

Written Contribution of Migrant Forum in Asia to the Special Rapporteur on Extreme Poverty and Human Rights Thematic Report on Digital Technology, Social Protection and Human Rights



Introduction

Migrant Forum in Asia (MFA)¹ welcomes the decision of the Special Rapporteur on Extreme Poverty and Human Rights to write on the human rights impacts, especially on those living in poverty, of the introduction of digital technologies in the implementation of national social protection systems that will be presented to the General Assembly in October 2019 in New York.

According to the International Organization for Migration (IOM), as many as 244 million people were international migrants in 2015² and the UN Department of Economics and Social Affairs estimates that the figure is as high as 257.7 million in 2017³. Drivers of migration include economic, demographic factors and environmental factors, and social and political dynamics.⁴ People may migrate for better economic, employment and educational opportunities. Some migrate simply due to lack of access to fundamental human rights such as food, health, as well as due to discrimination, and poverty and others.

Despite unprecedented levels of economic development, technological advances and financial resources, millions are still living in extreme poverty. Increased economic prospects in poor countries make it more likely that people will migrate. However, due to the cost of migration, the ‘poorest of the poor’, and particularly the low-skilled, are often unable to migrate, and may be less able than other migrants to access regular channels of migration and are at high risk ending heavily indebted, if able to do so. Such ‘indebtedness’ for migrant workers is most often than not linked to the high cost of migration and exorbitant recruitment fees paid by migrant workers. If they go through irregular migration channels, it can be even more expensive as they become indebted to those in control of such channels and they are more susceptible to abuse and exploitation (i.e unpaid/underpaid wage, inhumane work and living conditions), and are excluded. This only exacerbates those living in poverty.

Governments have and are looking into harnessing technological advances in providing and in extending services to migrant workers. Both in countries of destination and origin, digitization, and developing online platforms are a growing trend in labor migration such as in the

¹Migrant Forum in Asia (MFA) is a network of civil society organizations, trade unions, and individuals in Asia working together to advocate for social justice for migrant workers and members of their families. The network is guided by a vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equality for all. To date, MFA is represented in 16 nations by 48 civil society and trade union groups, and 6 key partners in the MENA region. The members and partners are also coalitions and networks, bringing MFA membership in Asia close to 200, and growing each year.

²International Organization for Migration (IOM). World Migration Report, 2018. <http://www.iom.int/wmr/chapter-1>

³United Nations Department of Economics and Social Affairs (UN-DESA), 2017a.

http://migrationdataportal.org/?i=stock_abs_&t=2017 (31 December 2017, date last accessed).

⁴A. Geddes, W. Neil Adger, N. W. Arnell, R. Black, and D. SG Thomas, ‘Migration, environmental change, and the ‘challenges of governance’, *Environment and Planning C: Government and Policy* 30, no. 6 (2012), pp. 951-967.

recruitment process (India's e-migrate, Saudi Arabia on Musaned⁵) and managing disputes (India's MADAD, Singapore's Employment Claims Tribunal), online training/orientation (Philippines' PEOS⁶) as well as in accessing information and relevant services concerning migrant workers. The annual ASEAN Forum on Migrant Labor (AFML)⁷ had social protection and digitization as the themes of the Forum in 2016⁸ and 2018⁹ respectively.

Migrants particularly those in the low-skilled category **may not possess the same levels of digital skills** as the population in the country of destination. Should they have skills at par with the people in the new country, there may still find barriers in terms of content and language. **Education and literacy rates** are challenges in bridging digital divides especially with migrant workers. Migrant workers who are deployed in areas far from the city or where there signal is a challenge are often at a disadvantage in terms of speed and quality of services as compared to those who are in the city. Having mobile devices allows migrants some access however, there is a gap between basic and with broadband in terms of accessing digitized systems. Some migrant workers may not have mobile phones, and for some who have, they may have no data and are reliant to Wi-Fi connection.

Digitized services including apps to assist migrant workers **must be simplified and has user-friendly interface** that would be easier for migrant workers to understand and learn how to use/operate or navigate. A major concern in digitization is **security and breach of data** whether States are able to protect the information being collected as well as the privacy of the individuals seems unclear. Most importantly, digital platforms as well as social media platforms must not be used monitor or to **infringe on the fundamental rights of the person to freedom and expression** especially with the aim to clampdown on human rights activists.

With digital engagement especially concerning migrant workers, employers must not confiscate personal mobile devices of their domestic worker/s or severely restricts its usage. Any move towards greater digitization must confront inequalities in relation to access: migrant workers must be provided with the **freedom and resources to access the digital tools** and platforms developed for their protection as well as in accessing relevant services available to them.

As governments undertake digitization and in recognizing that in the process of digitization, there will be vulnerable groups who will need assistance as they struggle to keep up with the system, it is equally important that **mitigation mechanisms** are in place. The digitized routes to access systems are often dependent on a good knowledge of English and computer, as well as some familiarity with legal terms. Most migrant workers that MFA members and partners work

⁵ Musaned is an integrated electronic system initiated by the Ministry of Labor and Social Development to facilitate procedures for the recruitment of domestic workers and to increase the level of protection of the rights of all parties.

⁶ Soon-to-be Overseas Filipino Workers (OFW) now have to undergo a Pre-Employment Orientation Seminar (PEOS) online as a pre-qualification requirement by the Philippine Overseas Employment Administration (POEA)

⁷ AFML is a regional tripartite platform to discuss issues faced by women and men migrant workers from and within ASEAN. https://www.ilo.org/asia/publications/WCMS_310994/lang--en/index.htm

⁸ The overarching theme of the 9th AFML is "Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection". Two sub-themes: "Current situation of social protection of migrant workers in the ASEAN" and "Working toward the portability of social security in the ASEAN."

⁹ The overarching themes of the 11th AFML is "Digitalisation to Promote Decent Work for Migrant Workers in ASEAN". Two sub-themes: "Digitalization of migrant labour management"; and "Digital services to migrant workers"

with do not or have very little of these skills. In some instances, digitize processes lead to further barriers particularly for migrant workers to access systems, including systems to access justice. To ensure that no one is left behind, multiple channels (including offline and parallel modes) will need to be combined/merged with digital/analog programs to buffer drawbacks of digitization.

MFA has circulated the questionnaire from the office of the Special Rapporteur among our members and partners and collected responses reflective of the situation on the ground. Members and partners from India, Indonesia, Malaysia, Philippines and Singapore have contributed in this submission.

Questions and Responses:

1. There appears to be relatively little attention paid to the impact of digital technologies on national social protection systems. It would therefore be most helpful if written submissions could focus on **specific case studies involving the introduction of digital technologies in national social protection systems**, and address some of the following elements:
 - In which part of the social protection system were digital technologies introduced;
 - What kind of digital technologies were introduced;
 - What were the stated objective(s) cited by politicians and government when introducing those technologies, and how did these reflect the broader political context;
 - Were any international organizations involved in the domestic debate about the introduction of digital technologies in the national social protection system;
 - Was there a specific legal basis for the introduction of these digital technologies in the social protection system;
 - Whether any analysis was undertaken by the government, legislative branch or other state institutions of the implications of the introduction of these technologies in the social protection system from the perspective of existing legal frameworks;
 - The extent to which governments relied on the private sector for the design, building and operation of these technologies in the social protection system;
 - The costs involved in the design, building and operation of these technologies in the social protection system;
 - The expected and actual cost-savings realized through the use of these digital technologies in the social protection system;
- Digital technology has had both positive and negative impacts on Philippine migration. For Overseas Filipino Workers (OFWs), digital technology in the form of social media, and other communication platforms have greatly impacted their connectivity with the people they leave behind. Given its nature, the field of migration had faced communication as one of its biggest challenges. The development of Information and Communication Technology (ICT) had served to address most of the communication barriers brought about by migration.

Governments and civil society organizations have learned to utilize digital technology to provide assistance to OFWs.

The Philippine Government has launched several hotlines, and use messaging applications to reach OFWs who need aid. The Philippine Overseas Employment Administration (POEA) has established online services for OFWs who wish to validate information such as their recruitment agency's accreditation status¹⁰, job orders, legal assistance¹¹, etc. In terms of social protection, online services for the Social Security System (SSS), PhilHealth, and PAGIBIG in the Philippines have been established. Application processes, information queries and feedback loops have been made online for easier access to migrants who cannot do all these while working abroad. Civil society and non-government organizations also have taken the opportunity to reach the growing population of OFWs abroad.

The Center for Migrant Advocacy (CMA) has previously implemented SOS--an SMS based program that allowed OFWs in distress to contact the organization. Since the advent of social media and real-time online communication, CMA has retired the SOS program and moved the primary direct assistance online. Queries and request for assistance is now being made through Facebook. The Overseas Welfare Worker Administration (OWWA), the primary government institution mandated to promote and protect the welfare of OFWs, started issuing e-Cards to OFWs in November 2018. It was done in accordance with Republic Act No. 10801, also known as the OWWA Act, which aims to integrate digital technology into the core functions and businesses in the agency.

The e-Card's primary purpose is to serve as proof of membership. It supposedly allows active members to easily apply for the many and diverse programs and services of OWWA. The card carries a "quick response" code (QR code) which is linked to the agency's database and information systems for its various welfare programs and services for active members. Each card has a unique QR Code which acts like a "digital key" that will enable active OWWA members to avail of the benefits the agency has to offer with relative ease. In instances where the OFW lose his/her physical e-Card, he/she can access a digital copy of it through the free OWWA mobile app. The mobile app is another key element in OWWA's efforts to digitize the agency. Through the OWWA app, members can renew and monitor their memberships online, browse latest local news and send emails/messages directly to the agency's 27/7 operations center. Both the e-Card and the mobile app is free of charge.

Another notable effort to incorporate digital technology in government processes is the Philippine Identification System (PhilSys) which was passed on August 2018. The PhilSys shall serve as the central identification system of the Philippine government.

¹⁰ The POEA Mobile app can also be used to check if the job advertised by recruitment agencies already have job orders.

¹¹ The POEA's Legal Assistance Division (LAD) developed the Online Legal Assistance website allowing their services more accessible.

Proponents of the national ID system claim that it will improve government programs and service delivery. Registration shall commence in September 2019. It is assumed that the production shall be procured from an external party but the ID will be free of charge. Cost of production shall be shouldered by the Philippine government.

The Migrant Recruitment Advisor (MRA), is a global recruitment and employment review platform offering easy access to information about recruitment agencies and workers' rights when looking for a job abroad as well as allows migrant workers to comment on their experiences, rate the recruitment agencies and learn about their rights. The International Labour Organization (ILO) and International Trade Union Confederation (ITUC) has partnered with Migrant Forum in Asia (MFA) and their existing case documentation system, Migrants Rights Violation Reporting System (MRVRS) / Hamsa, as the complaints mechanism component of MRA.

- With respect to India, a number of digital platforms have been initiated such as the 'Aadhaar¹² system' which provides a universal identity to every Indian citizen, and is linked to different government schemes which would reduce fraudulent activities and the ensures the right people would receive the benefits; Right to Information Portal¹³-, a gateway to the citizens for quick search of information on the details of first Appellate Authorities, PIOs etc. amongst others, besides access to RTI related information / disclosures published on the web by various Public Authorities under the government of India as well as the State Governments

Particular to Indian migrant workers, the Government of India introduced the E-migrate system, an online recruitment portal for foreign employers to recruit Indian workers. Under the Ministry of External Affairs (MEA), the MADAD ('MEA' in Aid of Diaspora in Distress), a Consular Services Management System was developed. Consular grievances regarding compensation, court cases, domestic helps, imprisonment abroad, transportation of mortal remains, repatriation, salary dues, tracing the whereabouts can be lodged under this scheme. With the view to provide mobile enablement of MADAD, the MEA launched the MADAD Mobile Application on Android, iOS, and Windows platforms.

Another initiative in terms of providing assistance to distress Indian migrant workers is the MigCall¹⁴. It is a mobile application for the benefit of Indian workers in Oman and other countries of the Gulf Cooperation Council (CGG). MigCall, which is based on Android OS platform is available at Google Playstore in various Indian languages such as Hindi, Malayalam, Tamil, Telugu, Kannada and Bengali and English. The main feature of this mobile App is that once downloaded it can be used offline in the

¹² The Unique Identification Authority of India (UIDAI) is a statutory authority established under the provisions of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016. "Aadhaar is a 12-digit unique identity number that can be obtained by the residents of India, based on their biometric and demographic data which is collected by UIDAI.

¹³ Following the Right to Information Act passed by the Parliament of India in 2005, a digital portal has been set up, RTI Portal. It is an initiative taken by Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions.

¹⁴ MigCall automatically downloads helpline numbers in India and country of residence, as selected and provides helpline numbers of passport services, counselling services, local police numbers and hospital numbers.

http://www.owrc.in/pdf/Connecting_Migrants_in_Distress_030316.pdf

absence of internet connection. It also provides a facility to send an SOS message to an emergency number, chosen by the user, in an emergency situation and will also provide GPS locations to the nearest Indian embassy office.

The Overseas Department and Employment Promotion Consultants (ODPEC) is an undertaking by the State government of Kerala, introducing an online job portal for job seekers to register for the recruitment for reputed clients from overseas as well as domestic sector. The State government has also introduced an ID that could be obtained by registering digitally by the internal migrants which could provide them protection.

- Singapore, as one of the destination countries for many migrants in the region has a highly developed system for managing and regulating the entry and stay of migrant workers in the Work Permit Category who are often deployed in the industry sectors such as construction, manufacturing, care-giving, retail and hospitality, landscaping, sanitation, as well as marine and chemical manufacturing. Singapore does not have any social welfare programme for foreigners, even those with work passes. The State however, have several digitized processes concerning migrant workers particularly relating to their immigration status, contracts and access to remedy when a labour dispute arises.

The ECT set up to provide employers and employees with a way to expeditiously resolve salary-related disputes between employers and employees. It will hear disputes relating to statutory salary¹⁵-related disputes arising out of the Employment Act, Retirement and Re-employment Act and the Child Development Co-Savings Act, as well as contractual salary-related claims by employees. This includes disputes relating to overtime pay, public holiday and rest day pay, maternity and other types of leave, re-employment, salary arrears, breach of individual employment contracts, and payment of retrenchment benefits.

For migrant workers in Singapore who need to secure incident report for a work injury case, the workers need to pay the Ministry of Manpower (MOM) to obtain a copy of the report. The MOM has no policy of automatically providing the concerned employee with a copy of the incident report that has been submitted by the employer. The Ministry requires for an electronic payment of five Singaporean Dollars (via credit card) before a copy of the report is sent through via email.

Migrant workers particularly those in the low-skilled category are extremely unlikely to have a credit card. Without credit card, workers have to rely on the assistance civil society organizations to handle the transaction for them. Aside from the fact that Singapore's financial regulators sets a high bar before banks and financial institutions can issue credit cards to customers, not all migrants workers even have bank accounts, and to open an account, the workers would need a letter of support or sponsorship of the employer to be able to do so.

¹⁵ The ECT will hear claims up to a limit of S\$20,000 (and S\$30,000 where there is union involvement in mediation).

Singapore has also moved to digitize the issuance of 'special pass' - a temporary pass issued to workers supporting investigations. Members have raised some concerns and worries on the implications on renewal or extension of special passes, a process that often requires 'human and humane' consideration by the officers who give the extensions.

- The Indonesian government is promoting the use of technology in an effort to provide services to citizens who work or want to work abroad including information on laws and policies governing protection of migrant workers and also information on where to ask for help when facing problems. The Foreign Ministry of the Republic of Indonesia has a Safe Travel application where it contains practical information¹⁶ needed by Indonesian citizen/s who will or are currently abroad on various purposes (tourism, study, TKI, business, etc.)

Particular to migrant workers, the Ministry of Manpower developed the Indonesian Migrant Workers Information System (SIPMI) aimed at providing protection for Indonesian Migrant Workers who work overseas. The SIPMI application allows Indonesian migrant workers to communicate privately and manage group activities, such as personal chatting, group chatting, get and share locations, both with fellow migrant workers and with their families. The SIPMI is also equipped with a panic button which Indonesian migrant workers can press when in distress.

Aside from the SIPMI, the National Agency for Placement and Protection of Indonesian Workers (BNP2TKI) created 'Crisis Center' to serve complaints of Indonesian Migrant Workers (PMI) as well as to address concerns of PMI families. The Crisis Center made its services available online through, E-Pengaduan, which can be easily accessed by overseas PMIs in the countries they are deployed to. Although there are several initiatives by the State, members highlighted the need of these services be properly and effectively disseminated at the village level and communities where potential migrants workers are coming from and where there is a lack of or less technological literacy which is vital for the State to address to ensure the protection it aims for its potential migrants is possible.

2. Without repeating information provided above, **what lessons can be learned from the ways in which digital technologies have been introduced in other parts of government**, such as policing, the court system, immigration, border control, and intelligence?

- As with any other changes adopted in government systems, people must learn to adapt to these changes through learning new skills. Digital technology such as

¹⁶ on destination countries including: time differences, security conditions, local laws and customs, immigration requirements, health, services at the Indonesian Embassy; by registering the trip abroad through Safe Travel people will also get notifications in the form of appeals, suggestions, and warnings regarding the country they are in. The Safe Travel application has EMERGENCY features that can be used to request quick help when in danger.

artificial intelligence is governed by algorithms but information is fed by human intervention. As such the government has to adapt as much as it can as digital technology is developing. Cases that involve online violence experienced by OFWs or any Filipino for that matter, take long periods of time to be tried at courts. The Philippine Judiciary has yet to keep up with developments in digital technology to resolve cases justly and impartially.

For such cases to be tried, judges need to undergo learning sessions on digital technology. The Philippine government has created the Department of Information and Communication Technology to be the lead agency in the digitization of government systems and processes. This is a testament that the Philippine government has acknowledged that digital technology has a role to play in service delivery. The goal is to strengthen governance through the interconnectivity with digital technology. While separate branches and government agencies have started to adopt measures to digitize operations, it is important to ensure that government operations is made easier to access through interconnectivity.

Members from Singapore highlighted how the promise of ‘e-democracy’, or marginalizes social groups such as migrant workers using digital platforms to build communities, obtain information and become empowered through such processes, can only be realized if the principles of equality and justice are upheld. Members have observed that when workers do not have effective redressed mechanisms because of inadequate policies and discriminatory legislation, digital platforms will have minimal impact on the wellbeing of workers. Political participation in the process of influencing change, through genuine worker representation and the inclusion of grassroots-oriented civil society organizations, is equally important to ensure that proposals and promises reflect the needs and concerns of migrant workers, whether it is in the area of digitization or otherwise.

Members from India and Indonesia noted how digital platforms as well as social media platforms make it easy and quick to obtain information as well as on spreading awareness on relevant migration laws and services available for migrants. Digital technology helps address geographic barriers. With social media platforms, migrant workers especially those with access are able to communicate directly their concerns and seek assistance without worrying on travel/transportation cost. As observed by members in Indonesia, the lack of gender sensitivity as well as protecting the worker’s privacy in such platforms raises concerns.

3. **What human rights concerns might arise in connection with the introduction of digital technologies in social protection systems?**
 - Debate on the impact of digital technologies on human rights generally focuses on a limited range of civil and political rights, such as privacy, data protection, and freedom of expression. **In addition to identifying specific civil and political rights that might be implicated** in the social protection context, how are **economic and social rights** (such as the right to social security and the right to an adequate standard of living) affected?

- In what ways, both positive and negative, might the use of these technologies affect the **rights of women, children, persons with disabilities, indigenous peoples, minorities, LGBTI and other groups** protected under international human rights law?
 - **What impact has the introduction of digital technologies in social protection systems had on people living in poverty.** How are their rights, such as to privacy and social security, affected and how are they impacted **differently** by comparison with people who are not poor? Is the prohibition on discrimination on the basis of property, birth or other status (see e.g. article 2 (2) of the ICESCR & ICCPR) relevant in this context?
 - Do unavoidable tradeoffs between rights arise in the context of the application of digital technologies in national social protection systems? For example, between the right to privacy and the right to receive social protection from the State?
 - What are the human rights implications of the involvement of private corporations in the development, use and operation of digital technologies in social protection systems and what can be said about these developments from the perspective of the field of **Business and Human Rights?**
 - Is the existing corpus of international human rights law adequate to address the specific injustices that might arise in this context or are new rights, or new types of standards, required?
 - What are **good examples of the use of international human rights law, the language of human rights and/or international human rights mechanisms** to contest injustices that have arisen with the introduction of digital technologies in domestic social protection systems? Examples can range from litigation to public advocacy and from protests to parliamentary inquiries.
 - What is the **relevance** of debates such as Fairness, Accountability and Transparency in machine learning and the **broader debate on ethics and new digital technologies for human rights?** To what extent does a human rights perspective on digital technologies in social protection systems have added value compared to debates on ethical aspects of new technologies?
- Given that MFA and its members and partners work with migrant workers particularly those in the low-wage- low skilled category, the network's experience is limited to the said sector.

Through different legislations, Filipinos are afforded human rights either online or offline. Both for Filipino migrants and locals, the issue of privacy comes as a big concern. The right to privacy is afforded to Filipinos through the Universal Declaration of Human Rights, The Philippine Constitution, etc. Regarding national identification systems, it is unclear if the government would be able to protect personal information they will be collecting. The Philippine Commission on Elections had experienced a data breach in 2016. Voters' information was made available to anyone who could access the internet--information such as passport numbers, contact numbers, etc. Despite the assurance of the Commission that it can protect and that such breach would not take happen again, the credibility of the State's ability to ensure the safety of information and protect privacy is tainted.

- India being the second largest populous country with various economic and geographic barriers despite having digital systems that are used for identification and a separate one on social systems, there would be difficulty in enforcement, ensuring transparency and concerns of privacy of users. The Supreme Court has not made it mandatory for every Indian to use/avail of the Aadhar. For migrants within India, social security benefits are not portable.

In 2018 January, news broke that access to the details such as names, addresses, and photos of 1.3 billion records on the UIDAI database (Aadhaar Cards) were being sold for 500 rupees (USD 8). The Government dismissed the claim as baseless despite evidence to the contrary. In the same year, India's Tribune newspaper reported that some were selling direct access to the Aadhaar database. UIDAI responded by filing a complaint against the reporter to police.

4. What **contextual circumstances** affect the impact of digital technologies in specific social protection systems on human rights?
 - To what extent have **post-9/11 security concerns and surveillance measures** by governments affected the introduction and shape of digital technologies in social protection systems?
 - To what extent have **debates about the respective roles of the public and private sector** affected the introduction of digital technologies in social protection systems?
 - To what extent has the introduction of digital technologies in social protection systems contributed to the schemes to the **surveillance, control, and exclusion of the poor?**
 - Has the introduction of digital technologies in social protection systems been treated as a matter for political and public debate, or has it been treated more as an **internal, technocratic, matter for government bureaucracies?**
 - **Have international organizations**, such as the World Bank or the International Monetary Fund, influenced the introduction of digital technologies in government social protection systems in your country?
 - Which **existing laws and regulations** are most relevant in curbing the risks of introducing digital technologies in social protection systems? For example: data protection law, freedom of information law, intellectual property law, and procurement law.
- For social protection systems, the risk of privacy breaches are a concern given all the information the government is collecting from its people. The question is how prepared is the government to protect these information and whether there are relevant mechanisms that do so. The Data Privacy Act of 2012 seeks to provide sanctions and define data privacy. The National Privacy Commission of the Philippines is mandated to be the lead policy agency in data privacy but does not really have teeth to implement recommendations. The e-Governance Act is also a measure to strengthen digitization in processes and systems.

- With the advancement in technology, there are advancement in crimes that are being carried out. With hackers every now and then, no one's information is safe in the digital world. Whatever measures the world takes still seems not enough to find protection from the threat, putting the basic human right to privacy in danger. Another dilemma is the topic of 'freedom of expression' of human rights. It is often seen that an opinion put forward, when not in sync with the opinion of others, facing harsh criticisms and online bullying. The public outrage has even led social media sites to remove many posts. The 'extent' of the freedom of expression is still not clearly defined, which often leads people to put forward their opinion without considering whether it hurts the sentiments of others. In some instances, expressing opinion¹⁷ can put citizens especially rights advocates be at odds with relevant agencies as well as with the States. People or communities who lack or have very little knowledge of digital illiteracy or even due to lack of proper information dissemination such as for potential migrant workers on the existing recruitment process available may find themselves victim of 'illegal recruitment' who uses the digital platforms such as social media for fraudulent recruitment activities.
- The Ministry of Home Affairs had proposed the creation of a National Intelligence Grid (NATGRID) in India following the 2008 Mumbai terror attacks. The aim of the project was to collect comprehensive patterns of intelligence that can be readily accessed by 11 intelligence and investigative agencies in real time to track terror activities. These data sources will include bank account details, telephone records, passport data and vehicle registration details, among other types of data. Concerns were raised around NATGRID on grounds of potential violations of privacy and leakage of personal information. Members in India observed how government departments involved in ensuring and overseeing cyber security are often also involved in some aspect of surveillance, as surveillance is legally justified for cybersecurity and national security purposes in India. Key government departments apart from the security agencies that play a role in ensuring India's cyber security and overseeing and regulating surveillance in India include the Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology (MeitY).

The development of technology has indeed helped people improve immensely on various sectors. The digital technology and availability of cheap internet, helps the government to reach people, especially the poor, in educating them free of cost. Here again, the problem of digital illiteracy can affect the security of people, majorly the section of poor. People who are not poor are usually educated and aware of the dark side of the digital world and is usually cautious about their rights while the poor are

¹⁷ The Observatory recalls that on October 9, 2018, the Singapore High Court found Mr. Jolovan Wham guilty of "scandalising the court" under Article 3(1)(a) of the Administration of Justice (Protection) Act. The charges stemmed from one of his Facebook posts in which he made comments on the independence of Singaporean judges. <https://www.fidh.org/en/issues/human-rights-defenders/singapore-sentencing-of-jolovan-wham-for-scandalising-the-court>; 21-year-old student Shaheen Dhada was charged under Section 66A of the Information Technology Act, 2000 for her comment on the shutdown of public functions due to the death of late Bal Thackeray, the fight for internet freedom in India took flight. <https://www.livelaw.in/top-stories/four-years-since-shreya-singhal-143832> <https://www.livelaw.in/top-stories/four-years-since-shreya-singhal-143832>

generally not, and hence they also fall prey to those who make use of their illiteracy and violate their rights. People can also fall prey to trade-offs, where to receive one benefit, they are forced to let go their privacy. If they are not aware of what they are trading off for a small time benefit, then it could lead to serious problems in future.

5. Would you have **specific recommendations** about addressing both the human rights risks involved in the introduction of digital technologies in social protection systems as well as maximizing positive human rights outcomes?
 - As with all changes in the government, everything should be guided and thoroughly studied. In the age of digital technology, the government must learn how to handle the information it gets to forward the interests of the people they serve. For migration, the lack of a central government coordinated database system is a hindrance to evidence-based policy making. Different government agencies relating to migration has different systems both online and offline. There needs an interagency network and coherence of rules.
 - For access to justice, the government should find a way for court systems to adapt to the developments in technology as this also affects how people achieve justice.
 - States should invest and fully implement the elements of the 2030 Sustainable Development Goals that drive people to migrate and impede their ability to live and work safe and lead productive lives at home including poverty alleviation, inclusive institutions that provide access to justice for all, enjoyment of human rights protection, including access to social protection, quality education, health care and decent work, amongst others.
 - States to respect and apply the principles established in ILO Convention on Social Security (Minimum Standards), 1952 (No. 102) and Social Protection Floors Recommendation, 2012 (No. 202), especially principles of non-discrimination, gender equality and responsiveness to special needs; universality of protection, based on social solidarity; and social inclusion, including of persons in the informal economy.
 - Promote the negotiation for bilateral memorandum of understanding and/or labour and social security arrangements for migrant workers including domestic workers, that are compatible with international labour standards in consultation with relevant stakeholders and social partners
 - Strengthen social protection legislations to extend the coverage of social security and health insurance for migrant domestic workers.