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Wagner, Ben; Kettemann, Matthias C.; Vieth-Ditlmann, Kilian; Montgomery, Susannah

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Introduction to the *Research Handbook on Human Rights and Digital Technology*

Ben Wagner, Matthias C. Kettemann, Kilian Vieth-Ditlmann and Susannah Montgomery

In a digitally connected world, the question of how to respect, protect and implement human rights has become unavoidable. As ever more human beings, organizational systems and technical devices transition online, realizing human rights in online settings is becoming ever more pressing. When looking at basic human rights such as freedom of expression, privacy, free assembly or the right to a fair trial, all of these are heavily impacted by new information and communications technologies.

While there have been many long-standing debates about the management of key Internet resources and the legitimacy of rules applicable to the Internet – from legal norms to soft law, from standards to code – it is only more recently that these debates have been explicitly framed in terms of human rights. The scholarly field that has grown in response to these debates is highly interdisciplinary and draws from law, political science, international relations, geography and even computer science and science and technology studies (STS). In order to do justice to the interdisciplinary nature of the field, this *Research Handbook on Human Rights and Digital Technology: Global Politics, Law and International Relations* unites carefully selected and reviewed contributions from scholars and practitioners, representing key research and practice fields relevant for understanding human rights challenges in times of digital technology.

The *Research Handbook* offers five Parts, which cover key aspects of the debate on technology and human rights. Part I takes a more conceptual approach, looking at the future(s) of human rights (M.I. Franklin, Chapter 1), the geography in which struggles for rights are anchored (Mark Graham, Chapter 2), the ‘reason of state’ behind government surveillance (Didier Bigo, Chapter 3) and how intellectual property protection (Benjamin Farrand, Chapter 4) relates to human rights online.

Part II discusses how debates about security influence human rights on the Internet. Here, the terminology of ‘cyber’ is strongly present with authors studying the interplay between cybersecurity (Myriam Dunn Cavelty and Camino Kavanagh, Chapter 5), cybercrime (Dominik Brodowski, Chapter 6) and human rights. The authors in this section look at both the role of states and the international community in protecting cybersecurity as lying in the global common interest (Matthias Kettemann and Martin Müller, Chapter 7) and the dangers for human rights caused by (cyber)security arguments (Douwe Korff, Chapter 8).

Part III focuses on specific human rights and assesses challenges to them in practice. The contributions assess the approach of the European Union Declaration of Digital Rights and Principles, exploring the potential for new codification of digital rights in this context (Cristina Cocito and Paul De Hert, Chapter 9) and analyse reforms to government surveillance in North America (Evan Light and Jonathan Obar, Chapter 10).

Contributors to Part IV look more closely at embedding human rights in digital technologies, with the initial contribution analysing the human rights implications of liability regimes for automation (Giuseppe Contissa and Giovanni Sartor, Chapter 11). These are followed by perspectives on embedding human rights in trade regulation of technology exports (Ben Wagner and Stéphanie Horth, Chapter 12) and in realizing human rights-sensitive counter-radicalization strategies online (Kilian Vieth-Ditlmann, Chapter 13).

This *Research Handbook*'s concluding Part V takes a step back from the assessment of individual human rights to look at the perspectives of different actors and how they can enable change or counter progress in online human rights protection. The first chapters in this part study the role of private actors (Rikke Frank Jørgensen, Chapter 14) and of international organizations (Wolfgang Benedek, Chapter 15). The analyses also cover groups with special protective needs: children's rights (Amanda Third, Sonia Livingstone and Gerison Lansdown, Chapter 16) and LGBTI communities (Monika Zalnieriute, Chapter 17). Finally, the last chapter looks at cultural heritage from a decolonial lens, discussing what digital cultural sovereignty might look like (Susannah Montgomery and Ben Wagner, Chapter 18).

As editors, we believe that there can be no single answer to the question of how human rights can be safeguarded in digital technologies. There are, however, important lessons to be learned and insights to be garnered from rigorous interdisciplinary research efforts, as presented in this *Research Handbook*. The perspectives provided in this *Research Handbook* are an important step of making the community of scholars working on these issues more widely accessible by presenting their work in a unified form. We believe that the scholarship and the practical experiences reported here should be accessible to the widest possible audience and believe that its content is equally relevant outside of academia.

What insights are key? Importantly, human rights are frequently played off against each other. As many of the chapters show, even when focusing on human rights in one specific context, they are only meaningful in a framework that protects all human rights. All human rights are universal, interdependent, interrelated and mutually reinforcing – online and offline. Thus, attempts to play privacy against freedom of expression or security against the right to a fair trial are necessarily conceptually flawed. Of course, human rights have limits. Not every interference with freedom of expression online is illegal – it may comply with human rights if the restriction is based on law, pursues a legitimate goal and is the least restrictive means to reach that normative purpose. The rhetoric of 'balancing' rights needs to be carefully scrutinized as it is often used to the detriment of both of the rights at issue. Human beings can and should expect to enjoy not just one right or the other but all rights. Technologies can endanger human rights, but they are also enablers of human rights.

Rather than trivialize, oversimplify or ignore human rights in digital technologies, there is an urgent need to ensure that human rights are systematically integrated at the heart of the development of digital technology, its implementation, law and governance. This *Research Handbook* provides numerous perspectives on how human rights can be considered, from the very theoretical and conceptual level all the way through to very concrete challenges of implementation. The editors hope that this *Research Handbook* can contribute to the ongoing debate on human rights in digital technologies and ensure that they are more systematically considered on the national, regional and international levels, by legislators and politicians, by technologists and programmers.

Finally, if there is one common thread that runs throughout this *Research Handbook*, it is that ensuring human rights is an achievable goal which can be better realized by digital

technologies. This is not a utopian approach. We do not claim that the Internet will set us free. Further, it is not that all actors or technologies are perfect, but rather that claims about the impossibility of implementing human rights in digital technologies lack a solid empirical basis. Human rights are a reality and need to be mainstreamed into technological development. They need to be realized at every step of the chain of ‘production’ of the new artefacts of digital technology, from self-improvement apps to predictive policing algorithms to smart fridges counselling against your second helping of ice-cream. As numerous contributors to this *Research Handbook* show, it is perfectly possible to engage with digital technologies and improve their contribution to human rights. Whether this productive engagement happens is not related to technological or institutional impossibility but simply to the willingness of those involved.

As more and more power is transferred into digital systems without adequate accountability structures (in itself a human rights violation), a human rights-based approach is becoming particularly important. Without safeguarding human rights in the development, management and governance of digital technologies, those rights are likely to be systematically eroded. Human rights can and should form a key part as to how digital technologies are developed and implemented. As editors, we hope that this *Research Handbook* offers convincing arguments for why, and perspectives on how, this can and should be done.