Lawyering for Change 2022 Conference

SUMMARY

What role for digital technology in the fight for human rights? Opportunities, challenges and limits

Plenary - Thursday October 13th 11.30am-1pm

Speakers:

- **Cherif El Kadhi** – Policy analyst in the MENA region, Access Now (Tunisia)
- **Gerald Abila** – Founder of Barefoot Law (Uganda)
- **Brianne McGonigle Leyh** – Associate Professor of Human Rights and Global Justice (Netherlands)

Moderation by **Justine Dofal** - Justice ExPEERience Coordinator, Avocats Sans Frontières (Belgium)

Even though there is no obvious link between digital technologies and the justice and development sectors, there has been over the past several years a growing tendency to promote the use of digital tools in those sectors, from political and judicial institutions and donors. This should be of concern to us: the development of digital technologies can't become an end itself for development projects in the human rights sector but must stay a means to realize rights, access to justice and to defend the most vulnerable populations. However, we often see scandals about massive human rights violations by the use of digital technologies, especially ones using personal and biometric data. At the same time, the internet has become an extension of the public and civic space and yet remains a flexible and unregulated sphere. As an NGO which wants to promote access to rights for all, ASF is at the heart of those issues and seeks to address it as follow: How can we mobilize digital in the fight for access to justice and to promote human rights in an ethical, responsible and respectful way?

During a plenary session dedicated to those issues, three experts shared their expertise and field experiences to provide insights and suggestions on the matter. **Gerald Abila**, founder of the Ugandan organisation Barefoot Law, proposed a realistic and forward-looking approach to acknowledge the importance of digital technologies in current and future societies and to mobilize those technologies in a responsible manner to make right accessible to everyone on a large scale. **Chérif El Kadhi**, as policy analyst for the MENA region at Access Now, brought insights on human rights protection in our digital era, and on « digital rights » including for the most vulnerable communities and for the human rights activists. **Brianne McGonigle Leyh**, Associate Professor at the Utrech University, highlighted the role that digital technologies can play, especially open source technologies, in documenting international crimes and human rights violations, while emphasizing the importance of an ethical and respectful of victims use of digital technologies.

1. Digital technology, a new threat to human rights?

Discussions highlighted the risks of human rights violations during our digital era, sometimes increased by the use of new technologies. These technologies are, indeed, often mobilized in necessary sectors such as the exercise of citizenship, freedom of expression and access to information. The internet and social networks have become a full-fledged sphere of the public space. Technologies are managed by private companies which are not or almost not regulated.

Their uses can be considered as new threats and challenges to human rights and can reinforce inequalities within populations.

The internet and the new technologies must not be the only tool mobilized, especially in the sectors of development and access to justice. Access to rights, empowerment of populations, advocacy for human rights, etc. must remain at heart of our actions. Digital is not always the best solution neither the most appropriate approach to achieve these objectives.

The use of digital technologies in documenting international crimes raises issues, which are still rarely considered. For instance, there can be an issue for people who are working with those technologies and are exposed to traumatizing information, documents and images.

All those aspects must be considered and addressed in order to use digital technologies in the field of human rights in a reasonable and ethical way and in coherence with our final objectives.

2. Inequalities in access to internet and access to justice

How can digital technologies and internet be used to fight inequalities in access to justice when access to internet is itself unequally balanced among populations?

The Uganda organisation Barefoot Law uses digital technologies to make rights and justice more accessible. But to ensure that inequalities in access to justice are not reinforced by inequalities in access to digital, the organisation has developed simultaneously another mode of action by mobilizing more traditional ways of legal aid and legal empowerment in remote rural areas.

It is also necessary to be aware of the challenges linked to repression and censorship in countries where the internet and social medias are used as a way of control and repression by authoritarian governments. The political context is of course important in the use of technologies in a good or bad way. It is therefore necessary to advocate for a better regulated use of technologies which truly meets the requirements of the rule of law.

The emphasis has been put on the importance of advocacy to get access to the algorithms that underlie the use of these technologies and social medias in order to understand them better and to make a better use of them.

3. Ethics and use of new technologies in documenting human rights

Open source investigative technologies are a real opportunity for both journalistic and legal documentation on human rights violations and can enable to collect, obtain and store evidences on a large scale. It is especially important to form new generations to these technologies, via legal clinics by example. But their use must be regulated and must respect the fundamental principles of transparency and possibility of reproduction (i.e. another person, following the same steps, must have access to the same information).

Documentation on violations must also take into account first and foremost the victims of these violations: we need to question the way to integrate victims' perspectives into the way in which digital is used.

Finally, it is necessary to incorporate this in larger scale actions through advocacy to fight misinformation on crimes but also to expose individuals and government responsible of those violations.

4. Conclusion

The issues here are clearly linked to the issues addressed in the Lawyering for Change conference. Reflection on the impact of digital in the fight for human rights is crucial to have a better and more comprehensive understanding of the future of our actions, of the role of young generations. It helps us do better on empowerment and involvement of victims in justice processes and to develop more ethical modes of actions. Digital issues must not remain unconsidered in the sector of justice and development but must be at the heart of our reflections.