

30 April 2024

**NHRI DIGITAL RIGHTS ALLIANCE ELECTIONS
STATEMENT LAUNCH
NELSON MANDELA UNIVERSITY
GQEBERHA**

FACILITATORS: DR AMINA JAKOET-SALIE & MR LUNGELO MANONA

10:00-11:00 Pre-engagement, Networking and Refreshments

11:00-11:05 Opening and Welcome - Acting Vice-Chancellor NMU: Prof Andre Keet

11:05-11:15 Introductions - COO of the SAHRC: Adv C Pillay

11:15-11:30 Purpose of the Launch - SAHRC Commissioner: ENB Khwinana

11:30-11:45 Elections in the Age of Digital Technologies - IEC Commissioner: Janet Love

11:45-12:00 General Remarks - NMU: Dr Ongama Mtimka, Mr Jude Mathurine and Mr Wongalethu Simayile

12:00-12:05 Introducing the Chairperson of the SAHRC - SAHRC CEO: V Mkhize

12:05-12:20 Launching of the Statement - SAHRC Chairperson: C Nissen

12:20-12:50 Votes of Support - NHRI Digital Rights Alliance Members

12:50-12:55 Closing Remarks - SAHRC Chairperson: C Nissen

12:55-13:00 Vote of Thanks - SAHRC PM: Dr E Carter

13:00-13:30 Refreshments and Networking: Students



Position Statement on Human Rights and Elections in the Digital Age

1. Introduction

In 2024, over 70 countries across the globe will be embarking on pivotal electoral processes that shape the future of their democracies and more people are expected to vote in national elections than ever before. At the same time, the nature of elections has been transformed by the rise of digital technologies, in particular social media platforms and their use in election campaigning and dissemination of information, and by the deployment of technology in elections management and administration¹.

Recognizing the magnitude of this global electoral landscape, this position statement is issued by the Digital Rights Alliance of National Human Rights Institutions (NHRIs) in recognition of the significance of the global electoral landscape in 2024. As guardians of human rights, we acknowledge the unprecedented role that technologies play in modern elections, and we affirm our commitment to guiding and monitoring their deployment in a manner that upholds the principles of democracy, transparency, accountability, and the protection and promotion of human rights.

2. Human rights obligations of duty bearers in elections

We reiterate that States bear the primary responsibility for guaranteeing human rights during elections, including ensuring non-discrimination, safeguarding freedom of expression, and providing effective remedies for human rights violations. States must guarantee citizens' rights to vote and be elected without bias, while also addressing any breaches that occur during the electoral process.

Given their enhanced mandate and roles during electoral periods, it is imperative that state bodies, such as the General Election Committee, administrative courts, police, and public administration, including data protection authorities, remain especially vigilant and be ready to undertake urgent actions to address and resolve disputes and disagreements related to elections promptly in order to uphold electoral fairness and protect human rights.

Moreover, business actors should act with human rights due diligence also in the context of elections, as prescribed by the UN Guiding Principles on Human Rights and Business. This means businesses which activities touch upon or impact elections - including media companies and tech companies providing social platforms, search engines and generative AI - should meet their responsibility to respect human rights and assess and mitigate potential human rights impacts related to their technologies during elections, promote transparency, and actively combat harmful and misleading AI-generated content to uphold human rights.

In particular, we highlight the following areas where digital technologies can have serious adverse impacts on the enjoyment of human rights in the context of elections and which therefore demand heightened attention:

i. Misinformation and disinformation:

We stress the importance of appropriate responding to, and countering, the dissemination of misinformation and disinformation which undermines freedom of expression, democratic processes and transparency. The risk of AI-generated misinformation and disinformation, such as deep fakes,

¹ [Full article: Reconstructing elections in a digital world \(tandfonline.com\)](https://www.tandfonline.com/doi/10.1080/23757331.2023.2470003)

heightens the need for vigilance in the run-up to and during elections, while still ensuring that all people have the right to actively engage in public debate and dialogue.

ii. Hate speech and gender-based violence

Addressing technology-facilitated hate speech and gender-based violence during elections is crucial for maintaining a fair and respectful electoral environment. Digital harms have severe consequences for the targeted groups and undermine democracy, silence marginalized voices and exacerbate polarisation.

iii. Artificial Intelligence

The use of Artificial Intelligence in elections with its specific characteristics (e.g. opacity, complexity, dependency on data, autonomous behaviour) cause not only harm to individuals, but also cause collective and societal-level harms. We call for the participation of multiple stakeholders, including NHRIs, in creating norms, rules, and standards related to the design, use, endorsement, and governance of AI technology in elections that abide by international human rights law.

iv. Internet Access

The internet must be recognised and governed as a global public good in an inclusive, transparent, democratic and accountable manner and states should commit to guaranteeing a neutral and open internet, which is particularly important during elections.

3. Principles for a human rights-based approach to technology in elections

i. Rule of Law and Good e-Governance

The rule of law principles of legitimacy, legality, necessity, and proportionality, as well as the principles of good e-governance should be integrated into policy, processes and practices for digitalising elections building on the value of empowerment of stakeholders.

ii. Human Rights Due Diligence

Any digital transformation of election processes should undergo human rights due diligence and start with assessing the risks to human rights. This includes the incorporation of human rights impact assessments in the development, implementation, and assessment of technologies deployed in elections. Likewise, business actors across the technology ecosystem (such as providers or platforms, internet access, search engines etc.) should act with human rights due diligence in the context of elections by assessing and addressing the way in which their services are negatively impacting human rights. Such assessments should address potential discriminatory impacts and ensure alignment with international human rights standards.

iii. Transparency and Accountability:

We advocate for the transparent and accountable deployment of technologies in all phases of the electoral cycle. This includes but is not limited to voter registration, campaign monitoring, and result tabulation and should also include combating false narratives about the electronic voting system and the entire electoral process to build and preserve trust in the systems.

iv. Inclusivity and Non-Discrimination:

We emphasise the importance of ensuring that developing technologies do not perpetuate or exacerbate existing inequalities. All citizens, regardless of socioeconomic status, gender, race, or any other characteristic, should have equal access to and benefit from electoral technologies. In particular, States need to take positive measures to improve accessibility of certain vulnerable groups, such as people with disabilities, older persons and other minorities, by enabling assistive technologies and making election information available in alternative formats. For people with limited access to technology or limited capacity to use it, there must be offline options available that allow them to

participate in election processes and democracy in a dignified and fair way that does not marginalise them.

v. Protection of Privacy:

We assert the right to privacy as a fundamental human right, and we call for the responsible use of technologies to safeguard citizens' personal information during electoral processes. Any collection, storage, or processing of data must comply with international privacy standards.

vi. Freedom of Expression:

We emphasise the importance of open, respectful and informed discussion of political ideas and opinions. Healthy electoral processes require the ability to engage in political discourse in society.

vii. Cybersecurity and Integrity:

We stress the critical need for robust cybersecurity measures to protect electoral infrastructure and systems from interference, manipulation, or any malicious activities that may undermine the integrity of the electoral process.

viii. Public Participation and Education:

A robust, diverse, inclusive, and protected civic space and participation online and offline must be ensured during elections. We support initiatives that foster public understanding and engagement in the use of technologies in elections. Citizens should be informed about and meaningfully engaged in the technologies in use, their implications, and how their rights are protected.

ix. Analogue/Offline Alternatives

The use of technology in elections needs to be perceived as a means to fulfilling rights, not as an end in itself. In certain cases, the use of technology and the internet is not desirable and may even run counter to human rights law. Therefore, the appropriateness of digital election systems should be assessed, and it should be considered whether offline options are in some cases better suited for upholding human rights and ensuring the integrity of elections and the broader trust in democratic processes.

4. Implementation:

i. Role and contribution of NHRIs

NHRIs are instrumental in bridging and mediating concerns over human rights violations in the nexus between businesses, government and civil society and it is essential that NHRIs increasingly play this role in relation to the use and application of digital technologies in elections.

NHRIs may provide capacity-building initiatives for electoral management bodies, civil society organisations, and relevant stakeholders to enhance their understanding of the human rights implications of technologies. We also encourage international cooperation, knowledge-sharing and peer-learning among NHRIs, fostering a collaborative approach to address the challenges and opportunities posed by technologies in elections.

ii. Multi-stakeholder engagement

The specific characteristics and complexity of digital technologies necessitates the engagement and participation of all stakeholders in the development of regulations, and standards as well as in national, regional and international oversight bodies that relates to technology. Multi-stakeholder participation should be institutionalised with relevant bodies, expert groups and networks, explicitly referencing human rights protection.

5. Conclusion:

In line with the Paris Principles, we affirm our commitment to safeguarding human rights during electoral processes, emphasising the need for a responsible and ethical use of technologies. By upholding these principles, we contribute to the advancement of democratic values and the protection of fundamental human rights in the digital age.

ABOUT THIS STATEMENT

This statement has been prepared jointly by members of the NHRI Digital Rights Alliance.

The Digital Rights Alliance is a global network of National Human Rights Institutions that aims to consolidate the role of NHRIs in the digital age to better protect and promote digital rights and freedoms. The Alliance currently counts members from 31 countries in Europe, Africa, Latin America, and the Asia-Pacific region and is coordinated by the Danish Institute for Human Rights. See more about the Alliance: <https://www.humanrights.dk/projects/nhri-digital-rights-alliance>