A Balancing Act: Human Rights and Criminalisation, Procedures & Law Enforcement

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Laws & Regulations – Brakes Enable Speed!

- “*Technology may be propelling us into a “new century with no plan, no control, no brakes” and it may now very well be the time for “reprising control before we cross the “fail-safe point”*
Liberty, Democracy & Human Rights

• UN as the Arbiter of Human Rights;
• Incorporating Human Rights covenants to ensure their protection on online domains;
• Identifying the expanding understanding of Human Rights – making it inclusive and representative;
• Balancing Human Rights with the needs of law enforcement & Governance;
• Balancing Human Rights inter se (Eg: security v. privacy debates);
• Expanding applicability – Corporates & Human Rights;
• Highlighting Duties – User duties;
Crimes & Punishments

• Addressing territoriality concerns through soft laws;
• Delineating Crimes – against Individuals, Economy & Nation & structuring commensurate punishments;
• Laws as Deterrence rather than mere punitive mechanisms;
• Harmonizing criminal provisions – in nomenclature, structure and format;
• Using harmonization to assure victim remedies;
• Reality Checks – Ensuring Enforcement of the proposed provisions;
Privacy & Procedures

• Harmonizing Procedures across jurisdictions – soft laws repairing broken windows in enforcement mechanisms;
• Procedures to address internal and international enforcement mechanisms;
• From search & seizure to surveillance – to be addressed to balance rights;
• Understanding and delineating existing provisions and its applicability for emerging technologies;
• Mediating privacy through technology tools;
In The Name of Security

• Law Enforcement & its requirements – drawing Lakshman Rekhas (boundaries that cannot be breached) in the name of security;
• Enabling enforcement across jurisdictions;
• Identifying applicability of jurisdictional issues;
• Assuring proportionality;
• Checks and balances in surveillance;
• Role of International Agencies in ensuring an open, free, safe & Secure Internet;
Technology Tools & Human Rights

• Use of technology mediated solutions in combating digital crimes;

• AI as a tool for active filtration of child sexual abuse content and violent imagery of women i.e., quarantining at the stage of upload – implications for free speech;

• Blockchain as a solution for financial crimes – transparency and implications for privacy;

• Responsibility of Corporates in assuring digital safety – be it social media, digital payments, gaming or Web 3.0, to name a few;

• Expanding the responsibility of Corporates to assure Human Rights;
Thank you

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