

**United Nations Human Rights Council’s Advisory Committee**

**26th Regular Session**

**Oral statement of the International Commission of Jurists (ICJ) in the Interactive Dialogue with the Advisory Committee on its report on emerging technologies and human rights**

16 August 2017

The International Commission of Jurists (ICJ) shares the concern expressed by the Advisory Committee that misuse of artificial intelligence on the rule of law cannot be underestimated and that the resort to automated decision making in judiciaries may produce discriminatory effect.

The ICJ concurs that the private sector is a major source of human rights challenges, for example in its role in carrying out identity verification (para 52). We regret that the report does not sufficiently address the intrinsic relationship of certain business models of tech companies and their compliance with their human rights obligations.

International governance systems should be based on human rights principles of transparency, participation and accountability, with due regard to the rights to effective remedies and reparations.

While certain mandates, such as the Special Rapporteur on Privacy, are competent to address aspects of this issue, new technologies cut across a broad spectrum of human rights areas and should not be addressed through a fragmented approach.

The ICJ consider the report should spark interest in independent experts or the OHCHR to undertake a systematic review of human rights and new technologies, through a holistic approach in addressing their human rights impacts.

We would caution, however, against opening existing instruments to amendment as suggested by the Committee.

Thank you.

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