



Wilton Park



Report

## Re-energising the narrative: human rights in the digital age

Monday 14 – Wednesday 16 January 2019 | WP1655

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Federal Department of Foreign Affairs FDFA



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AFFAIRS OF FINLAND



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# Re-energising the narrative: human rights in the digital age

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### Summary

In recent years the international community has witnessed increasingly polarised views, a rise in populist leaders and the emergence of extremist movements, together with a retreat from human rights responsibilities by some key powers. There is a need for human rights actors, both governmental and non-governmental, to address such developments by re-thinking existing approaches and current messaging to re-energise human rights discourse and make it more effective. The digital environment provides an opportunity to develop and promote positive human rights narratives and generate creative proposals to motivate networks and institutions to counter diminishing commitment to human rights. At the same time, the online domain is becoming an increasing threat to human rights when used with malevolent intent.

### Key points arising during the discussion include:

- Without denying or undermining the huge progress made towards securing human rights for all globally, the human rights movement needs radical reform. It needs to work outside its silo as well as locally, to listen, collaborate, build alliances and share experiences. It needs to be more accessible and find ways to communicate more effectively with people working at grassroots level, and with the general public.
- Engage more constructively, rather than analysing and critiquing from a distant standpoint. Human rights cannot lay down solutions but constitute a rule book which provides guidance to solutions.
- Use a diversity of strategies adapted to the context.
- Frame messages to connect with deep principles and values. It may be necessary to reformulate human rights values to engage more broadly with the public, whose primary concerns are often articulated as order, security, housing, health, safety and employment.
- Demonstrate the practical value and relevance of human rights to daily life, for example linking equality to combating poverty. Economic, social and cultural rights should have greater attention.

- Address the issue through content, rather than promote the overarching label (the 'brand'). This applies to both non-governmental organisations and governments. Be prepared to give up some ownership and control, recognising that multiple actors have relevant voices which can make messages adaptable and shareable in different environments.
- Use authentic voices in order to instil confidence and overcome public distrust in perceived elite human rights experts. Testimonies relating direct experience are effective. Link human rights issues to individual lives and personalise, putting everyday people, the refugee and other rights-holder, first.
- Humanise the message and use human testimony to increase reach. While there is a continuing need to speak out about violations, positive narratives which articulate 'what human rights can do for you' are very powerful. Respectful humour can also be an appealing component of messaging.
- Build new alliances and become better communicators. Engaging with youth is essential and more effective when younger people are involved in designing the message and language.
- Be more flexible, listen and respond, recognising that the most effective communications are networked and 'two-way' rather than assumptions of 'broadcast' and 'audience'.
- Understand how and where to use new technologies
- In countering the threats to human rights in the digital environment, there is a need to be precise in defining phenomenon, to distinguish between different actors and motivations for creating polarisation and spreading viral deception and to focus on distinct tactics in formulating interventions.

## Background

1. Bringing human rights expertise, including policy makers, advocates, activists and academics alongside less familiar interlocutors in human rights discussions from strategic communications, social commentary and private digital companies, the meeting sought to develop a new, more positive and effective human rights narrative by:
  - examining and re-thinking existing approaches, and analysing how to communicate to make human rights more readily understood by all people;
  - reflecting on the possible implications of human rights narratives in different contexts;
  - gaining a better understanding of how the Internet, and other communication methodologies and technologies, can contribute to a broader and more positive perception of, and mobilisation for, human rights;
  - identifying opportunities, and challenges, to promote a safe and inclusive digital future for all, taking into account international human rights standards.

## Understanding the context and the challenges

2. The human rights movement has been highly successful over the past 70 years in extending its outreach in promoting and protecting human rights. Yet there is a strong sense that recent years have witnessed pushback to such developments. An insidious erosion in commitment to the rule of law has occurred among governments in Europe and in the US, countries previously counted on for support, as well as elsewhere. Human rights abuses such as hate speech, anti-Semitism and online harassment, especially of women and minorities, are increasing. Shocking inequality and child poverty is tolerated. Populism is on the rise, and societies are becoming sharply polarised. Human rights defenders are under attack in many parts of the

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world, and limits are being imposed on civil society space. False dichotomies, or trade-offs, are made, for example between human rights and security. It is broadly felt that the human rights community itself is failing adequately to address these challenges, in large part because it is not sufficiently engaged and communicating with the general public. There is a sense that human rights are not well understood amongst wider populations.

3. The erosion of confidence in the human rights framework mirrors perceptions of the benefits of digital technology for human rights. Digital technology is neither good nor bad; it depends on how it is used. Civil society has been highly effective in communicating via digital technology. However, authoritarian governments are increasingly limiting freedom of expression online. In some countries, governments require both registration, and payment of a fee, before anyone can publish online. Social media is sometimes blocked during elections, or there is total internet shutdown. Malign use of digital technology is now spreading as a global model. Prevalent in its most effective use are all kind of malevolent non-state actors.
4. There are several features of the global digital environment which innately challenge the human rights framework and need to be taken into account. The trans-boundary mode of internet operation is in essence disruptive of the international order based on the concept of sovereign nation states required to protect people within their territory and jurisdiction. With the internet, anyone anywhere has the reach to impact the human rights of anyone anywhere else. Connectivity has enormous consequences for privacy, which in turn can have major costs for all dimensions of liberty – freedom of expression, freedom of association and assembly, and even the democratic governance model. There is a general trend towards the private sector playing an ever larger role in digital governance, with mega-digital platforms determining freedom of information and potentially undermining the obligations of states. Machine-made decisions impact people’s rights, with algorithms controlling such functions as criminal sentencing and provision of government services, with a loss of transparency and accountability. Among democratic governments there is confusion about how to adhere to human rights in this digitized context: for example regarding encryption and upholding the rule of law to limit surveillance in the context of privacy and security of the individual while taking adequate account of the needs of law enforcement.
5. With the advent of digital misinformation or disinformation there is also a new tension arising between the integrity of the democratic process and the democratic value of freedom of expression. Free speech norms are being used against free societies, and information is being ‘weaponised’, through a complexity of different types of phenomenon which affect the entire information ecosystem and upend notions of security. ‘Fake news’ is part of this phenomenon. A concept politically co-opted to undermine confidence in free media and other critical comment, it is strongly argued that this term should not be used. Instead, more precise terminology should be applied and aggressors exposed by referencing as disinformation, misinformation, propaganda, hate-speech and rumour. The spread of manipulated content is happening throughout the world and is driven by different actors using different aspects of online platforms: in some instances domestic actors, for example in India and Myanmar, promote disinformation to play off existing religious, linguistic and cultural tensions and provoke mob violence, and in Kenya’s 2017 presidential elections, when domestic actors used disinformation against political opposition to inflame existing tribal divisions; and intentional cross-border disinformation by malign foreign actors attempting to influence democratic election processes, for example the 2016 US presidential elections and the UK’s Brexit referendum.
6. A variety of actors are using online harassment, particularly targeting women, to silence voices and flood media networks, to manufacture trends, megaphone particular content, spam opposition and attack journalists. Disinformation campaigns use trolls and bot armies to feed inauthentic amplification, and combine with micro-

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targeting tools to deliver inflammatory messages to key population groups. In sophisticated and persuasive operations, the properties of social media that allow individuals to connect with each other and share content are being exploited to undermine online communities, sow division and manipulate civil discourse.

7. The threat to human rights also comes from unexpected places, with the response of some democratic governments to disinformation. In efforts to address disinformation and online incitement to violence, these governments are moving towards regulating expression on digital platforms in ways that undermine freedom of expression: for example, expanding categories of content criminalised, beyond limited reasonable restrictions, and shifting judicial functions to the private sector to assess criminality.

## How to respond to the human rights challenges?

### Addressing concerns in the broader human rights environment

8. In order to reverse the current trend of diminished commitment to human rights principles and global enjoyment of basic human rights there is a need for the human rights movement, which is itself failing, to re-think the way it operates. It often speaks in legalistic terms or elite dialogue and acronyms which do not connect with the broader public. While it has a responsibility to analyse and critique, it needs to be a constructive part of the governance of society, not standing aloof or working in silos. At the same time, it should work locally, enabling communities themselves to lead decision-making and be able to create national and local ownership. Human rights should be perceived as a rule book and guidance towards solutions for the problems of society.
9. There is general agreement the human rights movement needs to stand firm on international human rights norms and standards, and the protection system achieved, countering impunity and demanding accountability. Pushing for the enactment of Magnitsky-type legislation, tools with teeth to enable sanctions on human rights offenders, can be useful. Communicating that perpetrators will be brought to account provides a strong message that human rights matter and have consequences. Yet it is also suggested there could be more flexibility in how to deliver change. Building a broader support base is vitally important. The human rights movement is too isolated and has perhaps overlooked, or taken for granted, a 'forgotten majority'. It needs to speak and listen to people who think differently. Listening is not static but a process of engagement, recognising that the message may need to be adapted to accord with the context. While there is a need to look at the other side of the argument, it is important to consider how far to move in aiming to find common ground.
10. The business case needs to be made for human rights, demonstrating their relevance to everyday life and how they can address grievances in employment, housing or health provision, for example. More attention should be focused on economic, social and cultural rights. Linkage should be made to the Sustainable Development Goals, a useful political framework which provide a jumping off ground. It may be necessary to 'reboot' the post-1945 principles in terms of finding common ground: while retaining core values, such as equality, inclusion and human dignity. It is useful to highlight the links between human rights, order and security, stressing that they are mutually dependent and co-exist. The emphasis on individual human rights could be reframed as the pursuit of a collective good.

### Building alliances

11. There are currently many missed opportunities in building alliances, and thereby developing trust and common ground. Creating partnerships with others in society, including multi-stakeholder endeavours, should also help counter closing space for civil society. Technology and the digital community is one area to develop, connecting more effectively to bloggers, Twitter and other social media. Others include arts and culture, faith communities, environmentalists, land rights activists and rural populations, parliamentarians, women's groups, law enforcement

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personnel, teachers, young people, sportspersons and celebrities. Relationships with journalists and others in the media are key to enabling good contacts for publishing narratives and the sharing of media expertise with human rights organisations. More can be asked of the business community than 'do no harm', which some see as a recipe for inaction, and there are unusual actors with whom to find common ground and language, such as the finance or advertising sectors. Engagement with and between human rights cities can lead to involvement with a range of professional groups including architects, planners, transport and utility workers. Convening discussions between security and human rights practitioners, perhaps through a multi-stakeholder initiative to include government, business and media representatives, may help to bridge the gap which invariably divides the two communities. While there is a need to respect differences and manage expectations when establishing new partnerships, relationships do not have to be perpetual but can be built around certain horizons.

### **Effective messaging and communications**

12. There is general agreement that communication is a scientific skill, although it is not always respected as such. The human rights movement needs to take its messaging and communications more seriously and could benefit from professional advice and support. At the organisational and sectoral level, there is a need to invest in research, including message testing and focus groups, to determine what works to engage and influence people. Justlabs, based in Bolivia, which is challenging the rise of populism in Latin America, is a good example of such consultation (<https://www.justlabs.org/>). Challenging orthodoxy is important, and, by consequence, a preparedness to change what is said and how. Nevertheless, there is already some data to provide evidence about how people feel about human rights, and this information should be better shared. The Fundamental Rights Agency (FRA) in Vienna is undertaking a major survey of public attitudes in Europe towards human rights. Building listening into human rights practice is essential, to understand better people's experiences, priorities and aspirations. Creating a platform for the human rights movement which collates and enables the sharing of evidence, research, good practice examples and lessons learned would be very helpful. Conversely, a 'Forum for Failure', examining what has not worked, is also needed. It is suggested that disaggregating communications, focusing less on building support for human rights per se and more on particular rights and issue-specific campaigns may be more effective.
13. Most importantly, communication should be about the content and not the overarching label ('brand'), whether emanating from a non-governmental organisation or government. The human rights movement should ensure messages are clear, accessible, understandable, adaptable and shareable more widely. The framing of messages is all-important psychologically, working with the grain of the way people reason. It is argued that frames, the background ideas, or metaphors, determine the context for people's reasoning and can be used to control the contours of a debate. Personalised messages can be more forceful, linking human rights issues to individual lives and personalise, putting everyday people, the refugee and other rights-holder, first.
14. Finding and empowering authentic voices is critical – rights-holders, victims and survivors. Direct testimonies and experiences are hugely influential. Messages from people like Malala Yousafzai, promoting education for girls, or Rosie Batty, engaged in countering domestic violence, are enormously powerful. There are also others who can carry a message with legitimacy and impact, including those who may not be traditional human rights messengers. Using public and popular culture is important. High profile personalities from sport, music or film production, could be effective in speaking about human rights across their respective industries and communities.
15. Other forms of communication, including images, cartoons and sign language, are impactful. Innovative messaging could use the power of markets and consumers, for example providing human rights certification of particular goods and services along

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the lines of 'Fair Trade' labelling.

16. It is suggested that using humour in messaging and communications would be effective in engaging interest from persons not previously reached. Comedy has been shown to be successful in promoting support for social change in India. One specific idea, to give voice to the concept of human rights being part of everyday experience, is to produce a film, perhaps by a coalition of non-governmental organisations working on different issues, 'What have human rights done for us?' along the lines of the Monty Python sketch 'What have the Romans ever done for us?'. This was previously deployed in a satirical take on 'What has the European Convention on Human Rights ever done for us?', in response to the UK government's proposal to leave the ECHR.
17. Providing positive narratives is essential, for example celebrating and communicating incremental steps and small gains on the path to a big goal. It is also suggested that an award could be made, under the aegis of the UN for example, for best online content on positive human rights narratives in a local community
18. There is broad agreement that serious investment is needed to improve human rights messaging and communications, which requires concomitant resources. Some sense reluctance among donors to fund communications work. To try to overcome this, it is suggested that non-governmental organisations should approach donors collectively, although the feasibility of this is questioned.

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#### **How to rally against malevolent users of technology**

19. In addressing the spectrum of ills in the digital information sphere, there is a need to define the phenomenon precisely, the actors and their motivation, and the target, to formulate the appropriate interventions. The core issue is intent. What is happening is not new, but a new manifestation of old phenomenon exploiting systems that are novel.
20. There are differences of view on the need for legislation on regulation regarding content. It is persuasively argued that governments should refrain from expanding content-based regulation because of the consequences for freedom of expression. On the other hand, while it is recognised that governments may not yet have found the right approach, and recent German legislation is cited in this respect, when faced with the increasing use of hate speech, some feel regulatory legislation is required. The UK is understood to be exploring extra-territorial legal provision so as to be able to pursue content which may offend British citizens. The private sector has introduced some self-regulation, but it is a moot question as to whether this addresses the roots of the issues. Governments and the private sector need to discuss further. In the same way, decisions about how information should be shared ought not to be the responsibility of one company and consultations with governments are ongoing in this area.
21. Governments need to invest seriously in a major and sustained public education campaign, covering media literacy, digital security and the norms of civic discourse to raise awareness and improve societal resilience. Some ask what new form of literacy training is needed, the different skills and requirements.
22. The private sector has a powerful voice which could do more to articulate the positive values of the human rights framework and globally applicable norms. Business should also communicate their commitment to corporate social responsibility, ensuring that their work practice is consistent with their rhetoric. This could do much to amplify their own message as a 'trusted brand', enhancing the value of their products and promoting services amongst consumers. The private sector also has a responsibility to address mis- and dis-information. It can combat inauthentic amplifiers and mechanisms of manipulation, reducing or mitigating virality.

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23. The human rights community needs to continue to play a role in holding governments to existing commitments to freedom of expression. It should also press for transparency and accountability from private sector platforms with respect to algorithmic curation -automated selection of what content should be displayed to users, what should be hidden, and how it should be presented – and take-downs. Civil society can also play a role in supporting government efforts to educate users, and raise public awareness and resilience with regard to negative or inaccurate content.
24. With concern about the rise in online hate-speech, a number of responses are being tried. The use of bots has a mixed record, depending on how they are perceived and how open they are about being bots. The FRA is experimenting with a bot to counter hate-speech. Building in a cooling down period can be useful as well as sending supporting messages by online coalitions on social media to counter harassment.
25. While the issues involved are polarised by the digital sphere and social media, the phenomenon of disinformation and hate speech is not new. Maintaining support for public broadcasting remains important and platforms which generate high quality news should be encouraged.
26. At European level, the European Union has adopted an Action Plan on Disinformation, to protect the integrity of the May 2019 elections to the European Parliament. It is also suggested that the Council of Europe Convention on Access to Official Documents, providing for a general right to official documents held by public authorities, is one means to counter disinformation. The FRA also runs a human rights communicators group, which welcomes others to join, and it is looking to develop further the documentation it has produced on key points to effectively communicating human rights. <https://fra.europa.eu/en/publication/2018/10-keys-effectively-communicating-human-rights>

#### **Sustainability and the importance of engaging younger generations**

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27. Without the active involvement of younger generations in building a culture of activism for human rights promotion and protection there will be a bleak future. There are positive opportunities- for example, links could be made between human rights discourse and other issues which engage youth, such as the environment, climate change and sustainability. Engagement with younger people will be more effective if they are genuinely involved in defining the language, messaging and content, recognising they are the primary users of the digital environment.
28. Human rights education regrettably often no longer features in school curricula, and there is a strong sense this should be remedied. It is suggested there should be an educational resource for children, developed by young people and teachers, which centres on the digital age. Once developed, to ensure it is included in the curriculum, it should be demonstrated to parliamentarians so as to convince legislators of its importance. It would also have the effect of increasing the engagement of an older generation of parliamentarians in human rights and digital issues.
29. An outstanding example of the power of youth engagement in the digital era occurred in the Gambia in 2016/7. #GambiaHasDecided was a hugely successful social media campaign, accompanied by more traditional campaigning methods, which emboldened and mobilised Gambians to take a stand during the presidential elections of December 2016, overturning the incumbent of over two decades. In a country where 63% of the population is aged below 25, it linked younger and older generations and built a consensus on issues of national consensus. The activism which was generated during the election period is to be sustained through an app which will be used to continue debate and provide information about constitutional and electoral issues, independent of political parties in the country. It also provides young people with information about human rights more generally, for example with advice when faced with situations such as ‘stop and search’.

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Wilton Park | January 2019

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