**INFORMATION BY THE REPUBLIC OF BULGARIA**

**Contribution to the Report on new and emerging digital technologies and human rights**

In view of the preparation of a thematic report on new and emerging digital technologies and human rights, the government of the Republic of Bulgaria would like to convey the following information:

**Core questions (for all stakeholders)**

1. *In what ways do new and emerging digital technologies help to protect and promote human rights? How can the positive benefits of these technologies be realized?*

Digital technologies have greatly advanced the protection and adherence to human rights provisions by different actors. For example, the right to freedom of expression is greatly facilitated by the abundance of social media platforms, as well as new tools, constantly being developed and improved, which provide user-friendly interface and instant ways of communication. The access to such platforms and technologies has also provided for people, united by a common goal, to exchange knowledge/ experience/ expertise/aspirations, no matter their geographical location and by using a variety of means, including video calls, virtual conferences or commonly managed cloud documents. Such opportunities also allow individuals to coordinate and organize their actions in order to exercise their right to freedom of assembly and association.

The new technologies created in compliance with the universal design principles guarantee accessibility for persons with disabilities. The accessibility contributes to the independent way of life of persons with disabilities and their full participation in all aspects of life - equal access to the physical environment and transportation, information and communication as well as access to urban and rural services.

The digital technologies also contribute to gender equality by reducing both time and space restrictions. In employment, for example, the digital sector offers highly skilled, better-paid jobs that could help to eliminate the gender pay gap. Digitalization has proved to be a powerful tool also for raising awareness regarding violence against women.

Lastly, the digital technologies are capable of ensuring the right to privacy, especially of personal data, by using end-to-end encryption, anonymization and pseudonymization methods, which provide privacy and security of personal data and communication. Complying with privacy and data protection requirements is precisely how the benefits of digital technologies can be fully realized, as they will not infringe on the privacy of data subjects and therefore neither legal nor ethical ramifications would hinder the maximum beneficial potential of such technologies.

1. *What are some of the key human rights challenges arising from new and emerging digital technologies? How can these risks be mitigated? Do new and emerging digital technologies create unique and unprecedented challenges or are there earlier precedents that help us understand the issue area?*

The emergence of new technologies has witnessed the parallel rise of various risks to human rights and fundamental freedoms, for example terrorism, organized crime, human trafficking, child sexual exploitation and risks to cybersecurity, such as breach and misuse of personal data, identity theft and malware, used for financial extortion. While novel technologies play a vital role in the fight against such threats, the lack of appropriate security measures and safeguards in place has also allowed criminals to benefit from new digital platforms in order to commit illicit activities with impunity.

In recent years, we have also witnessed increased Internet surveillance, restricted content or censorship, profiling of minorities and stricter regulatory measures introduced by multiple governments, which infringe upon the human right to privacy, enshrined within multiple international human rights instruments. Anonymity networks, such as Tor, which are the only way for individuals in oppressive countries to practice their right to free speech, have also been targeted. In order to mitigate the risks that digital technologies give rise to, it is of utmost importance to have the appropriate privacy, data protection, transparency and accountability measures in place, so that a safe digital environment is guaranteed for all.

The digital technologies have also created new and unprecedented challenges while engendering completely novel issuesCybercrime, which had its origins in the late 1980s, is an example of a threat that has grown exponentially with digital technology development. In addition to scamming, it involves crimes such as child pornography, sextortion, financial extortion and theft, copyright infringement and hate crimes.

Finally, another challenge is the application of the ‘Universal Design’. This is a design of products, living environment, programs and services, which are to be used to the highest degree by all people without any need for their adaptation or for specialized design. The term ‘universal design’ does not exclude the presence of assisting devices and equipment, which can represent ‘reasonable accommodation’ and can provide support for persons with disabilities.

1. *Is the existing international human rights framework adequate to safeguard human rights in an era of rapid technological innovation? Why or why not? If not, what types of reforms are needed?*

Intelligent technologies are developing at a much faster rate than human rights legislative provisions can keep up. Therefore, focusing attention on a selected few, it would only result not in a comprehensive but a fragmented framework for human rights protection that would leave substantial gaps behind. It is for this reason, that the international human rights framework is regularly revised and, if need be, updated, taking into consideration new and emerging digital technologies in order to address any existing gaps that may compromise individuals’ human rights and fundamental freedoms.

1. *In your opinion, are there any gaps or overlaps in existing efforts to respond to the issue of new and emerging digital technologies? Are some human rights or technologies being overlooked?*

Privacy and data protection are the main rights that have most often been overlooked in the application of digital technologies. There are examples of governments, which have used terrorism and cybercrime threats to conduct mass surveillance and data retention. It also resulted in increased government surveillance, restricted access to and manipulation of information, as well as weakened encryption.

1. *As opposed to focusing on a selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from new and emerging digital technology?*

In the globalising world, a holistic approach will contribute to addressing the challenges resulting from the fast development of the technologies. Such a holistic approach would mean considering “digital security, psycho-social well-being and organizational security processes”[[1]](#footnote-1) as interrelated, which would lead to better awareness of digital technologies as a whole. However, the holistic approach could only compliment the concreate analysis performed on case-by-case basis.

1. *What should be the role of the private sector in mitigating the risks of new and emerging digital technologies to human rights? What about the roles of other key stakeholders?*

The private sector plays a crucial role in how much new and emerging digital technology affect human rights. Internet service providers (ISPs) and telecommunications companies can view, gather and sell users’ personal information to third parties without any regard to privacy and data protection, which can subsequently result in misuse and abuse of data with significant ramifications – the Cambridge Analytica scandal regarding Facebook users’ personal information and preferences being a marked example.

Human rights should take precedence over any terms and conditions imposed by private sector actors and therefore the latter should establish the appropriate measures and safeguards in order to ensure the adequate protection of individuals’ human rights. Those measures could include establishment of Codes of Conduct to stress on corporate social responsibility and joining forces with non-governmental organisations.

**Specific questions for States**

1. *What measures, if any, (legislative, administrative, institutional, or other) have been put in place in your country to deal with human rights risks arising from new and emerging digital technologies? Are these measures still in the process of being implemented? If not, why are they no longer in progress?*

There is an existing national legal provision in Bulgaria for the protection of the right to privacy in the Constitution of the Republic of Bulgaria, Article 32. The rights to privacy and data protection are also enshrined in the Personal Data Protection Act, the Electronic Communications Act and the Rules on the activity of the commission for personal data protection and its administration. Moreover, as much as 380 out of 400 active pieces of national legislation contain regulations related to information technologies.

Bulgaria is working on the implementation in the national legislation of the EU Directive 2019/882 on the accessibility requirements for products and services. The Directive aims to improve the functioning of the internal market by bringing close the legal, sublegal and administrative regulations of the EU member states regarding the accessibility requirements for certain products and services amongst which are those connected with new technologies.

Bulgaria is also working on the implementation in the national legislation of the EU Directive 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies. The rules encoded in the Directive provide all Europeans with the opportunity to take full part in the digital economy and society. It also supports persons with disabilities – especially those with vision or hearing impairments – to have better access to the websites and mobile applications of public services.

1. *How are new and emerging digital technologies affecting the protection and promotion of human rights in your country? What unique challenges or advantages does your country have in responding to the issue? What are the lessons or best practices that can be shared?*

Cybersecurity remains one of the main concerns in Bulgaria. Although the existing measure provided within the newly adopted Cybersecurity Act, there is need for further adequate risk assessment of existing technologies to ensure a better protection for individuals’ human rights.

A good practise that could be shared is the initiative taken by the Bulgarian Ministry of Education and Science to organise an Olympiad for Civic Education where the students use digital technologies for presenting their civic initiatives.

1. *In your country, which government agency has an initiative in the decision-making of new and emerging digital technologies policies? Does your country have a special agency that exclusively deals with the issues of new and emerging digital technologies? (for example: The Disruption Council in Denmark, The Presidential 4th Industrial Revolution Committee in Korea) If so, how much does the agency take the human rights issues into account in its agenda?*

The Bulgarian Ministry of Transport, Information Technology and Communications is responsible for the development of policies regarding new and emerging digital technologies, and the State e-Government Agency with the Council of Ministers has a mandate to uphold the best standards of electronic governance (“e-governance”). The Agency is established in 2016 and the Chairperson is appointed by the Prime Minister for a period of 5 years.

In addition to the digitalization of Bulgarian economy and public sector, the use of new and emerging technologies is addressed in different sector policies, which are within the responsibilities of different line ministries/agencies.

***Sofia***

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1. <https://www.eisf.eu/wp-content/uploads/2016/09/2096-Tactical-Technology-Collective-2016-Holistic-Security-A-Strategy-Manual-for-Human-Rights-Defenders.pdf>. [↑](#footnote-ref-1)