

Annex 1 to

Referral by 1) Sabit JANUZI, 2) Ismet BAHTIJARI and 3) Haxhi SHALA to the
Specialist Chamber of the Constitutional Court Concerning the Constitutional
Validity of KSC-BD-25/Rev1
(Revised Legal Aid Regulations)

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Good governance

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DELIVERED BY

Volker Türk, UN High Commissioner for Human Rights

Good governance in the promotion and protection of human rights, particularly respect to the human rights impacts of various digital divides

Mr President,
Excellencies,
Colleagues,

Good governance is the soil that nourishes all human rights.

It is key to resilient and harmonious societies. And to a strong social contract between people and institutions.

At its core is one crucial focus: governments should serve the public – not any narrow interests of wealthy or powerful elites.

Today, States are facing multiple challenges, including the impacts of the climate crisis, loss of trust in institutions, geopolitical tensions, and the risks and opportunities of the digital age.

Responses to these challenges will be more effective when they integrate **human rights guardrails**, as well as the **good governance principles** of transparency, responsibility, accountability, participation, and responsiveness to all members of the public.

Mr President,

The COVID-19 pandemic exposed vast digital divides within and between countries.

As home lockdowns went into effect, much of our daily lives moved online, including work and leisure activities. Governments everywhere sought to step up online delivery of services, a solution that supported not only our health, but also offered improvements in efficiency and – in some cases – transparency and accountability.

At the same time, the **UN E-Government Survey 2022** makes clear how challenging this effort was for many governments – and also the extent to which people were left behind. The impact was particularly felt by those living in poverty or in remote areas, women, children, older people, and persons with disabilities.

The cost of connectivity is a major contributor to digital divides, alongside lack of familiarity with digital tools. The International Telecommunication Union **reported** last year that 2.7 billion people remained unconnected to the Internet; and while 69% of men used the Internet in 2022, that was the case for only 63% of women. In **lower-income nations**, only 21% of women are online compared to 32% of men.

This places at least one-third of the world's people on the invisible side of the digital divide. With online access increasingly key to accessing skills, information and trade, the digital divide not only reflects existing social, cultural and economic inequalities – it amplifies them.

As the UN Survey noted, the new face of inequality is digital.

The Secretary-General's **Our Common Agenda** report underscores the importance of universal access to the internet as an enabler of human rights.

To address this imperative of universality, and redress today's digital divides, we need wide-ranging governance measures, including with respect to digital literacy and cost.

We also need to put an end to blanket internet shutdowns – including the deliberate blockage of mobile networks and throttling of bandwidth.

In many cases, Governments appear to have used wide-scale internet shutdowns to silence criticism and protest – and sometimes, as a shield against accountability. As my Office has **reported**, shutdowns are most often imposed with little transparency, justification or judicial or democratic oversight. They undermine access to essential, even life-saving, services and information, and have considerable broader impact on human rights.

Mr President,

Human Rights Council Resolution 51/5 welcomes efforts to prevent and combat corruption through technological innovations and digital government. Numerous governments have developed digital practices

such e-procurement, open contracting, and spending dashboards, to allow oversight agencies, the media, and the public to detect and deter corruption.

Governance is also crucial with respect to these tools. Despite their stated intention of preventing corruption, they could themselves be misused to conceal wrongdoing. Such tools need to be fully transparent and readable by the broadest number of people.

Mr President,

The extremely rapid roll-out of generative Artificial Intelligence in recent months highlights the potential of the digital divide to deepen inequalities and threaten enjoyment of human rights.

It has also made the question of what limits must be placed on these and other emerging digital tools more urgent.

AI can be beneficial – democratizing access to knowledge; turbocharging scientific progress and the delivery of medical expertise; and increasing capacity for processing information.

But AI can also enable manipulation, misinformation and distortion of the truth, and in so doing, destroy the basis of people's trust in their institutions and each other. It can facilitate vastly heightened surveillance; pervasive profiling; so-called "predictive" policing; and even automated justice systems. AI-based decision-making blurs the lines of responsibility and accountability.

These issues create immense governance challenges. To ensure that humanity can harness and benefit from the power of AI, joint, and careful, action by all stakeholders, including and notably States, is urgently required.

AI technologies that cannot be operated in compliance with international human rights law should be banned or suspended until appropriate human rights and governance safeguards are in place.

By using the convening power and expertise of the United Nations – and working within the principles of good governance, human rights and rule of law – multistakeholder efforts could establish **regulatory frameworks** to mitigate the risks and harness the benefits of AI, including robust oversight mechanisms that can enforce protections, and access to remedies when those protections are violated.

Mr President,

An increase in digital tools and technology is inevitable and has enormous potential for humanity. But this requires more and better governance, with human rights at its heart, including to ensure that these benefits can be shared by all, equally.

We need to enhance and demand **transparency and accountability** of decision-making – both from companies and States.

This includes transparency in decision-making around AI, with open, multi-stakeholder discussions on how to regulate its development and use by the private sector and States, as well as in regulation of other online platforms and tools, such as social media companies.

Just as good governance will ensure better solutions in managing digital technologies and ensuring an equal share of their benefits, poor governance could lead to very damaging outcomes.

I look forward to the outcome of your discussions.

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