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

Panel discussion on the most efficient ways of upholding good governance to address the human rights impacts of the various digital divides

Report of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 51/5, in which the Council requested the United Nations High Commissioner for Human Rights to organize, before the fifty-fourth session of the Council, a panel discussion on good governance in the promotion and protection of human rights, with a view to discussing the most efficient ways of using good governance to address the human rights impact of the various digital divides. The report contains a summary of the panel discussion, which was held on 4 September 2023.



I. Introduction

1. In its resolution 51/5, the Human Rights Council requested the United Nations High Commissioner for Human Rights to organize, before its fifty-fourth session, a panel discussion on good governance in the promotion and protections of human rights, with a view to discussing the most efficient ways of using good governance to address the human rights impact of the various digital divides. In the same resolution, the Council requested the High Commissioner to prepare a report on the panel discussion, to make it available in an accessible format, including an easy-to-read version, and to present it to the Council at its fifty-fifth session.
2. The panel discussion was aimed at discussing the root causes of the various digital divides and their impact on human rights. The panel also discussed the importance of data and indicators in measuring good governance and their role in bridging digital divides, including gender digital divides. The panel exchanged information, expertise and good practices, highlighting successful experiences and promising practices for bridging digital divides at both local and national levels, in particular among groups that are disproportionately affected. It also discussed the role of good governance in the context of addressing digital divides, opportunities for using digital information and technologies to prevent and address corruption and how such measures should be designed and implemented in the context of, and with the aim to bridge, digital divides.
3. The first thematic session was aimed at: (a) unpacking various digital divides, including digital literacy, through a human rights lens; (b) exploring the role of data in identifying, analysing and addressing inequalities, with a specific emphasis on how data enables the measurement of good governance; and (c) looking at how digital divides manifest in the different legal data-protection regimes. At the first session, discussions were held on effective digital governance strategies, with a focus on promoting regulatory measures to bridge digital divides and integrating a human rights-based approach into the delivery of public services.
4. The second thematic panel session was aimed at identifying and discussing effective digital governance strategies for promoting regulation to bridge digital divides and integrating a human rights-based approach into the delivery of public services.
5. The panellists at the first thematic session were: Mark Cassayre, Permanent Observer of the International Development Law Organization to the United Nations and other international organizations in Geneva; Dominik Rozkrut, President of Statistics Poland; Mariana Neves, Governance Statistics Specialist, Oslo Governance Centre, United Nations Development Programme (UNDP); Farida Shaheed, Special Rapporteur on the right to education; and Caitlin Kraft-Buchman, Chief Executive Officer/Founder of the civil society organization, Women at the Table. Nicolas Fasel, Chief Statistician of the Office of the United Nations High Commissioner for Human Rights (OHCHR) moderated the session.
6. The panellists at the second thematic session were: Morten Koch Andersen, Deputy Research Director and Senior Researcher, Raoul Wallenberg Institute of Human Rights and Humanitarian Law; Vincenzo Aquaro, Chief of the Digital Government Branch, Division for Public Administration and Development Management, Department of Economic and Social Affairs; Zorana Markovic, Crime Prevention and Criminal Justice Officer, Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime (UNODC); David Clarke, Acting Head of the Systems Governance and Stewardship Team, World Health Organization (WHO); and Cheri-Leigh Erasmus, Chief Learning and Agility Officer at Accountability Lab. Zbigniew Czech, Permanent Representative of Poland to the United Nations Office and other international organizations in Geneva moderated the session.
7. The High Commissioner, the President of the Human Rights Council and the Head of Human Rights and Development at the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) Office in Geneva made opening remarks. Presentations by speakers were followed by interactive discussions involving representatives of both Member and observer States, international organizations and non-governmental organizations. Panellists replied to questions and comments raised from the floor and made

concluding remarks after each panel discussion. The Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR closed the meeting.

8. The panel was webcast and recorded.¹

II. Summary of the panel discussion

9. The panel discussion took place on 4 September 2023. The High Commissioner, Volker Türk, the President of the Human Rights Council, Václav Bálek, and the Head of Human Rights and Development at the UN-Women Geneva Office, Adriana Quiñones, opened the panel.

A. Opening statements

10. In his opening remarks, the High Commissioner emphasized the importance of good governance and human rights in addressing various challenges faced by Governments today. He highlighted the need for Governments to serve the public rather than narrow interests of elites and set out current challenges, including the climate crisis, loss of trust in institutions, geopolitical tensions and the risks and opportunities of the digital age. He stated that responses to those challenges would be more effective when they integrated human rights guardrails and the good governance principles of transparency, responsibility, accountability, participation and responsiveness to all members of the public.

11. The High Commissioner also highlighted the impact of the coronavirus disease (COVID-19) pandemic, which had exposed digital divides within and between countries. He acknowledged the benefits of online services but also pointed out that many people, especially those living in poverty and in remote areas, including women, children, older persons and persons with disabilities, had been left behind owing to the high cost of connectivity and limited digital literacy. The digital divide was seen as a new form of inequality, with online access becoming crucial for accessing skills, information and trade. The importance of universal access to the Internet as an enabler of human rights was emphasized.

12. He also called for additional governance measures to address the digital divides, including improving digital literacy and reducing costs. He condemned blanket Internet shutdowns, which were often used to stifle criticism and protests, and stressed their negative impact on human rights. He highlighted efforts to combat corruption through technological innovations and digital-government tools. He warned, however, that such tools must be transparent in order to prevent misuse.

13. The High Commissioner noted the rapid roll-out of artificial intelligence and recognized the potential for it to deepen inequalities and threaten human rights. He called for clear regulations and governance mechanisms over the use of artificial intelligence, including compliance with international human rights law. He emphasized the need for multistakeholder collaboration to establish regulatory frameworks to mitigate the risks and harness the benefits of artificial intelligence, including robust oversight mechanisms to enforce protections and access to remedies when such protections were violated.

14. In his conclusion, the High Commissioner underscored the importance of good governance and the promotion and protection of human rights in addressing the challenges posed by the digital age. In his view, good governance included transparency and decision-making around artificial intelligence, with open, multistakeholder discussions on how to regulate its development and use by the private sector and States, as well as in the regulation of other online platforms and tools, such as social media companies.

15. In his welcoming remarks, the President of the Human Rights Council discussed the impact of digital divides on human rights and emphasized the need to address them. He acknowledged that various digital divides persist globally, with more than half of the world's

¹ See, session 1: <https://media.un.org/en/asset/k15/k1535uv7ev>; and session 2: <https://media.un.org/en/asset/k12/k12eb4ds6z>.

population lacking access to the Internet as a result of power imbalances, economic disparities and inadequate infrastructure. Lack of access to the Internet had led to unequal access to essential public services, affecting marginalized and vulnerable individuals in particular.

16. He also underscored the pivotal role of good governance in mitigating the impact of digital divides on human rights. Good governance, characterized by transparency, responsibility, accountability, openness and participation, served as the foundation for bridging those divides.

17. He highlighted the efforts of the Human Rights Council, which had been addressing the issue since 2008. The Council had adopted a number of resolutions emphasizing the importance of good governance in promoting and protecting human rights, in alignment with the 2030 Agenda for Sustainable Development. The Council had also conducted discussions on various aspects of good governance and had tasked OHCHR with preparing studies and reports on related topics. He recalled Council resolution 51/5 of 6 October 2022, in which the Council welcomed the commitments to good governance made by all States in the 2030 Agenda, encouraged States to improve public service delivery, especially in sectors such as health, education and justice, through the use of technology and stressed the importance of expanding Internet accessibility, affordability and availability.

18. He concluded by stressing the importance of the participation of civil society and other stakeholders at various levels, from local to international, in governance processes and the promotion of good governance. He expressed confidence that the expert meeting would provide a platform for sharing information, expertise and best practices to bridge digital divides and looked forward to the presentation of the report on the panel discussion during the fifty-fifth session of the Council, demonstrating its commitment to addressing this critical issue.

19. Ms. Quiñones, in her opening remarks, noted that the profound transformation brought about by the digital world presented both opportunities and challenges, especially for women and girls in the context of human rights. She highlighted the significance of the sixty-seventh session of the Commission on the Status of Women, which had focused on the impact of the digital revolution on the lives of women and girls, with the priority theme being gender inequalities in the digital realm.

20. Ms. Quiñones acknowledged that while the future was digital, the gender digital divide persisted, encompassing issues related to access and digital literacy, which hindered equal access to public services. Good governance necessitated the active participation of all members of society and the gender digital divide presented significant barriers to achieving that goal.

21. Ms. Quiñones highlighted the efforts of UN-Women to address the gender digital divide, including the Equals Global Partnership for Gender Equality in the Digital Age, established by UN-Women, the International Telecommunication Union and the International Trade Centre, which aimed to reduce the gender digital divide by fostering collaboration and interactive work and empowering women and girls to be users and creators of information and communication technology (ICT) in the digital world. She highlighted the work of the Equals Partnership in recommending projects and delivering technological awards in recognition of initiatives across the world to bridge the digital divide. As another example, she referred to the Second Chance Education programme launched by UN-Women, which focused on bridging the gender digital divide and empowering women economically through contextualized learning materials and both in-person and online approaches. The programme had reached a substantial number of women, with a significant percentage starting to earn an income in tech-related jobs upon graduation.

22. Ms. Quiñones underscored the economic impact of bringing women into the technology sector and promoting gender equality and emphasized the negative consequences resulting from excluding women from the digital world on the gross domestic product of low and middle-income countries.

23. Ms. Quiñones addressed the issue of gender-based violence in online spaces, which hindered meaningful participation in governance for women and girls. She emphasized the

potential of technology to prevent and respond to gender-based violence and obstacles to public participation. She also highlighted the Spotlight Initiative of the European Union and the United Nations as an example of how to use technology to combat gender-based violence utilizing text messaging systems and platforms to provide information and support.

24. In conclusion, Ms. Quiñones emphasized the commitment of UN-Women to: (a) collaborate with partners to implement the agreed conclusions of the sixty-seventh session of the Commission on the Status of Women so as to ensure that gender-responsive technology and innovation empowered all women and girls, including those who are refugees, internally displaced or at risk; (b) guarantee the meaningful participation of women and girls, including through partnerships with local actors and women-led organizations; (c) contribute to gender equality and good governance; and (d) increasingly invest in gender analysis and evidence generation on the impact of technologies on the lives of women and girls.

B. Presentations by the panellists

1. First thematic session

25. The first thematic session was moderated by the Chief Statistician of OHCHR.

26. Speaking at the first thematic session, Mr. Cassayre highlighted the role of the International Development Law Organization as the only global intergovernmental organization dedicated to promoting the rule of law for the advancement of peace and sustainable development. He emphasized that the organization approached digital divides through a human rights lens. The digital divide was inherently a human rights issue. Lack of access to technology impacted equality, non-discrimination, access to essential services like health care and education and participation in governance and the economy. The digital divide exacerbated intersecting inequalities, affecting vulnerable populations in particular.

27. At a macro level, Mr. Cassayre presented statistics illustrating the disparities in Internet access between regions and gender. Overall, 259 million fewer women had access to the Internet than men. Digitalization, when not implemented inclusively, could reproduce historical biases, leading to human rights violations and perpetuating disparities. He further highlighted the issue of Internet shutdowns and how they impacted fairness, equality and discrimination. Research on the justice gap had shown that people have varying degrees of unmet legal needs that could be exacerbated by lack of or poor connectivity, financial resources or language capabilities to participate online. Current legal frameworks did not always ensure that technology was designed to account for safety, the prevention of violence and recourse mechanisms when rights were violated.

28. Addressing the digital divide through a human rights perspective provided important tools to rectify shortcomings. Mr. Cassayre further stressed the need to enhance people's agency in digital environments, foster public understanding of ICT and ensure that digitalization both met people's needs and protected their rights. He called for better data to understand the impact of digital divides more comprehensively and suggested focusing on people's needs while working to reinforce institutions. He highlighted the importance of working collaboratively from top-down institutions to bottom-up societies to bridge gaps and ensure that the rule of law, good governance and human rights were upheld. In conclusion, Mr. Cassayre emphasized the need for accountability, oversight, regulatory frameworks and good governance to address the impacts of digital divides. By placing people at the centre of these efforts, individuals could benefit from their human rights both online and offline.

29. Dominik Rozkrut began his presentation by emphasizing the importance of official statistics in delivering information that aligned with the basic human right of the "right to the truth" and the "right to information". He highlighted the critical premise that statisticians should "measure what matters" and that the digital divide was one of the significant topics that required measurement. He pointed out the importance of effectively delivering this information to society in order to promote digital literacy.

30. Mr. Rozkrut delved into the issue of digital literacy and cited statistics, particularly from the European perspective, showing that while access to the Internet was improving, the digital divide persisted globally. He noted that even with access, many individuals struggled

to assimilate knowledge through electronic means, emphasizing the importance of digital skills. In addition, statistical and data literacy was significant in comprehending the import of information conveyed.

31. Mr. Rozkrut explained that the work of the national statistics office of Poland was twofold: first, to combat digital exclusion by providing data on the digital divide and, second, to help people access and use information effectively through the provision of data and statistical education. It was not enough solely to provide access, data and information, it was also important to help people obtain access to and to use such information. He noted that there was an evolving landscape of data governance and legislation, highlighting the increasing complexity of navigating the digital environment. Despite the challenges, the ultimate objective remained clear: the need to address and bridge the digital divide.

32. In conclusion, Mr. Rozkrut reflected on the causes of digital gaps, noting their correlation with other forms of exclusion, in particular income-related limitations. However, data and efforts to address the digital divide could be instrumental in fighting digital exclusion, offering hope for progress in this critical area.

33. Mariana Neves argued that the digitalization of records to create records was essential to reduce both the burden on respondents and to promote transparency in human rights. One example was a certificate indicating record-based participation in public judicial services, categorized by gender, sex and disability, aimed at addressing the needs of groups in situation of vulnerability. However, some countries faced challenges in implementing digital systems, leading to potential total exclusions in data collection.

34. Nevertheless, there were benefits of including technology in data collection, such as surveys, but it was important to protect individuals' privacy. Ms. Neves emphasized the sensitive nature of the information collected and stressed the need for proper ICT infrastructure and data protection measures to ensure respect for human rights. Data collection was particularly important but should never be done at the expense of the rights of the population.

35. Ms. Neves underscored the need of significant capacity-building and regional training sessions providing support to Member States. There were a number of challenges with slow Internet connectivity in certain regions, such as the Pacific, and creative solutions were needed in order to ensure data accessibility and participation.

36. In conclusion, Ms. Neves reiterated the commitment of UNDP to respecting human rights in data production, particularly through stakeholder participation, transparency and accountability. She said that respecting those principles were a top priority.

37. Farida Shaheed emphasized that from social media as a primary source of information and means of communication to rapidly expanding artificial intelligence, e-commerce and e-governance, technology was transforming how people worked, communicated and lived their daily lives. She warned that digital divides and ensuing inequalities were as real as the rapid pace of digitalization. Digital divides existed between and within countries, between urban and rural communities, between men and women, boys and girls, older and younger persons and persons with disabilities. She highlighted that women's underrepresentation in the tech industry could lead to unconscious gender bias in the design and development of new digital products and services, further perpetuating gender inequality.

38. With respect to the right to education, she argued that, especially since the COVID-19 pandemic, digitalization was too frequently seen as a panacea, although digital means could never replace face-to-face interactive learning. In addition, technology had too often been used to violate privacy and to mine data without consent. She warned that not all schools had the equipment necessary to address the problem; teachers had dissimilar digital skills; and students were not all equally able to afford the devices required for or the cost of Internet access, which negatively impacted resource-poor countries, schools and people. She indicated that the human right to education could only be empowering and transformative if access was equitable.

39. In her conclusion, Ms. Shaheed underscored that effective governance for bridging digital divides in education required a genuine partnership and meaningful participation of all actors; that the digitalization of education should never replace on-site schooling with

teachers; and that the introduction of digital technologies in education must be framed around the right of every person to public, free, quality education and the commitments of States both under international human rights law and Sustainable Development Goal 4.

40. Caitlin Kraft-Buchman highlighted that the importance of recognizing that the digital gender divide as an urgent issue would only grow deeper and be more difficult to dismantle if timely actions were not taken. As old models and methods were digitized, historical bias, inequity and discrimination could become embedded into newly digitized economic governance and social systems. Gender roles slowly removed from the physical world would be rewired into the new digital world, including old, stereotypical assumptions of gender, race, cast and class. To address this, new models that mobilized the social capabilities of the digital world needed to be created with an intentional design in order to create more inclusive and effective frameworks for the benefit of everyone.

41. Ms. Kraft-Buchman emphasized the need to adopt an ecosystem approach that extended access to devices, affordable data and digital literacy and that helped to bridge the gender digital divide. The distinction between the connected and the unconnected was no longer a sufficient measurement of barriers to access to and the use of digital technologies. With an accessible Internet, women across the globe were more likely to be meaningfully connected at a level that provided a safe, satisfying and productive online experience at an affordable cost. Despite the exponential amount of data generated every year, there were few indicators that could be used to measure digital transformation and to ensure that no one was being left behind.

42. Data gaps limited the capacity to mainstream a gender perspective into new digital policy, policies which should be designed at the core to create a more equal and connected world. Most national digital strategies did not provide any cohesive basis for gender responsive policies and missed the fundamental opportunity to design interventions that directly targeted groups of people left behind, the majority of whom were women. Gender bias technology affected individuals but also contributed to setbacks in gender equality and women's empowerment.

43. Ms. Kraft-Buchman stressed the importance of adopting regulations to track impact and audit requirements for the development and use of artificial intelligence, which required high quality data infrastructure and systems that should be improved or terminated if human rights violations or gender bias was identified. Gender-responsive procurement and gender-responsive digital services were needed as profound levels of change were implemented at the local, national and regional levels. Bridging the gender digital divide demanded shared responsibility and aligned efforts from diverse stakeholders.

44. The global digital compact advanced by the Secretary-General outlined shared principles for an open, free and secure digital future for all, promoting the regulation of new technologies based on human rights and non-discrimination, the fair distribution of the benefits of digital services and their utilization for the common good.

45. In her conclusion, Ms. Kraft-Buchman argued that the representatives of all Member States present at the panel discussion should join in a collective effort to launch a call for action at the seventy-eighth session of the General Assembly to foster collaboration and build capacity and knowledge to shape a global digital compact to break the cycle of digital inequality and to identify ambitious and concrete targets, including evidence-based actions that could be catalytic in achieving gender equality and eliminating the gender digital gap.

2. Interactive discussion

46. During the interactive discussion, representatives of the Member States and observer States (Azerbaijan, Lithuania, Mexico, Poland, Togo and the United Kingdom of Great Britain and Northern Ireland) and non-governmental organizations (Geneva Graduate Institute and Maat for Peace, Development and Human Rights) took the floor.

47. Most speakers highlighted the importance of recognizing the digital divide as a critical factor influencing national prosperity and the well-being of people worldwide. Access to the Internet, digital payment methods and digital social services were now essential tools for enjoying various human rights. Some delegations stated that their Governments had

addressed the issue and made digitalization and the digital economy the focal point of their inclusive development strategies, initiating numerous programmes and projects over the past decade, resulting in important outcomes.

48. One delegation noted the implementation of programmes that had streamlined administrative procedures, making them paperless, which had improved the quality of services for the public, enhancing transparency in governmental operations. While considerable progress had been made, national efforts should be complemented by support from strategic partners and international cooperation to bridge the digital divide worldwide.

49. Most delegations also highlighted the importance of digital inclusion, which involved meaningful engagement from various stakeholders in the development, use, governance and impact assessment of digital technologies. They stressed that transparency and inclusion were crucial in order to prevent the misuse of digital technologies, which could pose risks to human rights and the rule of law. Most delegations also advocated for the establishment of governmental rules and regulations that instilled confidence in individuals, ensuring them that their data would be only shared and used in a responsible and rights-compliant manner. Consensus could be built around overarching principles, including ensuring high standards of data protection that uphold human rights and the rule of law and creating and ensuring an enabling environment to facilitate trusted cross-border data flows.

50. Most speakers called for a more comprehensive approach to digital access, considering not just the availability of technology but also its governance and impact on existing inequalities. Some speakers stressed that the primary goal should be to ensure the equal enjoyment of human rights and that digital tools should serve this goal rather than exacerbating disparities. One delegation also stressed the significant role of the private sector, which collected and managed vast amounts of data, thereby necessitating appropriate regulation.

51. One speaker highlighted that many artificial intelligence and algorithmic systems were built upon knowledge that was predominantly from white, male, English-speaking individuals in high-income countries, which raised questions about how to promote content creation by marginalized communities and reverse the de facto suppression of Indigenous and non-Western knowledge systems.

52. Two questions were posed to the panellists. A delegation asked the panellists how the resources and expertise of the private sector could be leveraged to strengthen good governance and combat the digital divide while ensuring the protection of human rights, in particular the right to privacy. One speaker asked the panellists what could be done to prioritize human rights and address inequalities in the context of technology and digital access.

53. In his concluding remarks, Mr. Cassayre emphasized that the discussion revolved around a clear concept: the digital divide was fundamentally a human rights issue. This perspective implied that individuals had rights and that States had an obligation to protect and uphold those rights. He related this perspective to the rule of law framework, in which concepts such as access to justice and participatory decision-making were crucial. He also highlighted the importance of inclusive governance to enable people to actively participate in various aspects of society, including the economy and the use of technology.

54. Approaching the issue from a human rights perspective allowed for the establishment of proper legal frameworks and regulatory measures, emphasizing the role of Governments in creating a regulatory environment in promoting inclusivity, ensuring proper datasets and preventing biases in the system. Both civil society and individuals were essential in addressing the digital divide. Regarding the question of respecting rights and privacy, Mr. Cassayre concluded by underscoring that those considerations must be an integral part of all discussions related to addressing the digital divide and proposing solutions.

55. Mr. Rozkrut shared the experience of Poland in addressing the digital divide and measuring it using the European Framework of Measurement adopted by the European Commission. Initially focused on Internet access, the approach of Poland had evolved over the years to encompass usage and digital skills, resulting in a comprehensive system for monitoring the digital divide. However, there were challenges, the first of which was the

availability of data concerning those who were excluded from digital access. Second, even when data was available, it was sometimes underutilized, which was perceived as a significant issue in the panel discussion.

56. Poland had demonstrated a strong interest in combating digital exclusion through various policies, both before and after joining the European Union in 2004. The country's statistical office had supplemented European Union surveys with additional national modules and increased sample sizes to provide more detailed information on local communities. The Government had also focused on developing e-government and public services available through digital channels, with dedicated surveys in the area. As a result of those efforts and the interest in data on digital use, Poland had made significant progress in addressing digital exclusion. Access to public services and open data had improved and Poland now ranked highly within the European Union in those areas.

57. Mr. Rozkrut concluded by acknowledging that digital exclusion still existed, often correlating with other forms of exclusion in education and income. There was hope, however, that the data produced could be a valuable tool in the fight against digital exclusion and form part of the ongoing discussion on gaining access to privately held data for official statistical purposes, recognizing the potential of such data sources for the public good.

58. Ms. Neves underscored the need to consider a broader framework for statistical production beyond official statistics. She suggested that discussions might be under way regarding the coverage under such a framework although its status was as yet unsure. She highlighted the importance of involving the private sector in statistical production, especially when it came to data privacy protocols and regulations. Such collaboration could lead to stronger discussions and greater harmonization in the area of digitization.

59. Ms. Neves emphasized the significance of including vulnerable groups in decision-making processes related to statistics. It was not enough to highlight the existence of vulnerable groups, such groups should be able to actively participate in defining and adapting methodologies to ensure that statistics accurately reflected their perspectives and realities. That approach applied not only to statistics on the digital divide but to all statistics where segments of the population might be underrepresented owing to various factors, including lack of Internet access or other conflicts.

60. Ms. Neves concluded by recommending mixed methods for data collection, which might include in-person data collection and other tools tailored to specific situations. Experimentation with citizen science was advanced as one potential approach. It was important that all groups were included in design, data collection and dissemination processes and that sufficient time be allotted for those efforts. This would lead to more accurate and inclusive statistics.

61. Ms. Shaheed emphasized that digital technology alone could not address deeply rooted inequalities. While it could potentially exacerbate such inequalities, it also offered opportunities to alleviate and mitigate some of them. Databases and algorithms used in digital technology were often biased and discriminatory, perpetuating historical inequalities and exclusions.

62. Ms. Shaheed suggested the need for Governments to engage the private sector in discussions about human rights and digital technology. She noted the challenges in involving the private sector with human rights platforms but stressed the importance of doing so, especially in consideration of more accessible and affordable technology solutions, and highlighted that cost was a key barrier to equal access to digital technology.

63. Ms. Shaheed underscored that digital access must be universally available to everyone, regardless of their location or identity. It was the responsibility of States to ensure that corporations operating within their territory adhered to human rights principles and international laws.

64. Ms. Shaheed expressed concern about the shrinking space for civil society participation globally and stressed the need for meaningful engagement, formalized discussions and the inclusion of marginalized voices in policy development. She suggested that collaboration with individuals in the technology industry could contribute to making digital technology more accessible and reducing inequalities.

65. Ms. Shaheed concluded by emphasizing the importance of addressing the persistent deep-rooted inequalities and discrimination that persist despite advancements in digital technology. She called for concerted efforts involving States, the private sector, civil society and the tech community to ensure equal access and opportunities for all.

66. Ms. Kraft-Buchman, building on points made by other panellists, addressed some questions raised. She discussed how to empower civil society organizations and vulnerable populations, emphasizing the need for their active participation in community-level initiatives and the design of digital public services. She advocated for an inclusive and iterative consultation process, co-owned with communities and involving people with lived experiences as experts in their own contexts, and stressed the importance of multidisciplinary groups in shaping technology-related decisions.

67. Regarding guiding principles, Ms. Kraft-Buchman highlighted the importance of a human rights-based approach and suggested that educational institutions, including schools and universities, played a crucial role in explaining how technology and technical coding could either promote or undermine human rights. Such an approach could foster a broader societal conversations about the kind of world people wanted to live in. Ms. Kraft-Buchman recommended gender-responsive procurement and public policies as effective tools for driving change at a granular level and for incentivizing positive transformations. Those levers, which were underutilized, had the potential to advance progress.

68. Ms. Kraft-Buchman concluded by calling for a global effort, led by Member States, to rebalance datasets that currently exclude many women and marginalized populations. She emphasized the challenge of machine-learning algorithms that retain input data and the need to add more data to rebalance these inequities. Mainstreaming gender digital policies was seen as a step towards addressing those imbalances and promoting equity in the digital sphere.

3. Second thematic session

69. The second thematic session was moderated by the Permanent Representative of Poland to the United Nations Office and other international organizations in Geneva.

70. Mr. Koch Andersen highlighted the profound impact of technology, particularly digital advancements such as blockchain, machine learning and artificial intelligence, on governance, human rights and anti-corruption efforts. He acknowledged the potential of those technologies to address corruption, reduce poverty, boost economic activity and promote social justice.

71. He further emphasized the importance of digitalization in government systems, service provision and citizen engagement to foster transparency and democratic dialogue. He cautioned, however, against the misuse of technology, which could facilitate corruption, censorship, control of populations and the spread of disinformation.

72. A key concern was the existing digital divide, which stemmed from disparities in access, knowledge, capacity and infrastructure. While machine learning and artificial intelligence had the potential to investigate the complex relationships between corruption and human rights, he highlighted that they also carried the risk of reinforcing existing biases and prejudices. The situation called for a proactive approach to ensure that human rights principles were integrated into the design and operation of technology from the outset, including the need for user privacy and data ownership and the exploration of new business models based on open source technology.

73. He concluded by suggesting that addressing these challenges required cooperation between international regulatory bodies, tech companies and Governments. He also stressed the need for innovative approaches to technological architecture that prioritized human rights principles, transparency, inclusivity and adaptability. Ultimately, the advancement of good governance, economic equity, social justice and anti-corruption efforts, including the involvement of civic society and the population at large, in shaping the future of the digital world was to be aimed for.

74. Vincenzo Aquaro presented key findings from the United Nations e-government survey, conducted in 2022, which assessed the digital government landscape in all 193 States Members of the United Nations. The survey ranked countries based on their performance in

delivering digital services and engaging citizens in public affairs through digital means. He noted that there had been an encouraging global trend of countries transitioning from lower to higher e-government development index groups, with an increase in the number of countries in high and very high e-Government Development Index groups.

75. However, despite the widespread reliance on digital technology for service delivery during the COVID-19 pandemic, the global e-Government Development Index value showed only a slight increase, indicating that digital transformation had not been uniform, especially in developing countries. Countries in Europe continued to lead in the development of digital government, followed by countries in Asia, the Americas, Oceania and Africa. Among the 15 countries that are considered to be world leaders in digital development, all regions were represented, except Africa.

76. He underscored the persistent digital divide, particularly in developing countries and least developed countries, where significant populations still lacked access to digital services. The digital divide also affected specific groups, including women, persons with disabilities, migrants, older individuals, young people, rural populations and Indigenous Peoples.

77. To address those challenges and make the digital future more inclusive, the speaker emphasized the need to recognize human agency and support human development through digitalization. He stressed the importance of closing the digital divide, collecting better metrics and implementing an “all-of-society” approach that integrated multilevel, multisectoral and multidisciplinary strategies.

78. Mr. Aquaro concluded by highlighting the importance of applying human rights in online platforms, as was done offline, and of addressing issues such as data protection, digital identity, surveillance technologies, online violence and harassment. The Secretary-General’s call to action for human rights and efforts within the multistakeholder round table were mentioned as initiatives to prevent online violations of human rights. The overarching goal was to leverage digital development as a force for good and to ensure that the digitalization of public services benefitted everyone while leaving no one behind in the pursuit of sustainable development.

79. Zorana Markovic highlighted that the UNODC mandate included supporting the efforts of Member States to implement the United Nations Convention against Corruption, which was adopted in 2003 and, as of 2023, had been signed and/or ratified by 190 States parties. She emphasized the close connection between corruption and human rights violations and stressed that UNODC activities aimed at preventing corruption also contributed to improving human rights situations.

80. Two resolutions relevant to the panel discussion, 9/3 and 9/5, were adopted at the ninth session of the Conference of States Parties to the United Nations Convention against Corruption in December 2021. In resolution 9/3, known as the “Abu Dhabi resolution”, the Conference encouraged the use of ICTs to prevent and counter corruption across all aspects of the Convention. In resolution 9/5, the Conference focused on enhancing international anti-corruption law enforcement cooperation through ICT technologies. The resolutions have become the basis of UNODC programmes and initiatives related to ICT and anti-corruption. The Convention itself contained articles addressing governance, public sector reforms and integrity measures that indirectly supported the use of ICT to enhance transparency, accountability and integrity in government operations.

81. Ms. Markovic underscored the challenges and dynamics related to the digitalization of governmental services. While there had been progress in adopting digital platforms and databases for public services, there were discrepancies among countries in their readiness to fully embrace digital technologies. She highlighted the risk of data integrity, the need for verification and the importance of ensuring the capacity of human resources to manage digital platforms. Digitalization had brought about new risks and challenges, including data integrity, capacity-building and adapting national legislation to facilitate digitalization. The importance of continuous training and adaptation to new technologies was stressed.

82. Ms. Markovic concluded by noting the significant progress made in the past decade in the digitalization of governmental services. Reducing direct contact between public officials and citizens through digital platforms could help minimize opportunities for

corruption. UNODC remained committed to facilitating exchanges of good practices, the sharing of expertise and technical assistance to support countries in their efforts to implement digital solutions for better governance and anti-corruption measures.

83. David Clarke emphasized the importance of governance in the context of digital health services. Digital health services were provided by both the public and private sectors, with significant innovation, in particular in low and middle-income countries. Governance was crucial for achieving the Sustainable Development Goals, with a specific focus on universal health coverage and health security.

84. The key objectives of universal health coverage defined as the ability of people to receive necessary health services of sufficient quality without facing financial hardships, were equity in service use, service quality and financial protection. He stressed that those objectives applied to both in-person and digital health services and emphasized the need for partnerships between Governments, the private sector and civil society in achieving the Sustainable Development Goals and addressing health security, especially in the context of digital health technologies.

85. He pointed out that a digital health transformation could influence the demand and utilization of health services due to information asymmetry in health-care markets. Markets alone could not ensure equitable and efficient health care, especially digital health. Digital health technologies had the potential to transform various aspects of health systems, and decisions made early in the process would shape the future of health care. Public policy should guide the transformation to achieve social goals such as equitable access to health care. Governments played a central role in shaping the direction of change in digital health systems.

86. He acknowledged, however, that there were knowledge and policy gaps in the governance of digital health. He further cited a report by a commission of experts that emphasized the need for effective governance of digital health in order to build trust and ensure that the needs of vulnerable populations were met. Governance systems needed to be flexible enough to adapt to innovation, including private sector innovations. There was no one-size-fits-all model for digital health governance and Governments should adopt a learning approach to develop the necessary capacities.

87. The World Health Organization (WHO) had adopted a strategy to strengthen governance capacities for digital health and was developing a maturity model to guide Governments in this area. Mr. Clarke concluded by emphasizing the importance of strengthening the capacities of Governments to manage digital health innovations effectively.

88. Cheri-Leigh Erasmus highlighted the impact of advancing technology, particularly digital tools, on society. She emphasized that technology could either enhance transparency and democratization or further marginalize communities lacking connectivity and digital literacy skills. She further underscored the importance of addressing the digital divide and ensuring fair access to digital tools and the Internet.

89. Ms. Erasmus recommended “hybrid approaches” to bridge the digital divide. She emphasized that it was not just about providing tools but also helping people to engage with them. One approach discussed was the use of local enumerators, trained to use low-bandwidth tools to gather citizen-generated data in rural communities. That approach would ensure that data collection was inclusive, even in areas with limited connectivity. Communities had the power to find solutions to the challenges they faced when equipped with the right support and tools. An example from Zimbabwe demonstrated how citizen-generated data could empower communities to advocate for service delivery improvements.

90. She also discussed initiatives, including “HackCorruption”, which brought together technologists and governance professionals, including the participation of people who were not experts in the field, to leverage emerging technology to develop innovative anti-corruption solutions. She stressed the need for collaboration between the private sector and government to increase Internet access, commitments to open data standards and collaboration across sectors and disciplines to create inclusive technologies.

91. She concluded by underscoring the importance of civic space for dialogue and mobilization. Having access to data was valuable, but it was only when communities could

openly advocate for change and hold Governments accountable that meaningful change occurred. She called for the international community to support spaces where communities could advocate for increased freedom and inclusivity.

4. Interactive discussion

92. During the interactive discussion session, representatives of one Member State (India), the European Union and non-governmental organizations (Georgia International Development and Progress, Global Diplomatic Council, Legal Analysis and Research Public Union, Maat for Peace, Development and Human Rights) took the floor.

93. Most speakers expressed concern about the widening digital gaps and knowledge disparities both among and within countries. They stressed that growing digital diplomacy and dependency on digital tools, especially in the post-COVID-19 era, could exacerbate digital inequalities if not addressed. Bridging those gaps through upscaling digital readiness, enhancing ICT infrastructure and facilitating technology transfer was crucial.

94. Many speakers underscored the importance of promoting digitalization that respected human rights, fostered education, reduced inequalities, supported better governance and stimulated economic growth, research, innovation and digital literacy. They also expressed concern about the misuse of digital technologies for disinformation and mass surveillance, which could lead to human rights violations and the erosion of transparency and trust, and emphasized the need for digital skills among public officials and decision makers to ensure the safe and effective use of technology and prevent harm to users.

95. One speaker stressed the need for international organizations and developed countries to provide financial assistance to support digitalization efforts in developing nations. Such assistance would involve training public officials to effectively utilize digital services. Another speaker raised concerns about the potential misuse of digital technology, in particular in terms of surveillance and control. The speaker pointed out the importance of ensuring that digital technologies were used responsibly and for the betterment of society. They expressed apprehension about the potential negative consequences if such technologies fell into the wrong hands.

96. In his concluding remarks, Mr. Koch Andersen stated that the role of the Human Rights Council and the international community was to reflect on and advance a debate on how to integrate human rights principles of three key areas, including: first, the systems architecture, that is, how to design the digital and data infrastructures; second, the fundamental discussion on the ownership of data, from the State and businesses to people themselves; and third, how to set or define the categories for data collection and the indicators of measurement as those categories would define what data to identify and what to act upon.

97. Mr. Aquaro concluded by emphasizing the critical importance of achieving digital inclusion and addressing the digital divide, particularly for developing countries and the least developed countries. He stressed that digital transformation should strive to provide equal opportunities for everyone and should not exclude anyone.

98. Ms. Markovic highlighted two concurrent trends: the increasing pace of digitalization and the challenge of keeping up with its development. She stressed the need to enhance capacity-building to leverage digital tools effectively. From the perspective of UNODC, she emphasized the importance of reducing opportunities for corruption, which involved minimizing personal interactions between public officials and clients while maintaining institutional integrity, transparency and accountability in service delivery.

99. Ms. Markovic concluded by calling for a balanced approach that considered the capacities of both citizens and the civil service to utilize ICT technology effectively. That approach aimed to address existing risks and to prevent the emergence of new ones in the fight against corruption.

100. Mr. Clarke emphasized the crucial role of civil society in the digital transformation, in particular in ensuring that it was aligned with human rights principles and public policy objectives. He highlighted the efforts of WHO to include citizens' voices and representatives of civil society in decision-making about health systems.

101. He concluded by recommending that the Human Rights Council should consider making statements that emphasized the incorporation of human rights principles into the governance of digital health systems. Additionally, he called for the development of norms, standards and guidance in this area, recognizing that some countries may not be well prepared for digital health governance.

102. Ms. Erasmus concluded by acknowledging that digitalization alone was not a foolproof solution to decrease corruption, as corrupt actors could adapt to new systems. She emphasized the importance of coupling new digital tools with shifts in norms and behaviours within the civil service to effectively combat corruption, as well as the need for multisectoral collaboration to create useful tools and minimize potential harms while increasing participation.

C. Closing remarks

103. In closing the panel discussion, the Director of the Thematic Engagement, Special Procedures and Right to Development Division of OHCHR highlighted the importance of good governance in protecting human rights and achieving the Sustainable Development Goals. She acknowledged the role of technology in reshaping public administration, especially during the COVID-19 pandemic, but also emphasized concerns about the digital divide and its impact on inequality and health-care disparities.

104. The Director recommended focusing on bridging the digital divide by addressing underlying socioeconomic barriers, using human rights-based approaches and ensuring transparency, privacy and accountability. The importance of access to the Internet in realizing various human rights, such as education, freedom of association and health, was emphasized.

105. The Director also raised concerns about technological advancements, including issues related to data collection, privacy and security. She emphasized the need for human rights due diligence when implementing new technologies in the public sector.

106. To conclude, the Director urged that human rights should be central to policies and decisions related to digital technologies and called for concrete actions to close the digital divide. She thanked the participants and indicated that a report summarizing the discussions would be presented at the fifty-fifth session of the Human Rights Council.

III. Conclusions and recommendations

107. The digital divide is fundamentally a human rights issue: States have an obligation to protect and uphold all human rights. It is imperative to ensure that human rights principles apply online just as they do offline in order to address such issues as data protection, digital identity, surveillance technologies, violence and harassment.

108. The digital transformation has not been uniform, especially in developing countries. Without access to digital infrastructure or to the skills and digital literacy to access public services, such as online learning, teleworking or participating in public life, inequalities are exacerbated. Similarly, when the governance conditions to participate freely in public life or when the economic conditions to sustain participation are lacking, inequalities are deepened. Digital technology by itself is not going to address existing deep-rooted inequalities.

109. The COVID-19 pandemic further exposed digital divides within and between States. There is an urgent need to address regional and gender digital disparities and to understand their impact on inequality. Bridging digital divides by simply providing access to the Internet, and to electricity in some cases, does not necessarily mean more education, more educational opportunities or proper health care.

110. States should establish legal frameworks that support equal access to technology, especially for marginalized groups. Good governance plays a pivotal role in mitigating the impact of digital divides on human rights. Human rights due diligence is crucial when integrating new technologies into the public sector.

111. States should foster collaboration between the public and private sectors in addressing digital divide challenges, engage with the private sector and regulate to ensure compliance with human rights related to digital technology, with a focus on accessible and affordable technology solutions.

112. Efforts to close the digital divides should be prioritized, in particular for people and groups experiencing marginalization, including women, persons with disabilities, migrants, older individuals, youth, rural populations and Indigenous Peoples.

113. States should work towards incorporating a hybrid approach to bridging the digital divide, focusing not only on providing tools but also on facilitating meaningful engagement with technology. Governance measures to address digital divides should include improving digital literacy and reducing the cost of connectivity to the Internet. Marginalized communities can help find solutions to their challenges when equipped with the right support and digital tools.

114. While technological advancements in information and communication systems have a great potential to combat corruption and support human rights, including poverty reduction, economic equity and social justice, they can also be used to facilitate violations and corruption, undermine the rule of law and erode public trust in institutions and Government. To ensure that digitalization leads to a decrease in corruption, States should implement strategies to couple new tools with shifts in norms and behaviours in the civil service.

115. States should work to address the challenges posed by machine learning algorithms and work towards mainstreaming a gender perspective into digital policies. Technology-driven solutions should be used to prevent and respond to gender-based violence, fostering inclusivity and safety.

116. States have a critical role in creating regulatory environments that promote inclusivity to ensure proper data collection and prevent biases. There is an urgent need to rebalance datasets and data-collection mechanisms that marginalize women and vulnerable populations. States should work with civil society and the private sector to address the challenges posed by communication technologies and artificial intelligence algorithms.

117. There is an urgent need to address the rapid roll-out of artificial intelligence and its potential to deepen inequalities and threaten human rights. States should advocate for clear limits and governance mechanisms for artificial intelligence, including compliance with international human rights law.
