



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Sikh Human Rights Group, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 May 2021]

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\* Issued as received, in the language(s) of submission only.



## **Threats to Rights to Privacy from Artificial Intelligence and Supporting Right to Privacy report A/HRC/46/37**

Sikh Human Rights Group (SHRG) commends the Special Rapporteur on the right to privacy for his report A/HRC/46/37. SHRG again congratulates the Human Rights Council on the creation of this post, which is essential for the defence of human rights in the digital age.

As the report recalls in paragraph 16, Artificial Intelligence's social impact and data privacy are linked to how certain firms gather and process a large quantity of user data in an AI-based system without their awareness or agreement have serious societal implications.

We cannot fail to underline what the General Assembly and the Human Rights Council have said previously, the rights that people enjoy offline must also be protected in the online world (A/75/62-E/2020/11, para. 9). Similarly, the protection of human rights online will facilitate the achievement of the Sustainable Development Goals.

The adoption of the recommendations proposed by the Special Rapporteur, although they seem to us to be an excellent starting point, we believe that they could be more ambitious, as it seems to us that legislation is always one step behind social reality.

As has been shown, the algorithms that govern Artificial Intelligence perpetuate socio-economic, racial or gender biases. An example of this is the case of Robert Williams, an American citizen who was arrested because the algorithm used by the Detroit police mistook him for someone else and the arresting officers did not check that Williams' face was not that of the person they were looking for. In other words, in this case, the decision that provided the AI solution was the final decision. This reminds us of the importance of using this kind of technology under strict human supervision and without the technology having the final say. Similarly, publishing the algorithms that make the different AI solutions work for a public audit can be a complementary solution.

On the other hand, due to the large amount of data on which AI solutions are based, it is necessary for all the actors involved to adopt the proposals made in this report as soon as possible. However, we are particularly struck by the fact that these solutions do not apply to AI solutions that might be performed by individuals in the context of purely private or household activities. Whether in public space or their homes, people generate an extensive data trail. Without clear rules limiting to a minimum or even prohibiting data collection in private space, this practice will become recurrent and difficult to eradicate. Surveillance of privacy for commercial and/or repressive purposes via artificial intelligence is a fait accompli and a threat to the full enjoyment of human rights.

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