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June 2021

GDHRNet Quarterly

The Global Digital Human Rights Network announces its first Quarterly Newsletter, with highlights from our works, events and growing network.

*Our research agenda
and outcomes*

From our desks

The GDHRNet has launched its **first Training School**



GLOBAL DIGITAL **HUMAN RIGHTS NETWORK**

Coimbra Training School: Current Issues and Awareness of Digital Human Rights

21-23 September 2021, University of Coimbra, Portugal, and online

The COST Action Global Digital Human Rights Network explores the theoretical and practical challenges posed by the online context to the protection of human rights. The training school at Coimbra will provide an introduction into the complex legal and technical issues related to digital human rights, during three days. On Day 1, the participants will be offered an opportunity to participate in the workshop where members of the network will be presenting and discussing their research in progress on core theoretical issues of digital human rights. On Day 2, issues of a more practical nature will be presented in the form of presentations and brainstorming sessions. On Day 3, training will be provided in the form of lectures by distinguished members of legal profession and a discussion of research projects of the training school participants.

The announcement of the training school with more information is going to be published on our website very soon.

Publications and news of interest

Triestino Mariniello (ed.), *Judge Pinto de Albuquerque and the Progressive Development of International Human Rights Law*, pref. Alexandre Sicilianos, Leiden: Brill, 2021

The Proposal for a Regulation laying down harmonised rules on artificial intelligence, within the EU approach to AI

<https://digital-strategy.ec.europa.eu/en/policies/european-approach-artificial-intelligence>

The Commission has submitted a Proposal for a Regulation laying down harmonised rules on artificial intelligence, within the EU approach to AI, and with a view to promoting trust in AI. The proposed rules address risks specifically created by AI applications, set a list of high-risk applications and clear requirements for such AI systems, including specific obligations for their users and providers, establishes an *ex ante* conformity assessment and ex post monitoring enforcement, and a governance structure at European and national level

The Proposal distinguishes four types of AI risk: unacceptable risk, high-risk, limited risk and minimal risk. Unacceptable risk includes for ex. AI systems providing social scoring by governments or toys using voice assistance that encourages dangerous behaviour. High-risk includes AI systems used in for ex. in critical infrastructures (e.g. transport), educational or vocational training (e.g. scoring of exams), safety components of products (e.g. robot-assisted surgery), employment (e.g. CV-sorting software for recruitment procedures), essential private and public services (e.g. credit scoring), law enforcement interfering with people's fundamental rights, border control (e.g. verification of authenticity of travel documents), and administration of justice and democratic processes (e.g. applying the law to concrete facts). High-risks AI systems per se are not prohibited but subject to ex ante requirements (e.g. quality of datasets, traceability of results, human oversight, and high level of robustness, security and accuracy). In principle, live use in publicly accessible spaces of biometric identification systems for law enforcement purposes is prohibited, except in narrow exceptions (e.g. where strictly necessary to search for a missing child, to prevent a specific and imminent terrorist threat or to detect, locate, identify or prosecute a perpetrator or suspect of a serious criminal offence). Limited risk AI systems are subject to specific transparency obligations (e.g. chatbots have to allow users to be aware to be interacting with a machine). Risks of AI applications in e.g. video games or spam filters are minimal and therefore such systems are free to use. Finally, providers have a post-market monitoring system in place; providers and users also report serious incidents and malfunctioning.

Case-law: The ECHR case of Big Brother Watch and others v. The United Kingdom

<https://hudoc.echr.coe.int/spa#%7B%22itemid%22:%5B%22001-210077%22%5D%7D>

On 25th May 2021, the Grand Chamber of the European Court of Human Rights (ECHR) delivered an important judgment on electronic mass surveillance – the Big Brother Watch and Others v. the United Kingdom case. This ruling will shape the future ECHR legal order to applications concerning Article 8 of the European Convention (right to private and family life). We call the attention to the partial separate opinion of the former ECHR Portuguese Judge, Paulo Pinto de Albuquerque, emphasizing the normalization of mass surveillance (he calls it the «European Big Brother»).

The Portuguese Charter of Human Rights in the Digital Age

<https://dre.pt/web/guest/home/-/dre/163442504/details/maximized>

In Portugal, the Parliament adopted the Portuguese Digital Human Rights Charter (Carta Portuguesa de Direitos Humanos na Era Digital), which was published on the official journal

Diário da República on the 17th May (Diário da República no. 95/2021, Série I, 2021-05-17). This Law will enter into force in July 2021. It is a rather long catalogue of rights and freedoms, both civil/political and social, including the right to be forgotten, the right against disinformation, the right to digital access, as well as rights related to privacy, cybersecurity, digital testament, and an internet social tax. Concerning controversial issues still in debate in the Portuguese society, such as the ban of fake news and its relationship with the right against disinformation, the Government plans to follow the European Plan against Disinformation.

Events

* COST Action: CA19143 - Global Digital Human Rights Network Event

Event title: GDHRNet general meeting of the MC, WGs and the Core Group

Location: Coimbra University, Coimbra, Coimbra + online (hybrid), Portugal

Event Type: Meeting (Management Committee, Working Group, Core Group)

Event Dates: from 20 September 2021 at 10:00, to 22 September 2021 at 14:00

* Highlights Lecture Series by GDHRNet (Global Digital Human Rights Network), convened by Matthias C. Kettemann & Mart Susi

4th May 2021 - TJ McIntyre (University College Dublin), EU developments in mass surveillance: from data retention to message filtering

18 May 2021 - Martin Fertmann & Matthias C. Kettemann (Leibniz Institute for Media Research), Social Media Councils as Tools to Democratize Online Platforms

1 June 2021 - Celia Fernández Aller (Technical University of Madrid) Digital Rights and Algorithms

29 June 2021 - Nikolas Thomopoulos (University of Surrey) Mobility and Digital Human Rights

* Courts of the Future – The Future of Courts Between Automated Justice and Platform Jurisprudence Online Workshop Series, convened by Wolfgang Schulz, Matthias C. Kettemann & Giovanni De Gregorio

https://gdhrnet.eu/wp-content/uploads/brc5zuj_Judging-Platforms.pdf

22 April 2021 - Maciej Szpunar (Advocate General, European Court of Justice), Courts as Law-makers for the Internet? Limits and Potentials of Norm Entrepreneurship. Comments by Mireille Hildebrandt Professor of Law and Technology (VU Brussels)

20 May 2021 – Nele Parrest Judge (Estonian Supreme Court) Automated Courts? The Role of the Judiciary in Times of Automated Decision-making. Comments by John Morrison (Queen’s University) & Adam Harkens (Birmingham University)

24 June 2021 – Natali Helberger (University of Amsterdam) New Internet Courts? Impact and Potential of Councils and Observatories. Comment by Pietro Ortolani (Radboud University).

* Eurodig conference

From 28 – 30 June 2021, the GDHRNet is present at the Eurodig conference within a panel devoted to European media landscape – How to create a trusted public space?

Action’s members discuss how Big Tech are contributing to the creation of international human rights standards with their Terms of Services (‘ToS’). Does freedom contract prevail

over human rights? Can consumer law serve within the European framework as a gate to enforce human rights in horizontal legal relations?

From the community

New members

The Action leadership is pleased to announce that both The Netherlands and North Macedonia have joined the Action.

Find us

- ▶ Twitter: @GDHRNet
- ▶ Facebook group „Global Digital Human Rights“
<https://www.facebook.com/Global-Digital-Human-Rights-Network-103592978250843>
- ▶ Instagram: „Cost Action CA19143“
<https://www.instagram.com/costaction/>