**EU intervention at the 25th session of the Advisory Committee of the Human Rights Council**

**Item 3 (g): New and emerging digital technologies**

17 February 2020 at 12:00-13:00

The EU would like to thank the Advisory Committee for the final draft [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)’’ and extend a special thanks to the former rapporteur, Mr. Changrok Soh for his work on the draft report.

The report outlines clearly how new technologies may bring both risks and opportunities for human rights. The draft also touches very timely upon our recent challenges and how the COVID-19 pandemic has exacerbated both the positive and negative impact of new technologies on human rights. Technologies have facilitated access to education for millions of children across the world while concerns have emerged regarding the right to privacy in the digital age – a discussion that was particularly visible regarding Covid-19 tracking apps.

The EU firmly believes that to maximise the benefits, and to avoid any potential adverse impacts of new digital technologies, it is fundamental to apply a human rights-based approach to the design, development and deployment of these technologies. The same rights that people have offline must also be protected online, regardless of the technology applied. The report lists a key recommendation in this regard: “*The real focus should not be on individual technologies but the human rights effects of the whole datafication cycle*”. [58] Issues such as users’ consent for their data to be processed have to be duly considered to prevent human rights violations. The report stresses that it is of utmost importance to prevent intentional bias being built into technologies as well as unintentional results. We think it would be important to also highlight that unintentional results are created by unintentional bias at the stage of the development of new technologies, which can have discriminatory effects for end-users [Para 19] and infringe on their full enjoyment of human rights.

Digital technologies and the digital space more generally area prominent pillar of the recently adopted EU Action Plan for Human Rights and Democracy (2020-2024). The EU is increasingly addressing the impact of new technologies and human rights in its diplomacy, including during human rights dialogues with third countries. Equally, the Council of Europe is addressing the effects of Artificial Intelligence, including the Ad-hoc Committee on Artificial Intelligence’s work on the feasibility and possible elements of a legal framework on the development, design and application of Artificial Intelligence . A multi-stakeholder approach to policy-making is essential: Governments, civil society, human rights defenders, international organisations, academia and the private sector have to join efforts in identifying not only problems but also solutions.

The report brings forward important recommendations on breaking down siloes and on the need for human rights due diligence processes for new technologies “to be expanded and explicitly include all human rights” and to “also focus on empowerment, not just the mitigation of harm”. [62] The report concludes that “a more comprehensive human rights framework for new technologies is needed as a corrective to the current proliferation of ethical principles and voluntary codes of conduct that only cover a limited range of human rights”. [62]

We agree that there is need to “break down silos” and facilitate the exchange and cooperation between the “tech community” and the “human rights community”, at the national, regional as well as at the international level.

The EU would welcome any further specificity in the final report on the recommended way forward on how to practically operationalize such processes within UN fora in an inclusive and participatory manner, specifying how such a mechanism for exchange could look, as well as the role of, and collaboration between, different stakeholders in this work.

As common solutions are more needed than ever, the EU is committed to keep engaging actively within the UN fora, in particular the Human Rights Council, the Advisory Committee, the Secretary-General's Envoy on Technology and through the implementation of the UN SG Roadmap for digital cooperation.

Thank you

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)