**Advisory Committee of the Human Rights Council**

**Questionnaire on new and emerging digital technologies and human rights [[1]](#endnote-1)**

**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?**

Emerging digital technologies may be a powerful instrument to encourage citizens' social, economic and political participation. In fact, as they allow rapid access to all kinds of information, they can support an easier access to knowledge, providing tools that enable citizens’ to all kind of purposes: learning, working, and even to enforce citizenship, namely by strengthening pluralist debates, forming joint positions and encouraging the process of decision-making in a democratic way.

On the other hand, they can also be a powerful means of spreading information and knowledge, of reporting good practices in implementing inclusive human rights policies, as well as of reporting abuse and violation of human rights, supporting the global mobilization of people against them.

Thus, from the point of view of the working conditions, we consider that several benefits of Digital Technologies can be identified, such as: (i) improve the ability to manage information; (ii) Increase participation in organizational processes; (iii) Create new opportunities for networking people and groups and facilitate and improve communication at work: communication between people more quickly and effectively via email and chat; (iv) Promote teleworking; (v) Contribute to easy access to global communication and as such allow greater access to the collection and processing of data worldwide.

Indeed, new and emerging digital technologies have implications in all aspects of work, whether regarding the people or platforms that do the work; the form and place where the work is performed; the type of work that is performed and the organization and conditions of performance, as well as the safety and health of workers.

A good example is the Portuguese Social Security System that has reinforced its online services to citizens by creating the Direct Social Security (SSD). This service aims to improve the relationship between Social Security and Citizens, allowing for their direct interaction with the Information System. Thus, citizens manage the relationship with Social Security saving time and travels to the Social Security front offices´.

Regarding the human right to work, governments will need to consider specific actions to expand the opportunities that technologies bring. Four strategic sets of policies and programs that a government could consider to maximize the positive effects of technology on employment, while mitigating the negative effects: i) enable the creation of more digital jobs, ii) increase access to digital tools, iii) empower the workforce in a digital age and iv) assist workers during the transition. The underlying theme for these actions is to boost participation in technology-enabled employment, while preparing the workforce for possible disruptions. Creating more digital jobs and increasing access digital tools, while empowering the workforce will help expand opportunities and the ability of more people to move into positions where they are reaping the benefits of technology. This will address susceptibility of jobs to digitization and can help to mitigate polarization. An empowered workforce will also be able to manage better the new risks they face.

Concerning the human rights related to education and training, new and emerging digital technologies are already central to the development of new ways of teaching and learning and, thus, to an easier accomplishment of the right to education, especially for those who are furthest from the education and training system. They may also provide cheaper and wider access to educational tools, anytime and anywhere, through e-learning or blended-learning. In that way, digital technologies are a fundamental means to promote inclusive education and training.

For all this reasons, new and emerging technologies can really help in the protection and promotion of human rights. However, they can only play this role if: (a) their access is guaranteed to all citizens on equal/similar terms, considering all possible social, cultural or personal handicaps; (b) effective mechanisms are put in place to monitor their use, inclusive by protecting their abusive and harmful use against citizens' rights.

The nexus between new technologies and homeland security has been discussed at the highest level, focusing on the need to minimize the risk of new technologies when used by criminal organizations. It is important to keep up with technological developments and explore their potential, that can be used in new tools and mechanisms of control and safeguard, in the protection of personal data, in exchange of information about criminal groups, among others.

As new and emerging digital technologies (NEDT) increase the process of economic, political and intellectual globalization, they affect simultaneously both individuals and nation’s structures. Interactivity and connectivity characteristics of NEDT can make a fundamental contribution to human rights protection and promotion. For instance, they enhance freedom of expression and democratize it, as they allow it to be extended to the entire world.

Since democracy entails access to media pluralism, NEDT enhance the promotion of democracy and participatory citizenship by allowing the global dissemination of information. With NEDT, the ease of inform and being informed enables spreading the knowledge on human rights across the globe. This leads to greater demands for respect for these rights, greater denunciation of violation of human rights, and greater sensitivity of the public and private sector to this issue.

The unprecedented mobility and migration flows in today's world – in part due to the expansion of transports and communication technologies – and the resulting interculturality, led to new behaviours, new global communities, new possibilities for each individual's life. Thus, technological development and migration alongside are today defining themes of the globalized world. And for migrants who have access to global communication networks, this idea of ​​networking and connection translates into a permanent proximity feel that can allow the connection with their home communities.

Concerning new technologies and techniques of datafication, data distribution and cloud computing, as they provide the ability to store and work on a larger and more reliable volume of data, they also allow achieving a better understanding and response to the needs of targeted groups, resulting in a greater capacity to create public policies that are more adapted to the needs of citizens, as well as a greater dissemination of knowledge.

New technologies of personalized medicine are equally useful in a globalized world. For example, in terms of mental healthcare, there are already technological developments that enable migrants to get the medical support they urge, whether they live in countries where they do not speak the local language or do not have access to health care, or even where mental pathology is not socially accepted.

Thus, the following stand out as positive aspects of the use of NEDT: interaction; multiculturalism; ease of communication between geographically distant people and organizations; fading of physical and sensory handicaps; greater access to information; greater learning potential. We emphasize that freedom of expression and free and equal access to new technologies are prerequisites for the above mentioned positive benefits to be realized.

Taking this into account, the High Commission for Migration launched, in June 2018, MyCNAIM app:

<https://apps.apple.com/pt/app/mycnaim/id1391011670>

<https://play.google.com/store/apps/details?id=com.tandeminnovation.acm>

This mobile application promotes proximity between the services and the migrant communities. It provides information regarding the various services made available by ACM, as well as legal information on entering and staying in Portugal, international protection, access to nationality, housing, employment, health, education, learning Portuguese, and many other important information for integration in Portugal.

Additionally the Migrant Forum, an online interactive information tool, in Portuguese, English and Arabic was created to allow for discussion among migrants and different stakeholders, to consult FAQs and to watch some tutorials on practical questions.

We should also highlight the Choices Programme, created in 2001, is a national programme that promotes the social inclusion of children and young people from disadvantaged backgrounds, enhances non-discrimination and strengths social cohesion. This programme is under the Presidency of the Council of Ministers, and is part of the ACM.

The projects are designed by local consortia composed by public and private institutions, concerning five main categories: 1) School inclusion and non-formal education; 2) Vocational training and employability; 3) Community and civic participation; 4) Digital inclusion; 5) Entrepreneurship and empowerment.

From its 2nd Generation (2004-2006) to its 6th Generation (2016-2018), the Choices Programme had a special focus on Digital Inclusion, by creating the Centre for Digital Inclusion (CID). In this Centres several activities take place, such as:

* School support and informal educational: through the utilization of online tools for study support, homework and school works;
* Professional training and employability: by providing training in information and communication technologies, in job searching, and also CV and cover letter drafting;
* Community boosting and citizenship: by creating and managing the Choices Programme’s communication materials (such as newsletters, magazines, websites, social media, radio); by running awareness-building sessions on Cybersecurity for the community;
* Promoting entrepreneurship and capacitation: by developing training on multimedia (photography, audio, image, video, etc.), as well as hardware, drone, and 3D printing workshops.

On Choices Programme’s 7th Generation (2019-2020), digital inclusion has gained pace by becoming a part of the Programme general principles. At the moment, 53 CID are being financed. So far, Choices Programme’s 7th Generation digital inclusion activities involved 7.011 individuals: 44% (3.067) of whom are women; 89% of these individuals are children and teenagers; young people aged between 11 and 14 years are the biggest attendees (31%), followed by the age group of 6 to 10 years old (27%), then those with 15 to 18 years old (20%) and the remaining have more than 18 years old.

From the point of view of justice, emerging digital technologies (namely artificial intelligence) have the potential to radically improve access to justice, delivering readily available, instant, tailor-made, detailed, up-to-date and cost-free feedback on citizens’ inquiries (whether they regard the law governing a certain matter, assistance on its interpretation or a specific legal issue).

Likewise, electronic filing systems and other court support software have much to gain from emerging technologies (including artificial intelligence and other automation tools), which allow for faster, safer, and cheaper data processing. They would be beneficial for legal proceedings, but also for statistical output and case law research.

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?**

As regards the right to work, the new and emerging technologies will cause deep changes in the world of work. On the one hand, some jobs are highly vulnerable to automation and will face the risk of being lost to machines. On the other hand, new jobs related to the development, maintenance and upgrading of artificial intelligence technologies and big data infrastructures are among those expected to grow. Yet, it is difficult to know in advance how many jobs like these will be created, and which sectors they will emerge. Nevertheless, the kinds of jobs that are predicted to grow appear to be those that require higher education, intensive use of social and interpretative skills, and at least a basic knowledge of Information and Communication Technology (ICT).

One of the main risks to human rights arising from new and emerging technologies is also the worsening of inequalities caused by unequal access, particularly among citizens belonging to disadvantaged social groups, especially those with low educational levels.

A big challenge is the protection of personal and confidential data.

These risks can be mitigated by reinforcing citizens' digital skills through effective and inclusive lifelong learning strategies, in order to improve people's skills in the use of technology in an informed and critical way, bridging gaps between different levels of digital skills proficiency.

Therefore, current challenges posed by emerging new technologies can be seen as unique and unprecedented if seen in the perspective of the amount and diversity of information available nowadays, as well as the speed and complexity with which it can be handled, in such a way that may completely escape to any control. Therefore, easily used against people and their fundamental rights.

Paradoxically, while enhancing knowledge and the implementation of human rights globally, if misused NEDT also have the potential to undermine these same rights. As examples, there are states that exclude the citizens from accessing NEDT information and communication potentials; others use new technologies as a form of persecution and control of their populations.

As the UN Human Rights Council stated “the same rights that people have offline must also be protected online”, the protection of freedom of speech and equal access to digital communication technologies are cornerstones to assure the principle of human dignity in the context of using NEDT; as well as the right to participate in the cultural life of the community and being an active part of scientific progress. Simultaneously, account should be taken on strengthen privacy rights, as well as on the right to oblivion and the right to be offline. Hence the importance of public policies supporting access to new and emerging communication technologies, emphasizing the importance of ensuring privacy in such access; particularly as privacy in accessing NEDT can be, for many people in the world, the difference between life and death.

Although the use of new and emerging communication digital technologies and the resulting proximity between individuals, communities, and societies can contribute to multiculturalism and inclusion, it may simultaneously feed manifestations of xenophobia, prejudice, and refusal of the different. Examples include the global dissemination of fake news and of religious and political extremism. Thus, the use of new technologies also requires knowledge and information, as well as guidance and education. Therefore, the risks mentioned above can be mitigated by developing citizens’ competences and literacy. So that citizens can, on the one hand, know how to access the NEDT, and on the other, know how to protect themselves and make an appropriate and safe use of new technologies.

The development of such competencies requires efforts concerning inclusion – by broaden competences to all strata of the population, preventing prejudice on the access to these technologies on the grounds of socio-economic inequalities – and education – ensuring the development of skills for using NEDT, as well as increasing awareness and thus also critical thinking.

The use of the potential of new technologies can be used to reduce the risks that these same technologies create. Blockchain technology is an example of this, given its potential for mapping processes, risks and controls as well as providing information and encrypting data, the latter with substantial implications for data protection.

As a best practice, in Portugal there is a Data Protection Authority (Comissão Nacional de Proteção de Dados). This authority is responsible for supervising and monitoring compliance with the laws and regulations in the area of personal data protection, namely with the Portuguese law 58/2019 published in 8th August 2019. The authority has investigation powers, having access to data undergoing processing, and has executive authority, particularly on calling for blocking, erasure and destruction of data, or imposing a temporary or permanent ban on the processing of personal data.

Also, the National Defence Institute (Ministry of National Defense), within its mission to ensure research, study and dissemination on Security and Defense issues, as well as contributing to society's awareness in these fields, has been engaging in a variety of education and debate activities related to new digital technologies and human rights:

* Every year, several conferences are held under the National Defense Course, on the subject of the information society and cyber security;
* Participation in a Working Group to elaborate a proposal of the National Cyber ​​Defense Strategy, Order 41 / MDN / 2019, activity developed between August 2 and October 2, 2019;
* Six Cybersecurity and Crisis Management in Cyberspace training programmes, from 2014 to 2019;
* Conferences dedicated to the Digital Society and Cybersecurity in primary and secondary education establishments, at the request of schools;
* Eighteen sessions of the “Contributions For The Digital Society Group” and five sessions for a “Cyber ​​Resilience Reflection Group”;
* Five “Youth Seminars”, all containing panels and conferences on cybersecurity;
* IDN has also published several volumes on cybersecurity and the digital society, as follows – Nr 145, Nação e Defesa (Nation and Defense) Journal, on cybersecurity; IDN Cadernos Nr 12, Estratégia da Informação e Segurança no Ciberespaço (Ciberspace Information and Security Strategy); IDN Cadernos nr 28, Contributos para uma Estratégia Nacional de Ciberdefesa (Contributions for a National Cyber Defense Strategy); IDN Cadernos Nr 29, Cibersegurança e Políticas Públicas: Análise Comparada dos Casos Chileno e Português (Cybersecurity and Public Policy: Comparative Analysis of the Chilean and Portuguese Cases).
* Besides the work on cybersecurity and digital and informational society, IDN has been developing a broad activity regarding citizenship education with the view to developing a Defense culture in Portuguese society, beginning in the national education system. Bearing that in mind, IDN has organized the following activities:
  + The “Education framework for Security, Defense and Peace (Referencial de Educação para a Segurança, Defesa e a Paz)” was developed through a partnership between IDN and the Directorate for Education (Ministry of Education), approved for application in pre-school, primary and secondary education by the Secretary of State for Primary and Secondary Education on 29th August 2014;
  + Twenty four credited training actions aimed at teachers on the subject of defense and citizenship education since 2011; The module-theme Risks and Threats deals with the Cybersecurity questions briefly;
  + Several other small training initiatives for teachers on the “Education framework for Security, Defense and Peace (Referencial de Educação para a Segurança, Defesa e a Paz)”, all over the country;
  + Several small actions for students on the subject of citizenship, defense, security and peace.

To sum up, new technologies bring with them hard to solve aspects, which require philosophical, sociological, legal and anthropological reflection, where the right of individual privacy and the right of access to globally linked networks converge. Throughout human history, technological advances have introduced significant changes in social and cultural life, and in collective mind-set. Although NEDT are novelty, the study of human individual and collective reactions to changes that previous technological revolutions have imposed can be helpful in understanding and replying to the issued subject.

In complement to other support actions promoted by the Portuguese High Commission for Migration, we would like to highlight the RefuJobs Platform (a SIMPLEX + measure) aims to facilitate and guarantee access to a training offer, as well as job and self-employment opportunities.

The project integrates two axes:

* Identification of training and traineeship opportunities available in Portuguese entities and companies, in order to optimize the professional skills of refugees;
* Identification of job opportunities available in Portuguese entities and companies, in order to optimize the professional skills of refugees, as well as the support in the creation of self-employment.

The RefuJobs Platform was launched in May of 2018 <https://www.refujobs.acm.gov.pt/pt/> and it is open to the public and therefore any citizen, both asylum seeker or beneficiary of international protection, can register and create their candidate profile.

The goal of the RefuJobs Project is the inclusion of refugee people in the labour market. Therefore, ACM’s job is to build the bridge between candidates looking for opportunities and entities offering jobs, traineeships or training. Every time there is an automatic match between a candidate and an offer, and before sending the person’s CV to the entity in question, ACM verifies:

If the candidate meets the conditions of the offer;

If the candidate has legal status for professional activity in national territory. When the asylum seekers are integrated in the Resettlement or Relocation Programmes, whilst waiting for decision on their asylum request, they are issued a temporary residency permit which is valid for 6 months and renewable until there is a definitive answer from SEF.

The companies registered in the RefuJobs Platform are committed to comply with the demands in labour legislation.

The monitoring and assessment of the RefuJobs Platform is made by the High Commission for Migration.

This monitoring is made daily, through direct contact with entities and candidates, by forwarding CVs for recruitment processes and also the constant search of new partnerships and job/traineeship/training offers. There is also an attempt to bring a wider awareness to the Platform amongst the beneficiaries of international protection.

The assessment is made together with partners, reception entities and Platform users. After every recruitment process it is necessary to have a joint assessment through meetings, emails or telephone.

The procedures with the companies have been perfected through on-going communication and the goal is to elaborate a quarterly report evaluating the Platform.

If appropriate safeguards are not put in place, emerging digital technologies may amplify prejudices and discriminatory practices (as regards, for instance, recruitment decisions, policing, client profiling), distort public debate and fuel misinformation campaigns. To help preventing such risks, new technologies should be developed/implemented incorporating the principle of fundamental rights by design/default, on the basis of clear and transparent codes of ethics[[2]](#footnote-1). In particular, data protection standards should be promoted at a global level.

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?**

Given the novelty of technological innovations, a continuous observation and monitoring of its applications and impact will be necessary, both by national and international actors. As the technology is evolving quickly, new risks and opportunities might arise that will require constant regulatory adjustment to ensure that technological rents are broadly shared. Also, constant exchanges among policy-makers and regulators are necessary.

The globalized use of the NEDT, and the virtual space in which they operate, has implicit the notion of deterritorialization which hinders the state's performance. Thus, include the topic of safeguarding human rights when using NEDT in the international human rights frameworks appears to be the most viable path to overcome the limitation to state regulation to address this issue; as well as to ensure the existence of a globally comprehensive framework of international standards.

The Directives and Resolutions existing in international human rights framework and its application must be regularly monitored in order to cope with the profusion and speed with which technology advances and the consequences these advances bring into human rights worldwide.

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?**

Please see the answer to questions 2 and 3.

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?**

One approach does not exclude the other. As it was answered on the subject of question 3, the fragmentation and atomization of the human rights structure seems to undermine the speed and effectiveness of intervention. This general principle should also apply in particular to the type of approach to emerging technology challenges in the field of human rights. Therefore, we believe that a holistic and inclusive approach seems preferable, since it means more coordination, better use of resources, faster and more effective actions and, consequently, possible better results.

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?**

As a key stakeholder in the development of new and emerging technologies, the private sector should be – or be made – aware of their impact in the realization of human rights, in order to act responsibly and remain accountable regarding potential consequences of new products and services.

The Tripartite Declaration of Principles on Multinational Enterprises and Social Policy, includes a set of principles on: decent work; addressing social security; employment promotion; prohibition of forced labor; elimination of child labor; equality and non-discrimination at work; working conditions, occupational safety and health, freedom of association and the right to collective bargaining, and access to compensation and compensation mechanisms for victims.

These principles are recommendations for governments, representative employers 'and workers' associations and multinational corporations themselves to promote employment and decent work, as well as to improve living and working conditions and within labor, practices based on the ILO Declaration of Fundamental Principles and Rights at Work, 1998:

* Companies should support freedom of association and effective recognition of collective bargaining; the abolition of all forms of forced and compulsory labor; effective abolition of child labor; elimination of employment discrimination.

On the other hand, this issue could be considered in the context of company’s social responsibility towards their workers (and their families), but also towards their community – the suppliers, the consumers, the municipalities, the education and training providers, the public employment services and so on. In that way, the role of the private sector could be vast or narrow, depending on the dimension of the companies (including their geographical spread).

Larger companies usually deal with larger groups of suppliers and consumers, employ more workers and have higher impacts on their communities, than small companies. They are also better equipped at the technological level and are more connected to education and training providers: in that way, larger companies may play a substantive role in the promotion and protection of human rights both inside and outside their ‘walls’.

Small companies need, most of the times (and depending on the sectors), to keep in pace with the new technologies, needing more investments on technologies and on education and training of their workers. However, they may also play a fundamental role in the promotion and protection of human rights, especially through collective action taken by associations of entrepreneurs, for instance. Therefore, social partners as collective representatives of both companies and workers play a decisive role, mobilizing means to promote access to technologies, either through investments or through the development of adequate education and training to their associates.

The private sector is critical to responding and mitigating the risks associated with new and emerging digital technologies, as it has the tools and knowledge to prevent, block and collect information that violates human rights. EU agencies like CEPOL and EUROPOL, among others, have a key role to play as well, by training and sharing of good practices.

**Specific questions for States**

1. **What measures, if any, (legislative, administrative, institutional, or others) 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?**

In the area of cybersecurity, its legal framework is the following diplomas: Cybercrime Law, Criminal Investigation and Organization Law and the Cyberspace Security Strategy.

In the specific field of health, the growing use of digital technologies for purposes such as scientific research or the provision of health has risen a set of concerns regarding the adequate protection of human rights. In particular, the role played by digital technologies and information systems in the provision of healthcare has led to the digital processing of significant amounts of sensitive patient data, and consequently, to an increased concern with patient privacy and information safety.

Such issues are addressed in Portuguese legislation through a variety of instruments. On one hand, both the Portuguese Constitution (article 26.º) and the Civil Code (article 80.º) establish a general right to privacy, under which all personal data is protected from abusive or unlawful use. On the other hand, the protection of personal data and patients’ data is also ensured by Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and by Law nr. 58/2019, which ensures the execution of the said Regulation on the national legal order.

According to the referred Regulation, processing of genetic data, health data or data concerning a natural person’s sex life or sexual orientation shall be prohibited unless the processing is necessary for the purposes of preventive medicine, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems. The said data shall, in accordance with Law nr. 58/2019, be processed by professionals bound by professional secrecy or by a duty of confidentiality.

In addition to the provisions of GDPR and Law nr. 58/2019, there is also further legislation on specific subjects, such as the requirements for personal data processing for nationwide files containing health data, with recourse to information technologies or the rules applicable to hospital archives.

Moreover, and on an institutional perspective, the different entities of the Ministry of Health are currently working to implement the security measures required to ensure the compliance of data processing activities within the National Health Service with the above mentioned legal provisions and to ensure the full application of patients’ rights.

The High Commission for Migration (ACM) developed a consisted work in this domain. We would like to mention some of the following activities:

ACM and the Commission for Equality and Against Racial Discrimination (CICDR) held some meetings with representatives of Facebook Portugal and Spain to discuss in depth some concrete measures to countering online hate speech.

As a first result of those conversations, ACM was invited to join Facebook’s External Expert Group on Online Hate Speech.

In this context, an ACM representative already received training, namely to be better equipped and to speed up the analysis and reporting of situations that could configure hate speech on Facebook.

Furthermore, the joint organization, between ACM, and the Commission for Equality and Against Racial Discrimination and Facebook Portugal and Spain of two training actions, one in Lisbon, another in Oporto, on “Preventing and Countering Hate Speech on Internet and Facebook” took place.

The sessions brought together around 60 participants, including policy makers, CICDR’s Members, leaders and representatives of migrant, refugee and Roma communities, and from other public and private partner entities.

The two actions included: a presentation of Facebook community standards and workshops focusing on how to report hate speech on Facebook and how to create / disseminate counter-narratives. Participants were challenged to create campaigns.

They also included a presentation, by ACM and CICDR, on the myths and facts about migrations and Roma communities, and the Portuguese legal mechanisms to counter racial discrimination.

The Commission has been using some of the tools provided by Facebook during these sessions in other initiatives promoted in the meantime.

The campaign “Freedom of Expression is different from Verbal Abuse” promoted by CICDR and launched on the first National Day for the Elimination of Racial Discrimination, celebrated on March 21st 2019 (UN International Day for the Elimination of Racial Discrimination:

<https://www.un.org/en/events/racialdiscriminationday/>.

Presented in a public session, organized in partnership with the Observatory for Migration, one of ACM’s project teams, this campaign consisted of two digital posts published on our Facebook page:

<https://www.facebook.com/ACMigracoes/photos/a.712686992150342/2098085373610490/?type=3&theater>

Both were also printed and distributed to participants during this public session, as they have been shared in other activities carried out by the Commission in the meantime.

The main idea of this campaign was to create a quiz to help reflect on yes or no I should post my comment. Furthermore, it also provided some tool and information on how to report offensive content on Facebook, trying to have a positive approach in terms of equality, diversity and respect.

Another example of this commitment is CICDR’s “Recommendation on accessing the principle of non-reference of race and ethnic origin, colour, nationality, ascendency, territory of origin and documental status” that urges the adoption of the principle of non-reference of the protected characteristics.

Boosted by the new digital media, this Recommendation is intended to everyone and, in particular, to the media, their professionals and all communicator`s stakeholders.

Legislative measures in the field of justice (in force):

* Law no. 109/2009, of September 15 (Law on cybercrime), <https://data.dre.pt/eli/lei/109/2009/09/15/p/dre/pt/html>;
* Law no. 46/2018, of August 13 (Law on cyberspace security), <https://data.dre.pt/eli/lei/46/2018/08/13/p/dre/pt/html>;
* Decree-Law no. 81/2016, of November 28 (Creates the unit for cybercrime within the Criminal Police [Polícia Judiciária]),  
  <https://data.dre.pt/eli/dec-lei/81/2016/11/28/p/dre/pt/html>;

Other:

* National Strategy for Artificial Intelligence - "AI Portugal 2030", available at: https://www.incode2030.gov.pt/en/ai-portugal-2030.

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 the shared?**

Ensuring the sustainability of national health systems stands as a primary challenge to public health governance. The growing ageing population and the rising prevalence of chronic conditions combined with limited human and financial resources are putting health systems under increased strain in many Member States and Countries (MS / C).

By recognizing the cross-cutting nature of this challenge, it is urgent to ensure that access to health and care is conducted as a Human Right, and not, as a privilege. To that end, MS / C' health policies should be based on a bottom-up citizen-centred approach towards a preventive, participatory and inclusive system.

The rise of a digital society brings on new challenges but also, new opportunities for the health sector. Currently, digital devices are inherently linked by each one of us and factors as an indispensable tool for people's everyday lives. By acknowledging this feature, it is our duty as a society to make the best of the opportunities unveiled by the relation between technology and public healthcare presented in modern information-driven societies. Due to the personal nature of contemporary mobile devices, citizens have to be furnished with the fundamental eSkills, thus being able to use technology for their own self-care, acting as both preventive and cost-effective patients.

The same is true for health professionals. Their digital expertise and capacities have to be enhanced to accomplishing the full potential of data science in health systems. The EU has already acknowledged this potential by making the eHealth sector an integral part of the envisioned Digital Single Market (DSM). Hence, supporting the digital transformation, the generated health data stands as a powerful resource that integrates a variety of systems, information, diagnosis and grant access to a personal health record provided by multi-systems (ECG, Telemonitoring, Glucometer, Wellness devices and Health Watches/Devices).

The Portuguese Constitution states the access to health as a fundamental human right: "through a universal and general national health service and, taking into account the economic and social conditions of citizens, tending to be free". Thus, the NHS - National Health Service - was designed on the ideas of Universality and Equality aimed at reaching the entire population without leaving anyone out. With hospitals and health centres as the main points for health care delivery, it is essential to ensure not only the accurate treatment/diagnosis, but more helpful information in order to advance individuals self-care.

The universality of the Portuguese NHS extends to individuals on refugee status. In this situation, the health system guarantees the exemption of fees for those who are deprived, for whatever reason, of their right to health. Nevertheless, public-private partnerships are recurrent where Constitutional premises cannot be practised.

The recent policy strategy to foster digital transformation has been aimed at easing access to National Health Services. Citizens and health professionals now demand the most efficient system to use their time. Throughout the process of designing, developing, testing and implementing a digital health program or tool, the digital sector stands as a key element for redefining strategies, defining new processes, raising awareness of the digital tools available to increase the quality of health services, access to health data and promote self-care management.

It is due to digital transformation policies that projects such as ePrescripiton, Citizens Portal, National Healthcare Apps and National Healthcare online-service have advanced the efficiency of the patient-doctor relationship.

With regard to good practice, the telehealth centre has gained a central place in supporting citizens who need to contact a healthcare professional without actually having to go to the physical location. Available 24/7 with two working languages, Portuguese and English, and holding a chat feature for hearing and aphonic citizens, the Portuguese telecentre was conceived to fulfil the universal character of its Constitution. Named SNS24, this service provides: triage, counselling and referral, informative and administrative telecare, tele-appointments, telemonitoring and monitorization of specific groups.

In order to gather essential information from each citizen for improving health care delivery and optimal sharing of clinical information among the user, health professionals and health care providers, the Portuguese Health System developed a platform for Electronic Health Registry (RSE) which brings together four portals: Citizen Area; the Professional Portal; Institutional Portal and International Portal. These portals include Citizen Area, which has been in operation since 2012. Being personal and non-transferable, each citizen has their health information at a distance from an electronic app. Among the various features, citizens have access to: online medical consultation, online ordering of chronic medications, electronic prescription request and a timeline of medical episodes.

The National Vaccination Program (PNV) is recognized in Portugal as a Fundamental Right. It is totally free and voluntary for all the people living in the country. It also underlines its effectiveness, protects and prevents numerous diseases, regardless of gender, ethnicity, religion or social status. This plan is administered by nurses at health centers and hospitals. eVACINAS aims to replace the paper vaccines record. The main goal is the centralized management of the Vaccination National Program for citizens living in Portugal.

The dematerialisation of the vaccine card represents several benefits, namely, costs decrease, easy access to the vaccination schedule by the patient and health professionals and improve the quality of information.

Nowadays, the vaccination can be performed by doctors, nurses and pharmacists. Doctors and nurses can retrieve or consult the vaccination record, as well as add vaccination records. While the pharmacist only can add the flu vaccine to its system.

There is a Data provider (national entity) that provides the information about the list of performed vaccinations per user, list of performed vaccinations per region and the list of performed vaccinations per type of vaccine. SPMS developed a mobile app with different cards related to health data, MySNS wallet, where is included the electronic vaccination card. Been built in the interest of the citizen, MySNS Wallet gathers the citizen health information in one application, directly from your smartphone. Through the health number, the citizen associates specific “cards” with informative components of his interest. Each card corresponds to one type of health information. All information is stored securely, using international standards. Until 6th October 2019, MySNS wallet was launched 439 901 times.

New technologies lead to new types of criminality, particularly as regards sex crimes and crimes against property. From a law enforcement perspective, we identify three main challenges: the need for significant and on-going investment in new technologies in order to retain technological capability to investigate those new types of criminality; the need for specialized staff; the constant need for qualified training.

As regards best practices in the field of justice, we have had positive experience with training initiatives concerning internet safety for young children, carried out by specialised teams from the Criminal Police [Polícia Judiciária] in schools.

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 Revolution Committee in Korea) If so, how much does the agency take the human rights issues into account in its agenda?**

In the Portuguese public sector, each sectorial area is aligned with government policies strategies and initiatives. Each Ministry/Sector assigns the strategic and operational aspects to the Digital Competence Center, in specific for the healthcare sector all aspects related to the eHealth and new and emerging digital technologies in healthcare and digital topics are the competence of SPMS (SHARED SERVICES IN MINISTRY OF HEALTH, EPE), the National eHealth Competence Center. The topic of human rights is under our agenda when we define digital strategies such as: ENESIS 2020-2022 – National Strategy for the Healthcare information ecosystem and From Big Data to Smart Health – Putting data to work for the public health

1. [↑](#endnote-ref-1)
2. The European Ethical Charter on the use of artificial intelligence in judicial systems from the Council of Europe offers an excellent example of such a set of principles. Available at: https://www.coe.int/en/web/cepej/cepej-european-ethical-charter-on-the-use-of-artificial-intelligence-ai-in-judicial-systems-and-their-environment [↑](#footnote-ref-1)