



INTERNATIONAL WEBINARS AND LIVE EVENTS

DIGITAL RIGHTS: THE RIGHT TO FREEDOM OF THOUGHT

By Bonavero Institute for Human Rights – 12 May 2020

Moderated by Kate O'Regan, Director of the Bonavero Institute of Human Rights.

Ms Susie Alegre- International human rights lawyer, Associate Doughty Street Chambers:

While **freedom of thought** have always been recognized as fundamental, there has been an assumption that **no one, not even our governments can enter inside our mind**. In the 21st century, **this is no longer true**, and action is needed to protect the right to freedom of thought.

Freedom of thought covers **everything that is going on in our heads**. There cannot be any interference to freedom of thought. **You can never have a justification for limiting freedom of thought**.

What does it mean in practice to protect the right to freedom of thought? There are 3 key aspects to protect: 1. Ability to keep our thoughts private. You can never have a justification to force me to tell you what I am thinking. **Absolute prohibition to get inside people's head** to read their minds. 2. Freedom from **manipulation and influence**. 3. Freedom from **punishment for thoughts**.

States can be obliged to refrain from interfering in freedom of thought. They also must protect us from others. States must draw regulations to protect freedom of thought. So far, the right to freedom of thought is **barely used in courts**. It is slightly starting to change, with new technologies emerging.

Where can we see **interferences in the right to freedom of thought**? Everywhere there are examples of practices that seek to understand how we think and behave, to try to influence our behaviours:

- **Social media**. Behavioural microtargeting. In 2012, Facebook published a research on how social media newsfeeds can manipulate people's minds.
- Interference in right to freedom of thought is a serious threat to democracy. It is often used in the **electoral processes** in our societies.
- In **education** you can have systems modifying the behaviours of children's activities and thinking.
- In the **criminal justice system**, new technologies are being developed, to prevent crime, by identifying risk. There is a real risk that thought can be criminalized, instead of behaviour.

The fundamental question for human rights is: should any organization be allowed to **use our data to influence** and manipulate our behaviours and our thinking? The answer is **no**.

Kate Jones - Director of the Diplomatic Studies Programme at the University of Oxford:

Before, it was less urgent to protect the right to freedom of thought. Now we see many **new possibilities to manipulate** and violate it. **Social media** has a huge potential of manipulation growing every day.

In the past, we have always been subject to **attempts to influence our thoughts**: advertising, education, newspapers etc. The question is where do you draw a line between what is legitimate and what is not? We still **do not see clear and genuine legislation** on the protection of right to freedom of thought in our societies.

What is the difference between what is **acceptable and not acceptable**? Between appropriate **advertising and manipulation**?

Fundamental steps are needed to **protect the right to freedom of thought**: 1. **Transparency**. Most of us do not know about this. Transparency about what is being done with our data is absolutely vital. 2. **Monitoring** business use of our data. 3. We need to be clear about the boundaries of legitimacy. Those debates should be **driven by human rights law and not commercial considerations**. If considering the right to freedom of thought means structural change of social media platforms, we should not be afraid of this. If **social media platforms are not compatible with protection of right to freedom of thought**, we should consider changing some rules of social media platforms.

It is important to question whether legitimate technics used in the **commercial environment** are still legitimate if used in the **political environment**.