

# INPUT PAPER ON THE IFP LAW AND TECHNOLOGY

---

ELSA INTERNATIONAL  
2019/2020



*elsa*

The European Law Students' Association

# Law and Technology

## Main substantive content

Technology has become a core element of today's society. From email to smart vehicles, almost every part of our daily lives is dependent on technology in a form or another. Importantly, apart from everyday routines, technology is here to change the substance and the form of the legal profession as we know it. Technology pierces into every area of law. This trend already manifested itself over the past decades with an increasing speed – social media shutdowns demonstrated restrictions to the freedom of speech, cryptocurrencies and blockchain became the hottest topic in financial law, e-commerce was included in international trade agenda, and major law firms are racing to implement legal software based on machine-learning to automate processes thus minimising traditional expenditures, just to mention a few. As such, technology is the centre of attention for both regulators and businesses alike.

Law and Technology as the proposed IFP topic aims at tackling both (1) how technology and technological developments may affect law and (2) how law and regulation may affect the realisation of the full potential of technology and innovation. By choosing this topic, ELSA would get direct insights into the future of law affecting us, the aspiring legal professionals, and civil society at large. With this topic, ELSA could draw the necessary attention to one of the most complex and topical challenges faced by societies globally.

Although the “hot topic” of our time with wide socio-economic impacts, the legal framework is still underdeveloped in many jurisdictions as well as on the supranational level. This lack of understanding and sophisticated framework around the topic poses an evident risk of human rights and fundamental freedoms being undermined through *inter alia* legal software profiling people based on historically biased data, the overflow of “fake” news in the media, the disruptive strength of cybercrimes, etc. From another perspective, technology has great potential to foster and protect human rights if done correctly – increased and more equal access to justice and education, more efficient management of humanitarian crises, as well as increased transparency in global value chains regarding the production standards.

For this reason, we are confident that Law and Technology is indeed the topic which warrants concerted attention by the future generation of legal professionals led by the vision of “*A just world in which there is respect for human dignity and cultural diversity*”.

## List of potential core topics and/or sub-topics

- Artificial intelligence (AI)
- Biotechnology
- Cybercrime
- Financial law (FinTech, blockchain, cryptocurrencies)
- Data protection and privacy
- E-commerce
- Energy technology
- Health law
- Intellectual property rights
- Information and communication technologies (ICT)
- Internet law
- Legal technology (Legal Tech)

### **Why should ELSA promote this topic?**

The topic of Law and Technology is wide and encompasses all aspects of law necessary to analyse properly the challenges and opportunities posed by this Fourth Industrial Revolution. The topic is inherently intertwined with human rights. Excitingly, this topic offers exciting possibilities to explore how the “old” concepts of human rights and fundamental freedoms may adjust to the unprecedented challenges posed by technological advancement without becoming completely obsolete in the new era of human rights.

More broadly, this topic aligns with ELSA’s purposes to contribute to legal education, foster mutual understanding, and promote social responsibility. For our members, this topic enables ELSA to fulfil its purpose by preparing law students and young lawyers across 44 National Groups for the future of the legal profession through a unified and wide-reaching information campaign.

For our partners and other external organisations, this topic offers various ways of collaboration as it is topical and attractive for several interest groups. Many business organisations have already tapped into markets for new technologies and/or are looking into exploiting these opportunities. Moreover, civil rights organisations are actively scrutinising the ways e.g. human rights may be affected by this fractured landscape of regulation.

### **Implementation of the topic**

The Key Areas can implement the topic of Law and Technology for example through the means listed below. It is notable that some of these initiatives with the specified focus on technology have already been organised across the Network, already highlighting the popular and practical nature of this topical area of focus.

#### *Academic Activities*

- Essay competitions on the (sub-)topics falling under Law and Technology;
- Collaboration with universities/educational institutions/publishing houses engaged in the study and research of the (sub-)topics falling under Law and Technology;
- Lawyers at Work (L@W) engaging ELSA members directly how legal professionals operate in the field(s) covered by the topic of Law and Technology, and how legal technologies are incorporated in the daily work of a lawyer;
- Moot court competitions exploring the (sub-)topics falling under Law and Technology through either the substance of the case (cf. the moot problem of the 7th EHRMCC) or technology shaping the procedure of the legal proceedings (cf. telematic trials).

#### *Seminars and Conferences*

- Lectures, seminars, panel discussions etc. around the (sub-)topics falling under Law and Technology;
- ELSA Law Schools educating students and young professionals with a sustained focus over a week on a (sub-)topic falling under Law and Technology;
- ELSA webinars offering a perfect format to tackle the (sub-)topics falling under Law and Technology through a technological platform;
- International Conferences of ELSA having the strictly academic focus on the matter and gathering legal academic professionals in the field;
- ELSA Delegations at international meetings happening on the field of the (sub-)topics falling under Law and Technology.

#### *Student Trainee Exchange Programme*

- Several prospective and existing Traineeship Providers active in the field of the (sub-)topics falling under Law and Technology;
- Provides the members the perfect opportunity to either analyse the issue with theory or work with technological tools in legal profession

### **Recommended Timeline**

The topic Law and Technology will be implemented through the new IFP cycle, which is a three year advocacy campaign materialised by yearly human rights campaigns.

#### *Year 1: Freedom of expression online*

- *Survey:* A survey looking into the knowledge of the society on the area of freedom of expression will be launched by ELSA International.
- *Video:* A video containing clips from each National Group will be created to generate social media engagement and raise awareness.
- *ELSA Day Webinar:* During the ELSA Day Webinar, the results of the survey will be presented, examined and discussed by experts within the field.
- *Report:* The survey and the expert comments will be published in a report.
- *Legal Research Group:* An International Legal Research Group on Internet Censorship will be launched to research the legal background for the results of the survey.
- *ELSA Law Review:* A call for submissions will be opened for the ELSA Law Review welcoming articles on the IFP topic.
- *STEP:* Special recognition will be given to IFP traineeship providers.
- *Events of the network:* Throughout the year, the Network will engage law students and civil society nationally and locally through their events and campaigns.
- *Concluding video and report:* All efforts will be summarised in a concluding video and report which can be used in marketing and further awareness campaigns.

#### *Year 2: AI and human rights*

- *Survey:* A survey looking into the knowledge of the society on the area of AI and human rights will be launched by ELSA International.
- *Video:* A video containing clips from each ELSA National Group will be created to generate social media engagement and raise awareness.
- *ELSA Day Webinar:* During the ELSA Day Webinar, the results of the survey will be presented, examined and discussed by experts within the field.
- *Report:* The survey and the expert comments will be published in a report.
- *Legal Research Group:* An International Legal Research Group on Artificial Intelligence will be launched to research the legal background for the results of the survey.
- *ELSA Law Review:* A call for submissions will be opened for the ELSA Law Review welcoming articles on the IFP topic.
- *STEP:* Special recognition will be given to IFP traineeship providers.
- *Events of the network:* Throughout the year, the Network will engage law students and civil society nationally and locally through their events and campaigns.
- *Concluding video and report:* All efforts will be summarised in a concluding video and report which can be used in marketing and further awareness campaigns.

#### *Year 3: Big Data, legal research and privacy rights*

- *Survey:* A survey looking into the knowledge of the society on the area of Big Data, legal research and privacy rights will be launched by ELSA International.
- *Video:* A video containing clips from each ELSA National Group will be created to generate social media engagement and raise awareness.

- *ELSA Day Webinar*: During the ELSA Day Webinar, the results of the survey will be presented, examined and discussed by experts within the field.
- *Report*: The survey and the expert comments will be published in a report.
- *Legal Research Group*: An International Legal Research Group on Artificial Intelligence will be launched to research the legal background for the results of the survey.
- *ELSA Law Review*: A call for submissions will be opened for the ELSA Law Review welcoming articles on the IFP topic.
- *STEP*: Special recognition will be given to IFP traineeship providers.
- *Events of the network*: Throughout the year, the Network will engage law students and civil society nationally and locally through their events and campaigns.
- *Concluding video and report*: All efforts will be summarised in a concluding video and report which can be used in marketing and further awareness campaigns.

At the end of the cycle, ELSA International will publish a concluding IFP report and video which will summarise the efforts made and impact achieved during the three year cycle.

### **Potential impact of the topic**

- ELSA takes part in the Fourth Industrial Revolution by exploring and exploiting the synergies between law and technology alongside other organisations and interest groups;
- Through yearly reports and a concluding report, that could be done in a form of a manifesto, laying out the legal solutions to the spotted in the field problems, ELSA is perceived as a leading researcher and advocate in the field of Law and Technology;
- Educating the new generation of legal professionals to understand the changing legal framework governing technology and innovations, as well as the potential and actual human rights implications thereof, thus introducing into the labour market knowledgeable and capable individuals from all around the Network;
- Easing the imbalances between the Network where the portfolio of offered legal courses on the topic of technology are not a developed part of the curriculum, the status of national legal frameworks, and the amount of opportunities to develop skills in the field.