

## **Social and Cultural Development - Ana Maria Suarez-Franco - FIAN International**

FIAN as member of the Global Digital Justice would like to state that the **laissez-faire** digital economy has seen flagrant human rights violations, including of social, economic and cultural rights, which are a condition for fair cultural development. Exhorting these corporations to respect the UN Guiding Principles on Business and Human Rights, a voluntary standard resulting from a multistakeholder negotiation, has not met with any success.

The question of corporate accountability remains unresolved, and especially corporate liability for the human rights and environmental violations by tech companies remain unsolved, without effective enforcement tools for the affected human rights holders. This happens in a context in which Big Tech companies often hide behind the smokescreen of 'virtualized' operations that go beyond borders, which deflects attention from real impacts of their pan-global activities, including on the right to development, human and environmental rights, all those intrinsically interconnected. Unfortunately, human rights and humanitarian extraterritorial obligations, which have been recognized is a number of legal sources and jurisprudence in other fields and more specifically in the Maastricht Principles on extraterritorial Obligations of States in the Area on economic, Social and Cultural Rights and reaffirmed and explained in the General 24 of the Committee on Economic, Social and cultural rights, remain toothless for affected individuals and communities harmed by technological corporations. This impunity does not only nullify or undermine the human rights of present generations but put at risk the enjoyment of the human rights of future generations.

Given the urgency to address the cross-border harms unleashed by Big tech companies, and in the spirit of upholding para 22 of the GDC, where member states have committed to upholding their duty to protect human rights throughout the technology life cycle (which today is cross-border), the Zero Draft must urge for a specific recognition of state obligation to protect against human rights abuses by their digital business in global technology value chains and to ensure effective implementation HRC guidance for technology companies (<https://docs.un.org/en/A/HRC/50/56> ) in respect of remedies. The obligation to protect includes also states obligations to regulate, monitor compliance, investigate and, when abuses take place, punishing the abusers.

Regarding the information integrity to epistemic rights, we affirm that despite progress on platform regulation and AI ethics, there is considerable ground to be covered in respect of designing the techno-architectures of a democratic digital public sphere. On 22 July, Brazil, Chile, Colombia, Uruguay and Spain agreed to international collaboration to ensure transparency in algorithms and data management within the digital environment, technical cooperation for democratic digital governance, and the strengthening the UN Global Initiative for Information Integrity on Climate Change. From the starting point of democratic accountability in the digital public sphere, the Zero Draft needs to direct UNESCO to further its work in the following areas:

- a. Guarantees for the epistemic rights of citizens, including access to factual and reliable information and knowledge and the competence/critical literacy to use technologies for their own benefit/society's benefit.
- b. Disclosure guidelines for AI models, including training data, model architecture, deployment parameters, computational resources, and transparency and availability of model weights to enable independent audits.
- c. Human-rights based regulatory frameworks to hold media platforms accountable for negatively affecting democratic integrity whether through illegal/harmful and AI-generated content; deployment of AI systems for coordinated, inauthentic behavior; or unlawful/unethical advertising, among others.
- d. Policy measures and incentives for open, decentralized, and interoperable social media protocols and support for pluralistic content.

Finally I would like to highlight that States must ensure intergenerational justice, providing an enabling regulatory environment, through appropriate digital policies, including universal and meaningful access, investment in local language content, and content for local livelihoods, inter alia.

The Internet is not by itself an enabler of social and cultural rights, if not duly regulated it can also have discriminatory impacts. We have documented how the enjoyment of the right to health depends on access to trustworthy information - especially for young people and children.

As welfare services go digital, we need to ensure that access to digital facilities and control over people's data is recognized and implemented as a foundational right.

As services are digitally mediated, some populations get excluded and their right to non-discrimination is violated, so, for example, job advertisements are increasingly going online - this means that lack of connectivity will perpetuate traditional exclusions.

Finally, control over data is extremely relevant for fair social development in rural areas. We at FIAN have sounded the alarm on the impact of digitalized and financialized carbon markets, which extract data from small scale food producers, without them understanding how providing this data can impact on their lives in the future. If people do not have the needed information, control over their data and the possibility to keep the digital companies liable, even their right to self-determination is at risk.