HUMAN RIGHTS COUNCIL – 56th SESSION

Presentation of OHCHR's Mapping Report on Human Rights and New and Emerging Technologies, including artificial intelligence

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Mr. Scott Campbell, in his capacity as Senior Human Rights Officer at OHCHR, presented the report mapping the work and recommendations of the UNHRC, OHCHR, treaty bodies and special procedures of the Council in the field of human rights and new and emerging digital technologies, including artificial intelligence, as well as identifying gaps and challenges and making recommendations on how to address them, while giving due consideration to the United Nations system-wide work on new and emerging digital technologies. The report crafted by OHCHR provided emblematic examples and a bird's eye perspective to further facilitate work in this field.

The report was structured around several thematic aspects described hereafter. First, **internet governance and internet-based communications**, paying particular attention to digital divides, undue restrictions to accessing and using the internet, hate speech, disinformation, and social media governance. Second, **surveillance, datafication, and artificial intelligence**, touching upon topics such as targeted and indiscriminate surveillance, data privacy and data governance, and the various ways in which artificial intelligence affected the enjoyment of human rights. Third, **economic, social, cultural and development (ESCD) aspects** shedding light on work on issues crucial to achieving social and economic justice, and the SDGs, along with a further expansion to topics such as education, employment, social security and health. ESCD aspects played a central role in the discussion on the digital divide and discrimination. Fourth, **discrimination, equality and specific groups,** mapping out how the UN human rights ecosystem had identified and responded to identity-based, differentiated impacts of particular technologies, with a focus on gender-related issues, impacts on children, racial discrimination, the rights of people on the move, older persons, minorities and indigenous peoples. Fifth, the mapping of existing work on human rights and digital technologies in the field of **international security, armed conflict,** and new and emerging technologies in the military domain, an area to which more attention should be deserved. Sixth, the **role of the private sector** had an enormous influence on the digital sphere and held great potential to foster or to flaw respectful conduct. Lastly, the existing **rule of law and administration of justice**.

Among the main finding of the mapping it emerged that the human rights ecosystem had been remarkably productive, with an impressive **body of work dealing with the human rights dimensions of digitalization**. The UN human rights system was responsive to the challenges of the ongoing digitalization of societies, even if gaps and shortcomings remained throughout all bodies – from UNGA, to HRTBs, Special Procedures, the UPR and OHCHR.

Overall, the mapping confirmed the **relevance and necessity of using the international human rights framework to govern the development and use of digital technologies**. International human rights law provided the guardrails required to maximise the benefits and added value of digital technologies, while reducing and containing their potential and detrimental human rights impacts. Of particular relevance was that protection gaps resulted from gaps in implementation, rather than from a lack of established obligations and responsibilities for states and businesses. The work of the UN human rights ecosystem in digital technologies had made a difference and was having a positive impact, by informing international, regional and domestic policies. This work was also referred to in public debates around the world, was relied upon to determine obligations and establish guardrails. Courts used the analysis of the UN system. OHCHR had been increasingly successful in improving companies'

application of the UN Guiding Principles on Business and Human Rights as the foundation of designing services and policies. Finally, the human rights ecosystem was also able to raise urgent concerns, when necessary, for instance, by sending communications to state and stakeholders.

OHCHR's thematic report also identified **three main gaps**. The first was a **coordination** gap, as large number of actors and processes addressing issues relating to digital technologies could lead to overlap and tensions between the outcomes due to insufficient coordination efforts. Second, **access to information**, as a major obstacle was the lack of visibility and easy access to relevant documents which were currently dispersed across several databases and websites with limited search functions. The UN Digital Technology and Human Rights Research Hub was a valuable initiative, but it would need considerably increased resources to become a fully functional and curated one-stop-shop to find such information. Third, a major gap was identified in the **lack of detailed and context-specific advice**. There was still no clear path for states or companies to request detailed, context-specific advice on how to respond to technology-related issues in a human rights-conforming way. For instance, in the context of legislative processes and large digital infrastructure processes, such advisory capacity was urgently needed, but it was often requested in diverse and ad hoc manners.

In closing, **OHCHR offered some recommendations** aimed at bridging four gaps. First, **enhancing capacity and effectiveness** of the UN human rights ecosystem for comprehensive work on digital technologies. Particular attention should be devoted to the capacity to provide guidance for the implementation of human rights obligations of states and human rights responsibilities of businesses. Second, as suggested by the UN Secretary-General, a service should be made available by OHCHR to provide **guidance and expert advice upon request** on specific human rights and technology issues to support states and stakeholders in integrating human rights into the design, development, use and regulation of digital technologies. Third, holding broad discussions to explore and take appropriate measures to improve the coordination between UN human rights mechanisms to support **complementarity and coherence in the work** being done in this field. Lastly, improving the **information management infrastructure** across the UN human rights ecosystem to ensure easy and streamlined access to all of its outputs. Additional resources should be provided to enable OHCHR to create and maintain a state-of-the-art Digital Resource Hub, building on existing databases, existing search tools, and the Digital Technology Human Rights Resource Hub.

Interactive dialogue

53 country delegations took the floor during the interactive dialogue. All delegations shared the view that new technologies could drive sustainable development if they were put at the service of the greater public good. Several countries evoked the imperative of addressing the risks related to new technologies, voicing concern over the fact that their misuse could undermine fundamental freedoms, and spread discrimination and misinformation. Many countries were supportive of a digital governance architecture shaped by multistakeholder processes and a multilateral framework based on a human rights approach, notably by setting in place policies and safeguards that drove the responsible use of new technologies. In the same vein, many countries underscored the need for fostering a sustainable digital inclusion and bridging the digital divide, including the gender digital divide, to ensure that anyone could benefit from the digital transformation.

The **Republic of Korea, speaking on behalf of a cross-regional group of 52 countries,** affirmed that despite opportunities offered by digitalization such as enhancing the accessibility of public services and civil participation in public governance, new technologies could also pose serious human rights risks that needed to be addressed, notably those arising from the scope and quality of data collection, the rights to privacy, discrimination and digital divide, including the gender digital divide. The cross-

regional group called upon states to better implement human rights safeguards when making use of new and emerging digital technologies. Everyone should benefit from scientific progress and its application - including digital literacy programmes - and additionally promote full, effective, and meaningful multi-stakeholder participation in the digitalization process. The **European Union** expressed full support for OHCHR's mainstreaming of human rights and new technologies. While emphasizing that human rights fully applied to the digital space and provided the guardrails to maximize the benefits of digital technologies, the EU advocated for a multi-stakeholder, inclusive approach to internet governance. A human rights-based approach to the whole life cycle of new and emerging technologies - including AI - was needed to ensure these technologies served humanity and contributed to sustainable development.

Qatar, speaking on behalf of the GCC, stressed the importance of having an accurate understanding of the use of modern technologies to facilitate the enactment of laws and to address the gaps evoked in OHCHR's report. For doing so, the GCC agreed on the need to financially support mechanisms to enable the latter to provide advice and assistance to states in aligning technologies with human rights standards. **China, taking the floor on behalf of a group of countries,** stressed the relevance of a human-centred approach to promote women's full, equal, and meaningful participation in AI governance and make sure AI benefits more women all around the world; the importance of fairness and non-discrimination of AI systems, and of bridging the AI divide through financial and technical support to developing countries, so as to exploit its potential and overcome challenges posed by AI.

Costa Rica expressed serious concern over the use of and the alarming impacts on human rights of digital spywares and technologies such as Pegasus. These were used frequently against human rights defenders and journalists, potentially violating their right to privacy. In addition, digital surveillance may directly affect freedom of assembly, and indirectly other fundamental rights. For these reasons, Costa Rica called for a moratorium on the use of all spywares until appropriate human rights safeguards were in place.

UN Women voiced deep concern over the fact that emerging technologies could not be used equally as an enabler by a large proportion of the population. Discrimination, limitation to access and use of **technologies disproportionately affected women and girls** in all their diversity, while recalling that the conclusions of the 67th Session of the Commission on the Status of Women called upon states and all stakeholders to mainstream gender considerations and prioritize gender equality in all technology-related discussions. **UNESCO** was working to close the digital divide, enhance media and information literacy, ensure that artificial intelligence was used as a force for good, and that existing biases, including on gender, were not perpetuated. It was also promoting disability equality in media, by ensuring that persons with disabilities were among the beneficiaries of technological developments, which could provide new opportunities for education, employment and political participation. Developed through extensive cross-regional, multistakeholder consultations, UNESCO further elaborated **guidelines for the governance of digital platforms**. **UNFPA** advocated for a human rights-based approach to bridge the gender digital divide, which required ensuring women's access to technologies and their active participation in their development. Women must be at the decision-making table among the developers and included in data sets. UNFPA called for robust measures to combat gender-based violence and ensure women's safety in digital spaces. AI must be developed based on no-harm principles, ensuring an actable data set and addressing diversity at all stages of development.

NGOs commended OHCHR's report while expressing the need of putting in place safeguards to bring the cyberspace and new technologies into compliance with human rights, by harnessing their potential for humanity and tackling their downsides. **Terre des Hommes** called upon states to develop

gender-sensitive AI policies and regulations; invest in education for girls and young women in AI and technologies; ensure transparent and accountable AI decision-making processes; and provide financial support for girls and women in technological developments. **IIMA** recommended the adoption of regulations addressing privacy, digital security, hate speech and online discrimination in order to create a safe and secure online environment for children and youth. **FIAN International** voiced concern over the implications of digital technologies for economic, social, and cultural development and environmental rights, which required greater attention.

<u>Delegations that took the floor during the Interactive dialogue (53 country delegations):</u>

Republic of Korea (on behalf of a 52-countries cross-regional group), the European Union, Qatar (on behalf of the GCC), Norway (on behalf of the Nordic-Baltic countries), Belgium (on behalf of the Francophonie), China (on behalf of a cross-regional group of countries), the Gambia (on behalf of the African Group), Finland, Ireland, Costa Rica, Iran, Morocco, Egypt, Czechia, Slovakia, United States, Luxembourg, Greece, France, Republic of Korea, Bangladesh, Albania, Iraq, Russian Federation, Malaysia, Georgia, Viet Nam, Algeria, Panama, Cuba, Paraguay, Austria, Oman, Switzerland, Kenya, Venezuela, Maldives, Malawi, Bolivia, Suriname, Armenia, India, El Salvador, United Kingdom, Lebanon, Botswana, Zambia, Cambodia, Vanuatu, the Netherlands, Lao PDR, State of Palestine, China.

<u>NHRIs and NGOs that took the floor during the Interactive dialogue (8):</u>

Terre des Hommes Fédération Internationale, IIMA, FIAN International, China Society for Human Rights Studies, Institut International pour les Droits et le Développment, Maat for Peace, United Villages, India Water Foundation.

<u>International Organizations (4): UN Women, UNESCO, UNFPA, UN Habitat.</u>

To watch the full meeting refer to the UN WEB TV: Part 1 and Part 2.