

Dear Ms. Bachelet:

We are writing to congratulate you on your appointment as the new High Commissioner for Human Rights at the United Nations. At a time when civil society actors face hostility from governments around the world, reprisals for engaging with human rights mechanisms, and ostracizing from public discourse, your role will no doubt be a challenging one, though with ample potential to implement meaningful change for human rights and those who defend these rights across the globe.

We look forward to supporting you in this new role.

We have worked closely with your predecessor and with your excellent team, including Peggy Hicks and thematic and regional experts, to advance investigations and advocacy for human rights in the digital age. The professionalism, expertise, and passion of your staff, and their enthusiasm and responsiveness to civil society, have built a strong reputation and foundation for your work.

With this open letter, we encourage you to continue to raise your voice fearlessly in favor of the vulnerable and marginalized. **Increasingly, we see digital technologies as essential to advocating for human rights, but just as often being used to further oppress our communities and violate our universal rights. As you prepare to take on this role, we wish to direct your attention to six areas of digital rights in which you could have a key and definitive voice during your coming tenure. These include:**

1. Big Tech. The private sector continues to gain strength globally, acquiring State-like power to mediate our rights and shape economies. We urge you to continue efforts to study the human rights impacts of the private sector, including of Silicon Valley firms, and to more directly address companies via statements at the Human Rights Council and other official communications. States bear the primary duty to protect human rights, including from private sector abuses, but public and private engagement with companies is also needed to mitigate and remedy violations in the digital age. The use and abuse of data has massive human rights implications that need to be addressed and redressed.

2. Freedom of Expression. In the face of massive disinformation campaigns, a backlash against freedom of expression appears to be encouraging States to undermine this right, as well as to privatize protection. Rather than take on the difficult duty of regulating with respect for human rights, governments pressure companies into defining and determining the limits of speech, or worse, force them to disrupt connectivity altogether. But it is not just companies that are engaged in limiting speech. Internet shutdowns have become the norm in many countries, for reasons like stopping cheating on school exams or quelling protests. As seen in Cameroon, such disruptions can serve as an indicator of worsening violence and repression. Shutdowns, privatized enforcement, and attacks on freedom of expression online merit greater attention from global human rights authorities.

3. Surveillance Technologies. The OHCHR plays a strong and needed role in shaping global standards, including to curtail the spread of abusive surveillance technologies. Yet the surveillance powers of more States, in Latin America and elsewhere, are growing in sophistication and reach, such as through facial recognition and machine learning tools. To ensure new technologies do not harm at-risk communities will require early and robust interventions by civil society, as our new Toronto Declaration on machine learning and non-discrimination aims to do.

4. Encryption and Anonymity. Building on the work of Special Rapporteur David Kaye, your predecessor advanced the discourse on how encryption enables human rights. Now, with David Kaye's updated report touching on government hacking, and the new OHCHR report on privacy in the digital age, we have further grounds to defend our access to digital security tools and decry threats to confidentiality posed by States. We encourage you to promote the encryption and anonymity tools desperately needed by civil society, while calling out governments that threaten their development and use.

5. Digital Identity. Digital identity is increasingly seen by governments as an answer to various development and security questions. Implementing national digital identity programs, backed by multilateral institution funding, these governments aim to provide a single digital identity to residents (or sometimes only citizens) of a particular state. Many such programs entail a push to collect, store, and use the biometrics of individuals as the primary means of establishing and authenticating their identity. Without proper human rights safeguards, rigorously followed, national identity programs can be counterproductive to the welfare of the people, violate internationally protected human rights, and undermine our cybersecurity.

6. Gender, Human Rights, and Technology. The gendered nature and impacts of surveillance, the topic of our recent side [event](#), merit continued attention as people are targeted for their gender identity online and off. Following the violence against women resolution passed at the 38th Session of the Human Rights Council, and the OHCHR report on bridging the [gender digital divides](#), your office carries ample expertise to lead in outreach to bodies inside and outside the UN on the many rights-respecting ways to empower and enable women, girls, transgender people, those with non-binary gender identities, and gender non-conforming people through digital technologies.

Once you settle into your new position, we would be pleased to brief you on these issues and share our expertise at the intersection of human rights and new technology.

As we encourage you to continue to create a public presence in support of human rights in the digital era, we are reminded that the opportunities start at home. Despite forming one of the three pillars of the United Nations, as you know human rights receives only 8% of the total UN budget, and sadly your office receives only [3.7%](#), a figure that has not increased appreciably over the past several [years](#).

We believe that your office requires greater support to achieve its ambitious mission.

In particular, we note the urgent need for confidential and secure information and communications technology infrastructure between the OHCHR and Special Procedures, and the global community of advocates who depend on your work. Progress has been made, as the OHCHR has recently welcomed new technologists and rolled out secure Web properties. Our [Digital Security Helpline](#) assists civil society in prioritizing digital security, but has also engaged with a number of UN mechanisms over the years. We offer our expertise to your efforts to continue building more resilient and trustworthy information infrastructure within your offices and communication channels with civil society.

Finally, we would like to invite you to speak at our convenings, including the next event in our [RightsCon](#) Summit series, RightsCon Tunis, in the spring of 2019. As the premier event on technology and human rights, RightsCon enables direct engagement with users at risk, human rights defenders, technologists, and civil society actors from across the world, alongside leading ecosystem players like major internet platforms and tech policy makers. To begin, will you join us at a side event alongside the UNGA High Level Week in September 2018 in New York?

We look forward to working with you in this important new role.

Best regards,

Brett Solomon

Executive Director of Access Now