

liberties. This approach to development often comes at the cost of human rights, particularly the right to privacy and the protection of personal information. Introducing surveillance technologies to address complex social challenges in resource-constrained settings, especially in the absence of robust democratic institutions, presents a host of new and concerning risks. Therefore, it is imperative that the development and humanitarian community engages in informed and realistic debates regarding the development and deployment of technological systems within specific contexts. These discussions should weigh the potential benefits against the potential risks, particularly in terms of their impact on human rights and individual freedoms.

What key reforms related to Chapter V do you want to see as an outcome of the Summit of and Pact for the Future?

1. Strengthen the multistakeholder model: Ensure diverse representation in UN policymaking processes, with a focus on under-represented groups and regions. This includes ensuring that stakeholders from the Global Majority and other under-represented groups in global public policymaking can fully participate in decision-making processes and providing adequate notice, funding and accessible accreditation systems. This does not mean that remote participation suffices as a meaningful way to engage in hybrid or in-person events, but that a multitude of robust participation options, with travel and visa support, should be provided. Any state hosting a forum should undergo human rights due diligence, and fora should strive to meet in locations accessible to a diverse set of stakeholders, in environments characterized by the rule of law and protection for the freedoms of association, peaceful assembly, and expression.

2. Guarantee transparency and accountability throughout the design, implementation, and evaluation of funding by the UN and international bodies' development programs. This includes making funding proposals publicly available and subjecting them to both technical and human rights assessments before implementation. Additionally, monitoring and evaluation programs must be established to ensure ongoing oversight during and after implementation.

3. Advance mechanisms for transparency and accountability within the United Nations and its bodies, assuring that key areas related to the advance and implementation of human rights standards are granted the proper support to continue operating.

4. Build on existing mechanisms and avoid duplication: preserve the IGF's role and build on existing mechanisms such as WSIS to strengthen a multistakeholder approach.

5. Protecting, enhancing and expanding mechanisms for civil society participation in global decision making processes, for instance the ECOSOC status.

6. Proactive integration: The Pact should align with discussions in other Summit tracks and relevant fora, such as the Code of Conduct on Information Integrity and the World Summit of the Information Society+20 Review. Proactive integration of other communities working on relevant issues is essential to mitigate difficulties faced by civil society, small island states, and developing nations.

7. Human rights due diligence: Advance UN adoption and implementation of human rights protocols for all aspects of new technology procurement, development, and use. The implementation must be subjected to rights-based questions about whether they are the necessary, proportionate, and effective methods for development, and whether legal frameworks exist to protect against human rights abuses.

These reforms are crucial for fostering a more inclusive and responsive global governance framework, ensuring that emerging digital technologies benefit all individuals and communities worldwide.