ODIHR - NHRI Academy 2022: Al and Human Rights

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Day 2 – Session 2

DO WE NEED NEW RIGHTS FOR NEW TECHNOLOGIES?

Trainer: Francesca Fanucci







NEW RIGHTS

Articulation/extrapolation from existing human rights framework + adaptation/contextualisation to new technologies

New binding legal instruments (laws, treaties, bills of rights, etc.)?

Jurisprudence/ authoritative interpretation Extensive interpretation of existing human rights legal framework

Non-binding legal instruments (e.g., ethical guidelines)



A precedent: From Right To Privacy to Data Protection

Right to Privacy

1948: Universal Declaration of Human Rights, Article 12

1966: International Covenant on Civil and Political Rights, Article 17

1950: European Convention of Human Rights, Article 8

Rise of automated data processing => need to protect data

1973-1974: CoE Resolutions on privacy of individuals vis-à-vis electronic data banks in the private and public sector

1980: CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (updated in 2018)

1980: OECD Guidelines on the Protection of Privacy and Transborder Flows of Personal Data (updated in 2013)

2014: ECJ ruling acknowledges "Right to be Forgotten"

2016: EU General Data Protection Regulation (including "right to be forgotten")

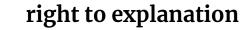


Right to Protection of Personal Data + a person's right to control his or her personal data and the processing of such data



Some calls for new Al-triggered rights:

- Opacity of functioning of algorithms + trade secret
- Use of data collected by search algorithms and search engines to build profiles of internet users for marketing, political advertising purposes etc
- Use of AI-driven services in nursing and care environments (e.g., androids as medical assistants or patient companionship)
- Suspicions of AI bias/discrimination



right to informational autonomy/self-determination

right to meaningful human contact

right to human review



Questions for discussion:

- Based on your experience as NHRI in your country/region, is the existing national/international human rights framework adequate to deal with the potential effects of new technologies?
- If yes, why? If no, how should it be adapted to the new technologicallydriven context?
- Do we need to extrapolate (or even create) new rights for a technological era? If yes, which ones would you identify?





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Sources/reading materials

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