Ljubljana, 15 October 2019

**Reply of the Republic of Slovenia to the Questionnaire on New and Emerging Digital Technologies and Human Rights**

With regard to the above mentioned questionnaire Slovenia would like to provide the following answers with regard to i) core questions and ii) specific questions for States.

**I. Core questions**

**1. In what ways do new and emerging digital technologies help to protect and promote human rights? How can the positive benefits of these technologies be realized?**

The new and emerging digital technologies inevitably affect consumer and human rights. The results of using new technologies could be societal positive or negative, depending on how they are used. Innovative business models are often based on lack of proper legislation, which can lead to dangerous human rights impacts. That is why legislators must constantly adapt laws related to the digital society, weighting among business-friendly environment and protection of human rights.

There already exist many articles and books which research this topic, for example:

* <https://www.universal-rights.org/nyc/blog-nyc/do-digital-technologies-hurt-or-support-human-rights/>;
* <https://www.e-elgar.com/shop/research-handbook-on-human-rights-and-digital-technology>;
* <https://www.palgrave.com/gp/book/9781137588043>;
* <https://www.openglobalrights.org/technology/>.

**2. What are some of the key human rights challenges arising from new and emerging digital technologies? How can these risks be mitigated? Do new and emerging digital technologies create unique and unprecedented challenges or are there earlier precedents that help us understand the issue area?**

Globalised world is full of increasing complexity, pressing global challenges and disruptive elements, and requires international cooperation. Digital technology crosses national borders and many issues exceed capabilities of nation-states. Potential non-cooperation brings greater risks. Solutions require a multi stakeholder and responsible approach at all levels.

In the last years, there has been a significant development in the field of internet use and e-commerce due to the intensive digitalization with use of advanced technologies e.g. web platforms and taxation, transparent usage of web platforms, consumer rights, cross border delivery of packages, free data flow, protection of personal rights, crypto currencies, fight against disinformation etc. Implementation of new technologies, such as blockchain, 5G, IoT, AI trigger new challenges to which answers are yet to be found. Due to the rapid progress of new technologies and innovative use of digital technologies, adaptation of legislation is lagging behind. Nonetheless, these technologies are finding their way into our daily routines, so due to the lack of adaptation of legislation, we can expect further dilemmas regarding human rights. Law makers need to be aware now more than ever, that timely and regular consolidation of legislation in this new digital society is necessary and urgent. At the global scale, we support the discussions on the ethical and regulatory aspect of the use of AI, which must be based on respect for democracy, the rule of law and fundamental rights.

Slovenia supports efforts to draw up a new regulation framework for online platforms’ ecosystem. There are many political and regulatory issues arising from the advent of platforms which should be in some way regulated, including potential human rights violations. In our view, the most crucial issues to be addressed are the impact on businesses and individuals who use the platform in everyday life, protection of consumers and human rights and privacy, dealing with illegal content, management of the collected data, imposition of taxes on online platforms, application of competition law, and compliance with local laws and standards.

During the last years several important regulations at the EU level have been already adopted, such as an important regulatory endeavor to establish a fair, predictable, trusted and innovation-driven ecosystem in the online platform economy. The implementation of this regulation is essential for the SMEs which are going to have more predictable relationship with online platforms and access to effective and accessible dispute resolution means. A very important step forward has been made also in the field of consumer protection regulation. By improving consumers’ trust and legal certainty, it is very likely that the use of platforms’ services will be more frequent, thus generating more opportunities for businesses.

We are aware of the need to consider the revision of the applicable laws, but it shouldn’t be a kind of a “quick fix”. Therefore, before launching any review of the legislation, policy makers should consider the problems they want to address, having in mind the clear understanding of the nature, scale, and evolution of those problems and what should be done to tackle them efficiently. Political thinking regarding the renewed regulation should not be focused only on a small number of very dominant players (monopolists like Google, Facebook, etc.) but should focus on consumer rights of every individual as well as small and medium business players, who all should take part in the policy making process. New regulation should respect all aspects of the principles of net neutrality, human rights and freedoms.

**3. Is the existing international human rights framework adequate to safeguard human rights in an era of rapid technological innovation? Why or why not? If not, what types of reforms are needed?**

There are digital competences (DigComp 2.1, DigCompEdu, DigCompOrg) and entrepreneurship frameworks (EntreComp), which serve as skills and competence regulatory frameworks. JRC in Seville is preparing also a new framework on personal development.

However, the existing international human rights framework is lagging behind the fast development of new technologies, which may cause disruptive effects. For more adequate legislation to safeguard human rights in the digitized, internet-based society we need globally harmonized legislation, ethical standards and codes of conduct. It seems that Council of Europe is already working in this direction as the Ad Hoc Committee on Artificial Intelligence – CAHAI was set up in September 2019 with the task of examining the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe’s standards on human rights, democracy and the rule of law. This process is to be supported.

**4. In your opinion, are there any gaps or overlaps in existing efforts to respond to the issue of new and emerging digital technologies? Are some human rights or technologies being overlooked?**

Overlaps become controversial only if activities are not coordinated. At the Ministry of Education, Science and Sport all activities and most important national project on key competences and 21st century skills (including well-being and human rights) involve all important stakeholders. Also, coordination between all national projects is established.

The two most important technological areas which should be adequately addressed from the point of view of human rights are Artificial Intelligence and Biogenetics. For both is essential to globally harmonize ethical standards and draft respective codes of conduct. Another pertinent issue is a combination of 5G and IoT technology.

**5. As opposed to focusing on a selected few technologies, do you think a holistic and inclusive approach will help reduce any gaps in the existing system for addressing human rights challenges from new and emerging digital technology?**

General holistic and inclusive approach could improve the timely adoption of appropriate legislation for vast arrays of new digital technologies. In Slovenia, the process already started at national and EU level.

**6. What should be the role of the private sector in mitigating the risks of new and emerging digital technologies to human rights? What about the roles of other key stakeholders?**

The key stakeholders are non-governmental organizations of civil society, which traditionally focus on protection of democracy and human rights. Of its own motion, the private sector wouldn’t be preoccupied – at least not at the initial stage – with risks of new and emerging digital technologies to human rights.

All stakeholders need to be actively involved and responsible. However, new laws (as GDPR) need to reduce incidents (mostly irresponsible stakeholders in the business sector) instead of creating an additional administrative burden for public stakeholders.

**II. Specific questions for States**

**1. What measures, if any, (legislative, administrative, institutional, or other) have been put in place in your country to deal with human rights risks arising from new and emerging digital technologies? Are these measures still in the process of being implemented? If not, why are they no longer in progress?**

Normative and programmatic

The basic legal source is the EU legislation, namely GDPR. Based on GDPR, national law is currently pending adoption.

The Ministry of Education, Science and Sport prepared the Action plan for the informatization of schools (2006), including internet safety. The protection of human rights is an important part of this action plan. Is has been implemented via various projects (e-education; teacher and headmaster training, SAFE-SI project etc.). The Ministry is also preparing a new Action plan for digital education till 2027.

Institutional: Establishment of the International Research Centre on Artificial Intelligence (IRCAI)

The category 2 center will be named International Research Centre on Artificial Intelligence (IRCAI) and will be a separate entity but it will have synergy with Jožef Stefan Institute and will leverage its existing strength of 180 researchers covering areas within the field of Artificial Intelligence, such as Machine Learning, Data-Mining, Text-Mining, Web-Mining, Multimedia Mining, Semantic Technologies, Social Network Analysis, Language Technologies, Natural Language Processing, Cross-lingual Technologies, Real-time Data Analysis, Data Visualization, Knowledge Management, Knowledge Reasoning, Inductive Logic Programming, Evolutionary Computation, Multistrategy learning and principles of multiple knowledge, among others

AI is influencing the global development agenda. It has become an important force for the realization of the Sustainable Development Goals, but it can be also a disruptive technology that is influencing society across different domains. However, it raises serious questions that are affecting humanity and cannot be addressed only locally.

The core mandate of IRCAI is to research AI beyond technologies and provide a body of knowledge and expertise to various stakeholders from international organizations, governments, public and private organizations to society.

The core mission of the IRCAI is to research AI domain, implement solutions **globally**, make AI **open and transparent**, teach and build **awareness**, create a network of research centers connecting AI **capacities globally.**

IRCAI will act as a driver and component for solutions and strategies to assist the achievement of the SDGs. It will add a unique focus and expertise on AI to UNESCO’s programs – these include UNESCO’s vision to leverage the power of AI to achieve Sustainable Development Goals, realization of R.O.A.M. (Human-***R***ights-based, ***O***pen and ***A***ccessible Internet, governed by ***M***ulti-stakeholder participation) principles on internet universality through AI, provide policy advice, and enhance capacities through content creation, tools development and process optimization. It will also assist UNESCO by generating relevant statistics on AI, AI-related applications and associated technological innovations.

IRCAI will advise governments, organisations, legal entities and general public on systemic and strategic issues when implementing AI in various domains. It will help develop and spread capacities by various means including help setting up complementary research centres across the globe, global awareness and training programs, research and knowledge and capacity exchange network.

IRCAI will create an AI research agenda and technology roadmap, and a series of AI deployment scenarios in specific contexts. The key research direction is combining legal, social and economic sciences with AI research methods and techniques from machine learning to deep semantic and reasoning being used in numerous complex systems domains like Telecommunication networks, Media and content understanding, User modelling and personalization, Personalised Learning, Factories of the Future, Machine translation, Smart cities, Intelligent grids, Intelligent and cognitive transport and logistics, Intelligent environments, Cognitive systems, Business intelligence, Science analytics and trends detection, e-commerce, Medicine and pharmaceutics, Transparent e-government, Anticorruption and public procurement, Anti money laundering, Cyber security, Cyber defence and more.

IRCAI will seek to inform an educational approach to AI, since the field of education is searching for ways to respond to the fast-approaching impact of artificial intelligence across all sectors and fields, including its own. There’s tremendous anxiety about workforce issues in AI, and the idea is how to teach skills for an AI future. This requires not only focusing on teaching different skills to prepare today’s youth for work in an AI world but also employing AI to adopt novel ways of teaching. We also reiterate a common call for including diversity of thought and gender in developing education for AI to utilize it successfully.

IRCAI will finally because of all the above mentioned implications, carefully analyse the most central ethical issues regarding AI and its implications for culture and cultural diversity, education, scientific knowledge, and communication.

The objectives of the Centre shall be to:

(a) conduct theoretical and applied research in the field of artificial intelligence and advanced ICTs;

(b) develop open solutions to help achieve sustainable development goals with specific focus on SDGs 4, 5, 8, 9, 10, 13, 16 and 17;

(c) provide policy support to help member states address the technical, legal, social and ethical challenges at the intersection of technology and policy;

(d) provide training for upstream and downstream capacity enhancement for artificial intelligence;

(e) encourage multi stakeholder participation and decision making in addressing the challenges raised by artificial intelligence;

(f) disseminate information and encourage literacy about artificial intelligence;

(g) promote measures for removal of gender bias in the development of artificial development;

(h) facilitate north-north and north-south cooperation in the development of artificial intelligence with special emphasis on supporting the development of a vibrant artificial intelligence system in Africa.

Institutional: Participation in the OECD AI Policy Observatory

The OECD Artificial Intelligence Policy Observatory is expected to be in place by the end of 2019.

Slovenia, through the cooperation of Dr. Marko Grobelnik, a representative of the Jožef Stefan Institute, in the OECD Group of Experts on Artificial Intelligence, has made a significant contribution to the preparation of the OECD Recommendations on Artificial Intelligence, the first of its kind globally. In April 2019, a memorandum of cooperation was signed between the Jožef Stefan Institute and the OECD in the field of artificial intelligence, focusing on three key areas:

* Sharing artificial intelligence news via the Event Registry tool,
* Live data sharing on jobs and skills related to artificial intelligence; and
* Live data sharing on available research on artificial intelligence.

Strategic: Strategy for the development and use of artificial intelligence in the Republic of Slovenia until 2025

Strategy for the development and use of artificial intelligence in the Republic of Slovenia until 2025 is being prepared within a working group consisting of government, business and civil society representatives, led by the Ministry of Public Administration.

**2. How are new and emerging digital technologies affecting the protection and promotion of human rights in your country? What unique challenges or advantages does your country have in responding to the issue? What are the lessons or best practices that can be shared?**

The main issues are different aspects of exercising human rights on the internet and potential misuse of new technologies. Global internet platforms pose a lot of concern for Slovenian citizens. The whole new size of problems will shortly arise with the implementation of artificial intelligence solutions, 5G mobile services and IoT networks. However, there is still time for a timely renovation of legislation.

With regard to the educational sector, lessons learned in the span of many years show that students as well as teachers need to have experience. Prevention and restriction of the use of smart phones, laptops etc. in schools or at home is important, but it should not be the only driver in protection of human rights. Raising awareness, communication and argumentation of safe use of technology is most important. Also, including smart and efficient ICT in classrooms is one of the most important factors, as the education system should take care of preparing students for their safe integration into society.

**3. In your country, which government agency has an initiative in the decision-making of new and emerging digital technologies policies? Does your country have a special agency that exclusively deals with the issues of new and emerging digital technologies? (for example: The Disruption Council in Denmark, The Presidential 4th Industrial Revolution Committee in Korea) If so, how much does the agency take the human rights issues into account in its agenda?**

In the Republic of Slovenia, the Ministry of Public Administration is responsible for digitalization of society. The Ministry of Education, Science and Sport human rights is also very active in the field of digitalisation. In Slovenia, there is currently no special agency for new and emerging digital technologies. However, Slovenia has recently established the Information Security Administration, which shall, by the end of 2019, gradually assume the responsibilities of the national competent authority for information security from the Government Office for the Protection of Classified Information.

The Administration will act as the central coordinating body at the strategic level of the national information security system, as well as being a single point of contact for international cooperation in this field. As such, the Administration will have the leading role in the decision-making regarding new and emerging digital technologies policies. More information are available at: <https://www.gov.si/drzavni-organi/organi-v-sestavi/uprava-za-informacijsko-varnost/>.