ARTIFICIAL INTELLIGENCE TECHNOLOGIES AND FREEDOM OF EXPRESSION

A human rights approach to Artificial Intelligence (AI)

2018 thematic report to the General Assembly of the Special Rapporteur on freedom of opinion and expression

> " AI, like all technologies, must be designed, developed and used in accordance with States' obligations and private actors' responsibilities under international human rights law. "
>
> *- Special Rapporteur on freedom of expression*

UNITED NATIONS HUMAN RIGHTS SPECIAL PROCEDURES
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AI AND THE INFORMATION ENVIRONMENT

How should States and companies ensure that AI technologies reinforce and respect human rights? AI increasingly influences the information environment worldwide. It enables the managing of the huge amount of online content, it helps us navigate traffic and restaurant options, it shapes the operation of consumer devices and search engines. At the same time, AI's opacity may risk interfering with individual autonomy and agency. The report provides recommendations on how Governments and companies can ensure that human rights considerations are baked into the process.

WHAT IS THE LEGAL FRAMEWORK FOR AI?

Human rights: AI, like all technologies, must be designed, developed and deployed so as to be consistent with States' obligations and private actors' responsibilities under international human rights law. Companies should orient their standards, rules and system-design around universal human rights principles.

Transparency: AI systems should actively disclose to individuals in an understandable manner that they are subject or contributing data to an AI-driven process; companies and governments need to embrace transparency throughout each aspect of the AI value chain; companies should educate individual users about an AI system's existence, purpose, constitution and impact; and disclose how much content is removed, how often removals are contested and how often challenges to removals are upheld.

Human Rights Impact Assessments (HRIA): governments and companies should take steps to permit AI systems to be scrutinised and challenged from conception to implementation. HRIA are one tool for addressed the human rights implications of AI systems.

Audits: facilitating external review of AI systems provides a critical guarantee of rigor and independence in transparency.

Individual autonomy: AI must not invisibly supplant, manipulate or interfere with an individual's ability to form and hold their opinions and access and express ideas in the information environment. Respecting individual autonomy means, at the very least, ensuring users have knowledge, choice and control.

Notice and consent: companies must ensure that users are fully informed about how AI shapes their use of a platform, site or service.

Remedy: adverse impacts of AI systems on human rights must be remediable and remedied by the companies responsible.

Recommendations to companies:

1

UN Guiding principles on business and human rights

All efforts to elaborate guidelines or codes on ethical implications of AI technologies should be grounded in human rights principles.

2

Non-discrimination

Companies must prevent and account for discrimination at both the input and output levels of AI systems. This includes prioritizing the avoidance of bias and discrimination in the choice of datasets and design of the system and ensuring teams designing and deploying AI systems reflect diverse and non-discriminate attitudes.

3

Transparency

- Companies should make explicit where and how AI technologies and automated techniques are used on their platforms, services and applications.

- Companies should publish data on content removals, including how often removals are contested and challenges to removals are upheld.

- Human Rights Impact Assessments and public consultations should be carried out during the design and deployment of new AI systems.

- Companies should make all AI code fully auditable.

- Individual users must have access to remedies for the adverse human rights impacts of AI systems.

Recommendations to States:

1

States should ensure that public sector bodies act consistently with human rights principles when they buy and use AI. This includes conducting public consultations and undertaking Human Rights Impact Assessments or Public Agency Algorithmic Impact Assessment prior to buying and using AI. Government use of AI should be subject to regular audits by external, independent experts.

2

States should ensure that human rights are central to private sector design and use of AI. This includes updating and applying existing regulation, particularly data protection regulation, to the AI domain.

3

States should create a policy and legislative environment conducive to a diverse, pluralistic information environment, including taking measures to ensure a competitive field in the AI domain.

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