



Human Rights Council**Forty-seventh session**

21 June–13 July 2021

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Albania,* Armenia, Australia,* Austria, Belgium,* Bosnia and Herzegovina,* Brazil, Bulgaria, Canada,* Chile,* Croatia,* Cyprus,* Czechia, Denmark, Ecuador,* Estonia,* Fiji, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Israel,* Italy, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro,* Morocco,* Nepal, Netherlands, North Macedonia,* Norway,* Paraguay,* Poland, Portugal,* Republic of Korea, Romania,* Singapore,* Slovakia,* Slovenia,* Somalia, Spain,* Switzerland,* Thailand,* Tunisia,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America* and Uruguay: draft resolution

47/... New and emerging digital technologies and human rights*The Human Rights Council,**Guided by the purposes and principles of the Charter of the United Nations,**Reaffirming* the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and other relevant international human rights instruments,*Recalling* the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms,*Recalling also* Human Rights Council resolution 41/11 of 11 July 2019 on new and emerging digital technologies and human rights, and other relevant resolutions adopted by the Council and the General Assembly, the most recent of which are Council resolutions 31/7 of 23 March 2016, on the rights of the child: information and communications technologies and child sexual exploitation, 38/7 of 5 July 2018 on the promotion, protection and enjoyment of human rights on the Internet, and 42/15 of 26 September 2019, on the right to privacy in the digital age, and Assembly resolutions 73/17 of 26 November 2018 on the impact of rapid technological change on the achievement of the Sustainable Development Goals and targets, 75/176 of 16 December 2020 on the right to privacy in the digital age, and 75/202 of 21 December 2020, on the information and communications technologies for sustainable development,*Taking note* of the Secretary-General's initiatives on new technologies, including the Call to Action for Human Rights, launched in 2020, the Road Map for Digital Cooperation, launched in June 2020, and the establishment of the Office of the Envoy of the Secretary-General on Technology,

* State not a member of the Human Rights Council.



Recalling the Guiding Principles on Business and Human Rights, as endorsed by the Human Rights Council in its resolution 17/4 of 16 June 2011, and encouraging States, who are the primary duty-bearers, and business enterprises, including technology companies, to implement the Guiding Principles in order to foster respect for human rights online and offline in the context of new and emerging digital technologies and human rights due diligence processes,

Reiterating the importance of ensuring appropriate safeguards and human oversight in the application of new and emerging digital technologies, and of respecting and promoting human rights in national, regional and international regulatory frameworks and legislation and on the conception, design, use, development, further deployment and impact assessments of new and emerging digital technologies, while ensuring the meaningful participation of all relevant stakeholders, including the private sector, academia and civil society,

Welcoming the work of the Advisory Committee, and taking note of its report on the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights, presented to the Human Rights Council at the present session,¹

Recognizing that new and emerging digital technologies can have the potential to facilitate efforts to accelerate human progress, to promote and protect human rights and fundamental freedoms, to bridge digital divides, to support, inter alia, the enjoyment of the rights of persons with disabilities and those in vulnerable situations, the advancement of gender equality and the empowerment of all women and girls, and to ensure that no one is left behind in the achievement of the Sustainable Development Goals,

Recognizing also the risks that new and emerging digital technologies may have for the protection, promotion and enjoyment of human rights, including but not limited to the right to equality and non-discrimination, the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and freedom of association, the right to an effective remedy and the right to privacy, in accordance with States' obligations under international human rights law,

Recognizing further that new and emerging digital technologies can hold great potential for strengthening democratic institutions and the resilience of civil society, empowering civic engagement and enabling the work of human rights defenders, public participation and the open and free exchange of ideas,

Recognizing that new and emerging digital technologies, in particular assistive technologies, can especially contribute to the full enjoyment of human rights by persons with disabilities, and that these technologies should be designed in consultation with them and with appropriate safeguards to protect their rights,

Mindful that the impacts, opportunities and challenges of rapid technological change with regard to the promotion, protection and enjoyment of human rights, including in cases where changes may occur at an exponential pace, are not fully understood, and of the need to further analyse them in a holistic, inclusive and comprehensive manner in order to leverage the full potential of new and emerging digital technologies to support human progress and development for all,

Recognizing that the coronavirus disease (COVID-19) pandemic has demonstrated the increased need to harness the positive potential of new and emerging digital technologies and address the key challenges involved, including the impacts of COVID-19 response measures, such as Internet shutdowns, censorship, and unlawful and arbitrary surveillance not in accordance with States' obligations under international human rights law and inconsistent with the principles of necessity, proportionality and legality,

Recognizing also, in the context of new and emerging digital technologies, the need to address, in a manner that complies with States' obligations under international human rights law, the spread of disinformation, which can be designed to incite to violence, hatred,

¹ A/HRC/47/52.

discrimination and hostility, inter alia, racism, xenophobia, negative stereotyping and stigmatization,

Highlighting the importance of a human rights-based approach to new and emerging digital technologies taking into account States' obligations under international human rights law, a holistic understanding of technology and holistic governance and regulatory efforts,

Recognizing the important role of new and emerging digital technologies for an inclusive and resilient recovery from the COVID-19 pandemic, including by supporting States' efforts to protect public health, promote inclusive education and bridge digital divides, with particular attention to, inter alia, women and girls, persons with disabilities and those in vulnerable situations, and promoting digital connectivity to respect, protect and fulfil human rights,

Stressing the need for Governments, the private sector, international organizations, civil society, journalists and media workers, the technical and academic communities and all relevant stakeholders to be cognizant of the impact, opportunities and challenges of the rapid technological change on the promotion and protection of human rights, and recognizing the role of Governments in creating an enabling environment for civil society and national human rights institutions to contribute to raising awareness about the interrelatedness of new and emerging digital technologies and human rights, to promote respect by business enterprises for human rights in line with the Guiding Principles for Business and Human Rights, and to contribute to accountability for human rights abuses,

Recognizing that rapid technological change affects States in different ways, and that addressing these impacts, which depend on national and regional particularities, States' capacities and levels of development, requires international and multi-stakeholder cooperation in order for all States, especially developing countries and least developed countries, to benefit from opportunities and to address the challenges arising from this change, and to bridge digital divides, while emphasizing that it is the duty of all States to promote and protect all human rights, online and offline,

1. *Reaffirms* the importance of a holistic, inclusive and comprehensive approach and the need for all stakeholders to collaborate in a more concerted way in addressing the possible impacts, opportunities and challenges of new and emerging digital technologies with regard to the promotion and protection of human rights;

2. *Notes* the Secretary-General's call for Member States to place human rights at the centre of regulatory frameworks and legislation on the development and use of digital technologies, and for the Office of the United Nations High Commissioner for Human Rights to develop system-wide guidance on human rights due diligence and impact assessments in the use of new technologies;

3. *Requests* the Office of the High Commissioner to convene two expert consultations, to discuss the relationship between human rights and technical standard-setting processes for new and emerging digital technologies and the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies, and to submit a report thereon, reflecting the discussions held in an inclusive and comprehensive manner, to the Human Rights Council at its fiftieth and fifty-third sessions;

4. *Also requests* the Office of the High Commissioner, when preparing the above-mentioned expert consultations and reports, to seek input from and to take into account the relevant work already done by stakeholders from diverse geographic regions, including States, international and regional organizations, the Advisory Committee, the special procedures of the Human Rights Council, the treaty bodies, other relevant United Nations agencies, funds and programmes, including the International Telecommunication Union, other relevant standard development organizations, and the Office of the Envoy of Secretary-General on Technology, within their respective mandates, national human rights institutions, civil society, the private sector, the technical community and academic institutions;

5. *Invites* the Office of the High Commissioner to continue to work on the application of human rights to the conception, design, use, development and further deployment of new and emerging digital technologies with a view to assisting business enterprises, including technology companies, with developing and applying human rights due

diligence processes, and to assist Governments, upon their request, in developing human rights-based laws and policies for new and emerging digital technologies, including through human rights education and close consultation with civil society and business enterprises, especially technology companies;

6. *Decides* to remain seized of the matter.
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