Global Conference on A.I. and Human Rights

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Keynote Address on behalf of the President of the Human Rights Council

By HE Ambassador Marc Bichler, Permanent Representative of Luxembourg to the UN in Geneva

Human Rights – Universal Standards for a World with A.I.

Madam Speaker of the Parliament,

Excellencies,

Dear Prof. Sancin,

Ladies and Gentlemen,

Let me start by thanking the organizers for allowing me to participate in this important Global Conference on A.I. and Human Rights. It is for me an honor and indeed a pleasure to present the keynote address on behalf of the President of the Human Rights Council, HE Ambassador Omar Zniber from Morocco.

Back in February of this year, the President decided to appoint the Ambassadors of The Gambia, of the Republic of Korea and myself as co-facilitators, in the Human Rights Council, on the topic about "New Technologies, A.I. and the Digital Divide", from a human rights perspective; the objective being to present the President with recommendations for an input by the Human Rights to the Summit of the Future to be held at the UN headquarters, in New York , in September.

The task is a fascinating one, indeed, and the field to cover is huge.

For Artificial intelligence is confronting humankind with a serious conundrum and with ambiguous feelings about, on the one hand, the promise of undreamt-of opportunities for the betterment of human life and development and, on the other hand, frightening perspectives, up to threats to our very existence, as a species.

Today technological development is happening at an ever-higher speed, driven not only by readily available know-how and natural resources, but also to a large extent by sky-rocketing market value and profit margins for those private sector actors that have taken the lead and the economic lion share in the digital realm with little consideration, responsibility and accountability for the consequences of inequity, widening divides and risks to privacy, to ethics, to human rights and to the dignity for all.

But please, do not get me wrong. – In no way is it my intention to suggest curtailing the spirit of innovation and the resourcefulness of private sector actors. I do not judge, nor do I blame them for doing their jobs. I do not refute the validity, the pertinence and the potential of their research and

development or even the fact that, in many cases, their strive is as much driven by their intellectual curiosity, their unrelenting hunger for technological progress, as it is by their sheer thirst for lucrative material gain.

However, what governments, as the responsible custodians of the common collective good, should avoid to do, is to close their eyes when they are confronted with clear and present risks to our core values, the achievements of decades of human development rooted in human rights and the dignity of each individual person.

It is therefore that – while fully acknowledging the opportunities that undeniably lie in the development of A.I. – we plead for a shared and responsible set of guardrails for a technology whose potential – good or bad – we have yet to fully explore.

On that backdrop, and while, in the past, digital developers of A.I. or other new technologies were used to work and innovate with relatively little or no legal and administrative restrictions, oversight or requirements of accountability, for some time now and increasingly so, requests are voiced for tighter, more responsible and accountable regulation, with human rights and human dignity at its core.

Such an approach shall enable A.I development, platforms, tools and services, with related activities and products, that will respect and be accountable for the privacy, ownership, access and use of data for all users everywhere. It will also ensure and guarantee the human rights and dignity of all users, while adhering and being compliant to international law, existing protocols and conventions, that are adapted, responsive and applicable to the digital space.

In that spirit, please allow me to dig a little bit deeper on the opportunities and the risks of A.I. for human rights; before addressing the challenge of the digital divide and, finally, make the case for human rights as a set of universally accepted standards to help regulating A.I. today and in the future.

Opportunities through A.I. for Human Rights

Let's start with the opportunities that A.I. may bring for Human Rights:

As a matter of fact, A.I. development and deployment aiming at the good for the individual and at the collective global public good, have the potential to help better promote and protect Human Rights. Here are a few examples , certainly not an exhaustive list of A.I. uses to the benefit of Human Rights:

- benefits to the <u>right to health</u>, through A.I. triggered breakthroughs in medical research, more accurate disease detection and diagnosis, data-based decision making, more personalized treatment in real time and the use of surgical robotics;
- benefits for the <u>right to food</u>, through A.I. empowered progress in agriculture, data science-based prediction models; plant disease detection; smart weather stations; wildlife monitoring;
- benefits the <u>right to education</u>, through increased accessibility and availability of education, especially for women and girls, as well as persons in vulnerable situations; through enabling more personalized learning, quicker and more detailed feedback on performance, enhanced efficiency for teachers and access to vast knowledge resources;

Furthermore and especially in this super-elections year 2024, it is worthwhile mentioning the benefits of A.I. to the right to participate in government and free elections, through data-based decision making for policy and legislative processes; predictive data-based simulations, improved connections for citizens with public administrations and infrastructures and better access to public services.

And the list of improvements for human rights through A.I. goes on:
- the <u>rights of persons with disabilities</u>, through enabling them to identify accessible routes around their location; through enhancing the personal mobility of visually impaired persons with navigation tools powered by A.I.;
- the <u>right to seek, receive and impart information</u>, through allowing individuals to collect and receive information much more efficiently and through providing opportunities for human rights-based responses to disinformation and misinformation;
- the <u>rights of human rights defenders</u> (HRD), through allowing broader and more effective monitoring of violations and abuses of human rights, and helping them gather and analyze information at a much quicker rate;
- The <u>right to adequate housing</u>, through improving disaster risk management, facilitating in-home, residential and other community support services and through improving accessibility of the housing environment.

Not later than last week, in Geneva, we had the kick-off of the ITU's initiative "A.I. for Good – Global Summit" (30-31 May 2024) to document other, often spectacular, positive examples of beneficial A.I. use.

Risks through A.I. for Human Rights

On the other hand, let's not turn a blind eye to very serious risks of A.I. for Human Rights. Just like for the potential opportunities inherent to A.I., the following list of risks linked to A.I. is by no means an exhaustive one. However, not taking a human rights-based approach to the development, the deployment and the use of A.I. can entail serious threats to the enjoyment of a large number of Human Rights. Here a re few examples of such risks:

- The <u>freedom from discrimination</u> may be curtailed through bias in hiring practices, in law enforcement and in criminal justice and access to services, thereby violating the right to non-discrimination.
- The <u>right to own property</u>, may suffer through misuse of personal data and inadequate landownership registration;
- The <u>freedom from interference with privacy and the right to peaceful assembly and association are threatened</u> through mass surveillance; through A.I. and new technologies that will infringe upon human rights, threaten democratic principles, and violate international law. Indiscriminate and targeted surveillance and facial recognition technologies that may be weaponized, and add to the potential misuse or unauthorized access to user data.
- Furthermore, the <u>freedom of expression and information</u> may be blurred through algorithms used by social media platforms and search engines that may influence the information and viewpoints to which users are exposed; as well as through targeted disinformation and deep fakes; through potentially restricting the right to freedom of expression and access to diverse sources of information; and finally through censorship.

Other rights that may suffer, are:

- the <u>right to participate in government and free elections</u>, through hacking and election meddling.
- the <u>right to desirable work</u> and the <u>right to an adequate standard of living</u>, through automation and job displacement; through biased job descriptions;
- the <u>right to life</u> itself, through unregulated and unsupervised use of Lethal Autonomous Weapon Systems (LAWS);

Closing the digital divide

On top of that alarming list of risks for human rights through A.I., we need to consider the deepening of the digital divide between persons or communities, which is first and foremost threatening the right to equality and the freedom from discrimination, as well as the right to development. As A.I. and new technologies become more prevalent, disparities in access and digital literacy and skills could widen, exacerbating existing inequalities and limiting the enjoyment of human rights for marginalized populations.

This digital divide comes in different guises. It presents geographic, social and generational aspects. It creates and deepens differences between countries from the North and the South, between urban and rural areas, between rich and poor, young and old, and it is often gender based. And what may seem to be reason for hope through the access to new technologies and A.I. in one part of the world may very well be perceived as a risk through the absence thereof in other parts.

As such, the ever-deepening digital divide is a barrier to the equal enjoyment of i.a.:

- the right to education,
- the right to a clean, healthy and sustainable environment,
- the right to desirable work,
- the right to social security,
- the right to seek, receive and impart information.

To bridge that digital divide or, at least to stop its constant widening, will take an extraordinary collective effort of many stakeholders, public and private, to share the benefits of the new technologies and A.I. and to jointly mitigate the risks of their misuse. Indeed, the danger of collective inaction is very high.

The ultimate, almost apocalyptic form of digital divide would oppose humankind, on the one side, and machines empowered by artificial general intelligence (AGI), on the other. Some argue that the danger inherent to the non-alignment of A.I. to the shared values and goals of humanity may well amount to a threat to the right to life itself, in case of the occurrence of a singularity, when technological progress and growth spring out of human control and turn against humanity itself and threaten human dignity. In order to prevent the realization of such a dark perspective, calls for containment and harnessing of potentially dangerous autonomous A.I. are getting louder.

A role and a responsibility for the Human Rights Council

In the face of such impressive challenges, you may ask what role there is to play for the Human Rights Council?

To answer that question, it is useful to consider the following:

Global challenges are best addressed by the international community collectively and on the basis of a universally accepted set of references. Human rights, as one of the three pillars of the UN Charter, constitute such a body of references. Furthermore, human rights are overarching in nature, insofar that the international community's political and operational efforts in the fields of peace, security and development aim at respecting and protecting human rights and assuring human dignity.

Confronted, at the global level, with both the opportunities and the risks that new technologies and A.I. present for human rights, the Human Rights Council (HRC), as the main intergovernmental body within the United Nations responsible for human rights, is well advised to examine and discuss these eminently important issues, and take adequate action; all the more that the digital divide, in its many forms, is exacerbating the negative impact of new technologies and A.I. on human rights.

As a matter of fact, the HRC has already begun taking action to address human rights implications of A.I., notably through the consensual adoption of the resolution on new and emerging digital technologies and other relevant resolutions, such as the recent adoption of the resolution on the right to privacy. In addition, the HRC's special procedures have increasingly drawn attention to various opportunities and areas of concern in the use of A.I., as it relates to their respective mandates, including with regard to law enforcement, content moderation, the worsening of discrimination and marginalization of vulnerable populations and the violation of privacy rights.

It would be appropriate for the HRC to deliver more with a human rights-based approach to react to the accelerating and potentially harmful development and deployment of A.I. – The HRC should be strengthened in its capacity to do so.

The HRC's mandate provides the legal basis that warrants such a proactive role of the HRC in the ongoing international efforts for a human rights-based approach to establish pragmatic guardrails with universally acceptable standards to the accelerating and potentially harmful technological development.

The HRC and its President, in close cooperation with the Office of the High Commissioner for Human Rights, can chose from a series of instruments, tools and formats to address the issue of new technologies, A.I. and the digital divide, through further resolutions, recommandations to the UNGA or by serving as a convener and a platform for constructive dialogues on this most urgent topic of A.I. and Human Rights.

As per its mandate, the HRC should promote the effective coordination and mainstreaming of HR in the UN system. In that respect, the HRC should welcome policy documents on A.I. by other organizations and entities that stress the centrality of human rights in their approaches, such as:

- the UNESCO Recommendation on Ethics of A.I. (adopted by acclamation by 193 member states in Nov. 2021);
- the report of the UNSG's High Level Advisory Board on A.I.;
- the European A.I. Act [soon to be adopted];
- the Council of Europe's framework Convention on A.I., Human Rights, Democracy and the Rule of Law [soon to be adopted];

- the OECD Principles on Artificial Intelligence ;
- the UNGA landmark resolution on « Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development" (March 21st, 2024).

So, fortunately the HRC is not alone to take on the challenge of A.I. Dozens of other international organizations, institutes or foundations are potential partners in this daunting task.

Madame Speaker of the Parliament,
Excellencies,
Ladies and Gentlemen,

In conclusion, let me repeat my amin message:

The most valuable contribution from the HRC to the collective effort that it will take in the month and years to come, would be to advocate for Human Rights to serve as the universally accepted set of references to define the effective guardrails to the development, the deployment and the use of A.I., without choking off technological innovation.

It is the HRC President's declared intention to provide that type of input into the outcome at the UN Summit of The Future, in New York, this coming September.

I thank you for your attention.