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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Resolution adopted by the General Assembly on 19 December 2023

[*on the report of the Third Committee (A/78/481/Add.2, para. 139)*]

78/213. Promotion and protection of human rights in the context of digital technologies

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations, the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights¹ and international human rights treaties, including the International Covenant on Civil and Political Rights,² the International Covenant on Economic, Social and Cultural Rights,³ the Convention on the Rights of the Child,⁴ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,⁵ the International Convention on the Elimination of All Forms of Racial Discrimination,⁶ the Convention on the Rights of Persons with Disabilities,⁷ the Convention on the Elimination of All Forms of Discrimination against Women,⁸ as well as the Vienna Declaration and Programme of Action,⁹

¹ Resolution 217 A (III).

² See resolution 2200 A (XXI), annex.

³ Ibid.

⁴ United Nations, *Treaty Series*, vol. 1577, No. 27531.

⁵ Ibid., vol. 1465, No. 24841.

⁶ Ibid., vol. 660, No. 9464.

⁷ Ibid., vol. 2515, No. 44910.

⁸ Ibid., vol. 1249, No. 20378.

⁹ A/CONF.157/24 (Part I), chap. III.



Recalling all relevant General Assembly resolutions, all relevant Human Rights Council resolutions, as well as the agreed conclusions adopted by the Commission on the Status of Women at its sixty-seventh session, on 17 March 2023,¹⁰

Recalling also the World Summit on the Information Society, as well as the outcome document of the high-level meeting of the General Assembly on the overall review of the implementation of the outcomes of the Summit,¹¹ and noting the discussions taking place in the Internet Governance Forum,

Taking note with appreciation of the Recommendation on the Ethics of Artificial Intelligence of the United Nations Educational, Scientific and Cultural Organization,¹²

Taking note of all the relevant reports of the Secretary-General, including the report entitled “Road map for digital cooperation: implementation of the recommendations of the High-level Panel on Digital Cooperation”,¹³ as well as all relevant reports of the Office of the United Nations High Commissioner for Human Rights, including the report on human rights and technical standard-setting processes for new and emerging digital technologies,¹⁴ and all relevant reports of the special procedure mandate holders,

Recalling that the obligation and the primary responsibility to promote and protect human rights and fundamental freedoms lie with the State,

Reiterating that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and affirming that the same rights that people have offline must also be protected online,

Recognizing the global and open nature of the Internet and the rapid advancement in information and communications technologies as a driving force in accelerating progress towards development in its various forms, including in achieving the Sustainable Development Goals,¹⁵

Noting that the increasing use of digital technologies has impacts on the enjoyment of a wide range of human rights, and recognizing that digital technologies can work as enablers of human rights, but that, without appropriate safeguards, they can be used to seriously threaten the protection and full enjoyment of human rights,

Recalling that, in line with the Guiding Principles on Business and Human Rights,¹⁶ business enterprises must meet their responsibility to avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts as they occur, as well as for business enterprises to seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts,

Recognizing the need to ensure that human rights are promoted, respected, protected and fulfilled through the entirety of digital technologies’ life cycle, including through their conception, design, development, deployment, use, evaluation and regulation, and to ensure that they are subject to adequate safeguards in order to

¹⁰ *Official Records of the Economic and Social Council, 2023, Supplement No. 7 (E/2023/27), chap. I, sect. A.*

¹¹ Resolution [70/125](#).

¹² United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Forty-first Session, Paris, 9–24 November 2021*, vol. 1, *Resolutions*, annex VII.

¹³ [A/74/821](#).

¹⁴ [A/HRC/53/42](#).

¹⁵ See resolution [70/1](#).

¹⁶ [A/HRC/17/31](#), annex.

promote a free, open, universal, interoperable, safe, secure, stable, accessible and affordable digital environment for all,

Recognizing also that certain applications of new and emerging digital technologies are not compatible with international human rights law, and noting that uses of new and emerging digital technologies that impact the enjoyment of human rights may lack adequate regulation and governance mechanisms, and recognizing the need for accountability and effective measures to prevent, mitigate and remedy potential and actual adverse human rights impacts of such technologies in line with obligations of States under international human rights law and responsibilities of business enterprises in line with the Guiding Principles on Business and Human Rights,

Recognizing further that a lack of access to affordable, safe, quality and reliable technologies and services remains a critical challenge in many developing countries,

Stressing the importance for all Member States, and stakeholders as appropriate, to promote universal, free, open, interoperable, safe, reliable and secure use of and access to the Internet by facilitating international cooperation aimed at the development of media and information and communications facilities in all countries, by respecting and protecting human rights and by refraining from undue restrictions, such as Internet shutdowns, arbitrary or unlawful surveillance or online censorship,

Stressing also the need to close digital divides, both between and within countries, including the rural-urban, youth-older persons and gender digital divides, and to harness digital technologies for sustainable development and the promotion and protection of human rights, and recalling the need to emphasize quality of access to bridge digital and knowledge divides, using a multidimensional approach that includes speed, stability, affordability, safety, language, training, capacity-building, local content and accessibility, including for older persons and persons with disabilities,

Underlining that digital contexts provide opportunities for exercising human rights, including by improving access to information, and by seeking, receiving and imparting information and ideas of all kinds, and emphasizing that efforts to promote access to digital technologies, digital, media and information literacy, civic participation and online safety are important to bridge digital divides and ensure digital inclusion in its broader interpretation, which includes the development of digital skills,

Recognizing that the human right to privacy, according to which no one shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, and the right to the protection of the law against such interference, is important for the enjoyment of other rights and can contribute to an individual's ability to enjoy political, economic, social and cultural rights, and noting with concern that violations or abuses of the right to privacy might affect the enjoyment of human rights, including the right to freedom of expression and to hold opinions without interference, and the right to freedom of peaceful assembly and association,

Emphasizing that, in the digital age, technical solutions to secure and to protect the confidentiality of digital communications and transactions, including measures for strong encryption, pseudonymization and anonymity, are important to ensure the enjoyment of human rights, in particular the rights to privacy, to freedom of opinion and expression and to freedom of peaceful assembly and association, and recognizing that Member States should promote such measures and refrain from employing unlawful or arbitrary surveillance techniques, which may include forms of hacking,

Noting with deep concern the use of technological tools developed by the private surveillance industry and by private or public actors to undertake surveillance, hacking of devices and systems, interception and disruption of communications, and data collection, interfering with the professional and private lives of individuals,

including those engaged in the promotion and defence of human rights and fundamental freedoms, journalists and other media workers, in violation or abuse of their human rights,

Stressing that, in times when physical assemblies are restricted, measures should be taken to ensure that access to the Internet and online information and ideas of all kinds extends to everyone, and that all restrictions are in line with international law, including with the principles of legality, necessity, proportionality and non-discrimination,

Unequivocally condemning the use of blanket Internet shutdowns and unlawful restrictions to intentionally prevent or disrupt access to, or the dissemination of, information online, and stressing the importance of a free, open, interoperable, reliable and secure Internet,

Noting that the use of algorithmic or automated decision-making processes can negatively affect the enjoyment of human rights, including by perpetuating stereotypes or by resulting in discrimination, in particular when the data used for the training of algorithms are non-representative, inaccurate or irrelevant,

Noting also that the use of data collection, data extraction and algorithms to target content towards online users may undermine user agency and access to information online, and noting further that the collection, processing, use, storage and sharing of personal data, including for reuse, sale or multiple resale, risks infringing on the user's human rights,

Noting further that the use of artificial intelligence can contribute to the promotion and protection of human rights and has the potential to transform Governments and societies, economic sectors and the world of work,

Noting with concern that artificial intelligence or machine-learning technologies, without human rights safeguards, as well as proper technical, regulatory, legal and ethical safeguards, and without adequate and effective evaluation and feedback mechanisms, may pose the risk of reinforcing systemic, racial and gender-based discrimination and can lead to decisions that have the potential to affect the enjoyment of human rights, including economic, social and cultural rights, and affect non-discrimination, and recognizing the need to prevent racial and otherwise discriminatory outcomes and apply international human rights law and data-protection frameworks in the conception, design, development, deployment, use, evaluation and regulation of these technologies and practices,

Recognizing that persons in vulnerable situations, including children, may be particularly exposed to online risks, and that there is a need to take steps to ensure that the digital environment, including safety information, protective strategies, services and forums relating to it, is accessible, inclusive and safe,

Stressing the importance of all women's and girls' empowerment by enhancing their equal access to information and communications technology, promoting digital, media and information literacy and connectivity to enable the participation and leadership of women and girls in education and training, as well as in science, technology, engineering and mathematics, which is also essential to respecting and promoting all human rights, including economic, social and cultural rights, and ensuring that women can participate in and contribute to society at large on equal terms and without discrimination, particularly in the realms of economic and political participation, and reaffirming that the full, equal and meaningful participation of women and girls in the digital age is critical to achieving gender equality, sustainable development, peace and democracy,

Recognizing that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights and therefore require a comprehensive response, both online and offline, which can contribute to the prevention and elimination of all forms of violence and harassment, including in digital contexts,

1. *Affirms* that human rights and fundamental freedoms must be protected, online and offline;

2. *Encourages* all Member States to promote an open, safe, secure, stable, free, interoperable, inclusive, accessible and peaceful digital technology environment in accordance with international law, including the obligations enshrined in the Charter of the United Nations and international human rights law;

3. *Calls upon* all Member States:

(a) To consider developing or maintaining and implementing adequate legislation, in consultation with all relevant stakeholders, including business enterprises, international organizations, civil society and technical and academic communities, with effective sanctions and appropriate remedies, that protects individuals against violations and abuses of their human rights in the digital context;

(b) To provide effective and up-to-date guidance to business enterprises on how to respect human rights by advising on appropriate methods, including human rights due diligence, and on how to consider effectively issues of vulnerability and accessibility;

(c) To ensure that victims of violations and abuses have effective and accessible remedy, that threats and acts of violence are investigated effectively, and that those responsible are brought to justice in order to combat impunity;

4. *Encourages* the private sector and all relevant stakeholders to meet their responsibility to respect human rights in line with the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework and applicable domestic laws;

5. *Recognizes* the importance of combating all forms of violence in the context of digital technologies, including sexual exploitation and abuse, harassment, stalking, bullying, non-consensual sharing of personal sexually explicit content, threats and acts of sexual and gender-based violence, death threats, arbitrary or unlawful surveillance and tracking, trafficking in persons, extortion, censorship, illegal access to digital accounts, mobile telephones and other electronic devices, in line with international human rights law;

6. *Calls upon* the private sector and all relevant stakeholders to ensure that respect for human rights is incorporated into the conception, design, development, deployment, operation, use, evaluation and regulation of all new and emerging digital technologies and to provide for redress and effective remedy for the human rights abuses that they may cause, contribute to, or to which they may be directly linked;

7. *Encourages* online platforms, including social media companies, to review their business models and ensure that their design and development processes, their business operations, data-collection and data-processing practices are in line with the Guiding Principles on Business and Human Rights, and emphasizes the importance of conducting human rights due diligence of their products, particularly of the role of algorithms and ranking systems in amplifying disinformation and hate speech, and calls upon them to adopt and make publicly available, after consultation with all relevant stakeholders, clear, transparent, narrowly defined content and advertising policies on countering disinformation and advocacy of hatred that constitutes incitement to discrimination, hostility or violence that are in line with international human rights law, and emphasizing the role of States to put in place safeguards so

that companies, including technology companies, meet their responsibilities to respect human rights;

8. *Calls upon* Member States to work with relevant stakeholders, including the private sector and civil society, to take steps to close all digital divides, including through creating an enabling and inclusive regulatory environment for small and non-profit Internet operators, and to promote digital inclusion by addressing the challenges associated with access, affordability, safety, digital literacy and digital skills, ensuring that the benefits of new and emerging digital technologies are available to all without discrimination of any kind;

9. *Stresses* that many Member States all over the world, especially developing countries, need support in expanding infrastructure, cooperation in science, technology and innovation and capacity-building, including human and institutional capacity-building, to ensure the accessibility, affordability and availability of the Internet in order to bridge digital divides, to achieve the Sustainable Development Goals and to ensure the full enjoyment of human rights;

10. *Calls upon* Member States to encourage the inclusiveness of innovation, especially with regard to local communities, women, persons with disabilities, older persons and youth, and to ensure that the scaling and diffusion of new technologies are inclusive and do not create further divides;

11. *Also calls upon* Member States to adopt specific measures to close the gender digital divide and to ensure that particular attention is paid to access, affordability, digital literacy, privacy and online safety, to enhance the use of digital technologies and to mainstream a disability, gender and racial equality perspective in policy decisions and the frameworks that guide them;

12. *Affirms* the important role that the exercise of the right to freedom of opinion and expression and the full respect for the freedom to seek, receive and impart information plays in strengthening democracy, promoting pluralism and multiculturalism, enhancing transparency and press freedom and countering disinformation and hate speech;

13. *Also affirms* the responsibility of States to counter, as appropriate, and in accordance with international human rights law, the dissemination of disinformation, which can be designed and implemented so as to mislead, to violate and abuse human rights, and expressing concern that the dissemination of disinformation can violate and abuse human rights, including privacy and the freedom of individuals to seek, receive and impart information, and to incite all forms of violence, hatred, discrimination and hostility, *inter alia*, racism, xenophobia, negative stereotyping and stigmatization, and stresses that responses to the spread of disinformation and misinformation must be grounded in international human rights law, including the principles of legality, necessity, proportionality and non-discrimination and underlines the importance of free, independent, plural and diverse media and of providing and promoting access to independent, fact-based information to counter disinformation and misinformation;

14. *Calls upon* Member States to strengthen international cooperation, including with international and regional organizations, and cooperation with the private sector, including technology companies, national human rights institutions and civil society in order to share expertise, knowledge and effective practices in addressing disinformation and advocacy of hatred that constitutes incitement to discrimination, hostility or violence, including in the development and use of digital technologies;

15. *Urges* Member States to refrain from interference with the use of technologies such as encryption and anonymity tools, and from employing unlawful or arbitrary surveillance techniques, including through hacking;

16. *Calls upon* Member States to ensure that targeted surveillance technologies are only used in accordance with the human rights principles of legality, necessity and proportionality, and that legal mechanisms of redress and effective remedies are available for victims of surveillance-related violations and abuses;

17. *Emphasizes* that, in the digital age, encryption and anonymity tools have become vital for many journalists and media workers to freely exercise their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources, and calls upon States not to interfere with the use by journalists and media workers of such technologies and to ensure that any restrictions thereon comply with the obligations of States under international human rights law;

18. *Calls upon* Member States to refrain from imposing restrictions on the free flow of information and ideas that are inconsistent with relevant obligations under international law, including articles 19 and 20 of the International Covenant on Civil and Political Rights, through practices such as the use of Internet shutdowns and online censorship to intentionally prevent or disrupt access to or the dissemination of information, and from using digital technologies to silence, unlawfully or arbitrarily surveil or harass individuals or groups, including in the context of peaceful assemblies;

19. *Affirms* that human rights and fundamental freedoms must be respected, protected and promoted throughout the life cycle of artificial intelligence systems and that new and emerging digital technologies should provide new means to promote, protect and exercise human rights and not to infringe upon them;

20. *Calls upon* Member States and, where applicable, other stakeholders:

(a) To conduct human rights due diligence, including regular, comprehensive human rights impact assessments of digital technologies, including artificial intelligence, throughout their life cycle, including their conception, design, development, deployment, use, sale, procurement or operation, in order to prevent and mitigate their adverse human rights impacts, and ensuring effective remedies as well as human oversight, accountability and legal responsibility;

(b) To prevent harm to individuals caused by artificial intelligence systems and to refrain from or cease the use of artificial intelligence applications that are impossible to operate in compliance with international human rights law or that pose undue risks to the enjoyment of human rights, unless and until the adequate safeguards to protect human rights and fundamental freedoms are in place;

(c) To promote the transparency of artificial intelligence systems and adequate explainability of artificial intelligence-supported decisions, taking into account the various human rights risks arising from these technologies;

(d) To ensure that digital or biometric identity programmes are designed, implemented and operated after appropriate human rights safeguards, as well as technical, regulatory, legal and ethical safeguards, are in place, and in line with international human rights law;

21. *Encourages* Member States and business enterprises to ensure participation of all relevant stakeholders in decisions on the development, deployment and use of artificial intelligence;

22. *Decides* to continue its consideration of the question at its eightieth session.

50th plenary meeting
19 December 2023