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Digital Media for Participation & Praxis:

An interdisciplinary approach for examining emerging human rights mechanisms

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Abstract:

The intersection between human rights and digital technology is complex, multilayered, interdisciplinary and continuously changing, its study both challenging and stimulating. Many existing explorations at this juncture focus on how human rights principles can be applied toward the regulation, dissemination and utilization of digital technologies. Of lesser focus is the role that digital technologies, and the participatory culture that follows, have on the practice of human rights. Through this chapter, I make reference to three such participatory mechanisms: ‘clicktivism’, digital mobilization and digital self-advocacy. I also highlight four key implementation pathways or ‘modalities’ through which human rights are protected and enforced based on a typology of actors in international human rights: the intervention, mediation and monitoring of intergovernmental organizations; the advocacy, activism and assistance offered by NGOs; the awareness and education offered by news media; and the structure offered by legal instruments and processes, enforced by the judiciary. In doing so, I reference examples through which each modality has integrated participatory mechanisms. These mechanisms have taken advantage of the online infrastructure offered by a digital media ecosystem, which encompasses internet-based communications and online participatory media (the “read/write web”). Of the the four modalities, I posit that human rights law, enforced by the judiciary, has much to gain from the integration of digital media and related methodologies. As such, human rights researchers and practitioners, understanding the value of protecting and promoting rights through legal modalities, must advocate for innovation in our rights procedures. We must underscore the centrality of civic participation for effective practice, and, without wavering in our tendencies to critique and scrutinize, embrace the affordances of digital technology.

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A New Generation: Human Rights in the Digital Age

‘BBC journalist Richard Engel snapped a photo in Tahrir Square that elegantly summarizes one narrative of the Arab Spring: A bearded man holds a handmade cardboard sign that declares “Thank You, Facebook”’.

Ethan Zuckerman, Cute Cats to the Rescue: Participatory Media and Political Expression

Traditional delineations of human rights identify rights as universal, inalienable and inherent to all human beings, often guaranteed to individuals and communities through legislated implementation pathways. Human rights scholars, including Professor Stephen P. Marks¹, highlight the challenges of comprehensively defining the concept of human rights. In his 1981 paper on *Emerging Human Rights*, Marks references international law as the “discipline offering the most rigorous criteria for delimiting the field of human rights” while acknowledging the necessity of a transdisciplinary approach needed to

conceptualize human rights.² This necessity continues to underscore the implementation of human rights; knowledge and insights derived from interdisciplinary pathways are required for effective promotion and enforcement of human rights standards. Marks proposes the notion of a new generation of human rights upon which I hope to build. This involves integrating new dimensions derived from the digital age, and the participatory culture that has followed.

The duty of governments and intergovernmental actors to respect, protect, and implement the human rights standards outlined in the International Bill of Human Rights has not changed. It remains the bedrock upon which the human rights framework is built. This obligation requires that governments enact and uphold legislation and policies that align with the rights and standards of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. However, the role that government and civil society actors play in effectively recognizing and defending these fundamental rights and freedoms must be preceded by acknowledging that new regulatory protocols and the expansion of these rights is necessary. New mechanisms for implementation offered in the digital age have shifted methodologies and priorities for human rights research. So too must human rights praxis.³

Increasingly, humans seek comfort and community by connecting in virtual public spaces - gathering and sharing, viewing, and contributing to online platforms that compose our digital participatory culture.⁴ These same channels serve as vectors for spreading narratives, expressions, investigations and messages that complement global conceptualizations and definitions of human rights. They expose, illuminate and make relevant human experiences that may otherwise seem distant, mysterious, or unimaginable, providing symbolic dialogues between a subject and an audience, and bridging cultural divides.

Central to this concept is the human right to freedom of opinion and expression, the ability for individuals to express their opinions, perspectives, hopes and grievances,

² See Stephen P. Marks, *Emerging Human Rights: A New Generation for the 1980s*, 33 *Rutgers L. Rev.* 435 (1980-1981).

³ For the purpose of this chapter, the definition of human rights implementation is broader than the “process of putting international commitments into practice”. It includes committing to and ratifying human rights treaties, monitoring human rights violations, informing about human rights and human rights violations, documenting human rights violations, and carrying out other support efforts for the realization of human rights obligations. With such a broad definition, of course, conceptualizing effectiveness for human rights implementation is incredibly complex. Implementation pathways for human rights action integrate the roles of various stakeholders in fostering understanding, awareness raising, agenda setting, and mobilization towards shifts in global policy for human rights issues. See David C. Baluarte & Christian De Vos, *Open Society Justice Initiative*, ‘From Judgment to Justice: Implementing International and Regional Human Rights Decisions’ (Nov. 2010).

⁴ Virtual publics refer to groups of individuals that form and interact with one another in online spaces. See Beth E. Kolko, ed. *Virtual Publics: policy and community in an electronic age*. Columbia University Press, (2013).

without fear of interference, persecution or harm.⁵ The digital age⁶ has presented a rapid shift in the volume and variety of opportunities for communication and information sharing between individuals all over the world. New technologies are magnifying the ways in which human rights are exercised. As such, it is necessary for the field of human rights to expand its scope of research and practice to examine how the digital media ecosystem - as an infrastructure of connection - contributes to the portrayal, protection, and enforcement of human rights. This can offer an extension to Marks' seminal work in highlighting the potential for a new generation of human rights practice.

Digital technology transforming human rights

Human Rights Watch Director of Global Affairs and former US Ambassador Eileen Donahoe effectively summarizes some of the issues involved in technologies with dual uses:⁷

Digital technology has transformed the means through which human rights are both exercised and violated around the globe. The Internet has become an indispensable tool for the realization of a range of human rights, and for accelerating economic development. Yet, every day, there are new examples of how digital technologies play a role in undermining human rights — whether through a prime minister banning Twitter in Turkey; a death sentence for a posting on Facebook in Iran; bulk electronic surveillance of American citizens by the NSA; a court ruling on the right to be forgotten in Google searches in Europe; or a requirement that Internet users supply real names to service providers in China. This dual edge aspect of technology was conveyed well by a Tibetan human rights activist to the Toronto-based research group Citizen Lab: “Technology is this funny thing where it’s a lifeline, and then . . . maybe it’s your ticket to jail.”⁸

Donahoe suggested three practical steps towards addressing human rights challenges in the digital age: the appointment of a Special Rapporteur on the right to privacy, a role filled by Prof. Joseph Cannataci in July 2015; the development of interdisciplinary and multi-stakeholder strategies for internet governance, which now includes initiatives such as the 2014 *Civil Rights Framework for the Internet* approved of by the Brazilian government, the 2015 *Internet Bill of Rights* introduced by the Italian parliament, and the 2016 Human Rights Council affirmation that access to (and protection on) the internet is a right – all of which have begun to interpret existing human rights documents to expand their meaning towards relevant aspects of the digital age; and the establishment that

⁵ UN General Assembly, *Universal Declaration of Human Rights*, United Nations, 217 (III) A, 1948, Paris, art 19, <http://www.un.org/en/universal-declaration-human-rights/>. Accessed Sept. 5, 2016.

⁶ Also referred to as the Information Age, the New Media Age, or the Information and Communications Technology (ICT) Age.

⁷ In the fields of political science, international relations and diplomacy, dual use technologies are tools that can be used for achieving either peaceful or for military goals.

⁸ Eileen Donahoe, *Human Rights in the Digital Age*, Human Rights Watch, (Dec. 23, 2014) <https://www.hrw.org/news/2014/12/23/human-rights-digital-age> accessed on Oct. 7, 2016

digital security issues are of national security concern. Much of existing research focuses on applying human rights principles towards the regulation, dissemination and utilization of digital technologies. Of lesser focus has been the influence that digital technologies, and the participatory affordances that follow, have on the realization of human rights.

Traditional human rights implementation

Human rights, a social and legal infrastructure that consists of both rights and obligations, requires institutional support for implementation and enforcement. The United Nations Office of the High Commissioner for Human Rights references that during the 1993 Vienna World Conference on Human Rights, it was ‘noted that it is the duty of States to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems’.⁹ For States, there are two ways in which compliance with international human rights standards can take place: ‘firstly, by observing or respecting their national laws (constitution or statute law) which are consistent with international norms; and secondly, by making those international norms or obligations part of the national legal or political order, that is, they become domesticated (internalised or incorporated)’.¹⁰ When the human rights of individuals or communities have been violated, identified through investigations undertaken by intergovernmental organizations, NGOs or journalists, or through individual or community complaint, international human rights bodies can be mobilized.

With this scaffolding, human rights processes rely on advocates - human rights lawyers, legislators and the personnel of relevant organizations. United Nations committees, commissions and councils are able to conduct research on human rights concerns, and develop recommendations for how to address them. Special rapporteurs investigate and report to such intergovernmental bodies about known human rights abuses. In the event of a human rights violation, the role of judiciary bodies is essential for overseeing a State’s compliance with obligations they have under human rights law. In such circumstances, opportunities for self-advocacy are limited to human rights claims procedures, which can be inaccessible, often bureaucratic and seemingly esoteric complaint submission processes.

Emerging needs for participation in human rights implementation

The relationships between state parties as ‘duty bearers’ and individuals as ‘rights owners’ defines the parameters of responsibility for human rights treaties ratified by a given state. However, public trust in states and political systems to advocate on

⁹ United Nations Office of the High Commissioner for Human Rights, Your Human Rights, <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>, accessed Oct 7, 2016

¹⁰ Francois-Xavier Bangamwabo, The implementation of international and regional human rights instruments in the Namibian legal framework, 167 Human Rights and the Rule of Law in Namibia. Windhoek: Macmillan Education (2008). <http://www.kas.de/upload/auslandshomepages/namibia/HumanRights/bangamwabo.pdf> accessed Oct 7, 2016

individuals' behalf is decreasing. In the United States, this has manifested itself in decreased confidence in government.¹¹ In Norway, research highlights that nearly twice as many Norwegian citizens are members of humanitarian organizations than political parties.¹² This mistrust in analog institutions also manifests itself in the digital realm.

Digital information sources that get categorized as 'information authorities', trusted sources for news updates, research and other information, are increasingly based on social proof rather than institutional trust. Social proof, the process by which individuals may be more likely to replicate the actions of their peers rather than those recommended by an authoritative figure, holds central the involvement of communities in shifting societal norms.¹³ With public trust in institutions on the decline globally, the field of human rights must innovate in our capacity to encourage involvement, participation and confidence in the very procedures that have been created to protect these publics.

Digital technologies for participatory human rights implementation

The 2030 Sustainable Development Goals (SDGs) highlight a global shift towards the centrality of implementation in human rights practice; "means for implementation targets" are included with each of the 17 goals. The 17th goal reinforces this with the title: "Strengthen the means of implementation and revitalize the global partnership for sustainable development".¹⁴ Focusing on the means of implementation for improving the human condition is essential, and, as the SDGs reference, there is strong potential for technology to improve these processes. One pathway through which technology can strengthen implementation pathways is through lowering barriers to participation – with the creation of platforms and channels that rely on a participatory culture to sustain them, or to effectively move towards a shared outcome. The creation of these goals themselves relied on a participatory process, through the collaboration of intergovernmental organizations, States, researchers and academic institutions, NGOs, and, most importantly, civil society. The UN My World survey, an online data-collection platform, was used to bring the voices of citizens, particularly young people, into SDG policy discussions.¹⁵ The goal is for these digital conversations to continue over 15-year SDG period, with the data available to civil society members as well as UN country offices, to ensure accountability is integrated into related local programming.

¹¹ Pew Research Center, Public Trust in Government, 1958-2014, (Nov. 13, 2014) <http://www.people-press.org/2014/11/13/public-trust-in-government/> accessed Oct 7, 2016. *Also see* Karvonen (1990), as cited by Birgitta Hoijer, 'The discourse of global compassion: the audience and media reporting of human suffering' 26 Media, Culture and Society 4, 513-531

¹² Andressen (1999) as cited by Birgitta Hoijer (2004). *Ibid*.

¹³ Robert B. Cialdini, Wilhelmina Wosinska, Daniel W. Barrett, Jonathan Butner & Malgorzata Gornik-Durose, 'Compliance with a Request in Two Cultures: The Differential Influence of Social Proof and Commitment/Consistency on Collectivists and Individualists' (1999) 25 Pers Soc Psychol Bull, https://business.illinois.edu/shavitt/BA_531/Cialdini%20-%20Compliance.pdf. *Also see* Robert B. Cialdini, 'Harnessing the science of persuasion' (2001) 79 Harvard Business Review 9, 72-79.

¹⁴ Sustainable Development Knowledge Platform < <https://sustainabledevelopment.un.org/> > accessed Oct 20, 2016

¹⁵ My World 2030, Partnership for SDGs, <<https://sustainabledevelopment.un.org/partnership/?p=11850>> accessed Oct 21, 2016

This, and other participatory mechanisms mentioned with reference to the SDGs, has immense potential for adaptation to other human rights instruments and processes. *Human Rights and Technology - The 2030 Agenda for Sustainable Development*, a book published by UPEACE, highlights three key ways in which technology can contribute to the achievement of the SDGs: ‘through international cooperation on and access to science, technology and innovation; through the transfer, dissemination and diffusion of technologies; and by operationalizing capacity-building mechanisms’.¹⁶ The latter is of particular importance to this chapter: a recognition of the opportunities provided by digital technologies to create capacity-building mechanisms.

Connectedness and participation in the digital media

With increased connections between individuals otherwise isolated from one another by contextual or geographical barriers, humans are even more exposed to the lived realities of one another. This era of digital connectedness has led to an increase in opportunities for conversation, collaboration, movement building, and collective shifts in social norms.¹⁷ These changes have presented new opportunities for the field of human rights, as the development of these communication pathways allows for connecting with, learning from, and supporting communities and individuals all over the world. With the speed and scale of digital network infrastructure allowing access to the Internet, such opportunities are now widely accessible, giving promise to human rights processes that allow for increased participation.

Digital media, which includes news media, social media, blogs and other platforms created for content dissemination, provide spaces for participation through information sharing. This can materialize through text, images, audio, photo and video, with new media being developed regularly. Digital media have created new channels through which individuals have the capacity to share their experiences with wider audiences, with the potential for these experiences to get launched into larger public dialogues through new mechanisms: the processes of virality, where a piece of information circulates widely and rapidly among internet users, or with increased coverage of a given topic by mainstream media sources. A photo can be used as evidence of corruption or police brutality. A hashtag, a digital identifier used to categorize messages on a specific topic, can be used to organize movements and grassroots social change campaigns. A Facebook

¹⁶ *ibid*

¹⁷ ‘Often all or most people would on reflection like to see a change in a particular norm,⁶⁰ and they cannot bring the change about on their own, because in his individual capacity, each person has limited power to alter meaning, norms, or role’ See Cass R. Sunstein, *Social Norms and Social Roles*, 96 Colum. L. Rev. 903 (1996). Further, ‘cooperation increases when people can talk with one another; discussion significantly raises contribution rates, perhaps because it increases empathy and the shame associated with noncooperation’ Shelley Orbell et al., *Explaining Discussion-Induced Cooperation*, *J of Personality and Social Psychology* (1988). At the same time, it is important to note that such advancements have accelerated already widening disparities and inequalities between and within regions, nations, and communities. I explore this concept in Section III.

page can be used as a central hub for more widespread mobilization.¹⁸ Human rights grievances, complaints, and criticisms can be more rapidly mobilized with these digital tools, “boost[ing] the possibility of accomplishing the goals of both political redress and public protest”.¹⁹ This emerging participatory culture is impacting the ways in which acts of self-advocacy, affiliation and protest are carried out, shifting traditional pathways through which social change is conceptualized, political action is taken and policies are shaped. It is imperative that a global human rights infrastructure has the capacity, both technical and operational, to accommodate these changes.

Investigating and identifying online participatory spaces, and the ways in which users, readers and content creators discuss human rights issues, is essential for the future of this field. Certainly, technology itself does not ‘give voice to the voiceless’; digital tools for communication ‘intended to universally empower are still subject to disempowering structural inequalities’.²⁰ However, when societal, structural and digital infrastructure allows, individuals around the world now have greater potential to impact broader policy and political agendas. Engaging with publics online allows human rights organizations to learn from a diverse array of voices, who, when engaged and mobilized, fulfill the original vision of the Universal Declaration of Human Rights.

Digital Participation in Human Rights

‘The challenge for human rights [...] is to focus on questions of participation, accessibility and inclusiveness’.
Forum Learning, Living Acting for Human Rights, 2009.

At 11:30 a.m. Central European Time on December 17, 2010, Tarek el-Tayeb Mohamed Bouazizi, a Tunisian man of 26 years set himself ablaze. He was frustrated after his source of income and livelihood, which supported a family of eight, was threatened. A street vendor, Bouazizi’s unlicensed food cart was confiscated that morning, and the policewoman he encountered was dissatisfied with the bribe he was able to give her. She allegedly proceeded to slap Bouazizi, spit in his face, and insult his dead father, then confiscate the weighing scales he used to sell produce. Ashamed and angered by the altercation, Bouazizi went to the state government offices to share his grievances, but officials refused to hear his complaints. Bouazizi went to a gas station and returned to the government office with a can of fuel. He poured it on himself, setting himself on fire. He died at the Ben Arous Burn and Trauma Centre 18 days later, after suffering from burns on over 90% of his body. Tunisians in Sidi Bouzid were outraged by the series of events that led up to Bouazizi’s self-immolation, and, within hours, protests began to take shape - participants angered by institutional corruption, limited educational opportunities, high unemployment rates, and poverty. These sentiments spread to Tunis, the country’s

¹⁸ Zeynep Tufekci, Ted Talk: How the Internet has made social change easy to organize, hard to win. (Feb. 2, 2015) <<https://www.youtube.com/watch?v=Mo2Ai7ESNL8>>

¹⁹ Mathias Klang and Andrew Murray. *Human rights in the digital age*. Psychology Press, 2005.

²⁰ Meryl Alper, ‘Giving voice: Mobile communication, disability, and inequality’, MIT Press, (2017).

capital. By this point, surrounding countries had learned about the Tunisian protests, and the impact that demonstrations had; criticisms of the oppressive government regime actually led to political change. People in Egypt, Libya, and Syria began organizing themselves online, using social networks (Facebook, Twitter) and other participatory platforms (YouTube) to mobilize in larger groups. Through the use of online groups and common hashtags, such as #egypt, communities were unconstrained by geographic borders. The ‘Arab Spring’ became known for activists working together towards the common goal of freedom from oppression, fighting against socioeconomic and sociopolitical barriers, sharing information about the protests with one another and with the rest of the world. The Arab Spring was one of the first notable examples of the ways in which digital media transformations simultaneously revolutionized the ways in which international policy agendas can be shaped. In light of the content produced by activists and participants on the ground in social media platforms, the media were forced to tell the rest of the world a different story.

The pathways through which new media assisted in bolstering democratic transformation and mobilizing for political change during the Arab Spring have been widely discussed by researchers, scholars, and journalists.²¹ While the United States Institute of Peace report concluded that there was no causal mechanism through which communications through social media led to the uprisings in Tunisia, Egypt, Libya, and Bahrain, it was found to be incredibly important in communicating both within the movement, and to the world, how these events were unfolding.²²

Technologists and academics alike continuously re-imagine the ways in which the digital media ecosystem, and the participatory platforms within it, encourages dynamic, thoughtful and productive extensions of the public sphere. Increasingly, individuals can mobilize, share information, and contribute to public discussions. Such opportunities allow members of civil society to contribute to human rights conversations, advocating for their own rights, and aligning with movements to protect the human rights of communities around the world.

The importance of participation in a new generation of human rights

If we examine the evolution of how human rights protection mechanisms were established, the move towards participatory elements is clear. Christopoulos and

²¹ Survey results from a 2011 study of 1,200 participants in Egypt’s protests found a crucial role played by social media in the spread of information, shaping participation in these protests. The use of social media increased the potential for participation in the Tahir Square protests on the first day. See Tufekci, Z. and Wilson, C. (2012), Social Media and the Decision to Participate in Political Protest: Observations From Tahrir Square. *Journal of Communication*, 62: 363–379. doi:10.1111/j.1460-2466.2012.01629.x ; Ekaterina Stepanova, *The role of information communication technologies in the “arab spring”*, 15 *Ponars Eurasia*, 1-6; Sharon Meraz & Zizi Papacharissi, *Networked Gatekeeping and Networked Framing on #Egypt*, 18 *The International Journal of Press/Politics* 2, 138-166.

²² USIP. Blogs & Bullets II, New media and conflict after the arab spring (2012), <https://www.usip.org/sites/default/files/PW80.pdf>.

Diamandouros' *Established Evolutionary Paradigm* for human rights describes a four stage process, moving from the provision of human rights guarantees by states, to the emergence of international human rights mechanisms for protection, to the creation of intergovernmental mediation institutions, and, finally, the establishment of non-government organizations.²³ The authors underscore the following principle that reinforces the necessity of integrating opportunities provided by modern technologies, such as infrastructures for digital participation, into our existing human rights implementation paradigm:

A fundamental theoretical prerequisite for the strengthening of this field is the active involvement of citizens in the protection of rights. Such involvement is connected with the emergence of a “third” pole, defining itself as a mechanism designed not only to limit but also to bridge the division between public and private space, which constitutes a fundamental characteristic of modernity.²⁴

Based on the work of media and technology scholar Ethan Zuckerman, for this context, the above ‘bridging’ infrastructure can be referred to as the *digital media ecosystem*. The digital media ecosystem, which encompasses internet-based communications and online participatory media (referring to the “read/write web”) can act as a bridge between the public and private spaces that Christopoulos and Diamandouros describe, offering opportunities for individuals all over the world to contribute to human rights conversations. These contributions, reinforcing or challenging dominant narratives or frames around a given human rights issue, can help shape international discourse. Contributions are especially useful when affected individuals or community members, whose input can ensure the effective prioritization of solutions and remedies for addressing human rights violations, provide them.

The Victorian Equal Opportunity & Human Rights Commission defines three models of advocacy used to bring about social change: self-advocacy, the process of standing up for oneself; individual advocacy, the process of standing up for someone else’s rights; and systemic advocacy, the process of trying to change a system through addressing structural and systemic causes of inequalities.²⁵ In the past, human rights processes, such as United Nations complaints procedures, human rights education programs or human rights monitoring systems, largely relied on systemic and individual advocacy-based models to ensure the realization of human rights on the ground – human rights lawyers, program officers, government officials, and other related personnel acting *on behalf* of the populations they serve. However, research has increasingly shown the importance of civic participation when the goals are human rights realization, or social and political change, showcasing the potential for improving human rights through integrating

²³Dimitris Christopoulos and Nikiforos Diamandouros, *Traditional human rights protection mechanisms and the rising role of mediation in southeastern Europe*, 60 *Iyunim—The Periodical of the Office of the State Comptroller and Ombudsman*, (2004), 21-33.

²⁴ *Ibid.*

²⁵ Victorian Equal Opportunity & Human Rights Commission, *Advocating for human rights* <<https://www.humanrightsccommission.vic.gov.au/human-rights/the-role-of-the-commission-under-the-charter/advocacy>> accessed October 5, 2016.

opportunities for self-advocacy.²⁶ Frameworks based on participatory methods, including human-centered design, participatory action research, and co-creation have been receiving increased attention in both academic and practitioner circles, and their potential for improving human rights practice ought to be explored in more detail.

Why digital participation matters

‘Groups are basically surviving virtually, by using online communication as a tool for mobilization’ says Sueli Carneiro, Brazilian philosopher, author and activist, who created the first black feminist organization in Brazil in 1983.²⁷ The goal of *Geledés - Black Women's Institute*, is to focus on health and human rights.²⁸

Brazil’s exceptionally punitive restrictions on abortions have been heavily criticized by human rights organizations and intergovernmental institutions; individuals who perform abortions for women can be sentenced at up to four years in prison, while women who end their pregnancies under conditions other than instances of rape, when medically necessary to save a woman’s life, or if the fetus is diagnosed with anencephaly (a deadly brain disorder that develops in-utero), can face up to three years in prison.²⁹ An estimate of 500,000 to one million abortions take place in Brazil each year, the majority of which are performed in unsafe conditions – in 2015, Brazil’s Ministry of Health estimated that the ‘number of women who sought medical attention for botched abortions outpaced the number of women who received legal abortions by nearly 100 to one’.³⁰ Though this is a serious public health concern, monetary resources allocated towards women’s sexual and reproductive health in Brazil is scarce, sparking the development of strong, digitally-based mobilization efforts, such as *Blogueiras Feministas*, a blogging network that provides event coverage, legal information, and helpful advice on a variety of sexual and reproductive health issues, or *Marcha das Valdas*, a series of demonstrations to express

²⁶ IDS Annual Report, Participation, Power and Social Change, (2011), https://www.ids.ac.uk/files/dmfile/6356_Participation_Web.pdf.

²⁷ Françoise Girard, International Women’s Health Coalition, The New Normal for Brazilian Women’s Organizations, (Aug. 4, 2014), <<https://iwhc.org/2015/08/the-new-normal-for-brazilian-womens-organizations/>> accessed Nov 5, 2016. *Also see* Mulher 500, Cervo e pesquisa – biografia de mulheres, <<http://www.mulher500.org.br/acervo/biografia-detalhes.asp?cod=859>> accessed Nov 5, 2016.

²⁸ See Geledes website for more details: <http://www.geledes.org.br/>

²⁹ Human Rights Watch, Brazil: Court Reviewing Criminalization of Abortion Amicus Briefs Cite Violations of Women’s Rights, (Apr. 25, 2017), <<https://www.hrw.org/news/2017/04/25/brazil-court-reviewing-criminalization-abortion>> accessed May 7, 2017.

³⁰ Carolina Oliveira Castro, Dandara Tinoco & Vera Araújo, Tabu nas campanhas eleitorais, aborto é feito por 850 mil mulheres a cada ano Interrupção da gravidez é quinta maior causa de morte maternal, (Sept. 19, 2014). <<https://oglobo.globo.com/brasil/tabu-nas-campanhas-eleitorais-aborto-feito-por-850-mil-mulheres-cada-ano-13981968#ixzz4jdiAdP8Q>> accessed May 7, 2017; Aos Fatos, SUS atende 100 vezes mais casos pós-aborto do que faz interrupções legais, (March 10, 2016), <<https://noticias.uol.com.br/cotidiano/ultimas-noticias/2016/03/10/sus-atende-100-vezes-mais-casos-pos-aborto-do-que-faz-interruptoes-legais.htm>> accessed May 7, 2017 ; Brent McDonald, ‘Brazil’s Abortion Restrictions Compound Challenge of Zika Virus’, New York Times, (May 18, 2016), <<https://www.nytimes.com/2016/05/19/world/americas/zika-virus-abortion-brazil.html>>

frustration with gender inequity and sexual violence, that started with the creation of a Facebook event.³¹

Not only have reproductive rights movements in Brazil incorporated digital participation to feature testimonies of women who have undergone unsafe abortions, organize gatherings and protests, and disseminate important information that governments refuse to provide, but they are also bypassing the drastic cuts in women's sexual and reproductive health funding by gathering and organizing online. This is also an effective approach for reaching larger audiences, as Brazil is the second largest social media market in the world.³² Such efforts to critique inequalities, mobilize for political change, and advocate for social justice take place on the web, with implementation modalities that blur strict online/offline categorizations of activism and advocacy.

Through this example, is possible to begin to understand the distinction between participation and representation, two different approaches to achieving human rights advocacy. Both are essential for the achievement of human rights on the ground – in response to Brazil's deeply troubling abortion legislation, alongside the difficult and essential work of NGOs providing channels for women's self-advocacy, on April 25, 2017, Human Rights Watch (HRW) filed two amicus briefs to the Federal Supreme Court of Brazil to decriminalize abortion.³³ Nonetheless, UPEACE highlights that “to create more peaceful and tolerant societies, citizens' participation is indispensable”.³⁴ This is not only essential for promoting peace and acceptance; it is central to ensuring both the uncompromised rights and the unequivocal dignity of individuals around the globe.

Human rights actors aim to attract attention to the issues that either affect them or affect publics they represent by engaging in conversations that, increasingly, take place online. This makes sense; the amount of content and knowledge that exists on the web, reaching more than three billion people, is unprecedented³⁵. The dissemination of news, stories, and other content online is an essential component of information diffusion in the digital age. The goal of these efforts is to mobilize the greater public to participate in activities,

³¹ See Blogueiras Feministas website for more information: <http://blogueirasfeministas.com/>; Carolina Matos, *Globalization, Gender Politics, and the Media: From the West to Latin America*. Lexington Books, (2016); Françoise Girard, International Women's Health Coalition,

³² Ryan Homes, 'The Future Of Social Media? Forget About The U.S., Look To Brazil', (Sept. 12, 2013). <<https://www.forbes.com/forbes/welcome/?toURL=https://www.forbes.com/sites/ciocentral/2013/09/12/the-future-of-social-media-forget-about-the-u-s-look-to-brazil/&refURL=&referrer=>> accessed Nov 5, 2016.

³³ See HRW Amicus Curiae: Decriminalization of Abortion in Brazil up to 12 weeks <<https://www.hrw.org/news/2017/04/25/amicus-curiae-decriminalization-abortion-brazil-12-weeks>>, HRW Amicus Curiae: Decriminalization of Abortion in the context of the Zika virus in Brazil <<https://www.hrw.org/news/2017/04/25/amicus-curiae-decriminalization-abortion-context-zika-virus-brazil>>, and HRW summary of the Brazil amicus briefs <<https://www.hrw.org/news/2017/04/25/brazil-court-reviewing-criminalization-abortion>>, all published and accessed on April 25, 2017.

³⁴ University for Peace, 'Human Rights and Technology: The main requisites to implement the 2030 Agenda' (Dec 2016), <https://www.upeace.org/uploads/file/Ideas%20for%20Peace%20Vol.%208.pdf>.

³⁵ Unfortunately, this means that just over half of the global population, 53% as of 2016, do not either have access to or regularly use the Internet. See the 2016 United Nations Broadband Commission, *The State of Broadband: Broadband catalyzing sustainable development*, <<http://broadbandcommission.org/Documents/reports/bb-annualreport2016.pdf>>. These statistics only reinforce the importance of advocates working tirelessly to implement Internet access as a human right.

events, and acts of resistance that have the potential to create social change through influencing media and political agendas. With the rise of the Internet and participatory platforms, these dialogues have become easier to create and engage in. Readers of digital content have become producers and can help shape not only how the world understands as particular human rights issue (framing), but also global prioritization for that topic (agenda setting).

Framing itself is a process of selection, determining which aspects of a given issue are stressed in media coverage or overall attention, which helps to shape a given audience's views on that topic.³⁶

To frame is to select some aspects of a perceived reality and make them more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation and/or treatment recommendation for the item described.³⁷

Meraz and Papacharissi highlight that 'frames enable both a content-based (substantive) and sentiment-based (affective) understanding of an issue'.³⁸ The particular dominant frame that a given individual is exposed to, through their media 'diet' or information intake, shapes their worldview. The ways in which human rights topics are framed is incredibly important for both social and political mobilization towards realizing those rights, as they shape how human rights are communicated in the public debate. The dominant frame will impact the ways in which people, including key societal decision-makers, 'understand, remember, evaluate and act upon a problem'.³⁹ With new opportunities to engage in human rights dialogues online, individuals can contribute to the creation and shifting of dominant frames, helping to set international agendas and policy priorities. This is essential, as 'naming and framing of a policy situation are symbolic contests over the social meaning of an issue domain, where meaning implies not only [what the issue is], but what is to be done'.⁴⁰ Digital media can provide the means for mobilizing the voices of 'target audiences' so that NGOs, intergovernmental organizations, and others can better support key issues and desired solutions. Both offline and online 'symbolic events' of participation, which can include effective storytelling, self-advocacy, or mobilization in digital publics through hashtags, likes, retweets, and comments, can be 'instrumental in gaining access [to political or international support] because they can "recast or challenge prevailing definitions of the situation, thus

³⁶ See Sophie Lecheler & Claes de Vreese, 'What A Difference a Day Made?: The Effects of Repetitive and Competitive News Framing Over Time.' (2010). University of Amsterdam. Also see Robert M. Entman, 'Framing bias: Media in the distribution of power', 57 *Journal of communication*, 163-17, (2007).

³⁷ Robert M. Entman 'Framing: Toward clarification of a fractured paradigm', 43 *Journal of communication* (1993), p.52

³⁸ *ibid*

³⁹ Reese 2001, as cited by Meraz & Papacharissi (2013)

⁴⁰ Schon and Rein 1994 as cited by Jutta Joachim, 'Framing issues and seizing opportunities: The UN, NGOs, and women's rights' 47 *International Studies Quarterly* 2, (2003), 247-274.

changing perceptions of costs and benefits of policies and programs and the perception of justice in the status quo”⁴¹.

In addition to the reproductive rights movement in Brazil and the Arab Spring, other human rights movements have involved digital communications technologies in their development and execution—holding central the role of bloggers, citizen journalists, and digital activists on the ground.⁴² For mass mobilizations such as these, digital media played an important role in organizing, engaging and informing both local activists and the world at large. Digital tools for participation are particularly important in repressive States where fear of abuse, arrest or torture, present ‘daunting obstacle[s] to political mobilization’.⁴³ However, it is important to avoid categorizing this digital infrastructure for mobilization as a causal mechanism through which political or social change can be achieved; there are many factors that contribute to the realization of human rights.

An additional benefit of this participatory digital infrastructure is the data it provides. Researchers have the opportunity to quantify the extent to which online participation, or other digital contributions, impacts the realization of human rights for a particular issue or event, and use this information to improve human rights interventions. The ability to understand information networks, and how populations both receive and contribute to digital dialogues, is increasingly possible, and provided to the public through open source analytical tools.⁴⁴ These data enable researchers to understand the channels through which publics are informed about human rights achievements, challenges, abuses, and violations. This can help practitioners better target human rights enforcement strategies, and can improve our ability to understand relationships between protecting human rights and shifting social norms.⁴⁵

Acknowledging barriers to participation

⁴¹ Zald 1996, Kingdon 1984, Keck and Sikkink, 1998, as cited by Jutta Joachim (2003).

⁴² See Andrew Chadwick, ‘Internet Politics: States, Citizens, and New Communication Technologies’ New York and Oxford, Oxford University Press, (2006). See also the *Saffron Revolution in Burma*: Mridul Chowdhury, Internet & Democracy Case Study Series ‘The Role of the Internet in Burma’s Saffron Revolution’ (Sept 2008), <http://cyber.harvard.edu/sites/cyber.harvard.edu/files/Chowdhury_Role_of_the_Internet_in_Burmas_Saffron_Revolution.pdf_0.pdf, <http://journals.uic.edu/ojs/index.php/fm/article/view/4620>> accessed Oct 7, 2016.

⁴³ Marc Lynch, The Century Foundation report, Arab politics beyond the uprisings: Mobilizing through Online Media, (May 9, 2017), <<https://tcf.org/content/report/mobilizing-online-media/>> accessed May 9, 2017

⁴⁴ One of these tools is called Media Cloud – project and platform developed by Harvard University’s Berkman Klein Center for Internet and Society, and the MIT Media Lab’s Center for Civic Media to investigate how conversations take shape and evolve in digital media. This is the project I am currently working with.

⁴⁵ As ‘norms turn out to matter in legal analysis for many reasons. Sometimes norms govern behavior irrespective of the legal rule, making the choice of a formal rule surprisingly unimportant’. See Richard H. McAdams, ‘The origin, development, and regulation of norms’, 96 Michigan Law Review 2, (1997), 338-433.

Of course, a number of factors impede the ability for citizens to participate in more widespread, equally distributed online conversations. The existence of information in digital media is different from the availability of that information, which is different from the accessibility of that information.⁴⁶ Related research on the topic of participation examining the engineers of digital media content - the individuals, corporations and algorithms dictating the content that a given individual or population may have access to – is necessary. This is an important precursor for understanding the role of power and digital participation in the actualization of human rights. Whose narratives or voices are heard? Whose are suppressed, and by what mechanism? And, as human rights researchers and practitioners, how can we more effectively investigate these mechanisms towards the development and implementation of relevant, necessary policies?

Availability

Internet shutdowns & content blockages: Abrupt or consistent shutdowns of Internet activity, or the prevention of users to access specific content online, is becoming more and more frequent, particularly in politically volatile or repressive environments.⁴⁷

Gatekeepers: Traditional media gatekeepers, including editors and journalists, were largely responsible for setting media and political agendas. However, digital technologies and the acts of participation they encourage help to shift media agendas, obliging news media to start covering human rights issues in new ways.

Accessibility

Digital news and social media provide new infrastructures for connection and opportunities for mobilization, self-advocacy and movement building. At the same time, access to opportunities for participation are unequally distributed by the intersections of race, class, age, and gender, among a multitude of other factors.

Digital Divide: The digital divide, referring to cross-national and international differences in Internet use, continues to create barriers in access to knowledge. Though the global number of Internet users is increasing, compounding factors in social, economic, regulatory and political dimensions exacerbate inequalities in access.⁴⁸

⁴⁶ For the sake of brevity, I will touch on a few of the key concepts involved in both the availability and accessibility of information online, and cite some key reports that will be helpful for researchers interested in learning more.

⁴⁷ For more information about internet shutdowns and content blockages, the following reports may be useful: ‘Pulling the plug, A Technical Review of the Internet Shutdown in Burma’, <https://opennet.net/sites/opennet.net/files/ONI_Bulletin_Burma_2007.pdf> and ‘Access Denied: The Practice and Policy of Global Internet Filtering’, <<https://www.oii.ox.ac.uk/archive/downloads/publications/RR14.pdf>>

⁴⁸ For more information about the digital divide, the following report may be useful: ‘Explaining the Global Digital Divide: Economic, Political and Sociological Drivers of Cross-National Internet Use’, <http://users.cla.umn.edu/~uggen/guillen_sf_05.pdf>

Selective Exposure: Individuals are motivated to seek information that reinforces or confirms their pre-existing beliefs.⁴⁹ Though some scholars hypothesize that, with the rise of social media, social proof is becoming more of an influential factor than only seeking confirmation biases, others argue that biases in social media algorithms have only contributed to homogenization of the type of information one is exposed to.⁵⁰

Information Overload: The Internet has provided new infrastructure through which the creation and dissemination of information is possible. The limited resource is no longer the availability of information, it is the time and capacity that individuals have to receive information, and the power that some content creators have in commanding the attention of audiences.⁵¹

Such factors bring to mind the following key questions about the affordances of digital technologies for participation: are platforms for self-advocacy an invitation for collective participation in human rights conversations? A louder call to action? A forum for like-minded people to commiserate, for opposing views to debate, or an echo chamber for dangerous ideas to propagate? Media and communications scholars have drawn from agenda-setting theories, active audience theory, framing theories, as well as literature in affective media and the study of social norms to begin exploring such questions. Few have examined these questions with direct reference to the field of human rights. In short, the quintessential academic response: it depends.

Digital technologies do increase our capacity to incorporate the narratives of wider, more diverse audiences than ever before, helping to improve the variety of advocacy practices (self-advocacy, individual advocacy and systemic advocacy) used towards the protection of global human rights.⁵² These efforts are their strongest when braced by the mechanisms of participatory culture, and deployed across all human rights institutions.

⁴⁹ For more information about reinforcement seeking and selective exposure, the following report may be useful: 'Politically Motivated Reinforcement Seeking: Reframing the Selective Exposure Debate', <https://www.researchgate.net/profile/R_Kelly_Garrett/publication/227747056_Politically_Motivated_Reinforcement_Seeking_Reframing_the_Selective_Exposure_Debate/links/00b7d52cc5de450d5a000000.pdf>

⁵⁰ For more information about social proof, homogenization and selective exposure, the following reports may be useful: 'Selective Exposure in the Age of Social Media: Endorsements Trump Partisan Source Affiliation When Selecting News...' <https://www.researchgate.net/profile/Solomon_Messing/publication/235763723_Selective_Exposure_in_the_Age_of_Social_Media_Endorsements_Trump_Partisan_Source_Affiliation_When_Selecting_News_Online/links/0fcfd5134c3eb42dd5000000.pdf>, 'Anti-Social | Asocial | Associated: Mapping the Social in Social Media' <<http://www.hca.westernsydney.edu.au/gmjau/?p=1754>>, 'Is there an echo in here?' <http://www.salon.com/2004/02/21/echo_chamber/>, ; echo-chambers and homophily, <http://www.zephoria.org/thoughts/archives/2004/02/23/echo-chambers_and_homophily.html>.

⁵¹ boyd, danah. 'Streams of Content, Limited Attention: The Flow of Information through Social Media.' *Web2.0 Expo*. New York, NY, (Nov. 17, 2009) transcript: <https://www.danah.org/papers/talks/Web2Expo.html>.

⁵² This approach is not to be interpreted as technological determinism, and requires deep, methodologically rigorous research to underscore the centrality of intersectional factors such as class, race, and gender in accessing participatory mechanisms and self-advocating on a global stage. Rather, it is an introduction to and an overview of the necessity for human rights instruments, governing bodies and implementation organizations to integrate participatory mechanisms offered by the digital media ecosystem infrastructure, with the goal of revolutionizing human rights practice

Mechanisms for digital participation in human rights action

Digital technologies offer new opportunities and mechanisms for participation to take place online— through social media, wikis, blogs and videoblogs, commenting tools, and citizen and participatory journalism, among other modalities.⁵³ Through this digital media ecosystem, civil society members can spark, critique, and contribute to conversations with acquaintances or strangers about anything they want; a broad spectrum of possibility.⁵⁴ Technically speaking:

Different kinds of web protocols and online platforms enable various types of communicative practices. The main initial Internet Protocols (IPs) available to users included the Post Office Protocol (POP) and the Simple Mail Transfer Protocol (SMTP) making email possible; Telnet enabling one-to-one or few[-]to-few Internet Relay Chat (IRC); File Transfer Protocol (FTP) to upload and download digital files; and Usenet newsgroups, the precursor to online forums. These were followed by Hypertext Transfer Protocol (HTTP) enabling website development and the World Wide Web. Weblogs, social networking sites, podcasting, Voice-over-IP (VoIP) and streaming services complement these protocols, enabling additional practices.⁵⁵

Here, I highlight three specific mechanisms made possible through the above infrastructure embedded in digital media ecosystems; examples of ways in which participatory culture online has changed the implementation of human rights. These mechanisms are: *clicktivism*, the process of connecting online for action taken online; *digital mobilization*, the process of connecting online for action taken offline; and *digital self-advocacy*, the process of advocating or ‘speaking up’ for oneself, or one’s community, online.

⁵³ Ethan Zuckerman, *Digital Cosmopolitans: Why We Think the Internet Connects Us, Why It Doesn't, and How to Rewire It*, WW Norton & Company (2013).

⁵⁴ It is of note that, as exists with most dual or multi-use technologies, such participatory infrastructure can be used for both productive conversations and learnings, or for destructive, exploitative means. See David Weinberger, The Internet That Was (and Still Could Be), *The Atlantic* (Jun. 22, 2015) <<https://www.theatlantic.com/technology/archive/2015/06/medium-is-the-message-paradise-paved-internet-architecture/396227/>> accessed October 5, 2016. Also see Lotus Ruan, Jeffrey Knockel, and Masashi Crete-Nishihata, We (can't) Chat: “709 Crackdown” Discussions Blocked on Weibo and WeChat, (2017), <https://citizenlab.org/2017/04/we-cant-chat-709-crackdown-discussions-blocked-on-weibo-and-wechat/>. Also see Alice Marwick and Rebecca Lewis, Media Manipulation and Disinformation online, (2016), https://datasociety.net/pubs/oh/DataAndSociety_MediaManipulationAndDisinformationOnline.pdf.

Nonetheless, with only slight tendencies for succumbing to cyberutopianism, the purpose of this chapter is to focus on how digital participatory mechanisms can be used to improve human rights practice.

⁵⁵ R. Mansell & P. Hwa, *The International Encyclopedia of Digital Communication and Society*. Oxford, UK, Wiley-Blackwell, (2015), pp. 1027-1034, http://eprints.lse.ac.uk/62090/1/Social_media_and.pdf

Clicktivism

Clicktivism is one process of utilizing forms of digital media, such as online petitions and surveys or social media, to facilitate social change. This term, only recently introduced into the Oxford Dictionary, is defined as the ‘actions performed via the Internet in support of a political or social cause but regarded as requiring little time or involvement, for example signing an online petition or joining a campaign group on social media’.⁵⁶ However, the scale of involvement required for clicktivism does not necessarily correlate with the scale of its impact.⁵⁷ Bente Kalsnes, Anders Olof Larsson, and Gunn Enli highlight the importance of this in their open-access paper on ‘*The social media logic of political interaction*’:

A *like* can be understood as a social media affordance that allows for low-threshold political interaction. Such activities have also been described as [...] clicktivism: political participation with limited or no political implications (Morozov, 2011). However, the unpredictable nature of online interactions makes it difficult to predict whether or what impact a *like* actually has (Carr, 2012). As the number of *likes* is part of Facebook’s algorithm that decides what content figures “on top” in Facebook’s newsfeed (Bucher, 2012), a *like* is also an important component of Facebook’s distribution mechanism. In terms of social media logic, encouraging *likes* and *shares* is important to create viral effects: massive distribution in a short time.⁵⁸

Some scholars critique clicktivism, or online activism, asserting that such efforts are ‘inadequate and may even harm the social and political causes people are attempting to support by conferring a false sense of accomplishment that forestalls more effective engagement’.⁵⁹ Malcom Gladwell argues that in order for social change to take shape and sustain itself overtime, ‘high-risk activism’ is needed, where activists have strong ties to one another and have something to lose through the process of rebelling.⁶⁰ Zeynep Tufekci, sociologist and scholar of movements, also highlights that making mobilization easier doesn’t make political change easier.⁶¹

⁵⁶ See <https://en.oxforddictionaries.com/definition/clicktivism>

⁵⁷ M. Butler, ‘Clicktivism, slacktivism, or ‘real’ activism: Cultural codes of American activism in the Internet Era.’ A thesis for the Master of Communication from the Department of Communication of the University of Colorado. (2011), <http://individual.utoronto.ca/christine/sources/clicktivism.pdf>.

⁵⁸ Bente Kalsnes, Anders Olof Larsson, and Gunn Enli, ‘The social media logic of political interaction: Exploring citizens’ and politicians’ relationship on Facebook and Twitter’, 22 First Monday 2, (Feb. 6, 2017), <<http://firstmonday.org/ojs/index.php/fm/article/view/6348/5916>> accessed Nov 1, 2016

⁵⁹ See Harvey, 2014, p. 282, as cited by Maria Tzouvara, ‘In the age of clicktivism: the use of social media in facilitating participation and social change’, (Mar. 2, 2016), <<https://wpmu.mah.se/nmict161group2/2016/03/02/in-the-age-of-clicktivism-the-use-of-social-media-in-facilitating-participation-and-social-change/>> accessed Jan 10, 2017.

⁶⁰ Malcom Gladwell, ‘Small change’, The New Yorker, (2010), 42-49. Also see Sabiha Gire, ‘The role of social media in the Arab Spring, Pangea Journal, (2014), <<https://sites.stedwards.edu/pangaea/the-role-of-social-media-in-the-arab-spring/>> accessed Jan 10, 2017.

⁶¹ Zeynep Tufekci, 2014.

One of the most contested examples of human rights clicktivism campaigns is Invisible Children's Kony 2012 campaign. The goal of this campaign was to bring to justice Joseph Kony, leader of the Lord's Resistance Army (LRA) in northern Uganda, whose brutal tactics included, among many other human rights violations, sexual violence and the recruitment of child soldiers. This campaign involved the creation of a 30-minute video to raise awareness about the situation and was the 'fastest growing viral video of all time'.⁶² The result of this campaign? Aside from '100 million views [of the video] in just 6 days, and 3.7 million citizen pledges calling for the arrest of Joseph Kony', a host of critiques from academics, NGOs, journalists, bloggers, and activists – both local to Uganda and from around the world – followed. Key criticisms included: the simplicity of the framing and narrative put forth by Invisible Children; misleading representations of northern Uganda; and the lack of participation of local communities in organizing the framing, verifying the narrative and crafting remedies or asks' of the audience.⁶³

This aligns with the following Guardian contribution from Jakob Mathiszig-Lee:

While it's great that the atrocities of the LRA are becoming more well known the problem is the majority of them happened years ago. I'm 23 (nearly 24) now but I remember being around 10 when I first started hearing about the horrendous acts the LRA were committing from my father who has always been an avid listener of the world service. To me all this campaign achieves is drawing attention to the shameful way the issue has been ignored for so long by the western world. The kids who suffered in Uganda at the height of the LRA's power are my age now and if you gave them the choice of giving more military hardware to the corrupt dictatorship that rules them now to catch Joseph Kony or investment in Uganda to get them an education and a job I very much doubt they'd choose the former.⁶⁴

The theory of change offered by this campaign is misaligned with local priorities and perspectives. If Invisible Children offered opportunities for participation to the northern Ugandan communities affected by the LRA, and a digital platform for amplifying local human rights concerns, it may have been an initiative that actually impacted, or even improved, the realization of human rights for populations on the ground. At the same time, the campaign did have some successes. #Kony2012 did effectively utilize social media as a platform for creating massive awareness about the atrocities committed by the LRA. During 2012, Joseph Kony was the ninth most searched for person on Google.⁶⁵

⁶² Invisible Children, 'Kony 2012', <<https://invisiblechildren.com/kony-2012/>> accessed Jan 10, 2017

⁶³ The Guardian News Blog, 'Kony 2012, the reaction', <<https://www.theguardian.com/politics/reality-check-with-polly-curtis/2012/mar/13/reality-check-kony-2012-reaction>> accessed May 21, 2017. *Also see* Ethan Zuckerman, 'Unpacking Kony 2012', (Mar. 8, 2012), <<http://www.ethanzuckerman.com/blog/2012/03/08/unpacking-kony-2012/>> accessed Jan 12, 2017

⁶⁴ The Guardian News Blog, 'Kony 2012: the reaction'

⁶⁵ Tolu Ogunlesi, 'Hijacking Nigeria's #BringBackOurGirls campaign: Why does the West assume a tweet can fix Africa's problems?', Al Jazeera Opinion, (Oct. 22, 2014), <http://www.aljazeera.com/indepth/opinion/2014/10/hijacking-nigeria-bringbackour-2014102213549148465.html?utm=from_old_mobile> accessed Jan 21, 2017

Interestingly, initiatives that criticize the concepts of clicktivism, or ‘slacktivism,’ while still utilizing social media as a vehicle for spreading awareness, have been demonstrably effective in garnering support. UNICEF’s successful 2013 Swedish campaign ‘Likes don’t save lives’ focused on asking for monetary contributions rather than solidarity on social media.⁶⁶ Nonetheless, when such viral initiatives hold central the voices of affected populations, the potential for genuine, desired impact is far more significant. For human rights issues, concerns and violations, these viral effects can be incredibly important for the development of larger movements; superseding geographic borders, digital media ecosystems can facilitate the mobilization of individuals and communities across the world towards catalyzing social and political change.

Digital Mobilization

The concept of digital mobilization is unique in that it offers opportunities for individuals to connect with others towards a common goal, even if participants are geographically dispersed. Here, it refers to connections that happen in digital spaces for action that is taken either online or offline. For participatory social network platforms such as Twitter, the creation of *networked publics*, which dayna boyd defines as follows:

Networked publics are publics that are restructured by networked technologies. As such, they are simultaneously (1) the space constructed through networked technologies and (2) the imagined collective that emerges as a result of the intersection of people, technology, and practice. Networked publics serve many of the same functions as other types of publics – they allow people to gather for social, cultural, and civic purposes and they help people connect with a world beyond their close friends and family. While networked publics share much in common with other types of publics, the ways in which technology structures them introduces distinct affordances that shape how people engage with these environments. The properties of bits – as distinct from atoms – introduce new possibilities for interaction. As a result, new dynamics emerge that shape participation.⁶⁷

Mechanisms through which networked publics mobilize online require the facilitation of either public, or semi-public interactions.⁶⁸ On Twitter, these interactions take shape in the form of *hashtags*, which ‘pool information and organize content along themes or keywords [and serve to] annotate tweets with metadata’, *addressivity markers*, which includes tweets that specifically target other Twitter users, and *retweeting*, which is

⁶⁶ UNICEF, ‘Likes don’t save lives’, YouTube campaign, (Apr. 18, 2013), <<https://www.youtube.com/watch?v=RwZEjiSHOqc&feature=youtu.be>>, accessed Jan 21, 2017

⁶⁷ danah boyd, ‘Social Network Sites as Networked Publics: Affordances, Dynamics, and Implication’, In *Networked Self: Identity, Community, and Culture on Social Network Sites*, ed. Zizi Papacharissi, (2010), 39-58, <https://www.danah.org/papers/2010/SNSasNetworkedPublics.pdf>.

⁶⁸ Ibid.

‘analogous to broadcasting [...] may function as a form of endorsement, often raising the visibility of content’.⁶⁹

Increasingly, human rights organizations have been deploying campaigns through the infrastructure of the digital media ecosystem. Intergovernmental organizations, including the United Nations Office of the High Commissioner for Human Rights (OHCHR) note the importance of using new media sources, including social media, blogs and other forms of digital communications, to promote human rights.⁷⁰ An example of one of these movements is #BringBackOurGirls, an intergovernmental, multi-stakeholder campaign that attracted international attention for over 200 girls who were abducted from their secondary school in Chibok, Borno State, Nigeria on April 15, 2015 by members of militant group Boko Haram.

This social-media driven campaign, anchored by the hashtag #BringBackOurGirls, was incredibly successful in strengthening global awareness about the horrific insurgency of Boko Haram in northern Nigeria. Celebrities, activists, and international organizations joined forces to highlight the atrocity of this abduction. It was not the first large-scale abduction in Nigeria. Nonetheless, virality of this digital message spread awareness. Digital activism led to mobilizations both online and offline, with protests and solidarity marches taking place around the globe.

In cities across Nigeria, including Abuja, Lagos, Kano, Port Harcourt and Jos, people went out on the streets, demanding that the government “Bring Back Our Girls”. There were marches and protests across the world. Syrian women in a refugee camp spoke out in solidarity. This increased attention led the government to develop guidelines on gender-based violence, including provision for counselling, mental health services and continued education for girls. [Further, this campaign] has had an important effect on Nigerian politics. Perceived government inaction in the wake of Chibok abductions was not the only reason Nigerians voted Goodluck Jonathan out of office last month, but insecurity and violence in the north-east was one of the main factors in prompting many to vote for change. In the run up to the presidential elections, people still asked: what has he done to bring back our girls? The Bring Back Our Girls movement was instrumental in mobilising the country in protests and conversations about the abductions, and in doing so, helped remove a Nigerian president from power in what will be the first democratic transition in the country’s history.

⁶⁹ Meraz & Papacharissi, 2013. *Also see* Michael Conover et al, “Political Polarization on Twitter”, 133 ICWSM, (2011), 89-96. *Also see* Lars Kai Hansen et al., ‘Good friends, bad news-affect and virality in twitter’, *Future information technology*, (2011), 34-43. *Also see* danah boyd, Scott Golder, and Gilad Lotan, ‘Tweet, tweet, retweet: Conversational aspects of retweeting on twitter’ *System Sciences (HICSS)*, 2010 43rd Hawaii International Conference on. IEEE, (2010). These articles offer an incredibly comprehensive overview of the functions and capabilities offered by Twitter in facilitating communication and mobilization.

⁷⁰ UNHCHR, ‘Using social media to promote human rights’, (Aug. 10, 2011), <<http://www.ohchr.org/EN/NewsEvents/Pages/InternetFreedom.aspx>> accessed Jan 10, 2017.

With ongoing negotiations between Nigeria's government and Boko Haram, mediated by the International Committee of the Red Cross and the government of Switzerland, there have been two releases of abducted Nigerian schoolgirls to date: 21 girls were released in October 2016, and 82 girls were released in May 2017, after being in captivity for three years.⁷¹ However, these girls are still in government care as part of a "nine-month reintegration programme that President Muhammadu Buhari has said he will oversee personally [...] far from their homes more than 550 miles away".⁷² Some critics maintain that this is an unintended consequence of the international fame; in light of the viral social media campaign, there may be a higher risk of re-kidnapping. As of yet, international human rights regulatory bodies have not developed specific child protection protocols for such new risks.

Regarding international attention, news coverage focused on the incident itself, Boko Haram and Islamist terrorism, the Twitter campaign, and high profile celebrities, including Michelle Obama and Malala Yousafzai, who supported and advocated on behalf of the #BringBackOurGirls campaign. This advocacy was helpful in establishing this issue on a global stage. However, the important and difficult work of women on the ground in Nigeria went without reference. Though their role in organizing and executing protests, lobbying with governments, and coordinating with individuals throughout the country and world, was essential, the voices of Nigerian women in the region were not central to the mass media conversation that followed. To explore this more deeply, I conducted a brief analysis of digital media coverage surrounding the abduction of the Chibok girls from 2014-present; results indicated that the term 'women' was not included in the top 500 most frequently used words in media content covering the atrocity.⁷³ As an aside, the analysis also showed that neither of the releases of the Chibok girls yielded as much news coverage as the original kidnapping, perhaps indicating the type of human rights content that receives the most attention.

#BringBackOurGirls provides another example where community-based or self-advocacy for human rights – on the part of activists in Northern Nigeria who, prior to the kidnapping of girls from Chibok, had been engaged in efforts to 'raise awareness of what was happening, urge political action and provide services and assistance to those who escaped or were rescued' – was underrepresented in global dialogues.⁷⁴

⁷¹ Collins Nnabuife-Abuja, 'DSS hands over 82 Chibok girls to women affairs ministry', *Nigerian Tribune*, <<http://tribuneonline.com/dss-hands-82-chibok-girls-women-affairs-ministry/>> accessed June 4, 2017

⁷² Lin Jenkins, 'Joy as 82 Chibok schoolgirls hug and kiss their families again', *The Guardian*, (May 20, 2017), <<https://www.theguardian.com/world/2017/may/20/chibok-schoolgirls-hug-kiss-families>> accessed June 4, 2017

⁷³ See open source media analysis tool for more details: www.mediacloud.org

⁷⁴ Chitra Nagarajan, '#Bringbackourgirls hasn't brought back Chibok's girls, but it has changed Nigeria's politics', *The Guardian*, (Apr. 14, 2015), <<https://www.theguardian.com/commentisfree/2015/apr/14/nigeria-women-activists-boko-haram>> accessed June 4, 2017.

Digital Self-Advocacy

For the purpose of this chapter, digital self-advocacy encompasses online communications through which individuals advocate for their own – and their community’s – human rights. When intergovernmental organizations create strategies to strengthen the rights of children, the mechanism of digital self-advocacy requires the involvement of children and youth themselves in shaping, and taking part in, programmatic narratives. As NGOs develop campaigns to promote the rights of persons with disabilities, ensuring opportunities for digital self-advocacy may necessitate the creation of participatory platforms for dialogues between policy advisors and members of civil society. News media reports on the refugee crisis are strengthened by first-hand accounts and have the opportunity to provide a platform where migrants can share their stories with larger audiences.

There are numerous opportunities for encouraging digital self-advocacy in human rights practice, a topic well deserving of further research. As mentioned in the second section, human rights institutions and organizations have been working to effectively integrate participatory practices, facilitated by technology, into their work. Encouraging participation through self-advocacy can strengthen human rights efforts, and the digital media ecosystem offers an infrastructure for decreasing some of the barriers in doing so. Such affordances of digital technology can potentially shift the paradigm within which human rights is currently practiced.

Creating Opportunities for Digital Self-Advocacy in Human Rights Practice

“Nothing About Us Without Us”

The practice of human rights, through a typology of actors including United Nations institutions and procedures, NGOs, regional human rights systems and their mandates, news media and informative blogs, corporations and industries promoting human rights values, civil society and community groups, is complex. There are a variety of implementation pathways through which each carries out their work, some of which are overlapping. In this section I focus on four of these key actors: United Nations programs and funds that act as intergovernmental institutions, NGOs, news media, and judiciary bodies. I will briefly describe the role of each category of actors, with an example showcasing how the digital media ecosystem infrastructure has impacted their work. With the opportunities that digital technologies have provided to reach and integrate voices from the around the globe, a lack of civic participation is a missed opportunity. I focus on these actors specifically, rather than, say, the central role of community mobilizers, because the inclusion of self-advocacy, while in my opinion a fundamentally important piece, is not inherently central to their work. Rather, I argue that their work can be, and has been, strengthened, bolstered, and enriched through the integration of self-

advocacy.

Intergovernmental institutions: United Nations programs and funds

The various United Nations programs and funds have both international clout and a unique global audience for their work in human rights. Each program has a different mandate and target population: the United Nations Development Programme (UNDP) plays an important role in assisting countries towards achieving the Sustainable Development Goals; the United Nations High Commissioner for Refugees (UNHCR) focuses on the protection of refugee populations, as well as issues related to resettlement and return; the United Nations Children's Fund (UNICEF) focuses on both short-term needs assessments for mothers and children, as well as long term development. Increasingly, these organizations have developed digital platforms to support their efforts and strengthen solidarity with online audiences. Nonetheless, it is of great importance that, for human rights programs, 'if participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event'.⁷⁵

UNICEF has made a number of helpful contributions to the literature on participatory approaches for integrating children and youth into the implementation of human rights programs.⁷⁶ Scholars partnering with intergovernmental institutions have been exploring the application of these approaches using digital technologies. Urs Gasser, Executive Director of the Berkman Klein Center for Internet & Society at Harvard University, argues for a strategic approach that emphasizes 'the involvement of children and youth in the ongoing conversations about their digital rights'.⁷⁷ Research findings produced by UNICEF, in partnership with academic institutions, have demonstrated that children and youth 'do not readily distinguish between the online and the offline but regard digital spaces as just another setting in which they carry out their lives'.⁷⁸ Prioritizing pathways

⁷⁵ United Nations, General Comment 12, UN Convention on the Rights of the Child.

⁷⁶ See UNICEF, 'What works - finding their voice: engaging adolescents in meaningful participation strategies', (2010), <<https://www.unicef.org/adolescence/files/What-Works-Finding-thier-voice-English.pdf>> accessed Jan 10, 2017. Also see UNICEF, 'civic participation of adolescents and youth – a reference framework', (2014), <<https://www.unicef.org/brazil/pt/UNICEFCivicParticipationAdolescents.pdf>> accessed Jan 10, 2017. Also see UNICEF, 'The participation of children and young people in UNICEF country programme and national committee activities', (Mar. 2009), <https://www.unicef.org/adolescence/files/Desk_study_on_child_participation-2009.pdf> accessed Jan 10, 2017. Also see, UNICEF 'Children as active citizens, and policy and programme guide', 2008 Inter-Agency Working Group on Children's Participation, <https://www.unicef.org/eapro/Children_as_Active_Citizens_A4_book.pdf> accessed Jan 10, 2017.

⁷⁷ Urs Gasser, '25 years of the Convention on the Rights of the Child - A call for the enhanced engagement of children in the digital rights discourse', (Oct, 2014), <https://www.unicef.org/publications/files/CRC_at_25_Urs_Gasser_13Oct2014.pdf> accessed Jan 10, 2017.

⁷⁸ Amanda Third, Delphine Bellerose, Urszula Dawkins, Emma Keltie & Kari Pihl, 'Children's Rights in the Digital Age - A download from children around the world', Young and Well Cooperative Research Centre, Melbourne, (2014),

for digital self-advocacy can help provide children and youth opportunities for massive online audiences, representing their communities on a global stage, thus gathering support for the realization of human rights in their contexts.

Rene Silva, a young man raised in the underserved Complexo do Alemão favelas in Rio de Janeiro, was highlighted in UNICEF's publication on Digital Champions – an effort to give voice to children and youth who have utilized the digital media ecosystem to advocate for human rights and social change in their communities.⁷⁹ At age 11, Rene realized that mainstream media in Brazil were not effectively covering the issues affecting the favela within which he lived. He began a newspaper, initially with the goal of helping to solve the complex issues affecting his community:

‘I started communicating what was happening in my street, when my uncle could not come back home because the buses had stopped running on the main road; and my friends started providing me with information from various spots within the community. I gained credibility...because we were giving first-hand information. When I started writing, I only had 180 [Twitter] followers, and in less than 24 hours more than 30,000 people, from all around the world, were following me.’

Rene's live Twitter coverage of heavy violence during the Complexo police raids of 2010 was an important source for global media outlets reporting on the event.⁸⁰ UNICEF's Digital Champions program offered the opportunity for even wider audiences to learn about Rene Silva's important work; in doing so, UNICEF created a mechanism through which the voices of key activists on the ground can be amplified and their issues and human rights concerns brought to new policy-oriented audiences.

Nongovernmental Organizations

Nongovernmental organizations (NGOs), both international and local, provide essential programmatic, monitoring, education and advocacy support for human rights. Increasingly, NGOs are integrating web-based strategies to both accomplish their organizational missions and to increase the effectiveness of their programs.⁸¹

‘Email campaigns and other media use timely news and personal stories, links to related news stories about human rights violations, requests to sign online petitions and instructions for users on how to create their own

<https://www.unicef.org/publications/files/Childrens_Rights_in_the_Digital_Age_A_Download_from_Children_Around_the_World_FINAL.pdf> accessed Jan 10, 2017

⁷⁹Ibid.

⁸⁰ Jonathan Watts, ‘Brazil police arrest journalists reporting on Rio evictions’, *The Guardian*, (Oct. 2, 2016), <<https://www.theguardian.com/world/2016/oct/02/brazil-police-arrest-journalists-reporting-on-rio-evictions>> accessed Jan 10, 2017.

⁸¹ Lyndsey N. Kingston & Kathryn R. Stam, ‘Online Advocacy: Analysis of Human Rights NGO Websites’, 5 *Journal of Human Rights Practice* 1, (2013), pp. 75–95, DOI:10.1093/jhuman/hus036.

petition, and distribution of a wide variety of background information and media to support their position [...] Twitter feeds and a section called 'Happening Right Now' relay the urgency of the needed action. [Rapid o]rganization of events such as rallies, flash mobs, and vigils are possible because of the use of social media technologies'.⁸²

Advocacy efforts that take place online are extensions of existing strategies used to appeal to the broader public for strengthening financial or political assistance. Jutta Joachim distills two key factors at play that determine whether particular strategic narrative frames developed by NGOs to achieve their goals get adopted by governments and enter broader international political discourse. These are as follows: the access to international and intergovernmental institutions, powerful allies within those institutions, and changes in political alignments - known as the political opportunity structure within which an organization is embedded; and the experts, organizers, entrepreneurs and 'international constituency' that the organization has access to – their available mobilizing structures.⁸³

ADAPT, a human rights organization in the United States focusing on issues affecting persons with disabilities, represents one example of self-advocacy in action. It began at the Heritage House in Ohio, where Wade Blank had been working as a nurse. His patients were youth with disabilities, and Blank was adamant about finding new ways for them to live more independent lives.⁸⁴ He created ADAPT in order to meet these goals, inspiring movements across the United States to ensure equitable access to care for persons with disabilities. This included public transport that was wheelchair-accessible. Their successful movements began with a 1978 protest for wheelchair accessibility on public buses. Two years later 20 ADAPT activists protested along the route of one of California's Orange County Transit District routes to support the same cause for private transportation companies. In their wheelchairs, protesters surrounded one of the Greyhound buses to demonstrate against the inaccessibility of transit, emphasizing that 'Greyhound is in "flagrant violation of California's access laws" requiring mechanical lifts for the disabled on public buses'.⁸⁵

Activists affiliated with the ADAPT organization continue to contribute to movements related to the right to health in the United States, shifting policies that impede health access for vulnerable populations. ADAPT now uses Twitter and Facebook to share live updates during protests, send media coverage and other information related to their work, and connect with other disability rights programs and initiatives.⁸⁶

⁸² Ibid p. 81

⁸³ Jutta Joachim, 2003.

⁸⁴ Kate Rudolph, "'We will ride!' The origin of the disability rights movement in Denver', Denver Public Library, (May 18, 2015), < <https://history.denverlibrary.org/news/we-will-ride-origin-disability-rights-movement-denver-0>> accessed Jan 10, 2017

⁸⁵ Nielson Himmel, 'Bus Protest Stops Traffic: disabled group wants access on Greyhound', *LA Times*, (Aug 13, 1988), < http://articles.latimes.com/1988-08-13/news/mn-214_1_disabled-access> accessed Jan 10, 2017.

⁸⁶ Beth Haller, 'Social media and disability rights activism: Is the Internet finally providing "liberating technology?"', Presentation for Society for Disability Studies

The important role of self-advocacy in shaping policy is now emboldened into a key human rights document. The Convention on the Rights of Persons with Disabilities (CRPD) formalized, through the CRPD ‘civil society mandate the importance of self-advocacy on the part of affected populations, encouraging them to ‘be involved and participate fully in the monitoring process’.⁸⁷ ‘For the first time in an international human rights treaty, the expertise of those to be protected under the Convention, including their representative organizations, is fully recognized’.⁸⁸

News media

For much of history, news media were the primary channels through which information about events taking place in locations around the globe was shared with international audiences, providing a source of opinion on human rights issues. Of course, mass media coverage of human rights topics is dependent on a number of factors – from publication ownership, to funding allocation, reporting biases, and access to stories in the first place. What media sources do cover structures our collective awareness about what is happening in the world and, in turn, shapes both *what* topics we think about, and *how* we think about them. Increasingly, the relationship between traditional news media, which includes print news, broadcast news, and other legacy media with new media – social media, blogs, and other participatory platforms – is incredibly important, as ‘reporting is no longer confined to traditional sources like journalists; instead, social media grants access to unfiltered information related by any person affected by an event who chooses to share the story’.⁸⁹

Digital news media have ‘become a major humanitarian actor [...] helping to frame the context within which government policy is formulated’.⁹⁰ With increasing opportunities for participation in digital conversations, ‘the media may be seen as an intermediate link between the level of social situations, in which audiences’ interpretations and responses develop, [...] and politics’.⁹¹ The current global migrant crisis, and the role of media in perpetuating counterproductive narratives, provides an excellent example of this.

conference, (June 18, 2011), < <https://mediadisability.wordpress.com/sds-social-media-paper/> > accessed Jan 10, 2017.

⁸⁷ See Stephen Meyers, ‘NGO-ization and Human Rights Law: The CRPD’s Civil Society Mandate’, 5 *Laws* 2, (2016). Also see *Convention on the Rights of Persons with Disabilities*, art. 33.

⁸⁸ Maya Sabatello, ‘A Short History of the International Disability Rights Movement.’ In *Human Rights & Disability Advocacy*. Edited by Maya Sabatello and Marianne Schulze. Philadelphia: University of Pennsylvania Press, (2014), pp. 13–24.

⁸⁹ Sarah Joseph, ‘Social Media, Political Change, and Human Rights’, 35 *Boston College International & Comparative Law Review* 1, (2012), 145-88.

⁹⁰ L. Minear, C. Scott and T.G. Weiss, ‘The News Media, Civil War, and Humanitarian Action, Boulder, Colorado, Lynne Rienner Publishers.

⁹¹ Birgitta Hoijer (2004).

While the New York Times Magazine entitles an article and photo series on the events on Lesbos Scenes From A Human Flood, the New York Post reports that the UN expects thousands of refugees to flood Europe. The Wall Street Journal points out that a financially strapped Greece struggles with a flood of refugees. According to the Times of India, refugees continue to stream into Europe. CNN informs us that both Austria and Germany are near the tipping point as the so-called European migrant crisis intensifies. Interestingly, the water metaphor has become so established that even countries without any sea borders are referred to, as in case of Al Jazeera's headline that thousands of refugees flow into Austria from Hungary [...] Often times, we take these metaphors for granted or even fail to notice them. But the language used in media discourses distorts our perception of reality.⁹²

This language is not neutral, it is dehumanizing. Public support for closing borders is heightened through media reinforcements of the difficulty of 'stopping' such massive 'human flows'. Further, it is important to consider that asylum seekers and refugees do also travel by plane; the news media's focuses on emigration by way of water travel signifies an emphasis on one particular group of migrants, migrants unable to obtain valid visas or proper documentation, an often low-income and otherwise underserved population. The only potential to rehumanize such a marginalized group is through coverage of individuals, who are able to self-advocate and reshape the dominant narrative. The Congolese Action Youth Platform (CAYP), an organization in the United Kingdom, creates a helpful example of this. Congolese activists were frustrated by the media's misrepresentation of the Democratic Republic of Congo (DRC) political situation as anything less than genocide.

As one young Congolese activist from CAYP explained during an interview, "We were outraged at the fact that we were protesting for three months in central London, Oxford Circus, in Regent Street and even outside the door of the British Broadcasting Corporation, the BBC, and yet there was almost no coverage in the mainstream news. And the couple of articles were focusing ... on misrepresenting or demonizing the protests by telling that they were causing a lot of disruptions to the public order, rather than stating the outcry that was going on."⁹³

Because there was 'no representational space for their concerns and political analysis in mainstream institutions', CYAP activists used online platforms including Twitter, Facebook and the CAYP blog to provide awareness.⁹⁴

⁹² Laina Kainz, 'People Can't Flood, Flow or Stream: Diverting Dominant Media Discourses on Migration', University of Oxford Faculty of Law Blog, (Feb. 8, 2016), <<https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2016/02/people-can%E2%80%99t-flood-flow-or-stream>>, accessed Jan 10, 2017

⁹³ Marie Godin and Giorgia Doná, "'Refugee Voices,'" New Social Media and Politics of Representation: Young Congolese in the Diaspora and Beyond', 32 Refuge 1, (2016).

⁹⁴ Ibid.

This problem is global. “Stunning” is the word that Navi Pillay, the United Nations High Commissioner for Human Rights from 2008 to 2010, used to describe the negative portrayal of migrants and refugees in news media.⁹⁵ In Italy, a country where roughly 80% of the population receives their news content from television, a study conducted by researchers at the Sapienza University of Rome in 2008 concluded that only 0.45% of television news stories referencing immigrants did not refer to issues of crime or security.⁹⁶ The United Nations High Commission for refugees protested racist media coverage in Italy, which in part resulted in the development of an industry code of conduct to ensure a monitoring system could oversee and penalize for discrimination in mainstream media. In a digital age, it is even more essential for journalists and media organizations to be held responsible for the ways in which contentious topics are covered, developing information dissemination practices that maintain a “support for common values and understanding to counter the spread of ignorance, intolerance, and hatred which lead to discrimination and social tension”.⁹⁷ One study of discrimination related to reporting on religion and ethnicity in Denmark, France, Germany, Greece, Hungary, Italy Lithuania, Slovakia and the United Kingdom, acknowledged the implications that poor media representation of such issues have in fueling nationalistic tendencies, and perpetuating resentment within and between populations⁹⁸. In 2015, the Ethical Journalism Network published a report reviewing media coverage of migration, noting that ‘there is a tendency, both among many politicians and in sections of the mainstream media, to lump migrants together and present them as a seemingly endless tide of people’.⁹⁹ Highlighting personal narratives, and creating pathways for self-advocacy in important media outlets is essential for combating counterproductive, misleading dominant frames. Media scholar Ethan Zuckerman acknowledges, however, that ‘getting people to speak up via participatory media isn’t the hard part [...] getting heard and having influence, that’s the hard part’.¹⁰⁰

Firsthand accounts of human rights violations and testimonies need a wider audience – potentially offered by digital infrastructures – or the right audience, for self-advocacy to lead to impact.

The International Judiciary

⁹⁵ Judith Sunderland, ‘Everyday Intolerance: Racist and Xenophobic Violence in Italy’, Human Rights Watch Report, (Mar. 21, 2011), <<https://www.hrw.org/report/2011/03/21/everyday-intolerance/racist-and-xenophobic-violence-italy>> accessed Jan 10, 2017

⁹⁶ Ibid.

⁹⁷ Verica Rupar, ‘EJI Study 2012- Getting the Facts Rights: Reporting Ethnicity and Religion’, (May, 2012), <<http://ethicaljournalisminitiative.org/en/contents/eji-study-2012>> accessed Jan 10, 2017.

⁹⁸ Ibid.

⁹⁹ Ethical Journalism Network, ‘Moving Stories: International Review of How Media Cover Migration’, (2015), <<http://ethicaljournalismnetwork.org/assets/docs/038/141/6adda26-23eaf8d.pdf>> accessed Jan 10, 2017

¹⁰⁰ Amy Gahrn, ‘Ethan Zuckerman: News organizations, activism, and the media ecosystem’, Knight Digital Media Center, (Oct. 4, 2011), <<http://www.knightdigitalmediacenter.org/blogs/slaffert/2011/10/ethan-zuckerman-news-organizations-activism-and-media-ecosystem.html>> accessed Jan 10, 2017

With the role of both monitoring States' implementation of, and compliance with, key human rights instruments to which they are obligated, national, regional and international courts have rigorous mechanisms through which enforcement takes place. The international human rights judiciary, which includes the International Court of Justice, the International Criminal Court, and other internationalized criminal tribunals, as well as regional human rights courts, serves a key institution engaged in the protection of international human rights.

Elements of participatory media are essential for documenting human rights violations instantly, providing opportunities for rapid and continuous monitoring of change over time. In light of research highlighting that decision makers in prominent humanitarian organizations are more likely to support causes with powerful images and inspiring stories, it is no surprise that the Hub, a now archived participatory media site developed by the organization WITNESS, was so useful.¹⁰¹ The Hub was a central repository within which self-advocacy through video was collected, beginning a series of similar efforts to provide necessary tools containing first-hand accounts that could be used by human rights defenders. It was the first initiative of its kind, providing a participatory, online mechanism where other organizations, as well as individuals, could share narratives, personal stories, documentation resources, and other information to strengthen a human rights response.¹⁰² Now, NGOs around the world have replicated the Hub's model, providing digital platforms and applications where users can upload human rights documentation to spark or strengthen legal proceedings.

Participatory media also offers the opportunity for wide audiences to mobilize and bring particular incidents to light. After a short video of two police officers sexually assaulting and torturing a bus driver in Egypt was released in 2006, the massive social media response led to an 'unprecedented conviction of each police officer to a three-year prison sentence'.¹⁰³

But the creation of human rights documentation using technology doesn't solve anything in and of itself. Digitally-provided content must be utilized effectively by human rights defenders as evidence in order to have an impact. The development of norms, procedures and pathways for the integration of digital evidence in the international human rights judiciary is overdue.

¹⁰¹ Lindsey Kingston, 'Legal Invisibility: Statelessness and Issue (Non) Emergence.' Doctoral Dissertation, Syracuse University, Social Science Program. (2010). Also see the Hub, a project organized by WITNESS <<http://hub.witness.org/>>.

¹⁰² With the changing digital media landscape, and the need for effective ways to strengthen the massive efforts now used to document human rights violations on video, WITNESS now focuses more on best practices, toolkits and training modules for human rights defenders and activists. *See* Chris Michael, 'Training Series: The Primary Audiences for the Toolkit (and How We Identified Them)', <<https://blog.witness.org/2010/08/training-series-the-primary-audiences-for-the-toolkit-and-how-we-identified-them/>> accessed Jan 10, 2017.

¹⁰³ M. Monshipouri, (Ed.), 'Information Politics, Protests, and Human Rights in the Digital Age.' Cambridge: Cambridge University Press, (2016).

A missed opportunity: digital participation in the human rights judiciary

Thomas Lubanga Dyilo, war criminal from the Democratic Republic of the Congo, was the first person ever convicted for war crimes by the International Criminal Court (ICC).¹⁰⁴ He was sentenced to 14 years of imprisonment for enlisting child soldiers for participation in armed conflict. Lubanga was known throughout the eastern region of the DRC for his brutal and systematic recruitment of children under the age of 15, and digital technologies provided tools for video documentation of these atrocities. A collaboration between WITNESS and AJEDI-Ka, a local human rights organization, led to the production of two films that documented the use of child soldiers.¹⁰⁵ All of the unedited, original footage was requested by the ICC, and was used to initiate an investigation of Lubanga. However, after Lubanga's arrest and the Confirmation of Charges hearing, the ICC prosecution did not showcase any video evidence.¹⁰⁶ Rather, the ICC prosecutor 'verbally described to the judges what the video would show [...] about Lubanga's role in the alleged crime'.¹⁰⁷

This powerful, digitally documented evidence was incredibly useful for 'supporting the quest for accountability', but there is work to be done in human rights institutions to 'enhance the evidentiary value of video so it can go beyond advocacy and into the courtroom'.¹⁰⁸ Similar limited uses of digitally-documented evidence for human rights violations are described in the footage of the Syrian Al-Houlah Massacre and footage of victims from chemical weapon attacks in Ghouta, Syria and Bhopal, India.¹⁰⁹

In light of the affordances of digital technology to both reach and receive information from communities all over the world, and the increasingly rigorous technical methodologies being developed to verify digital content and ensure the protection of contributors, we must look towards developing protocols, processes and an infrastructure that supports digital participation in the human rights judiciary.

Deriving evidence and testimony through technology

¹⁰⁴ ICC Case Information Sheet. Situation in the Democratic Republic of the Congo The Prosecutor v. Thomas Lubanga Dyilo, ICC-01/04-01/06, <https://www.iccpi.int/drc/lubanga/Documents/LubangaEng.pdf>.

¹⁰⁵ New Tactics, Blog – using video for documentation and evidence, 'Video as Evidence: To be evidence, what does video need?', <<https://www.newtactics.org/comment/7436#comment-7436>> accessed May 26, 2017.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ See United Nations, 'UN Human Rights Council calls for special investigation into Houla massacre in Syria', (Jun. 1, 2012), <<http://www.un.org/apps/news/story.asp?NewsID=42140#.WTWuFHXyvw>> accessed May 26, 2017. Also see WITNESS, 'Video's role in the investigative process: all about evidence: Ghouta to Bhopal', <https://vae.witness.org/portfolio_page/all-about-evidence/> accessed May 26, 2017.

Scholars have focused on the need for preserving the essential role that the judiciary has in protecting human rights.¹¹⁰ However, increasingly relevant is the fact that digital evidence and testimonies are being developed by individuals around the world to document human rights violations. Though the Office of the Prosecutor (OTP) is currently exploring ‘innovative methods such as remote sensing, satellite imaging, cyber investigations and digital and video analysis’, the concept of digital participation in human rights procedures is underutilized by the international human rights judiciary.¹¹¹ While digitally-documented content has been used by courts to spark investigations, it is not a clear, established practice and lacks the infrastructural and procedural necessary to widen the possibility for use cases.

One such use case is through witness testimony, a crucial form of self-advocacy. Witness testimony is an essential component of human rights judiciary processes, as witnesses serve as the main source of evidence for courts.¹¹² Pushing forward new protocols for digital participation in human rights proceedings – the integration of live testimonies via videolink, crowdsourced evidence, or remote participation in other capacities - has the potential to shift human rights fact-finding process more broadly.¹¹³

Organized tribunals are one venue for this type of intervention. Human rights tribunals, which highlight ‘the power of testimonial knowledge in mobilizing an international constituency’ have been perceived as ‘divisive’, perpetuating ‘existing power structures and [...] limiting access’.¹¹⁴ Testimonies alone are not sufficient. Lessons from the International Tribunal on Crimes Against Women in 1976 emphasized the importance of constructing ‘alternative and autonomous spaces’ to promote solidarity among participants whose rights were violated, and the 1984 International Tribunal and Meeting on Reproductive Rights in Amsterdam highlighted the importance of ‘broad-based support’ for realizing human rights through these processes. ‘Digital tribunals’, which can include virtual witnesses, online discussions, and public participation in determining effective remedy, may be used as a speculative example for a new, participatory model for human rights judicial proceedings.¹¹⁵ New procedures can hold central the participation of witnesses, and the admission of video-based testimonies that may take place in either pre-recorded formats or in real time.

¹¹⁰ Fahed Abul-Ethem, ‘The Role of the Judiciary in the Protection of Human Rights and Development: A Middle Eastern Perspective’, 26 *Fordham International Law Journal* 26, (2002), <http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1883&context=ilj>.

¹¹¹ *Ibid.*, p. 6.

¹¹² See IBA, ‘Witnesses before the International Criminal Court’, (Jul. 2013).

¹¹³ Philip Alston and Sarah Knuckey, ‘The Transformation of Human Rights Fact-finding’, Oxford University Press, (2015).

¹¹⁴ See Jutta Joachim, 2003.

Further research must be undertaken to address both barriers of technical capacity, and legislated limitations to remote testimony. The lack of subpoena power at the ICC that ‘has been described as a “serious weakness within a system of international criminal justice wherein the Court lacks direct enforcement power, while being built upon the aspiration that the testimony of a witness at trial shall be given in person”’. The IBA has recommended the necessary amendments to change this. See Claus Kress & Kimberly Prost, ‘Article 93’, in Otto Triffterer (ed), *Commentary in the Rome Statute of the International Criminal Court – Observers’ Notes, Article by Article* (Beck/Hart 2008), 1576, as cited by IBA, 2013.

Judicial bodies occasionally accept pre-recorded video testimonies, video amicus, or appeals to testify via video-link, such as in the *Lohé Issa Konaté v. The Republic of Burkina Faso* Freedom of Expression case, but there is no established standard for this practice.¹¹⁶ The 2013 International Bar Association's (IBA) report *Witnesses before the International Criminal Court* recommends that the Court pursue the development of frameworks and protocols to integrate such new forms of evidence.¹¹⁷ The 2016 IBA report *Evidence Matters in ICC Trials* develops these recommendations further, providing guidelines for the presentation of digitally-derived evidence in courts. However, it is of note that there is a need for the Court to 'upgrade [its] technology systems and work practices[, as it] lacked dedicated internet lines, offline storage capacity, online anonymity for investigators and comprehensive, standard operating procedures for digital evidence'.¹¹⁸

Scholarly lessons learned at the intersection of media, communications, and human rights have useful applications for encouraging increased participation in human rights legal processes. Mechanisms for self-advocacy offered by digital infrastructure is but one example of how participatory digital media has the opportunity to revolutionize human rights procedures, and shift the dominant paradigm in global digital politics. Further research is needed to explore how such forms of participation can be implemented into all pathways of human rights action.

Conclusions

*'The Internet's churn often occurs beneath the surface: ideas ferment, identities evolve, and coordination happens across geographical and social divides. Authorities may infiltrate and imprison, but online media will certainly be central to the next wave of change, whatever form it takes'.*¹¹⁹

Mark Lynch, George Washington University

¹¹⁶ Global Freedom of Expression Columbia University, *Lohé Issa Konaté v. The Republic of Burkina Faso*, (Dec. 5, 2014), <<https://globalfreedomofexpression.columbia.edu/cases/lohe-issa-konate-v-the-republic-of-burkina-faso/>>, accessed June 4, 2017

¹¹⁷ To reiterate select recommendations put forth by the IBA 2013 report: The IBA recommends that the ASP consider amendments to the Rome Statute and Rules of Procedure and Evidence providing the judges a citation or subpoena power to require testimony by witnesses. The IBA also proposes an amendment to Article 93(1)(e) of the Statute clearly mandating States Parties to transfer witnesses to The Hague if ordered by Chambers. The word 'voluntary' should be removed and the word 'facilitating' should be replaced with 'ensuring'. The IBA encourages the prosecution and defence to source and utilise additional forms of evidence in place of exclusive reliance on witness testimony. These may include forensic materials, official government records, physical exhibits, medical reports, video footage and other forms of electronic evidence. And, *For the ICC's Protection, Support and Assistance of Witnesses*, The Registry is encouraged to establish a mechanism (or subsection of the OPCD), similar to the OTP's OSU and PSU, to assist defence teams with assessing protection needs of witnesses and making referrals to the VWU when appropriate. See IBA, *Witnesses before the International Criminal Court* (2013).

¹¹⁸ See IBA, *Evidence Matters in ICC Trials*, (Aug. 2016).

¹¹⁹ Marc Lynch, 2017.

The increasing prevalence of, and reliance on, digital technologies for information sharing is relevant to all areas of social and civic participation. New media offers increased opportunities for participation, and the possibility for communities to mobilize online. The networked digital media ecosystem allows for widespread and rapid facilitation of connection, participation, information sharing and knowledge acquisition, but it does not determine whether forms of digital participation lead to social or political change.

Our current era of connectedness has been explored by human rights scholars, academics, and practitioners through the lens of expanding basic human rights in response to technological innovation. This includes research that focuses on media freedom and the right to freedom of opinion and expression, the protection of journalists from harassment and violence, the necessity of human rights standards and guidelines for the production of ethical journalism, Internet freedoms, and effective governance. Researchers investigate the ways in which digital technologies interact with, and have the potential to affect, the realization of human rights. As a human rights community, it is our responsibility to consider how the changing digital media landscape impacts which human rights concerns are most widely discussed and referenced, and the role that this plays in how particular topics are brought to the international stage, setting global policy agendas. Here, it is also important to consider the role of emerging digital platforms, and the technology that, notionally, offers a platform for individuals across the globe to share their voice, contribute to human rights conversations, and enforce a participatory culture in how global politics are performed.

It is my goal that this chapter strengthens existing scholarly support for a new generation of human rights, one that holds central the burgeoning field of digital participation as a theory of change. I do so with the recognition that this chapter focuses mainly on self-advocacy online as a mechanism for realizing human rights. Of course, there are many other modes of participation, and co-design principles, that can be adapted into human rights practice. I barely scratch the surface of essential readings in sociology, communications, media theory, law, political science, and technology studies; such an interdisciplinary topic requires a wealth of deep research. With this chapter, I invite human rights professionals to explore the idea of human rights and technology inversely: considering the ways in which a human rights approach impacts the use of technology comprises one set of essential research questions, another set is needed for exploring the affordances of technology on further developing the human rights approach. Digital media offers the ability for data collection on broader scales and new metrics for analysis, novel strategies for monitoring human rights violations, and more rapid evaluation of human rights programs, projects and initiatives. We can strengthen these approaches by simultaneously developing effective pathways for digital participation in human rights processes.

One pathway for doing so is through the development of avenues through which advocacy can involve both representation and participation of affected individuals and communities. These participatory mechanisms can be used to advance not only the institutions that work to monitor, reinforce, strengthen and implement human rights as a

social infrastructure, but also the rigorous judicial bodies committed to protecting and enforcing human rights as a legal institution. I urge the development of a framework for implementation that allows human rights actors to harness participatory technologies that digital media has made available, and use them for improving human rights praxis.