Conference of the Association of Human Rights Institutes (AHRI)

Technology and the future of human rights

University of Pretoria, South Africa, and online
1-3 September 2022

Technological developments have made what was once science fiction reality. This gives some hope for a utopian future while others get nightmares. It also highlights the extent to which technologies that are not explicitly designed with human rights and equity in mind have tremendous potential to do harm.

For the first time the Association of Human Rights Institutes (AHRI) is holding its annual conference in Africa. The conference will be held in hybrid format with some participants joining in person and others online via Zoom. Conference sessions will also be livestreamed on social media.

The main conference on 2 and 3 September is preceded by a doctoral workshop on 1 September on the main campus of the University of Pretoria. The main conference will start off on 2 September with a plenary multidisciplinary discussion on technology and the future of human rights and then proceed on three parallel thematic tracks:

Track 1: Surveillance and vulnerability
Track 2 Survival and sustainability
Track 3: Democratic participation and accountability

Register to participate on Zoom
The same link will be used for all three days. For the parallel sessions you would choose a breakout room to join (track 1, track 2 or track 3).

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PROGRAMME

Times indicated are SAST/CEST

THURSDAY 1 SEPTEMBER

Centre for Human Rights, Lecture Hall 2-2.1, Faculty of Law, University of Pretoria, Hatfield campus

Doctoral workshop

9.00-11.00 Methodology

Lee Andrew Bygrave, University of Oslo (online)
Adriana Caballero-Perez, Maastricht University
Peris Jones, University of Oslo (online)

Magnus Killander, University of Pretoria

11.15-12.30 Panel 1

Chair: Maria Assim, University of the Western Cape

Between positive obligations and due diligence: Addressing AI-based transboundary violations of fundamental rights

Francesco Paolo Levantino, Sant'Anna School of Advanced Studies, Italy

Disruptive technological advancements such as Artificial Intelligence take ever-increasing ground in our daily lives and are clearly here to stay. As these multifarious technologies revolutionize our world, various international actors and organisations undertake legislative efforts for granting – through the regulation of their design and use – their beneficial impact on our societies whilst reducing frictions with fundamental rights. The European Union once again stands out as a normative actor at the forefront of the fundamental rights-oriented regulation of modern technologies. Its current proposal for a regulation on AI draws on the success the General Data Protection Regulation had on a global scale in the field of data protection. Here again, the EU seems to aim at projecting its normative power in an extraterritorial fashion and this approach appears mindful of the challenges modern technologies pose to traditional schemes of fundamental rights protection based on defined boundaries and territories, the direct exercise of sovereignty, jurisdiction and control by state actors; similarly, it reflects awareness about the cross-cutting impact such technologies can have on the enjoyment of several fundamental rights. Yet, doubts on the effectiveness and adequacy of similar provisions may still arise. By analysing such legislative initiatives through the lens of International Human Rights Law, they seem to respond to the tripartite duty of protecting, respecting, and fulfilling human rights. Particularly, they seem measures functional to the respect of positive obligations in ensuring the protection of human rights through the adoption of active legislative, judicial, and other appropriate measures. However, phenomena of transboundary AI-based surveillance challenge the protection offered by such regulatory frameworks. Additionally, they expose 'the other side of the story' involving the responsibility of third countries not fulfilling their positive duties when failing to prevent, punish, investigate, and redress transboundary AI-based harms originated in their territory.

Francesco Paolo Levantino is a Ph.D. Candidate in Human Rights and Global Politics at the Sant'Anna School of Advanced Studies (Pisa, Italy). Before starting his Ph.D. he obtained the European Master's Degree in Human Rights and Democratization (E.MA) from the Global Campus of Human Rights (Europe) and studied law at the University of Palermo (BA, MA, summa cum laude). His main research interests concern the intersection of emerging technologies and human rights, particularly the new frontiers of privacy rights and the use of AI and "emotion recognition" by law enforcement agencies.

The importance of explainability and accountability in AI

Anastasia Karagianni, University of Athens, Greece (online)

Artificial Intelligence essentially functions through a set of rules called algorithms. These algorithms use large data sets to identify patterns, make predictions and recommend a course of action. Over time, Artificial Intelligence improves automatically through experience and this phenomenon is called Machine Learning. It is a common thought that Artificial Intelligence can improve non-biased decision-making, because they associate computers with logic and imagine that algorithms are devoid of human biases or limitations. However, the algorithms used in Artificial Intelligence are developed by humans, who inevitably replicate their biases into the algorithmic design process. Reproduction of bias means that when an AI system is used in the context of education, health care systems, welfare state, recruitment processes, loan applications, predictive policing or fraud detection, bias could have an impact on the enjoyment of fundamental human rights, like the right to employment, education, health, privacy, non- discrimination, gender equality, fair trial etc. Although AI systems have the power to create an array of opportunities for international community and the economy, they also pose new challenges to fundamental human rights. This is evident by the fact that the consequences of AI-based decision making have been recognised by numerous institutions including, amongst others, the Council of Europe and United Nations, as well as the importance of explainability and accountability. More particularly, due to the ‘’black-box effect’’ of AI systems, which refers to a system that allows you to see the input and output, but gives no view of the

processes and workings between, accountability is at risk. Accountability is related with taking the responsibility, recognising biases that existed and aiming to reduce them. Recognising that something might have caused harm is also related to mitigation and providing reimbursement for the damages. On a civil and political level, it is a significant aspect of democracy.

Anastasia Karagianni is a PhD student in the Faculty of Law at the University of Athens. Her academic background is mainly based on International and European Human Rights Law, as she holds an LL.M from the department of International Studies of Aristotle University of Thessaloniki. During her Master studies, she she was an exchange student for one year at the Faculty of International Law at KU Leuven, while after postgraduation she was for six months a visiting researcher at the LSTS research team of Vrije University of Brussels. Her Ph.D research is focused on the implementation of gender equality and non- discrimination principles in the international and European regulatory frameworks about Artificial Intelligence. At iCourts, she is interested in discovering new angles of digital feminism theory, studying the discriminatory design and deployment of AI systems against gender, and respectively reflecting on how gender equality and non- discrimination can be incorporated in AI regulatory frameworks. Besides her academic interests, Anastasia is a digital rights activist, since she is a co-founder of DATAWO, an advocacy organisation about gender equality in the digital era, which is based in Greece.

The impact of social media policies and action on democracy and elections in Kenya
Marystella Simiyu, University of Pretoria

Kenyans increasingly rely on social media platforms such as Facebook, Twitter, and WhatsApp as the choice avenues to mediate political discourse and access information. Online engagement is heightened during critical democratic moments such as elections particularly for urban populations and the youth as they create and find online spaces to access, share, discuss and challenge information. The online space has influenced the changing face of Kenyan political campaigns as more politicians seek to reach and influence the decisions of these audiences sometimes through controversial campaign strategies as was the case with Cambridge Analytica. The spread of misinformation, disinformation, propaganda, hate speech, and other online harms compromises the potential of the online space as an avenue for meaningful engagement during elections. The response by social media platforms to mitigate online harms in Kenya and Africa, in general, is however questionable. Content moderation policies and actions are largely shaped by developments in the West but ostensibly packaged as having a global outlook. This paper analyses content moderation policies and action by select social media platforms and how it impacts elections in Kenya.

Marystella Simiyu is a Doctor of Laws (LLD) candidate at the University of Pretoria, and a holder of a Master of Laws degree (with distinction) from the Centre for Human Rights, University of Pretoria. Prior to this, she attained her Bachelor of Laws from Kenyatta University in Kenya, and is an advocate of the High Court of Kenya. Marystella works as a programs officer at the Expression, Information and Digital Rights Unit of the Centre for Human Rights. She also lectures on elections and democracy in the Human Rights and Democratisation in Africa (HRDA) Master's programme. Before relocating to South Africa, Marystella worked in Kenya with the International Centre for Transitional Justice (ICTJ). Later, she worked for InformAction where she co-managed the data team which, among other outputs, provided evidence for the landmark Kenyan Supreme Court case that led to the annulment of the 2017 presidential elections. Her research areas include democratisation in Africa, international human rights law, constitutional law, elections, digital rights, transitional justice, and the African human rights system.

12.30-13.30 Lunch
Adlers Restaurant

13.30-15.30
AHRI Executive Council meeting
Boardroom, Institute for International and Comparative Law in Africa

Other participants: Campus tour / visit University of Pretoria museums

15.30-17.00 Panel 2

Chair: Alejandro Fuentes, Lund University

Towards stakeholders-centric DPIAs in Kenya: Exploration of possible bases from theoretical constructs

Nelson Okeyo, University of Bayreuth, Germany (online)

Kenya has a data protection impact assessment (DPIA) framework that is principally anchored on the Data Protection Act 2019. The framework require data processors and controllers to conduct a DPIA for high-risk processing of personal data. As a tool for accountability, DPIA involves assessment of impact of envisaged processing operations on protection of personal data. However, unlike some comparative State law and regional data protection regulations, Kenya's DPIA framework does not obligate a data controller or processor to seek views of data subjects or other stakeholders when conducting DPIA. This has the potential to shortchange the perceived role of deliberate and effective engagement of data subjects and other stakeholders in perfecting DPIA as a tool of accountability. Besides this potential negative impact, the Kenyan approach ignites a debate on participatory nature of DPIAs. This article examines the Kenyan framework and its dictates on DPIA procedures and minimum elements. Second, it traces history of DPIA through examination of legislations and caselaws with view to assessing what informed lack of requirement for seeking views of data subjects or other stakeholders. Third, it explores how theories on stakeholder engagement, transparency and accountability, organizational ethics, and corporate social responsibility provide philophical bases for understanding the role of engagement of data subjects and other stakeholders in success of DPIAs. Lastly, the paper deduces how the philosophical bases can possibly be intergrated into Kenya's DPIA framework. In conclusion, the paper critiques the 'lukewarm' approach to stakeholder engagement in Kenya's DPIA framework. Informed by the philosophical underpinnings, the paper finally recommends development of stakeholder-centric DPIA guidelines in Kenya and beyond.

NELSON OTIENO OKEYO is a Kenyan, currently a doctoral researcher in the field of business and human rights at Friedrich-Alexander-University of Erlangen-Nürnberg and a PhD student at the University of Bayreuth. He has worked as a legal practitioner in Kenya before proceeding to conduct doctoral research in the area of Data Protection Impact Assessment with a focus on the African continent.

Neuro-interventions in criminal justice: The prohibition of torture, inhuman and degrading treatment

Naomi van de Pol, Utrecht University, Netherlands

Recidivism rates worldwide are high. As the effectiveness of current intervention methods to prevent reoffending is limited, a novel approach to reduce recidivism could be employed: to target the offender's brain. In recent years, a shift in perspective on the study of crime is becoming apparent: from an almost exclusive focus on psychological and environmental factors (employed by current intervention programs), to more attention for the brain. For instance, research has shown that recidivism or rearrest can, to some extent, be predicted using neuroimaging. In addition, new technologies have been developed – neuro-interventions – that could in principle be helpful for successful rehabilitation. For example, neuromodulation (transcranial direct current stimulation) has been reported to reduce aggression in a forensic population. Neuro-interventions may thus in the near future offer potential benefits, but they also entail risks. More specifically, they raise fundamental concerns about human rights. One central concern is the prohibition of torture and inhuman and degrading treatment, laid down in, inter alia, article 3 of the European Convention on Human Rights. Not all forms of harsh treatment fall within the scope of article 3, so it must be determined whether neuromodulation reaches a 'minimum level of severity'. This is difficult to establish, since there is no case law on this topic (yet). To overcome this lack of case law, the presenter will draw an analogy with forcible medical procedures in detention. Based on this analogy, the presenter will identify the relevant factors that can be used to determine the level of severity of neuro-interventions to decide whether neuromodulation violates the prohibition of torture and inhuman and degrading treatment.

Naomi van de Pol, LLM, is a PhD candidate at the Willem Pompe Institute of Criminal Law and Criminology, Utrecht University and a fellow of the Netherlands Institute of Human Rights. Her research is part of the Project 'Law and Ethics in Criminal Justice' (LENC), financed by the Dutch Research Council (NWO). Naomi conducts research into human rights relevant to emerging neurotechnologies to predict and prevent recidivism. The research is supervised by prof. dr. Gerben Meynen, prof. dr. Antoine Buyse and dr. Johannes Bijlsma.

Data bias, intelligent systems and criminal justice outcomes
Jacob Arowosegbe, Osun State University, Nigeria (online)

Artificial intelligence (AI) enabled systems are all about data, both in their development and outputs. This data primacy is evident especially in the current prevalent algorithmic enabled machine learning (ML) systems, as reflected in each stage of their life cycle viz data collection, data preparation, model development, model evaluation and model deployment. With the increasing deployment of AI enabled systems for criminal justice purposes, the data bias problem as currently characterised no doubt deserves urgent attention. This is crucial since data integrity is vital to justice outcomes when AI is employed to aid the criminal justice process. This paper contends that regulatory interests should reflect this primacy both in the design and deployment of AI enabled systems to ensure that the ends of fair trial and other crucial human rights are achieved. Data in this paper is classified as input data and output data. Input data refer to data used to train the model (training data) and to validate the model (learning data). Output data on the other hand refer to that from which decisions affecting humans are made in the criminal justice systems. The paper noting the diversity in the sources, types and dimensions of data bias argues that except regulatory searchlight is beamed on them towards a progressive mitigation thereof, their untoward impact on criminal justice outcomes may not abate. The paper in the first section focuses on the increasing AI deployment for criminal justice purposes and proceeds in subsequent sections to underscore the data bias phenomenon, impact of data bias on justice outcomes and closes by advancing strategies for combatting data bias.

Jacob O. Arowosegbe, a solicitor and advocate of the Supreme Court of Nigeria, lectures at the College of Law, Osun State University, Nigeria where he had previously coordinated the Department of Business and Private Law and the students' affairs unit. He is presently a doctoral candidate at the Centre for Human Rights, University of Pretoria, South Africa. His research interests span issues in law and technology; constitutional and democratic governance; and African jurisprudence. He currently or had previously taught courses such as constitutional law, public international law, law and medicine, media law, administrative law, and jurisprudence.

Balancing the protection of human rights and public security under mass surveillance: A case study of South Africa
Hlengiwe Dube, University of Pretoria

18.00 Welcome reception
Old Club Hall Lounge at Pure Café, University of Pretoria, Hatfield Campus

FRIDAY 2 SEPTEMBER

Future Africa campus, University of Pretoria

8.30-9.00 Registration

9.00-9.30 Opening, Venue: Auditorium

Elsabe Schoeman, Dean, Faculty of Law, University of Pretoria
Frans Viljoen, Director, Centre for Human Rights, University of Pretoria
Kasey McCall-Smith, Executive Chair, Association of Human Rights Institutes

9.30-11.00 Technology and the future of human rights: a multi-disciplinary discussion, Venue: Auditorium

Chair: Frans Viljoen, University of Pretoria

Emma Ruttkamp-Bloem
Professor of Philosophy, University of Pretoria

Professor Emma Ruttkamp-Bloem was the Chairperson of the UNESCO Ah Hoc Expert Group on Ethics of AI that prepared the draft of the UNESCO Global Recommendation on the Ethics of AI in 2020. She is a current member of the AHEG working on implementing the Recommendation. She is the leader of the Ethics of AI research group at the Centre for AI Research in South Africa. She is the current rapporteur for the UNESCO Commission on the Ethics of Scientific Knowledge and Technology (COMEST). Prof Ruttkamp-Bloem is associate editor of the Journal of Science and Engineering Ethics and sits on various international advisory boards, such as the Wallenberg AI, Autonomous Systems and Software Programme (Human Sciences) hosted by Umeå University in Sweden; of the advisory board of the Global AI Ethics Institute (Paris, France) and of SAP SE (Walldorf, Germany). She is an AI ethics policy and machine ethics researcher. Her fields of research expertise include ethics of artificial intelligence (ethics of social robotics; the artificial moral agent project; AI and sustainability in Africa; and fair, accountable and transparent machine learning), philosophy of science (scientific realism; the structure of scientific theories; the demarcation problem; scientific progress; scientific truth) .

Rikke Frank Jørgensen (online)
Senior Researcher, Danish Institute for Human Rights

Rikke Frank Jørgensen is a Senior Researcher at the Danish Institute for Human Rights with a focus on the intersection between technology and human rights. She is also external lecturer in information ethics and privacy at University of Copenhagen (Department of Communication). Her most recent book ed., *Human Rights in the Age of Platforms* (MIT Press 2019), examines the human rights implications of the social web, through the lens of datafication, platforms, and regulation. Besides her scholarly activities, Rikke is appointed to the Danish Governments expert group on Tech Giants; the Copenhagen Tech Policy Committee, and the advisory board of DataEthics.EU. She has previously worked with IT policy at both national and international level; been appointed expert to Council of Europe´s Committee on Human Rights for Internet Users and served on the board of European Digital Rights (EDRI).

Raesetje Sefala
AI Research Fellow, Distributed AI Research (DAIR) Institute

Raesetje is an AI Research Fellow at the Distributed AI Research(DAIR) institute. Her research focuses on creating ground truth datasets and using machine learning and other computational social science techniques to study the effects of spatial apartheid in South Africa, post-Apartheid. Her previous work involved partnering with various stakeholders and using machine learning techniques to study poverty and traffic safety in the urban parts of Nigeria and Jakarta, respectively. She holds a computer science undergraduate and master's degree from the University of the Witwatersrand, Johannesburg. She has been technically involved in different complex data

science projects from around the world and her expertise range from creating ground-truth datasets, building machine learning models, analyzing and evaluating results for real-world problems with a societal impact.

11.00-11.30 Tea break

11.30-13.30

Track 1, Venue: Auditorium
Vulnerability

Chair: Maria Assim, University of the Western Cape

Protection and empowerment: Striking a balance between children's rights and parents' obligations in the digital context

Elina Pirjatanniemi, Lisa Grans and Maija Mustaniemi-Laakso, Åbo Akademi, Finland (online)

The paper is authored and presented by Prof. Elina Pirjatanniemi, Dr Lisa Grans, and PhD cand. Maija Mustaniemi-Laakso. The authors work at the Åbo Akademi University Institute for Human Rights. The paper draws on their work in research projects 'Many faces of special protection: Unpacking the roles of vulnerability in human rights and criminal law' (ROVU) (Academy of Finland 2021-2025) and 'Intimacy in data-driven culture' (IDA) (Academy of Finland 2019-2022).

The [de]merits of a child's right to play in a digital age – focus on emerging challenges

Elvis Fokala, University of Pretoria

Over the last two decades, information technology has expanded to spaces where International Law is yet to regulate and safeguard human interactions. This is probably expected, given that most International Law instruments were designed and adopted more than two decades ago, with little imagination of the rapid expansion of information technology. In the context of children, the leading International children's law instruments, were adopted 31 years ago, with no protection of children's interactions, with, for example, gaming technology. Notwithstanding, gaming technology, as a form of play and entertainment, has grown to levels that affects the original scope and context of a child's right to play as imagined by international children's law. The focus of this article is to examine the effectiveness of a child's right to play as presented under articles 31 of the United Nations Convention on the Rights of the Child (CRC) in a digital age. Adopting a children's rights-based approach, the overarching aim of this paper, safeguarded by the reasonableness of the best interest principle of the child and a child's right to participate freely in cultural life and arts, is to shine the light on the emerging challenges that plays out in a child's interaction with gaming technology as a method of enjoying its right to play in a digital era.

Dr Elvis Fokala is the manager of the children's rights unit at the Centre for Human Rights, Faculty of Law, University of Pretoria.

How does technological development shrink the human rights of minorities? An example of 'limited democratic participation' from the Global South

Jobair Alam and Taimur Shairf, University of Dhaka, Bangladesh (online)

Securing the human rights of the minorities in an era of technological development significantly relies upon ensuring their full access to digital platforms in parallel with democratic participation, and the accountability of the governments. In this paper, taking instances from Bangladesh, we investigated how the government responded to ensure such access to the minorities (e.g., slum dwellers, floating people, Biharis, and sex workers) during the Covid-19 pandemic. Based on the review of three specific rights of such minorities including the right to education, health, and access to information, we argued that the government's (in)actions are mostly reflective of the 'denial syndrome' of the minority rights, their political participation and responding their needs in an increasingly digital environment, which goes against the former's constitutional and international human rights commitments. We concluded that providing services to secure legitimate rights through technology have the effect

of expanding the inequality in the society between the minority and 'others' if no additional measures are taken for the minorities. The significance of this paper lies in exploring the nuances associated with technological development, human rights and democratic participation, and their ramifications on (non)ensuring the human rights of the minorities that go beyond Asia and have a wider implication for others including the European minorities.

Jobair Alam is an Associate Professor of Law, University of Dhaka, and a Fellow of the HEA, UK. He obtained PhD from Macquarie University in 2019 with Dean's Excellence Award. He secured top position with first class in both LL.M. and LL.B. (Hons) examinations from Dhaka University Law Department and obtained 7 gold medals from the Prime Minister, the President, and the Chief Justice of Bangladesh. Apart from 18 conference paper presentations, Alam has published 8 book chapters and 16 journal articles in refereed journals. His primary areas of interest are international law, human rights, and minority studies.

Taimur Sharif is the Head of Business in the Faculty of Arts, Society & Professional Studies. He is a Certified Management and Business Educator (CMBE) of the Chartered Association of Business Schools (CABS), UK; a Senior Fellow of the Advance HE (formerly, HEA), UK ; a Chartered Manager FCMI of the Chartered Management Institute (CMI), UK and a Chartered Manager of the Chartered Institute of Managerment (CIM), Canada. Taimur has a wide global network of HE professionals. He sits in several journal editorial boards, reviews research papers for leading journals and conferences of AIB, BAM, ANZIBA, ANZAM, etc.

The use of digital technologies to perpetrate violence against women and girls in Kenya
Buluma Bwire, University of Nairobi, Kenya

The evolution and widespread use of technology such as computers and cellphones in Kenya has also resulted in the increasing use of these gadgets to perpetrate violence against women and girls. Women and girls face specific dangers and risks through this technology such as: online harassment, cyberstalking, privacy invasions with threat of blackmail, and revenge porn, amongst others. This results in psychological and emotional harm, reinforces prejudice, damages reputation, causes economic loss, poses barriers to participation in public life, and may lead to sexual and other forms of physical violence. Technology-related (Tech-related) violence against women and girls is an actual category of sexual violence since it results in emotional or psychological abuse as defined in both international and national laws (Article 1 of the UN Declaration on the Elimination of Violence against Women and Section 3(f) of Kenya's Protection against Domestic Violence Act). This paper interrogates the occurrence of tech-related violence against women and girls in Kenya and interventions by both state and non-state actors to build a protective environment conducive to the realization of women and girls right to be free from tech-related violence. It examines the current strategies to prevent, investigate, prosecute and adjudicate such cases with a view to determining whether they are an effective deterrent to the perpetration of tech-related violence against women and girls in Kenya.

Buluma Bwire holds a PhD in Comparative Constitutional Law from the University of Nairobi, School of Law. He has extensive practical knowledge and experience working, researching, publishing, and teaching on Governance, Anti-corruption, Democracy, Rule of Law and Sexual and Gender Based Violence. He combines rigorous academic research with a commitment to innovation for real world impact. His research areas of interest include constitutional law, separation of powers, rule of law, good governance, democracy, law and politics, gender and equality, sexual and gender-based violence, women and children's rights, sexual and reproductive health rights, and judicial reform.

Track 2 (online)
Health and environment

Chair: Bright Nkrumah, University of the Free State

Leveraging technology for sustainability: right to healthy environment from an ASEAN youth perspective
Suthida Chang, Thailand

In October 2021, the UN Human Rights Council adopted Resolution 48/13 declaring the right to a clean, healthy and sustainable environment. The Resolution highlights the importance of capacity-building, collaboration and

policy-making to address climate crises and its impact on human societies. From an ASEAN perspective, the Association of Southeast Asian Nations has taken actions to address climate change and environmental sustainability at the regional level. Specifically, through the ASEAN 2025: Foraging Ahead Together and ASEAN Community Vision 2025 that align regional development policies with the UN Sustainable Development Goals. Considering the region's robust youth population and increasing space for youth voices, young people are the key stakeholders who shape and are affected by environmental sustainability. This paper thus aims to understand how youths, through the use of technology, contribute to a rights-based clean, healthy and sustainable future for the ASEAN region. Using a case study approach, the paper examines the motivations and activities of the Asia-Pacific Climate Project (APCP), a youth-run ASEAN environmental organization. From the analysis, APCP organized virtual webinars, trainings and knowledge-sharing programs to build youth capacity surrounding climate change and sustainability. These findings can translate into operational 'best practices' that leverage technology to increase engagement for sustainability efforts. In particular, this study contributes to a practice-based understanding of how technology interacts with the Right to Healthy Environment, while also highlighting the opportunities as well as challenges of a technological approach to human rights and sustainability.

Ms. Suthida Chang is a Third Culture Individual currently based in Thailand. With a background in philosophy and political science, she holds a MA in International Relations and International Business from the University of Nottingham, and a MPA in Innovation, Public Policy and Public Value from UCL. Her research interests cover cultural diplomacy, sustainable development and Chinese politics. Having interned across intergovernmental organizations, universities and NGOs, Suthida's strongest advocacies are Cultural Intelligence and the SDGs for youth development.

E-waste management and the right to a healthy environment in Nigeria

Benedict Okay Agu, Nigerian Institute of Advanced Legal Studies

The rise in the manufacture and usage of Information Communication Technology (ICT) has brought quantities of Electrical and Electronic Equipment (EEE). This results into transboundary movement of Waste Electrical and Electronic Equipment (WEEE) popularly known as Electronic waste (e-waste) to developing countries such as Nigeria. E-Waste is dangerous to public health and the environment. The increase in e-waste in Nigeria has not corresponded to growth in the processes related to collection, re-use, recovery, and recycling of EEE. Proper e-waste collection and recycling are important to recovering valuable materials from e-waste and protects human health and the environment. The existence of healthy environment is a necessary condition for the well-being of everyone. Hence, the significance of the concept of right to a healthy environment. The institutional policy and legal framework in place in Nigeria for this is inadequate. The study discussed the law and the right to a heathy environment in Nigeria in relation to the management of e-waste It adopted doctrinal methodology and used primary, secondary, and documentary materials to examine the effect of crude management of e-waste on the right of Nigerians to a heathy and the sustainability of the Nigerian environment. The study found that no single e-waste management option will be satisfactory as the optimum e-waste management strategy in Nigeria; but the use of mix e-waste manage approaches that include the enactment of a holistic e-waste legislation to promote and protect the right of citizens to live in a heathy environment. The study found that the adoption of a circular economy concerning sustainable e-waste management is an environmental and public health imperative. It recommended institutional policy reform of advocacy interventions and legal reforms that provides for Design for Environment (DfE) to protect the right to a healthy environment in Nigeria.

Benedict Okay Agu holds an LL. B (Hons) from University of Calabar Nigeria, MHRS and LL.M from University of Lagos Nigeria. He is a Senior Research Fellow at the Nigerian Institute of Advanced Legal Studies and is completing Obafemi Awolowo University/Nigerian Institute of Advanced Legal Studies PhD programme. At present, he is on secondment to the National Human Rights Commission Abuja Nigeria as the Special Assistant to the Executive Secretary/CEO. He is also Director, Monitoring Department of the Commission. His current research interest includes Legislative Drafting, International Human Rights/Humanitarian Law and Environmental Law.

The right to food sovereignty as a tool against the perils of digital agriculture

Foto Pappa, Sant'Anna School of Advanced Studies, Italy

In this submission, I will be arguing that the right to food sovereignty presents potential for the better regulation and protection of the interests of farmers in the face of digital agriculture-the so-called 4th agricultural revolution. This paradigm entails the incorporation of digital tools (including sensors, AI, Internet of Things and robots) in agriculture and is supported inter alia on the basis of increasing productivity. Thus, digital agriculture will

purportedly address food availability -and by extension food security. Concurrently, it will optimize the utilization of resources such as water, leading to sustainability in the long run. There is an emphasis on innovation showcased by initiatives at the recent COP26, and by the Memoranda of Understanding (MoUs) signed between companies like Microsoft and countries like Kenya and Indonesia for the digitalization of their agricultural sector. At the same time, many organizations voice their concern regarding the exacerbation of inequalities and dependence upon industries and technology. Thus, the rights of farmers come under threat. Specifically, concerns have been raised over the impact on the right to food and the right to food sovereignty of peasants. The latter is contained in the UN Declaration on the Rights of Peasants and Other People Working in Rural Areas, which has been adopted relatively recently (2018) and is of a soft law nature. Though soft law, the UN Declaration on the Rights of Indigenous Peoples (2007) has been used by international human rights law bodies and has assisted in effectively protecting the rights of indigenous peoples. With my submission, I purport to argue that the right to food sovereignty, though soft law also, may be a tool against the above-mentioned disparities potentially engendered by digital agriculture.

Foto Pappa is a PhD candidate in Human Rights and Global Politics at the Sant'Anna School of Advanced Studies. Her research interests include the right to food, agricultural law, and broader issues of economic, social and cultural rights. She holds an LLM in International Human Rights Law from the University of Groningen and an LLM in Public International Law from the National and Kapodistrian University of Athens. She is a qualified lawyer at the Athens Bar Association.

Track 3, Venue: Conference 2
Courts

Chair: Tarisai Mutangi, University of Zimbabwe

Digitisation, access to justice and the courts in Namibia
Kennedy Kariseb, University of Namibia

Digitisation of courts has become common phenomena in most jurisdiction. This is also the case with the courts in Namibia having embraced such technological trends through its e-justice system and the electronic database system. This paper considers the effect of digitisation on access to justice by reference to Namibian courts. It argues preliminary that although digitisation has great potential to enhance access to justice, it could if not neutralised make the courts highly elitist, bureaucratic and highly technical; defeating the end functions of courts as custodians of justice. To this end the paper argues for some preliminary cautionary measures that could ensure greater access to justice for litigants while embracing the technological realities and demands of our times.

Kennedy Kariseb, Dr currently lecturers in the Department of Public and Procedural Law at the School of Law, University of Namibia. His area of research is broadly blended in public law, with a particular focus on the African human rights system. He holds undergraduate and postgraduate qualifications from the University of Namibia, Namibia and University of Pretoria, South Africa, respectively.

The promise and the perils: the human rights implications of using new brain-based deception detection technologies in the criminal justice system
Robin Palmer, University of Canterbury, New Zealand

For many years the method for determining the 'truth' in criminal trials has remained the same: an assessment of the relevant probabilities of competing versions in order to ultimately select the most probable version as the 'true' version. Injustices resulting from this unscientific approach to truth-finding are well-documented, and any assistance to ameliorate these injustices that may be provided by scientific advancements should be welcomed. A clear example of this is the use of DNA testing and screening in criminal investigations and trials, and, in recent years, the controversial worldwide trend towards the adoption of brain-based neuro-technologies in criminal investigations. One of the most promising of these new brain-based detection-deception technologies is the EEG-based Forensic Brain-wave Analysis (FBA- also known as 'brain-fingerprinting'), which has been the subject of a five-year (2016 to 2021) verification project in New Zealand (supported by the New Zealand Law Foundation), of which the presenter was the lead investigator. However, a key concern in applying FBA and similar technologies in the Criminal Justice System is the human rights implications, especially as most criminal justice systems worldwide lack adequate legal and policy frameworks to prevent or minimise investigative, procedural,

and cultural rights abuses that arise in using these new technologies. The focus of this paper is, first, to provide a brief overview of the main emerging forensic neuro-technologies such as forensic brainwave analysis (FBA) and the forensic application of fMRI brain-scanning; and second, in the context of the results and conclusions of the 2016 to 2021 UC FBA Project, to critically consider the essentiality of a robust human rights legal protection framework before permitting the use of these new technologies in the Criminal Justice System.

Robin Palmer is a Professor of Law and Director of Clinical Legal Studies at the University of Canterbury, New Zealand. Prior to that he was the Director of the Institute for Professional Legal Training (IPLT), University of KwaZulu-Natal, Durban. He is also a practicing barrister (advocate). He is the project lead on the NZ Law Foundation-funded project on Forensic Brainwave Analysis (2016- 2-22). In addition, he has done training courses and consultancies for the UNDP, UNODC, OSI, OSISA, the Commonwealth, USAID, GIZ, DFID, EU, the IBA and others in diverse fields, including organ trafficking, justice reform, legal aid, constitutional development and good governance projects.

There is no smoking gun: an exploration of defence rights and technological advancements in evidence

Michelle Coleman, Swansea University, UK (online)

Fundamental human rights can clash with the types of evidence used in criminal trials. Fair trial rights are essential to question the accuracy of the evidence against the accused, which can be difficult with technologically advanced evidence. Meanwhile, in order to ensure accuracy in convictions, evidence in criminal trials is constantly evolving with advances in technology. What used to be limited eyewitness testimony has advanced to fingerprints, DNA evidence, CCTV, internet communications, facial recognition, cell phone triangulation, and user generated digital artifacts, and more. Problematically, each technological advance, which we hope will conclusively prove who committed what crime, provides new opportunities for encroachment on the fundamental fair trial rights of the accused. Further, the excitement of using technologically advanced evidence can result in the rights of the accused being overlooked. Meanwhile, history shows us that what seems advanced now might not prove to be as accurate as first believed. For example, fingerprints were once believed to be infallible evidence, however over time we have discovered that there is much room for error and inaccuracy. All of this points to the danger of putting too much faith in technologically advanced evidence and the importance of having diverse types of evidence available in order to secure sound convictions. This paper will examine fair trial rights, including the presumption of innocence and equality of arms, in light of technological advancements in evidence. It will argue that while technologically advanced evidence may or may not prove to be more accurate in determining criminal liability, there are serious concerns about defence rights which must be born in mind if we are to have fair and accurate convictions.

Dr Michelle Coleman is a Lecturer at Swansea University School of Law where she teaches evidence and criminal law. Her research interests involve the intersections between human rights, criminal law and evidence. include evidence, human rights, criminal justice, and international criminal law. Her book, The Presumption of Innocence in International Human Rights and Criminal Law, was recently published by Routledge.

Artificial intelligence in criminal proceedings: Human rights at risk?

Tulio Felippe Xavier Januario, University of Coimbra, Portugal

The progressive use of new technologies in the most varied sectors of society is an irrefutable reality in the contemporary world. A great example of this are the scientific and technological developments in the field of artificial intelligence (A.I.), which has been applied in several activities that demand processing of a large amount of data in reduced time. In addition to impacts on sectors such as transports, medicine and communications, more and more implications of these technologies are also expected in criminal investigations and proceedings, whether due to the evidentiary interest that the access to the information stored by them can generate, or for their potential to assist in state activities of intelligence, surveillance and even judicial decisions. However, we can immediately observe that their application in criminal investigations and procedures can imply several risks and may even affect internationally recognized human rights. The objective of this investigation is precisely to analyze how the increasing use of new technologies, especially A.I., in criminal investigations and proceedings, can affect human rights. For this, we will initially study what we can understand by new technologies and A.I. and how they are intended to be used in these procedures. Subsequently, from a deductive methodology, we will seek to understand, in the light of the main international human rights charters, which are the main guarantees that may be affected in these contexts. At the end of the paper, we will demonstrate that, although we cannot completely abstract from

A.I. and new technologies as a whole, nor ignore their potential implications in criminal proceedings, we need to find a point of balance between the interests at stake, in order to avoid that the incessant search of society for security ends up disproportionately affecting human rights, especially those of the people implicated in these procedures.

PhD Candidate in Law at the University of Coimbra (Portugal), with a fellowship from the Fundação para a Ciência e a Tecnologia – FCT. M.Sc. in Law by the University of Coimbra (Portugal), with a research internship of the "ERASMUS+" Program at the Georg-August-Universität Göttingen (Germany). Had Graduate Studies in Economic Criminal Law and Crime's Theory at the University of Castilla-La Mancha (Spain), Graduate Studies in Compliance and Criminal Law at IDPEE (Portugal) and Graduate Studies in Criminal Law – General Part at IBCCRIM/IDPEE (Brazil/Portugal). Holds a Bachelor´s Degree in Law by the Universidade Estadual Paulista – UNESP (Brazil).

13.30-14.30 Lunch

14.00-15.30 AHRI General Assembly, Venue: Auditorium

15.30-17.00

Track 1, Venue: Auditorium
Disability

Chair: Dianah Msipa University of Pretoria

Voting matters: Electoral-assistive devices used by persons with disabilities to cast a secret and independent ballot

Adriana Caballero-Pérez, Maastricht University, Netherlands

Electoral-assistive devices used by persons with disabilities to cast a secret and independent ballot (In the context of the study: 'Voting Matters: An Analysis of the Use of Electoral-Assistive Devices through the Lens of the United Nations Convention on the Rights of Persons with Disabilities') Voting independently and secretly is a well-established principle and a necessary element for maintaining democratic integrity. International human rights law instruments, and particularly Article 29(a) of the United Nations Convention on the Rights of Persons with Disabilities (CRPD, 2006), establish the legal duty of Contracting States to take effective and positive measures to promote and ensure persons with disabilities participation in elections on an equal basis with others. Nevertheless, the right to vote is not fully enforced for all persons with disabilities on an equal basis with others. There remain significant gaps between what is detailed in law, and the barriers to political participation that exist in practice. The barriers faced by persons with disabilities in the context of voting are both statutory and procedural. The study 'Voting Matters: An Analysis of the Use of Electoral-Assistive Devices through the Lens of the United Nations Convention on the Rights of Persons with Disabilities' focuses on the de facto realization of the right to vote by persons with disabilities, or the 'opportunity' to enjoy this right on an equal basis with others. It argues that making electoral-assistive devices available for use by persons with disabilities is a common measure for achieving greater accessibility in the context of voting. Electoral-assistive devices are assistive technology (AT) devices provided to persons with disabilities in the context of voting by national electoral authorities, e.g., magnifiers, easy-to-read or tactile ballot guides, and e-voting machines using screen enlargement applications. By means of a scoping literature review, this presentation discusses preliminary research findings of a non-exhaustive inventory of electoral-assistive devices used in elections to assist persons with disabilities specifically in performing electoral-related activities. The main purpose of this presentation is to illustrate how the provision and use of AT in elections is a means to ensure equality and the enjoyment of voting rights by persons with disabilities. Notably, this presentation provides a framework to determine the substantive value of the utilization of AT in elections by States Parties in compliance with Article 29(a) UN CRPD.

I am a human rights defender and a lawyer from Colombia. I believe in the meaningful participation of persons with disabilities in elections as a strategic priority to ensure democratic societies. I hold a Masters in Sociology from the Universidad Nacional de Colombia and an LLM in International Human Rights Law from Lund

University (Sweden). Currently, I am a PhD researcher at the Faculty of Law at Maastricht University. I have professional experience in the legal and humanitarian assistance of vulnerable populations and communities. In Colombia, I worked in several NGOs and at the national human rights institution (Ombudsman's Office), where I had the opportunity to work in doing evidence-based human rights research.

Full and equal participation in society: the use of technology to facilitate socio-political participation of persons with disabilities in South Africa

Yvette Basson, University of the Western Cape, South Africa

Persons with disabilities have historically been one of most disenfranchised groups in South Africa. In addition to socio-economic factors that bar full and equal participation in society, persons with disabilities are often not represented in significant political processes. Considering that issues relating to infrastructure, healthcare and social expenditure are of particular importance for persons with disabilities, the lack of attempts to boost participation in public processes relating to these issues is exclusionary and potentially unconstitutional. The use of technology can be implemented to address this lack of political input. This paper will consider the use of, inter alia, voice to text programs; publicly available internet access and the accessibility of public processes to address the lack of participation in socio-political decision-making by persons with disabilities in South Africa.

Yvette is a senior lecturer at the University of the Western Cape. Her research interests are primarily the rights of persons with disabilities, social security law and employment law.

Harnessing technology as an equalizer for students with disabilities in a post-pandemic world

Neel Raamandarsingh Purmah, Middlesex University, Mauritius (online)

This paper aims to determine how technology can be harnessed as an equalizer for students with disabilities. In that endeavour, it will be important to highlight how technology was formerly used by students with disabilities in the classroom before moving to an assessment of whether the promise of technology as an equalizer in online as well as in-person teaching can be kept for disabled students. It will be suggested that technology is a double-edged sword that has not always provided equity in distance or in-person learning for the heterogeneity of disabled students with different impairments. As diverse as are the individual needs of disabled students, the abrupt move to online instruction during the Covid-19 pandemic inconveniently brought hasty and debilitating changes to their well-established routines. There is no single best approach to unlocking the door for disabled students to develop their full academic potential and interpersonal growth. But it is now more important than ever to ensure that technology is more actively integrated as an equalizer into the calculus of special and/or inclusive education services. It is equally important for all stakeholders involved in the education process to ensure that assistive technologies are used as far as possible to support the educational needs of students with disabilities in times of crisis; with the recognition that remote learning does not work for all students with disabilities. The need to create innovative teaching strategies such as hybrid modes of instruction thus become important in order for these students to be saved from falling off the cliff without a life-jacket.

Neel Raamandarsingh Purmah holds an LLM in Human Rights and Social Justice from the University of Connecticut (USA) under a Fulbright Scholarship; and an LLB (Hons) from the University of Bristol (UK) under a State of Mauritius Scholarship. His area of specialisation is international human rights law, with key focus on disability rights issues. He is now working as Lecturer in Law and Middlesex University Mauritius.

Discrimination of persons with disabilities using algorithms

Iris Glockengiesser, University of Zurich, Switzerland (online)

Technological progress can lead to easier participation in everyday life for persons with disabilities. However, it can also have negative effects on inclusion efforts. Using algorithms may result in discriminatory effects and contradict the requirements of the UN Convention on the Rights of Persons with Disabilities (CRPD) as well as national equality laws. Using algorithms in recruitment processes or the insurance sector can disadvantage persons with disabilities because, due to their disability, they cannot perform tasks at the speed expected by the algorithm, or they could be classified by the algorithm as too high a risk because of their impairment. Due to the lack of control mechanisms or incomplete criteria that do not take disability-related elements into account, indirect discrimination may therefore occur as unintended consequence. One approach to addressing this problem could be the use of "reasonable accommodations", as provided for in the CRPD, according to which "necessary and appropriate modifications and adjustments" must be made that are needed to ensure that persons with disabilities

can enjoy or exercise on an equal basis with others all human rights. This also regards the rights to work or to health, to stay with the examples given above. Human rights obligations are primarily directed at states, obligating them to respect, protect and fulfil human rights. In the given context the obligation to protect is particularly important when it comes to involving private actors. States have so far chosen different ways to address the lack of direct human rights obligations of companies. The paper therefore aims at exploring if best practices in existing approaches can be distilled and used to develop a blueprint for future regulation. In developing a "regulatory compass" for states, it will identify the issues that states need to consider in legislation to effectively prevent indirect discrimination when using algorithms.

Dr. Iris Glockengiesser is the managing director of the Center for Human Rights Studies at the University of Zurich (UZHR) and works as a lecturer at the Lucerne University of Teacher Education specializing on the rights of children with disabilities to education. She holds a doctorate in law from the University of Vienna and is an expert on disability and gender discrimination issues as well as business and human rights. She has held positions at the University of Basel, the Association Inclusion Handicap, the Swiss Federal Office for Gender Equality and headed the cantonal Disability and Diversity Department in Lucerne.

Track 2, Venue: Conference 2
Technology and human rights in Zimbabwe during the COVID-19 pandemic

Chair: Alejandro Fuentes, Lund University, Sweden

Elizabeth Lwanda-Rutsate, Africa University, Zimbabwe
Owen Murozvi, Zimbabwe Ezekiel Guti University
Ntandoyenkosi Moyo, Midlands State University, Zimbabwe
Chengetai Hamadziripi, Midlands State University (online)

This panel analyses the role played by technology in supporting, or eventually limiting, access to rights during the COVID-19 pandemic in Zimbabwe. During COVID-19 pandemic, most countries in the word had introduced restrictions that have affected the enjoyment of fundamental rights and freedoms. Zimbabwe was not an exception. Efforts were made in order to reduce the dissemination of the virus among the population, including lock-downs, suspension of face-to-face public and private activities and encouragement of remote working. Technology became either the element that enabled and facilitated access to rights or the barrier that prevented their enjoyment. Technology allowed remote on-line participation to democratic governance but also excluded from that participation large part of the population due to the existence of a technological divide. In this sense, Owen Morozvi (Zimbabwe Ezekiel Guti University) will examine the manner in which technologies have supported the work of the Parliament of Zimbabwe in connection with the protection of citizen's freedom of information and guaranteeing effective digital information flows between the citizens and their parliament during COVID-19 pandemic. Dr Elizabeth Lwanda-Rutsate (Africa University) will continue with the analysis of democratic participation, focusing on local and rural communities and the role that technologies played in facilitating citizens' access to information, in particular for the most vulnerable ones. Chengetai Hamadziripi (Midlands State University) will explore the challenges and opportunities afforded by using digital technologies during the pandemic in the teaching of clinical legal education in law schools in Zimbabwe. Finally, Ntandoyenkosi Moyo (Midlands State University) will expand the discussion beyond the role of technology during the COVID-19 pandemic, focusing on the challenges and potential threats that technology could generates for the enjoyment of human rights, in particular in connection with the use of artificial intelligence and automation technology in security and surveillance in Zimbabwe and beyond.

Track 3, online
Access to justice

Chair: Lloyd Kuveya, University of Pretoria

Artificial intelligence decisions regarding refugee status
Lutiana Valadares Fernandes Barbosa and Ana Luisa Zago de Moraes, Federal Public Defenders, Brazil

Artificial intelligence (AI) is progressively replacing human decision-making in various fields. In migration, it is also starting to be used by States and international organizations. This work claims for refugees and asylum seekers human right not to be subjected to solely AI decision-making. This right emerges from the right of non-discrimination, the right of due process, and a progressive assessment of the Objektformel, which is the basis of the principle of human dignity. Regarding non-discrimination, technologies are prone to replicate bias, especially when vulnerable populations are involved, thus AI decision in refugee claims is likely to revictimize and discriminate individuals who are scaping persecution. As regards due process, AI decision-making might use a labeling approach, similar to an unacceptable Lombrosian criminal law stigmatization. Moreover, AI might be a black box even for programmers, violating thus the duty of providing reasons and transparency. Framing as a human right the prohibition of decisions taken solely through algorithms against refugees and asylum seekers is important because it strengthens the possibilities for protection and advocacy. Artificial intelligence dehumanizes the decision-making process. The logic that the creator controls creation is reversed and essential decisions concerning their life are taken by "non-humans." AI decisions represent a paradigm shift that allows the violation of what is intrinsic to human beings: autonomy in the sense of free and conscious will, backed by reason. The human right not to be subjected to decision-making solely by algorithms can be extracted from Art. 1 of the Universal Declaration of Human Rights. Decision-making by algorithms alone causes damage to human reason and conscience, since humans are treated as objects, and entails reparation. A new concept must be incorporated in reparations for serious violations of human rights: damage to human reason and conscience.

Lutiana Valadares Fernandes Barbosa Federal Public Defender in Brazil since 2010 LL.M. Columbia University and PUC-MG Ph.D Candidate in international Law UFMG
Ana Luiza Zago de Moraes Federal Public Defender in Brazil since 2010 Master and Ph.D. in criminal sciences PUC-RS

Human rights jurisdiction in the era of AI technologies in maritime border management

Aphrodite Papachristodoulou, University College Dublin, Ireland

This research contributes to understanding how sophisticated technologies used at maritime borders have a negative impact on the human rights of migrants, and transform the way in which the EU, member State governments and third countries manage borders and mobility. The focus of such interrogation will be the Mediterranean migration crisis, analysed through examining the relationship between law and AI in exploring avenues that can minimise the gap in human rights protection and address systematic violations at extraterritorial borders. By delving into an examination of the overarching policy focus of the EU in the management of its external borders, the research shows how technological systems (e.g. surveillance drones) hamper migrants' access to protection, rather than patrol ships capable of rescue. Arguably, intrusive technologies facilitate and reinforce securitisation practices compounding ethical and law concerns around rights abuses, including the right to leave, the right to life, and the principles of non-refoulement and non-discrimination. In the terrain of international human rights, States have assumed positive obligations to prevent human rights violations and to protect the rights of those under their jurisdiction. It is in this context that technologies of control challenge the way we think about the concept of State jurisdiction and borders begin to lose their normative significance in delineating State responsibilities. Consequently, jurisdiction is no longer understood in its traditional, territorial sense. This paper seeks to unpack the contemporary manifestations of State power in which technologies provide the means which make it possible to remotely control how a situation will unfold. In doing so, it formulates a normative argument that exemplifies technologies of control as potential triggers of State jurisdiction vis-à-vis responsibility giving rise to specific human rights obligations to protect people in distress at sea.

Aphrodite Papachristodoulou is Faculty at UNICAF and facilitates modules pertaining to international human rights law at LLB and LLM levels. Her research interests lie primarily in the areas of human rights, law of the sea, border studies and migration law. Aphrodite holds a PhD in Law from University College Dublin and is an Associate Member of the UCD Centre for Human Rights. She has also qualified and worked as a lawyer in Cyprus.

From the vantage point of vulnerability theory: Hybrid decision-making and access to the European Court of Human Rights

Zuzanna Godzimirska, Aysel Küçüksu and Salome Addo Ravn, University of Copenhagen, Denmark

The past two decades at the European Court of Human Rights have been marked by various efforts to reduce its backlog of cases through changing the substantive, procedural, and formal practices surrounding access to the Court. Proposals aimed at facilitating these efforts have also rested on the unarticulated premise that solving the ECtHR's backlog problem necessarily involves an either or choice between improving the Court's efficiency and shrinking individual access to it. This article departs from that premise. Drawing on Martha Fineman's 'theory of vulnerability' and her vision for social justice, the article lays out a proposal that allows for the coexistence of efficiency and individual access through a hybrid decision-making (HDM) model. First, we show that from a vulnerability theory perspective, better access to human rights courts is a key component of a just human rights system. Second, we argue that in order to be just, procedures need to be context sensitive and adopted in ways that acknowledge humans' inherent vulnerability. To support the argument, we draw inspiration from the African Court on Human and Peoples' Rights, whose current practices help illustrate the point that more equitable access to justice need not be a relic of the past.

Zuzanna Godzimirska, Assistant Professor of International Law & Institutional Law, iCourts, Faculty of Law, University of Copenhagen

Aysel Küçüksu is a Postdoctoral Fellow, iCourts, Faculty of Law, University of Copenhagen

Salome Addo Ravn is a PhD Candidate at the Centre of Excellence for international courts (iCourts) at the Faculty of Law, University of Copenhagen. I practised law in Ghana, as a member of the Ghana Bar Association before entering academia. My areas of interest are international law, international human rights and regional human rights courts (specifically the African human rights system and the African Court of Human and People's rights).

The digital divide and its impact on the rights of older persons
Adam Dubin, Universidad Pontificia Comillas, Spain, and Isabel Maraval, CUNEF University, Spain

The pandemic has intensified the digital divide (DD) between those with and without access to technology, or those without an ability to use technology. Although in recent years digitalization has been an important part of daily life, it has quickly become an essential element, and is now increasingly intertwined with human rights. Unfortunately, however, this DD while commonly referred to as a problem or issue, is rarely conceptualized from a human rights standpoint. For example, in an EU background note on the DD, the word human rights is nowhere to be found. Nevertheless, the impact of the DD on the protection of human rights is significant: from exercising health rights by being able to make doctor´s appointments online, to securing property rights through online filing, access to digital platforms and other tools is a determining factor in the realization of rights. One of the consequences of this DD is a de facto ageism, in which older persons, in particular, are disproportionately excluded from essential services, many of which are integral to the exercise of human rights. In fact, ageism itself, under international human rights law, albeit de facto, is a rights violation resulting from a failure to protect. In recent years, the EU has begun to focus on closing the DD, recognizing that, "the DD is largely, but not solely, driven by age. It thus boils down to the dichotomy of those who have both access and skills to benefit from technology and those who don't ." The purpose of this talk is to insert a rights-based approach into the EU´s DD policy and propose a framework through a rights-based approach to digitalization that guarantees protection of the elderly. The conclusions are relevant beyond Europe and may be particularly so in Africa, where Agenda 2063 in closely intertwined with digitalization.

Prof. Dr. Adam Dubin is an Assistant Professor of Human Rights Law at Universidad Pontificia Comillas in Madrid and an Adjunct Professor of Law at New York University (Madrid). He is the author of multiple book chapters, articles and the co-editor of a recently released book on access to justice, gender and poverty in Sub Saharan Africa (Routledge 2020).
Prof. Dr. Isabel Maravall is an Assistant Professor at CUNEF University in Madrid. Her research focuses primarily on international human rights and international criminal law, and her scholarly articles have appeared in leading peer-reviewed journals.

17.15 Departure for tour of Pretoria

18.30-22.30 Conference dinner, Southern Sun, Arcadia
Performance by Key-C

Speech by Justice Johann van der Westhuizen, retired judge of the Constitutional Court of South Africa

SATURDAY 3 SEPTEMBER

9.30-11.00

Track 1, Venue: Auditorium
Surveillance

Chair: Hlengiwe Dube, University of Pretoria

Strip searches, body scanning, and inhuman and degrading treatment in article 3 of the European Convention on Human Rights

Elaine Webster, Strathclyde University, UK, and Natasa Mavronicola (online), University of Birmingham, UK

Strip searches in the penal context mediate between ensuring dignity-respecting prison conditions and maintaining prison security. The justification and conduct of strip searches in this context has raised questions in relation to the prohibition of inhuman and degrading treatment and punishment. Within the wider prohibition of torture, 'inhuman and degrading' treatment and punishment have been subject to relatively extensive interpretive development by the European Court of Human Rights. Over two decades, this Court has examined the merits of claims relating to strip searches in the penal context under Article 3 of the European Convention on Human rights, guided in its interpretation by the principle of respect for human dignity. A close look at this case law provides insight into how the Court has navigated the line between body search practices that respect human dignity and those that fall below the standard set by the prohibition of inhuman and degrading treatment. This paper builds on a forthcoming publication examining the principles that have emerged from this case law on strip searches. From this in-depth perspective on the Court's case law to date, it interrogates the increasing use of full body scanners in penal institutions. The use of body scan technology has been scrutinised from a human rights perspective, but with a focus on protection of private life and a focus on non-penal contexts (notably, airports). This paper reflects on whether, and how, body scanning should be understood to alleviate, or not, risks of inhuman and degrading treatment.

Dr Elaine Webster is a Senior Lecturer at Strathclyde Law School and Director of the Centre for the Study of Human Rights Law, University of Strathclyde. She has a background in law, international politics, and multidisciplinary human rights research. Elaine's interests are in interpretation of human rights by different actors and the concept of human dignity within human rights is a central theme in her work. She has a number of interests, including the right to a healthy environment and the right to health. She has a particular interest in the right not to be subjected to torture, inhuman and degrading treatment and its application across diverse contexts, explored in her monograph 'Dignity, Degrading Treatment and Torture in Human Rights Law: The Ends of Article 3 of the European Convention on Human Rights'.

Scrutinising the use of live facial recognition technology by police using human rights law

John Croker and Martin Scheinin, Oxford University, UK (online)

Artificial Intelligence (AI) is being used by police in an increasing range of circumstances. This raises important accountability questions. How can police be transparent about how they have made a decision involving AI, where an algorithm has identified, weighed and concluded an outcome in an opaque manner that may not even be fully intelligible to a human reviewer? Police will exercise their significant powers including arrest, surveillance and even force, based on recommendations made by algorithms. Live facial recognition (LFR) is a form of AI that is widely marketed by vendors to police and law enforcement agencies for a range of purposes. LFR presents police with a tool that could significantly aid them in their law enforcement and community safety objectives. It also presents a form of AI that poses significant risks of human rights breaches and abuse if not properly regulated. This paper outlines aspects of LFR that warrant human rights scrutiny. While the technology is rapidly developing, its features are now sufficiently understood by non-technical (legal and civil society) stakeholders such that human rights scrutiny can be brought to bear on governments who seek to utilise it. This includes how 'watchlists' are

set (including the minimum offence thresholds required before a person's biometrics are uploaded onto the watchlist, and the retention period such biometrics are held on LFR systems for); how cameras are utilised (including whether LFR is used as an 'overlay' over existing CCTV systems, or whether dedicated camera systems are utilised by police); and whether LFR systems are utilised overtly or covertly. The paper will also highlight the current limitations of the technology, including ethnic biases in training datasets such that LFR is more likely to make a 'false-match' with people of colour.

John Croker is a research student at the University of Oxford, and a human rights lawyer working for Victoria Police in Australia. John's research supervisor is Professor Scheinin.

Professor Martin Scheinin is a British Academy Global Professor based at the Bonavero Institute of Human Rights at the University of Oxford. His research project "Addressing the Digital Realm through the Grammar of Human Rights Law" will run for four academic years (2022 to 2024).

Surveillance and data colonialism: Practices in the creation and maintenance of racial hierarchy
Yvonne Jooste, University of Pretoria (online)

The proposed paper broadly revolves around the question of how technology, through new ways of appropriating human life, impacts the right to equality. More specifically, the paper contemplates surveillance and vulnerability through the lens of racial hierarchy. This contemplation unfolds with three interrelated lines of thinking: (1) By relying on Simone Browne, I analyse the historical and central role of surveillance practices in the creation of racial hierarchy and the capacity of technological surveillance practices to entrench social injustice and racism. Browne's analysis points to 'racialised surveillance' as instances when enactments of surveillance reify boundaries along racial lines and where the result of this is often discriminatory and violent in treatment. (2) By relying on Couldry and Mejias, I explore the concept of 'data colonialism' as a new colonialism driven by the imperatives of capitalism, or, a new interlocking of capitalism and colonialism's histories where the interlocking force is data. Data colonialism is, in essence, an emerging order for appropriating human life so that data can be continuously extracted for profit, which extraction is operationalised through data relations – ways of interacting with each other and with the world facilitated by digital tools. Through 'data colonialism', I seek to understand the ways in which surveillance underpinned by datafication – the relentless drive to render human behaviour into analysable form – draws on a history of colonial exploitation and its concomitant racialised way of seeing the world. (3) Related to this, I rely on Shoshanna Zuboff to explore 'surveillance capitalism' and, specifically, how Google imposed the logic of conquest by defining human experience as raw material. I aim to demonstrate how these processes described above undermine the autonomy of human life and threatens the very basis of equality.

Dr Yvonne Jooste obtained her LLB, LLM and LLD from the University of Pretoria. In 2012, she joined the Department of Public Law at Stellenbosch University as lecturer. She currently holds the position of lecturer in the Department of Jurisprudence at the University of Pretoria. Her research interests include law, technology and society, focussing on the impact of datafication and digital technologies on the right to privacy and dignity. She also explores 'the right to be forgotten' in the context of digital surveillance and investigates the social, legal and economic impact of surveillance capitalism, informational capitalism, and data colonialism.

Comparative study of privacy and surveillance in Africa, India and EU
Kajori Bhatnagar and Lakshay Beniwal, Christ(deemed to be) University, Bengaluru, India (online)

With the development of new technologies, the means of surveillance and data collection have increased several folds. Unmanned Aerial Vehicles, commonly known as UAVs or Drones are increasingly being used by law enforcement authorities across the globe for domestic security, surveillance and monitoring purposes. It is important for one to understand the implications of such uses of technology on various aspects of human life. Drones have the potential to become prime targets for unethical activities like harvesting information on drones and using the same to aid criminals, cybercrimes, profiling, etc. However, drone regulations fail to address the same. In this paper, there is a comparison of the drone regulations in India, Africa and the European Union in terms of privacy, data protection and surveillance norms. The comparative analysis of the author aims to highlight the importance of having a variety of approaches rather than focusing on a single-tier approach. The paper further elaborates on how technology-centric approaches originating from developed countries with mature drone regulations cannot always be implemented in developing countries, where the demographics vary vastly. Drawing inferences from mature legislation like that in the EU and considering the demographics of Africa and India, the

author suggests a mixture of property-right centric and technology-centric approach. The focus of human rights concerns is manifested under the privacy and surveillance mechanisms so mentioned in GDPR regulations and Personal Data Protection Bill. The focus would be to highlight the point of conjunction between the regulations and the usage of UAVs or Drones domestic security, surveillance and monitoring purposes

Dr.Kajori Bhatnagar (Assistant Professor, School of Law, Christ(deemed to be) University, Bengaluru
Lakshay Beniwal (4the year student, Christ(deemed to be) University, Bengaluru

Track 2, online
Commerce

Chair: Jonathan Kabre, University of Pretoria

Data monetization and the human right to enjoy the benefits of scientific progress and its application

Jayson Lamchek, Deakin University, Melbourne, Australia

Data monetization - the amassing and processing of personal and other data by digital platforms and their derivation of monetary benefits therefrom - provokes questions about whether and how these benefits should be more widely shared by ordinary people. For example, various proposals have been advanced to tax platforms or otherwise require platforms to compensate users for their data. While human rights have figured in efforts to regulate or govern the development of machine learning and other data-intensive technologies associated with Artificial Intelligence, the problem of data monetization's fairness has scarcely attracted discussion by human rights scholars and advocates. This paper argues that the human right to enjoy the benefits of scientific progress and its application (REBSPA) provides an appropriate framework to consider what rights arise from new technology, including technologies of data processing. It argues that framing the redistribution or sharing of monetary benefits derived from such technologies as a right constitutes a potentially powerful intervention in the politics of universal basic income as well as in the regulation and governance of Artificial Intelligence. The revitalization of REBSPA for our time entails important consequences for the relevance of human rights for future struggles over technology and material and social equality.

Dr. Jayson Lamchek is a Research Fellow in Cyber Security Law and Policy at Deakin Law School, Deakin University, Melbourne, Australia. Jayson's current research lies in the intersection of human rights and new technology. His previous human rights scholarship has engaged various challenges in counterterrorism, irregular migration, and the War on Drugs. Jayson authored the monograph Human Rights-Compliant Counterterrorism (Cambridge University Press, 2019). His articles appear in the Australian Journal of Human Rights, Asian Studies Review and International Criminal Law Review. Jayson is inspired by Third World movement-originated international law principles with radical redistributive intent. A preview of his work on the topic of REBSPA and Big Data appears in Voelkerrechtsblog.org, <https://voelkerrechtsblog.org/the-right-to-benefit-from-big-data-progress/>.

Is there a role for fundamental rights in China's competition law remedies design against online platforms?

Qianlan Wu, University of Nottingham, UK

The digital economy has increasingly replaced the market with central algorithm planning and undermined freedom by pervasive data surveillance. In designing remedies for the harm caused by online platforms to competition, regulators in liberal democracies have referred to human rights, e.g., the right to privacy and consumer sovereignty, as the normative basis. Such normative bases purport to safeguard self-determination and autonomy by reviving the market mechanism in the digital era. Since 2020, China has developed new personality rights, including the right to privacy, to tackle challenges raised by online platforms in its market governance. However, China remains an authoritarian state where the state leads algorithm planning and acts as a data controller with the online platform as the data processor. Fundamental rights provided by China’s Constitution remain unenforceable before Chinese courts. The paper builds upon Cohen’s critical examination of the legal institutions and norms in informational capitalism, (Cohen, Between Truth and Power, the Legal Constructions of Informational Capitalism 2019, OUP) and aims to assess the role played by fundamental rights in China’s design of remedies against online platforms. It focuses on China’s State Administration of Market Regulation (

SAMR)'s decisions on Alibaba.com and Meituan.com in enforcing China's Anti-monopoly Law. It will first assess the role played by the right to privacy and personality rights in the substantive design of the behavioural changes and permanent injunctions in the remedies package of the decisions; it will then assess the role played by the right against self-incrimination and right to hearing in the procedural process of the imposition of the remedies packages. Based on the examination of China's experience, it aims to shed light on the extent to which fundamental rights have become indispensable factors in competition remedies design in the digital economy.

Dr Qianlan Wu is an assistant professor in the School of Law and a member of the Business, Trade and Human Rights Unit of the Human Rights Law Centre at the University of Nottingham, UK. Dr Wu has research interests in human rights and competition law enforcement in the digital economy. Dr Wu has published a monograph with Hart Publishing and articles with leading journals. Dr Wu holds LLM from University of Edinburgh and PhD from LSE.

Rights-based challenges to building an effective credit system through technology in Nigeria
Daniel Olika, University of Florida, US

In traditional keynesian economic theory, credit is viewed as leverage for improving economic development. In Nigeria, the effect of lack of access to credit for both small businesses and individuals is evident and development policy advocates argue that this situation negatively affects economic growth. The reality however is that for the traditional banks and financial institutions, the lack of a healthy credit culture among the citizens, lack of sophisticated credit reporting organisations, absence of mechanisms for ensuring effective debt recovery, large informal economy and poor data management systems, etc. are some of the factors affecting the development of an effective credit system in Nigeria. Notwithstanding these challenges, various technology platforms are seeking to innovate around the structural challenges in providing financing to small business owners and individuals who are in need of these funds. Unfortunately, in providing a solution to this core developmental challenge, these technology platforms have adopted a draconian approach to providing financing and ensuring debt recovery in the event of default. Most of these platforms breach the debtors' data privacy by informing all the debtor's contacts when there has been a default. These platforms also sometimes adopt public shaming by publishing the names and pictures of loan defaulters to third parties who have no business knowing about these details or threatening the loan defaulters and their family members. Additionally, most of the terms of these loans are exploitative in ways that raise concerns for rights-based practitioners on the propriety of the terms of these loans. It is in this regard that this paper undertakes an analysis of the human rights implications of the practices adopted by these technological platforms in providing financing to Nigerians. This paper therefore makes recommendations to ensure that while these platforms solve a critical developmental need, they also respect the rights of Nigerians.

Daniel Olika is a corporate lawyer with Nigeria's leading corporate law firm – Banwo & Ighodalo. He regularly advises fintechs, development finance institutions, commercial banks, etc. on financing and M&A deals while also advising on navigating Nigeria's tax and banking regulatory regime. He researches and writes on various aspects of fiscal policy and development for peer-reviewed journals while also delivering papers at academic conferences across the world. His interest in human rights dates back to 2016 when he represented his University at the African Human Rights Moot where he led his team to emerge the best west African English team. He is currently an International Tax LLM Candidate at the University of Florida.

Electronic commerce and data protection – An illusion or possibility?
Winnie Kungu, Kenya

Technological evolution has disrupted the mode of trade globally. Advanced trends of trade have emerged including electronic commerce where the exchange of goods or services occurs in the virtual market. The exchange of goods occurs in any part of the world in disregard of geographical location. Huge amounts of personal data and information are transferred from one jurisdiction to another to facilitate the transaction process. This begs the question as to the safety of personal data crossing different jurisdictions and the framework of data protection in the awakening of technological evolution and international trade. The international human rights law provides a framework for the promotion and protection of the right to privacy. The Universal Declaration of Human Rights 1948 guarantees the right to protection of the law against arbitrary interference with a person's privacy. However, the international trade framework lacks a universal framework governing the right to privacy and protection of personal data. This is a threat to the fundamental right to privacy. It exposes it to breach with no recourse or protection. The European Union advanced its protection framework for privacy and personal data through the European Convention for the Protection of Human Rights and Fundamental Freedoms and the General Data Protection Act. It is imperative for regional blocs to advance

privacy, thus the need for this study. This study shall employ a documentary review of the existing scholarships on the impact of cross-border transfer of personal data through e-commerce and the right to privacy and personal data. It also delves into the question of whether data protection is a possibility or an illusion in international trade. Ultimately, the study will draw lessons from the available scholarship on other jurisdictions such as the EU in addressing the gap in privacy and data protection.

Winnie Kungu is an Advocate of the High Court of Kenya and a member of the Law Society of Kenya. She is currently pursuing her LL.M studies in Regional Integration and East African Community Law at the Tanzanian German Centre for Excellence at the University of Dar es Salaam as a DAAD scholar.

Track 3, Venue: Conference 2
Freedom of expression

Chair: Tomiwa Ilori, University of Pretoria

Towards ensuring freedom of expression in the digital age in Ghana
Ernest Yaw Ako and Amanda Odoi, University of Cape Coast, Ghana

Amid the surge in the use of new media platforms and the seeming benefits these platforms have for development, there are attempts to curtail people's freedom to engage and express themselves in these spaces in Ghana. Employing laws made for traditional media, the police over the last few months have arrested activists, religious leaders, and media and entertainment personalities for posts made on social media. Political parties, through 'party foot soldiers' have verbally attacked and threatened harm to anyone who expresses opinions opposed to theirs. These practices, which violate the 1992 constitutional provisions on freedom of speech and expression, have festered. The clampdown on free speech and expression has also raised concerns and fears in persons who engage on these platforms, necessitating the need for Ghana to enact specific laws consistent with the norms of cyberspace. We draw from Lawrence Lessig's framework (2006) on cyberspace restrictions, data from social media comments and responses to recent arrests, and analysis of laws on communications to assess whether Ghana can ensure freedom of expression among its citizens in the digital age. We argue that new media has become part of everyday communication among citizens, and there is a need for Ghana to adapt to meet these changing times.

Dr Ernest Yaw Ako is a lecturer at the Faculty of Law, University of Cape Coast. His research interests are in Human rights and constitutionalism. He is a DAAD scholar of human rights and a reviewer for the African Human Rights Law Journal. Ernest recently published in the African Human Rights Yearbook (2020) and Oxford Handbook of Foreign Relations Law (2019).

Dr Amanda Odoi is a Research Fellow with the Centre for Gender Research, Advocacy, and Documentation, University of Cape Coast. Her research interests are in Masculinities, sexualities, and Gender Violence. Amanda is also an Associate Editor with Feminist Africa.

The power of Internet: Disinformation, political propaganda, hate speech and freedom of expression - Negative and positive state obligations in the digital age
Julia Kapelańska-Pręgowska and Michał Balcerzak, Nicolaus Copernicus University, Toruń, Poland (online)

Because of the COVID-19 pandemic much of our everyday activity has moved to a virtual space. More than ever before, the Internet and social media became our primary source of information and a window to the world. This freedom to access and pass information is however not without negative consequences, as disinformation, propaganda and hate speech spread fast. From the point of view of international human rights law, questions of State's obligations and responsibility arise. As we will argue here, a primary State's task is to take necessary and adequate steps to - at the same time - protect the freedom of expression, and to prevent and fight hate speech and disinformation. Preserving this delicate balance and controlling a virtual space is, nevertheless, challenging. To identify these challenges we are going to analyze selected examples from international and domestic jurisprudence and practice. We will also be looking at the examples of illiberal democracies, of the Rohingya genocide in Myanmar and of the war in Ukraine, to illustrate how „information war" inspired by States calls for strengthening of international accountability.

Julia Kapelańska-Pręgowska - Ph.D. in international law, Assistant Professor at the Department of Human Rights, Faculty of Law and Administration, Nicolaus Copernicus University in Toruń (Poland).

Michał Balcerzak - Associate Professor and a researcher specializing in international human rights law at the Nicolaus Copernicus University in Toruń (Poland). A former member of the UN Working Group of experts on people of African descent and a current CERD member. Ad hoc judge at the European Court of Human Rights.

Copy-paste? Transferring the human rights protecting civil society to online spaces
Antoine Buyse, Utrecht University, Netherlands (online)

Civic space is the practical room for action and manoeuvre for civil society. For more than a decade this space has come under severe pressure by states and non-state actors. This has negatively impacted the freedoms of assembly and expression. One of the ways in which civil society, more specifically individual human rights defenders and civil society organisations and movements, have tried to resists such pressures is to use the possibilities offered by the internet and social media. It can even be said that the rise of civil society was buttressed by the possibilities of the online world. It has enabled fast options of information exchange among civil society actors, of access to other information and of spreading views and laying bare human rights abuses. But where civil society has moved its activity partly online, repression has also moved: websites have been closed or blocked, accounts have been hacked, content can be filtered or even the whole internet in a region or country can be taken down for some time. Where empowerment of people and transparency are not seen as desirable but rather as threatening (potentially exposing corruption or abuses of power) online activities of civil society have faced backlash by states. In such situations, the question not only becomes whether the key human rights of expression and assembly are applicable online (they are) but also to what extent and how human rights interpretations that traditionally provide a high degree of protection to civil society's watchdog role and to speech that relates to public interest issues can be transferred to the online world. This presentation will assess how this works and how human rights monitoring bodies have applied offline civil society principles to the online world.

Antoine Buyse is full professor of human rights in a multidisciplinary perspective and director of the Netherlands Institute of Human Rights (known as SIM) at Utrecht University. His current research focuses on the shrinking and resilience of civic space from a human rights perspective.

Free speech protection for 'public watchdogs' in international law
Kasey McCall-Smith, Edinburgh University, UK and Dimitrios Kagiaros, Durham University, UK

A free press that imparts information in the public interest free from arbitrary state interference is a necessary component of a well-functioning democracy. Since its early case law, the European Court of Human Rights (ECtHR) has recognised that the press acts as a 'public watchdog' (PW) due to its function of providing accurate and reliable information on matters of serious public concern. Recently, the ECtHR extended PW status beyond traditional media and press outlets, to encompass a broader range of speakers (including NGOs, academics, social media pundits and others) in recognition of their role in imparting information to the public. The term is not merely a rhetorical flourish. Assigning PW status to a speaker has important legal effects in the ECHR framework, as PWs enjoy significant benefits under freedom of expression compared to other, 'ordinary' speakers. The expansion of the speakers who enjoy PW status signifies a move towards a more functional approach – a recognition that some of the freedoms the press enjoys should also be accessible to other actors carrying out similar functions. Unlike the ECtHR's case law, the jurisprudence on ICCPR Article 19 in the context of PWs is underdeveloped. This is striking in the sense that the Human Rights Committee has often been at the forefront of interpreting human rights protections in light of the evolving dimensions of technology and accountability in the globalised community of states. This paper will examine the lack of an equivalent ICCPR PW formulation in the context of: (1) identifying those speakers who impart information in the public interest; and (2) tailoring free speech protection to the speakers' respective needs. On this basis, the paper explores whether the ECtHR's approach should be adopted in broader international human rights jurisprudence.

Kasey McCall-Smith is a Senior Lecturer in Public International Law at the University of Edinburgh Law School where she is also the director of the Global Justice Academy and the LLM in Human Rights program. Her research focuses primarily on treaty law and how treaties are interpreted and implemented at the domestic and supranational levels including through incorporation.

Dr Dimitrios Kagiaros is an Assistant Professor in Public Law and Human Rights at the University of Durham. He holds an LLB in Law from the National and Kapodistrian University of Athens, School of Law and an LLM in International Human Rights Law from Brunel University in London. He completed his PhD at the University of Hull, focusing on whistleblower protection in the European Court of Human Rights. His research interests include the European Convention of Human Rights, the impact of the European sovereign debt crisis on human rights, and the case law of the European Court of Human Rights in relation to Freedom of Expression. Dimitrios serves as a member of the editorial board of The European Convention on Human Rights Law Review (Brill Publishing).

11.00-11.30 Tea break

11.30-13.00

Track 1, online
"I started seeing shadows everywhere": The diverse chilling effects of surveillance in Zimbabwe

Chair: Kuda Hove, independent IT law and policy researcher

Otto Saki, University of Western Cape
Amy Stevens, University of West London
Paul Kimumwe, Collaboration on International ICT Policy for East and Southern Africa (CIPESA)
Peter Fussey, University of Essex

Recent years have witnessed growing ubiquity and potency of state surveillance measures with heightened emphasis on the broader societal implications of such practices. While potential impacts of surveillance are most readily characterised through the well-worn lens of 'privacy', renewed emphasis on 'chilling effects' surfaces a more complex range of harms and rights implications for those who are, or believe they are, subjected to surveillance. The proposed panel discussion will focus on the findings from research into the chilling effects of surveillance on the enjoyment and exercise of those human rights essential to the development of personal identity and the effective functioning of participatory democracy in Zimbabwe. In particular, the right to freedom of expression, the right to freedom of assembly, the right to freedom of association, and the right to participate in political and public affairs. The research and therefore, the panel discussion seek to further extend the analytical frame of surveillance harms beyond privacy. The discussion will be useful in promoting a deeper, and contextual understanding of how the fear (or possibility) that one is being watched affects an individual's conduct, impacting behaviours such as what they say, what websites they visit, what materials they post, what comments they make or who they interact with.

Track 2, Venue: Auditorium
Normative human rights challenges and technologies

Chair: Felipe Gomez, University of Deusto, Spain

An analysis of the utilization of the international human rights institutions and procedures in AI global governance
Reuben Chifundo Nazombe, Arrupe Jesuit University, Harare, Zimbabwe (online)

Until recently, the dominant paradigm in the Artificial Intelligence (AI) technology industry has been built around AI ethics. The general understanding is that efforts in ethics and ethical decision making will go a long way in ameliorating AI technologies. However, there is a human rights paradigm on the rise. The human rights perspective is very crucial bearing in mind that developments in the field of AI have wide-ranging implications on internationally protected human rights. Human rights impose an obligation on states not to interfere with people's enjoyment of their rights including protection from private parties, or non state actors. Corporations have

a responsibility which is distinct from that of the state under international human rights law and this should guide their construction and mobilization of AI technologies. The private sector's affair with ethics has mostly implied resistance to human rights regulations. It has been well noted that while ethics provide a critical framework to guide in the field of AI, it is not a replacement of human rights which are binding by the force of law. This paper holds the view that ethical AI alone cannot solve human rights violations committed by AI technology corporations in the business world. Monitoring human rights compliance by AI corporations in the business world calls for a legal implementation framework with institutional and procedural interventions. The paper further argues that the current UN Charter based and treaty based institutions and procedures as well as regional human rights frameworks should be utilized in AI global governance. The paper critically analyzes ways in which the current international human rights framework can be explored and or is being used in AI global governance.

Reuben Chifundo Nazombe is a Master of Arts in Philosophy student at Arrupe Jesuit University, Harare, Zimbabwe. He holds a Bachelor of Laws (Honors) Degree from the University of Malawi completed in 2015. He was admitted to the Bar to practice the law in the Supreme Court, High Court and Subordinate Courts in Malawi in 2016. Between 2016 and 2018, he worked at M & M Global Law Consultants as a Law Consultant. His main work included commercial and corporate law litigation, advisory and consultancy services. He is passionate about human research as well as social justice matters.

The European Commission, WhatsApp, and the Pfizer Covid vaccine deal – New means of communication and an old European Union Freedom of Information regulation

Timo Knäbe, University of Frankfurt am Main, Germany (online)

From the perspective of international law, it's a niche within a niche: Freedom of information in the European Union ("EU") as regulated by Regulation 1049/2001 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ("Regulation"). Yet the importance of the Regulation, which since 2004 became applicable to nearly all EU institutions, bodies, and agencies ("EU entities") radiates far beyond its niche as today it constitutes one of the main avenues for EU citizens and residents to access documents and thus to obtain an unbiased view into - nearly all - EU entities established to serve them and thus to enable democratic participation and accountability. And while the 20th anniversary of its entry into force triggered the now forth attempt for its recast, the core concept of the Regulation, what actually constitutes a "document" could yet again jeopardize this endeavor: are WhatsApp messages and possibly other modern means of communication, as increasingly used by EU entities, documents that fall under the scope of the Regulation? Starting by European Ombudsman's rebuke of the European Commission for not releasing WhatsApp messages sent by its President to Pfizer to secure a Covid vaccine deal, the presentation sheds light on the notion of document evolving from predecessor frameworks and discusses whether this administrative framework as shaped by the Court of Justice of the European Union and the European Ombudsman is still fit for purpose. Further to cross-referencing the Regulation with other international instruments such as the Tromsø Convention on Access to Official Documents of the Council of Europe, the paper concludes that the legislator's visionary notion of document of 2001 is still wide enough to accommodate modern technologies. However, like in 2001, it is the administrative practice that gives life to this apparently perennial instrument.

Following his master's in laws studies in Frankfurt am Main/Germany (2005) and in Dar es Salaam/Tanzania (2006), Timo Knäbe worked for research institutions and international organizations in Germany, Switzerland, and Poland before joining the European Border and Coast Guard Agency Frontex as Team Leader and Senior Legal Officer in 2017. He published articles on domestic, European, and international labour law and transparency in the EU. Timo Knäbe is currently pursuing a Ph.D in international labour law with the University of Frankfurt am Main.

Regulation of the right to be forgotten in Africa

Muluken Kassahun Amid, University of Addis Ababa

In the age of digital Information, the struggle over privacy is a preeminent issue. Information posted on the Internet is never truly forgotten. While permanently available data offers significant social and economic benefits, it also carries substantial risks when personal information is used abusively or in ways that are harmful to individual's dignity and reputation. In response to such concerns, the right to be forgotten has emerged. The right enables individuals with a legal mechanism to compel the permanent removal of their personal information from online databases. This paper is aimed to analyze the trends and the extent of the right to be forgotten has been regulated in different African countries particularly Egypt, Ethiopia, Kenya,

Nigeria, and South Africa. The paper employed a qualitative approach with doctrinal legal techniques. The research used both primary and secondary data sources. The paper also used the comparative perspective of European, American, and other jurisprudence on the subject matter. The paper argues the existing data protection and privacy related laws are insufficient to address the myriad privacy issues raised by networked technologies. The paper recommends to design and implement comprehensive data privacy laws in a manner that balances freedom of expression with right to privacy and dignity of individuals as well as broader public interests.

PHD Student, Addis Ababa University Center for Human Rights, Ethiopia- Since September 2019 LLM in Comparative Public Law and Good Governance, Ethiopian Civil Service University, Ethiopia, 2016 LLB in Laws, Jimma University, Ethiopia,2009 Assistant Professor of Law, Mettu University, Ethiopia

Track 3, Venue: Conference 2
Bridging the gap between international norms and digital activism for democracy - how to make better use of the African Charter on Democracy, Elections and Governance and the African Governance Architecture platform

Andrew Songa, Charter Project Africa coordinator
Aisha Dabo, AfricTivistes
Justin Arenstein, Code for Africa
Martin Ronceray, European Centre for Development Policy Management

Pan-African norms such as the African Charter on Democracy, Elections and Governance (ACDEG) set the standards against which countries agreed to be held accountable. Enforcement of these norms is a never-ending effort, but it is one that is key for the realisation of human rights of citizens across the continent. However, as the ACDEG celebrates its fifteenth anniversary this year, digital technologies at stake in governance processes and used by governance advocates have changed dramatically over that period. This panel seeks to build on the ongoing work of the Charter Project Africa, a pan-African project focused on the commitments contained in the ACDEG, which promotes the usage of civic technology to amplify citizen voices and opens spaces of collaboration between citizens, civic initiatives and African Union policy makers, at national, regional and continental levels with an emphasis on digital formats. The panel will bring together representatives of promising ongoing initiatives emanating from the civil society and researchers, to explore jointly the lessons learned so far in linking digital technologies, activism and international norms such as the ACDEG.

13.00-14.00 Lunch

14.00-15.30

Track 1, Venue: Conference 2
Women’s rights, technology and the digital sphere

Sunita f, Sheffield Hallam University, UK
Alexandra Moore, Binghamton University, US
Belinda Walzer, Appalachian State University, US

Technology is a women’s human rights issue with the gender gap in technology becoming more explicit highlighting that women and girls having less technological access, literacy, and influence than their male counterparts (Global Fund for Women). The digital revolution over the past 25 years has grown exponentially. Technology has become a fundamental part of life and can propel and hinder access to a wide range rights for all. Technology is a crucialc component in advancing the rights of women across the world from the Global South to the Global North.

There are numerous examples of how technology has advanced women's collective endeavours in conflict and highly dangerous regions of the world from Afghanistan to Sudan. In both these countries women have used media platforms to raise global attention to their realities, provide peer support, build coalitions, and forge powerful movements that challenges the status quo in their respective country.
However, not all technological advancements have a positive impact of women and girls. There are many global examples of where social media platforms have propelled misogyny and threatened the rights of women, as well as artificial intelligence technologies designed by predominantly male engineers with a masculine default. UN Women (2020) have stated "to address this digital gender divide, and harness the potential benefits of the digital revolution, much more attention needs to be paid to the social, political and economic factors that underpin the development, design and use of digital technologies".
The panel will provide an inter-disciplinary dialogue incorporating perspectives and themes from the arts, humanities, social sciences, and law. The dialogue will centre on the impact of technological advancements and digital spheres on women's rights by exploring the following:

- Do technological advancements = enhanced women's rights and access to these rights?
- Exploring the harms of the digital revolution on women and girls
- Exploring differences between women from the global north and global south
- Exploring critical transdisciplinary approaches to the nexus of women's human rights and information and communication technologies (ICTs)

Dr Suni Toor is Head of Human Rights and Social Justice at the Helena Kennedy Centre for International Justice, Sheffield Hallam University (UK).
Professor Alexandra Moore is the Co-Director of the Human Rights Institute at Binghamton University (USA) and co-editor of the recent volume, Technologies of Human Rights Representation (SUNY Press).
Dr Belinda Walzer is Assistant Professor of English at Appalachian State University (USA).

Track 2, Venue: Conference 1
Governance systems

Chair: Lysander Fremuth

The human rights data revolution - Implementation, reporting and follow-up by digital human rights tracking tools

Domenico Zipoli, The Geneva Academy of International Humanitarian Law and Human Rights, Switzerland

The supply of relevant, timely and usable data is essential for countries to set priorities, make informed choices and better policies for the implementation of recommendations from UN human rights mechanisms and achieve progress on sustainable development. Advances in the ability to manage, exchange, combine and analyse human rights data, and to disseminate statistical information on line, are changing the way traditional statistical processes are carried out. This project seeks to investigate how digital human rights tracking can and should harness the data revolution. Today more than ever, one major aim of any functioning National Human Rights System is to coordinate national data collection on the reporting and monitoring of recommendations from the international human rights system. It is a growingly onerous task, due to the increasing burden states are subject to, related to the implementation and follow-up of a growing number of recommendations from the UN Treaty Bodies, the Universal Periodic Review and Special Procedures, as well achieving progress on the Sustainable Development Goals. Can the current international human rights system benefit from more effective measures of data collection and digital tracking? This paper will address this question in light of available information management tools developed by different stakeholders. United Nations agencies (e.g. the OHCHR's NRTD), national mechanisms for implementation, reporting and follow-up (e.g. SIMORE Plus), national human rights institutions (e.g. the UK Equality and Human Rights Commision's Human Rights Tracker), civil society organizations (e.g. IMPACT OSS or UWAZI) and academia (e.g. the Human Rights Measurement Initiative) have developed an array of digital human rights tracking tools. This paper will consider possible convergences, complementarities, and best practices concerning available human rights tracking databases and the value of digitalization for a more systemic approach to human rights monitoring and implementation that is also well positioned to contribute to sustainable development.

Dr Domenico Zipoli is a Research Fellow at the Geneva Academy and a Project Coordinator at the Geneva Human Rights Platform. His research focuses on the question of connectivity among international human rights mechanisms and on national strategies for monitoring, implementation and follow-up of international human rights obligations and recommendations. He is currently leading a research project aimed at gaining a more comprehensive understanding of the structure and functioning of different National Human Rights Systems. Dr Zipoli is also a Project Coordinator at the Geneva Human Rights Platform (GHRP), providing expert input to different Geneva-based international organizations and permanent missions as well as coordinating the organization and development of GHRP projects, events, workshops and training courses. Prior to starting at the Geneva Academy, Dr. Zipoli worked as PhD Fellow at the Norwegian Centre for Human Rights, Faculty of Law, University of Oslo. He successfully defended his doctoral thesis in 2021 ('The Power of Engagement: Assessing the Effectiveness of Cooperation between United Nations Human Rights Treaty Bodies and National Human Rights Institutions'). He previously worked as Research Assistant for the Academic Platform on Treaty Body Review 2020, as Research Trainee at the European Union's Fundamental Rights Agency, and as a research assistant at the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. Throughout his research, he also carried out visiting stays at the Inter-American Court of Human Rights and the Australian Institute for Human Rights (Faculty of Law, University of New South Wales) as well as internships at the Office of the United Nations High Commissioner for Human Rights (Human Rights Council and Treaty Mechanisms Division) and two National Human Rights Institutions (the National Human Rights Commission of Mongolia and the Defensoria del Pueblo of Ecuador). Dr Zipoli holds a PhD in International Human Rights Law from the University of Oslo, a Master of Laws (LLM) in International Human Rights Law from Lund University and a Bachelor of Laws (LLB) from the University of Exeter.

Digital citizenship and the need for legal digital literacy

Rachel Saunders, University of Nottingham, UK

Chapter 9 of Origins of Totalitarianism lays out the necessity of citizenship for the protection of rights. In the digital sphere citizenship is as much about access and digital literacy, and without either a person's rights face erosion. This paper argues that digital literacy is paramount to digital citizenship, and that human rights in the digital age require active digital participation to prevent their erosion. Central to this digital citizenship is legal digital literacy, a key set of skills that enable users to be more than passive consumers, they become active citizens in democratic processes. As legal services are pushed online, from courts to tax returns to asylum applications, without legal digital literacy citizens are cut off in time, money, and space, restricting their citizenship to the analogue. Arendt's admonishment that the right to have rights is grounded in citizenship avails us ever more when digital citizenship is the key building a better-quality life. In an age of migration, both internal and cross-border, where digital skills can mean the difference between success and repatriation flights, a person's human rights depend on their ability to digitally actively engage. In using Arendt this paper grounds human rights in the phenomenological experiences of users, drawing on case studies within the UK's transgender and asylum seeker communities to qualitatively engage and interrogate the idea of digital citizenship and legal digital literacy. We show the impact that digital skills have on the cohorts' intrinsic human rights, and how having those rights in the digital age is inherently at the mercy of their digital literacy.

I am PhD student -at the University of Nottingham Horizon CDT & School of Law and a Research Fellow with Staffordshire University's School of Health. I have Project Management Masters, Games Technology BSc, and studies social and cultural history. Professionally have done research on the impact of study abroad programmes on EDI/WP students, have seven years legal practice, and run my own design company.

Human rights related to science and data governance

Lukasz Szoszkiewicz, Adam Mickiewicz University, Poznan, Poland (online)

Although Artificial Intelligence's performance depends on a combination of data, algorithms, and programming skills, it is data that ultimately determines the final result. For this reason, the availability and accessibility of high-quality data are vital for ensuring that everyone equally benefits from scientific progress and its application, such as data-based public services, data-driven drug discovery, or disaster management. The General Comment on science and economic, social, and cultural rights adopted by the UN Committee on Economic, Social and Cultural Rights in 2020 provides, for the first time, a solid basis for the interpretation of data-related obligations of States. The document includes a systematic understanding of Article 15(1)b of the International Covenant on Economic, Social and Cultural Rights of 1966, which established the right of everyone to benefit from scientific progress and its applications. The following paper provides an insight into the obligations of the UN Member States derived from this provision in the context of the availability and accessibility of digital data. The

interpretation of these obligations is preceded by identifying gaps that arise in attempts to regulate data availability and accessibility through the prism of the right to privacy, the right to freedom of expression, and the right to protection of authors' interests.

Assistant Professor at Adam Mickiewicz University in Poznan (Poland). His research focuses on the intersection of new technologies and international human rights law and utilizes computational and empirical methods. Former Data Coordinator for the UN Global Study on Children Deprived of Liberty (2018-2019)and a consultant engaged in several follow-up projects to the Global Study implemented by the Global Campus of Human Rights. Since March 2022, a visiting researcher at the Department of Innovation and Digitalization of Law, University of Vienna. Co-organizer of the Summer Institute in Computational Social Science - SICSS AMU/Law 2022.

National human rights action plans: an inventory
Sébastien Lorion, Danish Institute for Human Rights

In 1993, the World Conference on Human Rights encouraged states to adopt National Human Rights Actions Plans (NHRAPs). The concept of NHRAP was aimed at triggering comprehensive and action-oriented dynamics of human rights implementation at the national level, and the OHCHR-to be was tasked to actively support states in developing NHRAPs. Thirty years later, the international promotion, and national practice of NHRAPs have undergone different phases of diffusion. UN support to NHRAPs has been deprioritised in the early 2000s, only to be revived recently. Since 2017, the High Commissioner for Human Rights systematically recommends the adoption of an NHRAP in her letters following UPR reviews. Nonetheless, the UN guidance for, and data on, NHRAPs remains outdated. In turn, academic attention to NHRAPs is very limited and mostly prescriptive. Reliance on patchy and outdated data, coupled with the emergence of new planning approaches (focusing on themes or recommendations implementation, notably) entertains the impression that NHRAPs are an unworthy field of inquiry. This paper argues NHRAPs constitute a significant state practice that warrants critical investigation, in order to measure whether their diffusion actually enhances human rights implementation. Providing original data, the research reveals that since 1993, at least 141 NHRAPs have been adopted, by at least 79 countries – far more than the UN and research have accounted for. Adopting neo-institutionalist and new legal realist methodological lenses, the paper casts light on how the NHRAPs tools has been used, contested and recasted by the UN over time, as well as the mechanisms through which international guidance on NHRAPs has been received and adapted by states. Doing so, it reveals and assesses trends such as the increasing use of digital information management systems to design and operate NHRAPs, and the creation of online platforms for planning aimed at enhancing public participation and accountability.

Sébastien Lorion is a Senior Adviser at the Danish Institute for Human Rights. He holds a PhD degree (University of Copenhagen) and master's degrees in political science (Sciences Po-Paris) and law (University of Paris-Nanterre). He undertakes research on governmental human rights focal points, national human rights action plans and national human rights institutions. He guest-edited two special issues on the Domestic Institutionalisation of Human Rights (Nordic Journal of Human Rights, 2019) and on Governmental Human Rights Focal Points (Netherlands Quarterly of Human Rights, 2021). Sébastien provides expertise in international partnership projects of the Danish Institute for Human Rights.

Track 3, Venue: Auditorium
Democratic participation

Chair: Marystella Simiyu, University of Pretoria

Deepfakes and shallowfakes as artificial misinformation in the era of technology: effects on democratic participation in Africa
Mujib Jimoh, Duke University School of Law, North Carolina, USA (online)

Article 13 of the African Charter on Human and Peoples' Rights guarantees the democratic right to participate freely in government. But with emerging technologies such as AI, algorithms and deep learning, deepfakes and shallowfakes (D&S) threaten this right: not only do they make what is real, fake, they also make what is fake, real, thereby distorting the right of citizens to freely participating in government. Because human rights are interwoven, almost all known rights are hit by D&S and their implications, however, this paper focuses on the

right to democratic participation in Africa. With no human rights framework in the use of AI, robotics and emerging technologies in Africa, and a 'deep-eye' for Africans to unravel the veracity of an information, there are resulting dangers of D&S – perpetration of violence and m(d)isinformation, are but a few. This paper considers the impacts of D&S on democratic process in Africa and the political use of D&S as a "defence to truth strategy". The paper argues for a legal change and framework, the use of tests such as the 'Voight-Kampff' test to detect D&S contents and the collaboration of human rights bodies such as the African Commission on Human and Peoples' with technology companies to develop a framework for the detection of D&S contents in Africa.

I am an Attorney at Banwo & Ighodalo, a leading law firm in Nigeria. I provide legal advisory services to top technology companies in the world such as Facebook and ByteDance on their compliance with human rights and data privacy in Nigeria. I am also an independent research who write on the African human rights system.

Re-examining the legal framework for e-participation in Malawi

Wesley Mwafulirwa, Mzuzu University, Malawi

The right to participate in public affairs through digital platforms is entrenched through various domestic and international instruments. Despite such provisions, there exist several legal barriers to full actualization of the right to participate in public affairs through digital platforms in Malawi. These legal barriers include lack of a data protection law, a legal framework that does not adequately protect freedom of expression online, a legal framework that does not adequately protect the right to access public information, and other digital rights. The question then is why such a gap despite clear constitutional protection of the right to participate in public affairs by the citizenry? Such a right under international law has clearly been interpreted to include the right to participate via digital platforms (or what this paper simply calls the right to e-participate). The paper discusses these issues in light of participatory rights theories of popular sovereignty as well as Jurgen Habermas' theory of public participation within the 'public sphere'. The paper then concludes that popular sovereignty is supra-legal and the right to e-participate can not be unduly limited by domestic legal barriers. The paper makes recommendations of how the right to e-participate can be fully actualized in Malawi in light of the legal barriers that the paper discusses.

Wesley Mwafulirwa holds an LLB (Hons) Degree from University of Malawi, an MA from the International Anti-Corruption Academy. His Masters thesis, which has been published, discusses the the role of e-governance in reducing corruption. Wesley is presently working on his LLD proposal with Professor Charles Fombad (main supervisor) and Dr. Lukman Abdulrauf (co-supervisor). His LLD research will focus on e-governance, the right to participate in political activities and the Malawian digital regulatory framework. Wesley teaches the law at the Centre for Governance, Peace and Security Studies at Mzuzu University and his main research interest is in digital rights.

Public participation through the use of technology – reflections on how citizens can strengthen their rights and hold government accountable for service delivery in South Africa

Lazarus Moeletsi, Public Service Commission, Pretoria, South Africa

The recent rise in the use of technology especially since the advent of the COVID-19 Pandemic, citizens and civil society organisations have been offered the possibility and opportunity of exercising their constitutional rights and strengthening their voices and inputs in the delivery of government programmes and services, paving out new spaces and mechanisms for citizens to monitor government services and hold it accountable. The mechanisms on public participation enhances South African democracy through consideration of citizens' viewpoints and allowing diverse individuals and groups to make inputs into government programmes, which ultimately shapes government service delivery systems. The legislative arm of government assumes the oversight role on behalf of citizens to keep the executive authority in government responsible for their policy pronouncements on government programmes and services. This constitutional procedure seeks to ensure that the allocation of public funds and all other resources are accounted for and clarified to the legislature. Furthermore, allowing for the legislature to provide feedback to the citizens as a constitutional imperative to uphold their rights as citizens. The use of technology has been employed and embedded into public participation mechanisms to enhance active citizenry. Technological mechanisms are increasingly integrated into public participation programmes to complement citizen's public participation and promote their rights. This has changed interrelationships between citizens, organisations, and public institutions, and has largely expanded the notions of public participation. This paper will provide a review, largely from a literature study, by reflecting on the use of public participation technological mechanisms in the delivery of government programmes and services. The paper will furthermore, review several technological mechanisms on public participation and reflect on how citizens can exercise and strengthen their rights and hold government accountable for service delivery in the South African Context.

Mr Lazarus Moeletsi has over 14 - year experience in the field of crime, policing and oversight. Mr Moeletsi conducted crime prevention research - Council for Scientific & Industrial Research; was post-graduate researcher - UNISA's Department of Criminology; and was Assistant Director - Civilian Secretariat for Police, Policy & Research Unit. Currently Mr Moeletsi is working at the Office of the Public Service Commission in Pretoria, as Deputy Director Programme Evaluations were he is responsible for conducting institutional oversight evaluations into government departments in terms of Chapter 10, Section 195 of the Constitution of the Republic of South Africa.

Freedom of expression online: an analysis of the African response to challenges posed by the (ab)use social media platforms during elections

Feyisayo Lari-Williams and Anne Oloo, University of Antwerp, Belgium (online)

The ubiquity of algorithmically-driven media platforms has given rise to concerns about their impact on the exercise of human rights online. While such platforms have given a voice to traditionally marginalised groups, they have also been fertile grounds for disinformation. Moreover, the extreme personalisation of content and the lack of control over the hidden selection mechanisms that determine what users see on these platforms raise concerns about the compatibility of such mechanisms with freedom of expression (FOE), which includes the right to seek, receive and impart information, and is a key principle of democratic societies. Although initiatives have been taken to address these issues, these have primarily been a Global North affair, although Global South users account for more than half of the total monthly users on all major media platforms. Global North proposals on the regulation of online platforms often depict a pluralistic media landscape disrupted by media platforms, necessitating intervention by neutral regulators to protect users against the abuses of these new actors. Many Global South countries, however, provide cautionary tales regarding the assumption that regulators will always act in the public interest. In such a context, it is necessary to balance the risks and benefits of increased public oversight over how online platforms rank user-generated content, recognising that the risk-benefit balance may differ between regions. This paper will thus examine how African state actors respond to challenges posed by social media during elections. An overview of policy initiatives, legislation and case law will be provided to identify to what extent regulation of social media platforms in Africa has been aimed at fostering/hindering the right to FOE in critical moments. This paper will also examine how the dual threat of state censorship of social media and the lack of accountability of online platforms can be addressed.

Anne Oloo is a teaching assistant (human rights-) and a PhD researcher in the Law and Development Group at the University of Antwerp. Her PhD research is on algorithmic human rights accountability and focuses on inclusive regulation of online global media platforms. She holds a Bachelor of Laws degree (LL.B) from the University of Nairobi and an LL.M in International and European Law from Ghent University. Her research interests include human rights, digital rights, public international law, decoloniality and sustainable development.

15.30-16.00 Tea break

16.00-16.30 Closing remarks

Jay Aronson, Director, Center for Human Rights Science, Carnegie Mellon University, Pittsburgh, US (online)
Kasey McCall Smith, Executive Chair, AHRI
Magnus Killander, University of Pretoria
Felipe Gomez, University of Deusto