

# **The relationship between human rights and technical standard-setting processes for new and emerging digital technologies (2023)” -Report of the High Commissioner for Human Rights**

**Submission by RNW Media and CHOICE for Youth and Sexuality.**



## **1. Contributing Organisations**

**RNW Media** is an international digital media organisation working for social change. We understand digital media and how young people use it. We work alongside changemakers and young people, to manoeuvre the challenges and barriers they face in the online space.

We work on Digital inclusion (with specific focus on meaningful connectivity) and freedom of opinion and expression (and access to information) in the digital space.

They are adaptable to working across, while remaining consistent to our commitment to the rights of young people to be able to universally and equally access the internet, meaningfully connect in digital spaces and be able to express themselves freely, openly communicate their opinions and access pluralistic information.

Some examples of this work include: ongoing research into Facebook ad censorship (partnering with Center for Intimacy Justice) to lobby Meta for global tech policy change, tracking digital rights violations, including online GBV, in MENA with network member 7amleh.

**CHOICE for Youth and Sexuality** is a professional youth-led and youth-serving organisation based in the Netherlands. For 25 years, CHOICE has been working with and for young people to fulfil their Sexual and Reproductive Health and Rights (SRHR) and rights to meaningfully participate in decision-making about issues that concern their lives. Through various programs, CHOICE works with young people across several countries in Africa and Asia. Engaging with both New York and Geneva-based UN processes, CHOICE is an advocacy expert on meaningful youth participation, particularly in the context of SRHR for young people in practice and in policy.

## 2. Digital Technologies and Youth SRHR

The evolution of digital technologies over the last decades has directly impacted our daily lives, including health, education and well-being, as well as our human rights. Technology such as apps or telemedicine has transformed the health sector, and the internet provides online platforms, spaces for connections, consumption of health-related products, and education on topics related to sexual and reproductive health and rights. However, without effective standardisation and accountability mechanisms in place, the impact of digital technologies can have adverse effects to the protection and promotion of our human rights.

We have seen examples of positive impacts of digital technologies on SRHR for young people, such as options for telemedicine for contraceptives for young people who do not have the means to pick medication up, providing essential information for health and well-being of pregnant young women and girls, reporting on sexual and gender-based violence, and even providing comprehensive sexuality education for young people who do not receive it from other avenues such as school or guardians.<sup>1</sup> However, digital technologies for SRHR can be a double edged sword; while the benefits are vast, without proper regulation or standard-setting processes, these technologies run the risk of harming the young people and weaponising their SRHR for conservative agendas (for example, after the overturning of *Roe v Wade* in the US, privacy experts are warning that data from period tracking apps could be used as evidence to support criminal loss of pregnancy<sup>2</sup>).

Additionally, it is important to use an intersectional lens when addressing standardisation and human rights for digital technologies, or else the policies developed will not accurately reflect the realities of those affected by such issues. Around the world, women do not enjoy human rights for their health equally. Young people face multiple challenges in accessing SRH services and information. And these barriers and inequalities do not disappear in online spaces, often they increase.

Moreover, when developing technical standard-setting processes for digital technologies, it is essential to ensure the meaningful, inclusive and safe participation of young women and girls in all their diversity in policy-making processes concerning innovation, technology,

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<https://countdown2030europe.org/storage/app/media/uploaded-files/DSW%20IPPF%20Factsheet%20SRHR%20and%20digitalisation%20FINAL.pdf>

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<https://blackrj.org/the-new-dangers-surrounding-period-tracking-apps/#:~:text=After%20the%20overturning%20of%20Roe,even%20in%20instances%20of%20miscarriage.>

online safety, as well as other decisions shaping their digital experiences and interactions and affecting their lives. This is echoed in agreed language of the resolution on the Elimination of Discrimination Against Women and Girls, whereby the resolution states, “To develop, support and protect an enabling environment for the full, effective, meaningful and equal participation of civil society, including women’s and girls’ rights organizations, feminist groups, women and girl human rights defenders and girl- and youth-led organizations, in the creation, design, implementation and monitoring of all legislation and policies relevant to achieving substantive gender equality.”<sup>3</sup>

### 3. Standardisation Processes

Standardisation processes can have important ethical and human rights implications. Technical standard-setting processes for new and emerging technologies — commonly reserved for engineers - have always been perceived as neutral, however they implicitly embody the social values of engineers and are further shaped by governments and companies through deployment strategies and governing rules. Such processes can legitimise the use of new technologies and garner the protection of international trade rules for them irrespective of existing human rights norms which can potentially protect new technologies that are not rights-respecting.

Standards-setting enables the integration of ideological tenets into the design and architecture of new technology in ways that until recently were largely beneath the radar of human rights bodies. This is particularly the case of encryption and anonymity for people facing discrimination and persecution based on their sexual orientation and gender identity. Strong encryption and anonymity are fundamental for the protection of human rights in the digital age and are critical to individuals who face persecution because of their sexual orientation or gender identity.

**Anonymity** is a crucial tool for women and sexual minorities for self-expression, connecting, and mobilising and the use of anonymity online supports the most vulnerable groups to conduct and save searches among others which is vital for the full realisation of the right to develop and hold opinions. The moves of corporations to shift to real-name policies – requiring users to use their real names on online platforms – is a clear violation of the right to anonymity, as well as some trans and gender non-conforming persons’ right to self-expression. This alternative version of standardisation of name policies enables greater controls and surveillance would lend itself to human rights abuse.

Ongoing efforts to standardise encryption and anonymity are a sobering example of the potential impact of technical standards on human rights.

Even when anonymity is possible, moderation is an essential tool for protection. Online moderation has been an excellent tool to encourage active participation and engagement through the creation of a safe space, where people of different gender identities, sexual

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orientations or political affiliations feel comfortable to speak out, voice their opinions or ask for advice. Online moderation fosters a “community atmosphere that enables friendships to grow and establishes some form of digital accountability for users”.

SMART Targeting can help examine the current status of engagement and moderation by focusing on digital rights of women and other gender diverse people.

As well as moderating to create a safe space, RNW works to capacity build local CSOs in digital content production to ensure digital communities share pluralistic and diverse content. We specifically train on the importance of user-generated content to ensure that young peoples’ interests, options and ideas lead. Doing so empowers young people to speak out on taboo and sensitive topics to push the boundaries of free speech in restrictive settings.

#### **4. Social media censorship, AI and blockchain**

Social media platforms have been facing increasing pressure from governments and other actors to take down content that is deemed harmful. Platforms’ measures have included promotion of authoritative sources, alongside an increase in automation of content moderation. Although these are signs of a more reactive and responsive industry, more meaningful and impactful changes targeting the business model of these companies, in particular their exploitation of personal data and the obscure use of algorithms, remain to be seen. Alongside this, gendered censorship is so pervasive that gender equality in freedom of expression remains a distant goal. This is echoed in RNW Media’s “The Naked Truth” research that shares clear evidence of sexual and reproductive health and rights (SRHR) related ad content is disproportionately undermined and even rejected by biased algorithms and upheld due to inherently vague platform policies that overlook gender justice. In this regard, we seek to gain clarity on the patterns that feed into algorithmic decisions on content governance particularly as it relates to SRHR information.

Recently (October, 2022) Meta has rewritten its global ads policy for Facebook, allowing sexual health, wellness and reproductive ads. Meta states that “ads that promote sexual health, wellness and reproductive products and services” are allowed, and cites several new examples e.g. menopause, pain relief during sex, sex education etc)<sup>4</sup>. However a key question is whether Meta enforces this policy in its algorithms.

To follow up on this, the [Center for Intimacy Justice](#) is in the process of surveying businesses and nonprofits including RNW Media to determine if Meta’s algorithmic processes, appeals practices and moderator training are consistent with the new policy, or if further action is needed.

Especially with regard to SRHR content, it should be clear how Meta/Facebook distinguishes between ‘harmful sexual content’ and content with an educational purpose. A clear recommendation to Meta is to co-create community guidelines with the community themselves by gathering input from stakeholders from across different sectors and contexts.

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<sup>4</sup><https://transparency.fb.com/en-gb/policies/ad-standards/content-specific-restrictions/adult-products-or-services/>

Another idea proposed by the RNW Media network is to create a whitelist of SRHR organisations so there can be a process for SRHR organisations to follow in order to be externally validated as an organisation providing evidence based SRHR content that does not need to be censored.

This is one specific area where blockchain may help, as it can 'both verify the identity of a content creator and track their reputation for accuracy and verify sources essentially eliminating the need for a trusted, centralised institution'<sup>5</sup>.

**However, in order for blockchain technology to support human rights, it will need to be developed with a human rights based approach and it will need a group of developers and dedicated human rights activists that use these platforms to establish how content will be added and verified and what incentives will be offered to build and maintain trust.** This needs to be community led as users must trust the majority of the contributors recording and verifying the information, otherwise it will likely slowly implode.

However, there is a growing consensus that 'if designed well, a blockchain system can break through today's crowded information ecosystem and incentivise people to only create and share content that meets the community's requirements'<sup>6</sup>.

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<sup>5</sup> <https://hbr.org/2021/07/how-blockchain-can-help-combat-disinformation>

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