NEW AND EMERGING TECHNOLOGY: WHAT THIS MEANS FOR HUMAN RIGHTS AND BUSINESS IN THE DIGITAL AGE

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Legal Briefings – By **Tony Joyner**

The increasing velocity and convergence of new and emerging digital technologies will have a significant impact on our lives. Our submission to the UN Human Rights Council provides our perspective on the key challenges and opportunities for the protection of human rights in light of these digital trends.

In October 2019, Herbert Smith Freehills' Digital Law Group provided a submission to the United Nations Human Rights Council Advisory Committee on the impact of new and emerging digital technologies on human rights.[1]

The Digital Law Group aims to guide clients through the digital transformation of our global economy including the resulting changes to the commercial and social landscape in which both the public and private sectors operate. This will require holistic advice taking into account law, ethics and public policy in respect of the way law and business are conducted through these evolving technologies and systems.

The velocity, complexity and convergence of emerging digital technologies places us at a point where these technologies could lead to a true 'step-change' in our interactions with technology. The increasing ubiquity of these technologies offers potential for significant individual and societal benefits (including increased protection of human rights). However, the adoption of these same technologies risks amplifying existing issues as well as creating new challenges to the realisation of those potential benefits.

WHAT ARE SOME OF THE KEY HUMAN RIGHTS CHALLENGES ARISING FROM NEW AND EMERGING TECHNOLOGIES?

The key challenges considered in our submission include:

- detailed collection of personal data and the rights to privacy and equality;

- how poor data or design can manifest as bias and discrimination in automated systems;

- incomprehension of automated systems;

- actual or perceived infringement of core freedoms by mass surveillance;

- the proliferation of online content that can generate, promote and spread misinformation and distrust;

- the impact of concentrated power of large, global technology and the resulting heightened focus on consumer and societal welfare; and

- the potential exclusion of key demographics in the design of technological tools.

WHAT DOES THIS MEAN FOR SAFEGUARDING HUMAN RIGHTS?

We believe that an holistic, inclusive and interdisciplinary approach is required to enable societies to properly interrogate the potential impacts and outputs of these technologies. Our submission sets out recommendations to assist such an approach and its interplay with the existing international human rights framework.

Should you wish to discuss how any of these issues affects you and what to do in response, please contact our team below.

ENDNOTES

1. UN Human Rights Council Advisory Committee invites inputs on opportunities & challenges of new & emerging digital technologies on rights.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.

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