**Talking points for a possible EU intervention at the Twenty-fourth session of the Advisory Committee of the Human Rights Council**

18 February 2020 at 15:00, Palais des Nations, Room XX

**"New and emerging digital technologies"**

The EU would like to thank the Advisory Committee for the presentation of the ‘’[preliminary outline of the report[[1]](#footnote-1) on new and emerging digital technologies and human rights](https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/Session24/A_HRC_AC_24_CRP5.docx)’’, as well as the speakers for sharing their insights.

On this topic, in response to the recent call, the EU and 8 Member States provided written inputs, highlighting our increasing attention to digital issues and their implications for human rights holders. The same rights that people have offline must also be protected online and regardless of the technology applied. International human rights law needs to be applied in the design, development, deployment, evaluation and regulation of new technologies, and must be ensured that these technologies are subject to adequate safeguards and oversight.

In fact, it is being widely acknowledged that digital technologies and their application can have a positive impact on the protection and promotion of human rights; in the same vein digital technologies such as encryption can be useful for Human Rights Defenders or Journalists themselves. However considerable risks are at stake, especially when digital technologies are not regulated from a human rights based perspective.

When the right to privacy is not upheld, digital technologies can be used to infringe on a number of other rights: Freedom of Expression, Association and Assembly, but also social and economic rights.

We share your concerns regarding possible discriminatory outcomes from AI decision making. Without adequate safeguards the use of artificial intelligence may pose the risk of reinforcing discrimination, including structural inequalities. At EU level, several policies and on-going initiatives address these shortcomings including the EU Human Rights guidelines on freedom of expression online and offline; a code of conduct to combat hate speech online agreed with major social media platforms and IT providers; the General Data Protection Regulation; the revision of audio-visual content to protect children; as well as digital measures to protect human rights defenders, including trainings on cyber-protection.

The EU is also leading a concerted effort to draft guidelines for the use of information and communication technologies in elections, to ensure that ICT complies with fundamental principles of transparency, inclusiveness and accountability. Making Europe fit for the digital age is high on our agenda, and the EU has recently embarked on developing a legal framework for a coordinated ‘’European approach’’ on the human and ethical implications of Artificial Intelligence.

The preliminary outline of the report mentions that ‘’too much transparency, security flaws, or the exacerbation of discriminatory outcomes at the decision-making level’’ would affect the right of privacy and is therefore considered one of the key challenges. However ‘’too little transparency’’ in the digital landscape could have negative implications for human rights (e.g. use of ICT in elections, proliferation of online fraud). It is important to explore this issue more thoroughly to strike the right balance.

Possible question(s):

Given that the development of **digital/technologies and the political discussions concerning them** (among states) is not in step, the political discussion lagging behind, resulting sometimes in the absence of political solutions and/or regulations. How do you (experts) suggest/recommend reducing this gap so that digital issues/technologies may not affect human rights negatively?

**In-house synergies:**

In the UN-system, a variety of processes exist – the SGs attempt at the Report of the panel on digital cooperation tried to bring different actors and positions together – what is in your view the right forum to bring all actors and perspectives together?

1. Report on the possible impacts, opportunities and challenges of new and emerging technologies with regard to the promotion and protection of human rights to be presented at the HRC 47th session -in line with the resolution 41/11 July 2019-. [↑](#footnote-ref-1)