

# Surveillance technologies and human rights: Beyond the security - freedom dilemma

*Concept Note, Panel event, 14 June 2023*

Although it has great potential for positive impact, surveillance technologies, including AI are sparking a debate that too often overlooks human rights considerations. From opaque, targeted use of spyware against journalists and human rights defenders, facial recognition disproportionately targeting minority communities, to the use of monitoring centres to nip protest movements in the bud; unbridled surveillance practices have shown to dangerously threaten the enjoyment of human rights.

Most evidently, this results in the reinforcement of discrimination, including through racial profiling, censorship, violation of individuals' right to privacy, abusive detention, forced labour and torture, and enabling attacks against human rights defenders.

However, as a growing body of research transpires, we must face up to the fact that the implications of those technologies go beyond the right to privacy and the classic dilemma between security and freedom. They involve matters of democracy, justice, and global governance.

While the large majority of companies in the surveillance industry are headquartered in a handful of countries, they export everywhere, including in contexts where conflict and repression heavily involves civilians. Moreover, lack of transparency around surveillance practices erodes trust in the government and among civilians, thereby potentially aggravating discriminations. Finally, we have yet to assess the more subtle and pervasive social impact.

In her latest report, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism<sup>1</sup> stressed "the lack of comprehensive regulation [...] including an absolute lack of human rights protections and enforcement" in this domain.

As negotiations on the new UN Cybercrime Convention raise more and more debates about the trajectory of international law on this matter, aspects of trade and usage of technologies both require a thorough discussion. Indeed, the Special Rapporteur also called for a "critical dialogue among technology and telecommunications companies, United Nations human rights experts and civil society, providing a robust multi-stakeholder approach to regulation".

**The Geneva Centre** believes in the importance of empowering human rights professionals with the necessary tools to navigate the ever-evolving digital landscape. The Centre is actively promoting training courses to provide knowledge and resources that would help them to protect human rights better in their respective fields, especially in regard to cybersecurity issues.

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<sup>1</sup> A/HRC/52/39

### Panel objectives

- Identify international best practices and innovative ideas to tackle the impact of surveillance technologies on human rights
- Explore the broader impact of surveillance technology use on societies and identify specific human rights risks
- Bring a better understanding of the obstacles and contentions regarding use and regulations
- Formulate clear recommendations in regard to international law, based on a human rights perspective

### The planned conference, therefore, seeks to address a series of questions, including:

- How do surveillance technologies create human rights risks for individuals and communities?
- What are the gaps in current legal frameworks and what are the main hurdles in bridging those gaps ?
- How can governments, international organisations, civil society and businesses work together to prevent human rights violations and increase transparency ?
- How can we refine the definition of “surveillance technologies” in regulations, particularly in the context of export control regimes ?
- What are ways to express the will of the people in regard to new technology advancements ?

### Panel Format

The panel discussion will be held online and opened and moderated by the Geneva Centre’s Executive Director. Each panellist has 10 minutes for their presentation, after which there are 10-15 minutes reserved for questions from the participants.

### Expected outcome

A follow-up publication, containing summaries of the panel proceedings, the Q&A sessions, and the full written statements of the panellists, will be issued and distributed widely online, including the Permanent Missions in Geneva. The publication will also be announced on social media platforms, with a link to the publication on the Geneva Centre's website.

### About the organizer

The Geneva Centre for Human Rights Advancement and Global Dialogue is an independent, human rights think-tank and advocacy institution, established in 2013 with its headquarters in Geneva. The Centre is dedicated to promoting a universal, value-driven human rights system anchored in the principles of equity, non-discrimination, inclusiveness, and solidarity. The Centre was granted special consultative status with the United Nations Economic and Social Council (ECOSOC) in July 2017. The Centre’s principal activities consist of research and publications, training in human rights, reporting on

human rights conferences and developments, and organization of thematic panel debates and international advocacy to further the promotion of human rights.