Human Rights-Based and Technology-Enabled Approaches to Enhancing Access to Justice

Dr. Wendy O'Brien, UNODC

Gaps & inequalities in tech and data-driven decisions

Example:

- Mobile phone apps register each time a car goes over a pothole on the road.
- The location data are sent to the road maintenance authority, to inform road maintenance planning.

> *This <u>seems</u> like a smart use of technology. How does this deepen inequality?*

- The streets most commonly utilized by those with cars and smartphones are likely to be in already affluent neighbourhoods – and with this technology these streets are better maintained.
- The potholes in less affluent neighbourhoods are not identified.
- The potholes, and inequality, deepens.

David J. Hand. 2020. *Dark Data: Why What You Don't Know Matters*. Princeton University Press.

Artificial Intelligence & Predictive Policing (uses and risks)

- Location-based algorithms
- Demographic/person-based algorithms

  - Real-time Facial Recognition
  - Geo-location monitoring
  - Predictive policing
  - Hot spot policing
  - Stop and Search
  - Profiling
  - Net-widening
  - Over-policing

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Courts and AI

- Generative AI

- Predictive AI

- Legal judgements

- Data analytics and assisted decision-making for:
  - Crime/recidivism risks & trends
  - Bail
  - Parole
  - Sentencing

What is at stake?

International Legal/Normative Context

Global Strategies
- The United Nations Secretary-General's *Roadmap for Digital Cooperation*
- The Global Digital Compact – an Open, Free and Secure Digital Future for All

Resolutions, Reports and Recommendations
- The Kyoto Declaration A/Res/76/181
- Draft Resolution on Equal Access to Justice for All 32nd Session of the Commission on Crime Prevention and Criminal Justice – for adoption by GA
- The Right to Privacy in the Digital Age A/HRC/48/31
- Committee on the Rights of the Child General Comment 25 on Children's Rights in the Digital Environment CRC/C/GC/25
- Report of the Special Rapporteur on violence against women, its causes and consequences on online violence against women and girls from a human rights perspective A/HRC/38/47
- UNESCO Recommendation on the ethics of artificial intelligence SHS/BIO/REC-AIETHICS/2021

UNODC - Human Rights and Technology in Criminal Justice

Provide Member States with evidence-based technical guidance to harness the productive potential of applying new and advanced technologies in criminal justice processes to:
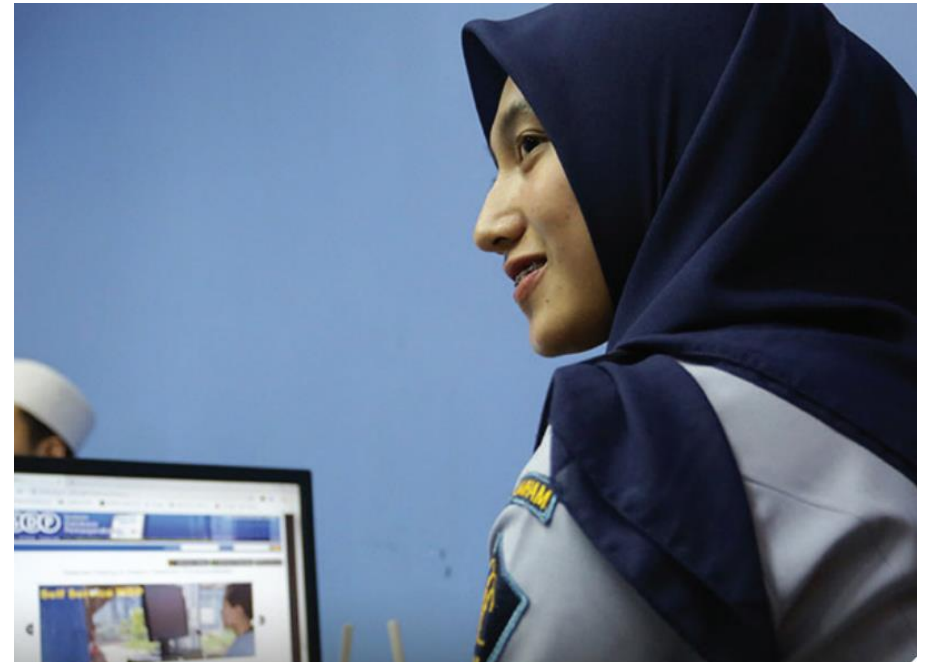
- facilitate efficiencies, enhanced transparency and equal access to justice for all, consistent with the international human rights framework and UN standards and norms in crime prevention and criminal justice; and

- identify potential risks and unintended consequences, and ensure the implementation of appropriate safeguards.

UNODC Pilot Study:
Human Rights and Technology in Criminal Justice Systems

Empirical research with inputs from criminal justice practitioners, academics, and civil society organisations in 33 Member States, to identify the benefits, and potential risks, of the use of technology in criminal justice processes

EU Initiatives on AI and Facial Recognition

Research and Policy Advice

European Commission papers:
- White Paper on AI
- Regulating facial recognition technology in the EU

FRA reports:
- Facial recognition technology and law enforcement
- Data quality and AI
- #BigData and Discrimination

Multi-sectoral fora

- Internet Governance Forum - annual global multi-stakeholder platform
- European Commission High Level Expert Group on AI (Academic, CSO and industry experts)
- **Globalpolicy.AI** - an online platform with knowledge, tools and data to foster the responsible and ethical use of AI (jointly hosted by eight intergovernmental organizations, UN, World Bank, FRA, CoE, OECD, etc)

Legislative initiatives

- General Data Protection Regulation (2018)
- The European Data Governance Act (2022)

- European Parliament resolution of 3 May 2022 on AI in a digital age (2020/2266(INI))
- The AI Act - European law on artificial intelligence

Thank you for your attention

Dr Wendy O'Brien

United Nations Office on Drugs and Crime

Crime Prevention and Justice Section, Division for Treaty Affairs

www.unodc.org

Wendy.Obrien@un.org