

## Global Digital Compact

### Deep Dive – “Artificial intelligence and other emerging technologies”

*May 25, 2023 – Michel Roberto de Souza*

Thank you very much. We appreciate this opportunity. We know we have huge challenges to fulfill human rights regarding the use of artificial intelligence (AI) and other new emerging technologies both in public and private spheres.

The discussions and experiences at the international and national levels allow us to dimension the relationship between AI and human rights, the risks and benefits from it.

Derechos Digitales has led a series of research<sup>1</sup> regarding the use and deployment of AI by States in Latin America and discovered that there is an alarming trend of increasing use of AI systems in sensitive areas of public policy such as to provide State services, without proper public debates or safeguards against potential misuse and abuses. And such initiatives may have serious impacts on the exercise of human rights including social and economic rights, particularly of the most marginalized groups.

People are forced into relationships with actors widely unknown to them in order to exercise social and economic rights such as social security, the right to work, healthcare, and access to justice. Facial recognition technologies in public spaces have also increased in the region, allowing constant surveillance. In many cases, there is no transparency, oversight or public accountability. The public sector already plays an important role either from a regulatory perspective, or from an implementation perspective by directly acquiring, developing or adopting them.

We understand the Digital Compact should:

1. build from existing advances to respond to some of these risks, including IGF discussions, the Human Rights Council Resolution 48/4 and the report from the High Commissioner for Human Rights which calls for a moratorium, and even a ban, of AI tools “that cannot be used in compliance with international human rights law”.
2. stress States obligations to respect human rights within the development and deployment of AI systems, expressly emphasizing the promotion of transparency, non-discrimination and diversity throughout the entire life cycle of IA systems.
3. reinforce the tech sector's responsibility to respect and protect human rights within their own processes.
4. incorporate human rights impact assessment and due diligence as stressed by Unesco's Recommendation and the B-Tech Project on Guiding Principles on Business and Human rights.
5. allow and reinforce the need for civil society participation in all international, regional and national discussions. Civil society must be heard.

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<sup>1</sup> Available in English, Spanish and Portuguese at: <https://ia.derechosdigitales.org/>

To conclude, there is a pressing need for a human rights based regulation of the development and implementation of AI systems as a regulatory approach is essential to strengthen the coercive capacity needed to address concrete violations derived from the implementation of AI systems.

This includes the need to respect the principles of legality, necessity and proportionality within regulatory initiatives. Provisions mandating the conduct of human rights impact assessments prior to the development, acquisition or deployment of AI systems should be encouraged, considering particular regional contexts.

Thank you very much.