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Chair: Ms. Banaken Elel (Vice-Chair) (Cameroon)

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In the absence of Mr. Marschik (Austria), Ms. Banaken Elel (Cameroon), Vice-Chair, took the Chair.

The meeting was called to order at 3.05 p.m.

Agenda item 71: Promotion and protection of human rights (continued) (A/78/198)

(a) Implementation of human rights instruments (continued) (A/78/40, A/78/44, A/78/48, A/78/55, A/78/56, A/78/240, A/78/263, A/78/271, A/78/281, A/78/324 and A/78/354)

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(c) Human rights situations and reports of special rapporteurs and representatives (continued) (A/78/204, A/78/212, A/78/223, A/78/244, A/78/278, A/78/297, A/78/299, A/78/326, A/78/327, A/78/338, A/78/340, A/78/511)

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action (continued) (A/78/36)

1. **Mr. Olawuyi** (Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises), introducing the report of the Working Group entitled “Extractive sector, just transition and human rights” (A/78/155), said that, since the adoption of the Paris Agreement on climate change in 2015, a growing number of stakeholders had announced commitments and plans to implement energy transition programmes. However, the design and implementation of those programmes were often characterized by power imbalances and inconsistent regulatory frameworks. Factors such as the sourcing of transition minerals could exacerbate business-related human rights abuses, and some energy transition programmes had been linked with land-grabbing, forced displacement, child labour, modern slavery, discrimination and environmental pollution.

2. The implementation of the recommendations contained in the report would ensure that human rights were protected in the pursuit of the Sustainable Development Goals and the implementation of the Paris Agreement on climate change. He drew attention to the conclusions in the report regarding the opportunity offered by the ongoing energy transition and the importance of policy coherence, including the implementation of legislation on the right to a clean, healthy and sustainable environment. Policy coherence benefited the private sector and could be advanced by the collaborative development of policies on energy, the environment and investment.

3. Civil society and impacted communities, including Indigenous Peoples and human rights defenders, played a critical role in enabling businesses and investors to identify, prevent and address human rights risks. Regulatory developments at the national, regional and international levels had increased expectations for businesses to prevent, mitigate and address the adverse impacts on human rights of their energy transition efforts. However, current regulatory and policy frameworks did not sufficiently or coherently ensure human rights protection, the meaningful participation of affected communities, access to information or access to effective remedies.

4. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that the European Union and its member States welcomed the report’s emphasis on the implementation of just, inclusive and human rights-based energy transition programmes. The guidance provided by the Working Group, including the assessment of voluntary measures, was not alone sufficient to ensure the respect of human rights and responsible business conduct in all sectors of the economy, and legislation on mandatory due diligence was also needed.

5. Policy established by the European Union to ensure that the extractive sector operated in a socially responsible and environmentally sustainable manner was applicable to all extractive activities in the context of energy transition plans and programmes. Other legislative measures included regulations on conflict minerals and batteries and a corporate sustainability reporting directive.

6. It would be interesting to learn which key elements should be included in regulatory frameworks to ensure that the energy transition was effective, just and respected human rights. Details of how to ensure that businesses and investors were held accountable for their actions throughout the value chain in the context of the clean energy transition would be welcome.

7. **Ms. Leonard** (Ireland) said that Ireland was on a legally binding path to achieve net-zero carbon emissions by 2050. The target to halve national emissions by 2030 was challenging but also an opportunity to transform the economy, create jobs, protect the environment and build a greener and fairer future. Her delegation wished to know how States could best support businesses to take human rights-based and gender-responsive approaches to energy transition programmes.

8. Her delegation welcomed the focus in the report on the significant risks faced by environmental human rights defenders and called for States to demonstrate zero tolerance towards reprisals. The reports of the Working Group had provided informed her country's second national plan on business and human rights, which was under development.

9. **Mr. Bless** (Switzerland) said that his delegation wished to know if any specific activities had been planned to promote the sharing of the best practices set out in the report, so that States and businesses could ensure that climate action was taken with full respect for human rights. Measures to combat the impact of the climate crisis on the enjoyment of human rights must be subject to human rights due diligence so as to prevent negative consequences for affected persons and groups. Switzerland expected businesses trading in raw materials and the extractive sector to exercise due diligence with regard to human rights in all operations related to the energy transition and had developed a guide to that effect.

10. **Ms. Qureshi** (Pakistan) said that, in the light of energy transition programmes that were used to usurp land and disenfranchise people in foreign occupied territories, it was crucial to identify practices that promoted environmental and sustainability goals without violating human rights.

11. In 2021, Pakistan had launched a comprehensive and targeted national action plan on business and human rights, which had led to a 2023 clean air policy, the equipping of industrial areas with solar parks and the solarization of 200,000 houses and 700 reverse osmosis plants. Pakistan had also committed to the solarization of 50,000 tube wells. Her Government had made consistent efforts to invest in renewable energy, promote environmental protection, make progress with climate change adaptation and advance due diligence, labour rights, child labour prevention, fair wages, community involvement and consultation practices. Business enterprises and transnational corporations must be held accountable for human rights abuses. Pakistan called for a legally binding instrument to provide protection against such harm.

12. **Mr. Jean** (France) said that France was committed to ensuring that businesses identified risks of and prevented serious violations of human rights and fundamental freedoms. France had adopted pioneering legislation on the duty of care of parent and contracting companies and was contributing to ongoing negotiations within the European Union on a draft directive on corporate sustainability due diligence. His delegation also supported discussions regarding a universal, legally binding instrument on business and human rights. It would be interesting to learn how the Working Group could contribute, within its mandate, to a just and human rights-based energy transition in the extractive sector.

13. **Ms. Wainwel** (Cameroon) said that her delegation was eager to learn of possible avenues for cooperation between the Working Group and procedures for the right to development and how the right to development perspective could broaden the Working Group's work. The human rights record of most companies in extractive industries, which were prominent in Africa, where most raw materials that were critical to sustain modern technologies were found, raised serious concerns. The transition to cleaner energy impacted human rights even in countries that were still dependent on fossil fuels and had no legal or institutional framework regarding energy transition.

14. Examples of countries in Africa which had adopted or launched energy transition programmes would be welcome. Her delegation also wished to know how industries could contribute to mobilizing financial and technical resources to assist resource-dependent States to develop national green mineral strategies and legislation.

15. **Mr. Kuzmenkov** (Russian Federation) said that the environmental agenda, clean energy transition, decarbonization and the overall green transformation were becoming significant factors that would largely determine the future development of the world economy. However, links between human rights and environmental protection were unjustified and largely artificial. The Russian Federation called for the relevant bodies of the United Nations and specialized agencies to make existing international legal mechanisms for environmental protection more effective. The most important objective of the Guiding Principles on Business and Human Rights was to prevent and eradicate the negative human rights impact of the work of businesses, not to impose new and often controversial standards. It was important that discussions on that topic should not impede or be used as an excuse to impede the development of countries, particularly given the current situation.

16. **Mr. Zhang** Tianhao (China) said that his country's national human rights action plan for the period 2021–2025 acknowledged the need to promote responsible business conduct in global supply chains. China had also developed guidelines to ensure environmental considerations in foreign investment and cooperation and to help businesses fulfil their sustainable development responsibilities. Chinese enterprises had fully integrated social responsibility into their activities, thousands of them had published corporate social responsibility reports, and a network for the implementation of the United Nations Global Compact had been established.

17. Different countries had different business contexts, and the right of Governments and businesses to implement the Guiding Principles on Business and Human Rights in the light of their own specific situation should be respected. Developed countries should ensure that their own businesses, particularly transnational corporations, respected and protected human rights in their operations in developing countries.

18. **Mr. Weinstein** (United States of America) said that the United States was committed to leading by example in the global effort to combat the climate crisis, by ensuring that those affected by the renewable energy transition were not left behind and by engaging in multistakeholder coordination with businesses, workers and communities to minimize impacts on the environment and human rights, in line with the recently updated Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises on Responsible Business Conduct.

19. The United States collaborated with the Minerals Security Partnership to bolster critical mineral supply chains and promote high labour, environmental, social and governance standards. All members of the partnership had adopted principles for responsible critical mineral supply chains in February 2023. The recommendations contained in the report of the Working Group would be considered in the review of the United States national action plan on responsible business conduct. His delegation wondered how the Working Group planned to meaningfully include Indigenous Peoples and their traditional knowledge in its work to advance a more sustainable and just world.

20. **Mr. Olawuyi** (Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises) said that States should adopt national action plans on business and human rights and clear regulatory frameworks that incorporated human rights standards, particularly the Guiding Principles on Business and Human Rights, in efforts to advance the

energy transition. Current fiscal policies and contracts related to the extractive sector should be reviewed to ensure that they did not constrain regulatory efforts to advance the energy transition or hinder the integration of human rights considerations. Regulatory constraints to a just transition should also be removed from existing contract concessions, procurement practices and bilateral investment agreements.

21. The Working Group welcomed efforts by Member States to adopt human rights legislation and called for the integration of human rights standards in energy transition programmes. Existing and future energy transition programmes of businesses should be compatible with international human rights standards, including the Guiding Principles on Business and Human Rights. Business enterprises should release clear, credible, transparent and accessible reports to avoid greenwashing and misleading claims about their energy transition programmes and should align their practices, policies, governance structures and decisions with the goals of the Paris Agreement.

22. Member States should ensure effective and meaningful consultations with all relevant rightsholders, including by ensuring the free, prior and informed consent of Indigenous Peoples, regarding the actual and potential impact of energy transition programmes on human rights and the right to a clean, healthy and sustainable environment. Businesses must use their leverage in business relationships to prevent, reduce or mitigate any impact of the energy transition on human rights that they have contributed to or that was directly linked to their procurement, operations, products or services. Businesses should not just aim to comply with their obligations but should contribute to societal development, placing people above profit.

23. The Special Rapporteur on the right to development had been a member of the Working Group until 2022. Areas for collaboration had been identified and discussions on opportunities to advance the business aspect of the right to development were ongoing. More than 30 countries had national action plans on business and human rights, including Kenya, Uganda and Nigeria from the African region. The Working Group called on African countries that had not yet done so to adopt such national action plans, which would provide a coherent framework for businesses to integrate human rights norms into their energy transition programmes and efforts. It also called on African countries to encourage capacity-building programmes to enable those in emission-intensive sectors to transition to cleaner or renewable energy sources in a manner that left no one behind.

24. The Working Group had conducted visits to Japan and Argentina in 2023 and hoped to conduct visits to Tunisia and Colombia in 2024. He encouraged other States to extend invitations to the Working Group to conduct country visits.

25. **Mr. Obokata** (Special Rapporteur on contemporary forms of slavery, including its causes and consequences), introducing his report (A/78/161), said that new technologies both facilitated contemporary forms of slavery and provided a means of restoring freedom to victims. However, while tools such as artificial intelligence, blockchain technology and satellite remote sensing could assist in the detection of contemporary forms of slavery, they were not suited to addressing the root causes, such as poverty, inequality and discrimination. The international community was urged to begin a dialogue on international technical standards with a view to promoting a unified approach to the prevention and suppression of contemporary forms of slavery.

26. **Mr. Manzare** (United Kingdom of Great Britain and Northern Ireland) said that the Internet was a key tool that allowed traffickers to exploit persons, in particular women and girls, for the purposes of slavery. The United Kingdom continued to work with international partners to tackle online exploitation and safeguard victims. New safety regulations in the United Kingdom would require online companies to take measure to prevent, identify and remove content linked to criminal activities, including sexual exploitation and trafficking in persons.

27. The United Kingdom provided funding for an innovative project to improve working environments in the South Asian brick industry by using satellite data to identify kilns and to calculate the effects of climate change-induced heat stress. The United Kingdom was committed to ensuring the ethical, responsible and human-centred development and deployment of artificial intelligence in a manner that respected human rights. He asked the Special Rapporteur how States could best balance the risks and benefits of new technologies when it came to combating modern slavery.

28. **Mr. Hamer** (Australia) said that his delegation strongly supported the recommendation of the Special Rapporteur that legislative and policy responses to modern slavery be developed in consultation with all stakeholders, including survivors. In June 2023, Australia had hosted an international conference on modern slavery, which had been attended by some 500 representatives of survivors, government, law enforcement, civil society and academia. Technology,

especially social media, had been a key area of focus as both an enabling and a preventative factor with respect to modern slavery.

29. Australia also continued to work with regional partners when it came to technology and modern slavery. It was co-Chair of the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime. Bali Process States members had strongly committed to the 2023 Adelaide Strategy for Cooperation, which included activities to tackle the misuse of technology to enable modern slavery.

30. Australia took note of the Special Rapporteur's recommendation to strengthen cooperation with technology companies in combating modern slavery in online spaces. He asked the Special Rapporteur to share examples of effective cooperation between Governments and technology companies with respect to advocacy and information-sharing in that respect.

31. **Mr. Tonai** (Japan) said that the report of the Special Rapporteur contained a reference to the importance of cooperation with regional and international organizations. The Secretary-General had called for a new international body to govern the use of artificial intelligence, given the potentially catastrophic risks posed by that technology. He asked the Special Rapporteur to share his view on that initiative.

32. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that her delegation appreciated the clear operational conclusions and recommendations set out in the report, including the focus on digital tools that could help to prevent or address contemporary forms of slavery. According to the Special Rapporteur, mechanisms for addressing contemporary forms of slavery should be simple and user-friendly so that they could be accessible to a wide range of users, including those most at risk, such as children and adolescents. She asked what States and technology companies could do to scale simple technological solutions or to foster an enabling environment for the creation of new ones.

33. **Mr. Oehri** (Liechtenstein) said that his country's commitment to combating contemporary forms of slavery was evidenced by its support for Finance against Slavery and Trafficking, a multi-stakeholder initiative based at United Nations University. In his report, the Special Rapporteur mentioned that that initiative had developed an indicator model for automated transaction monitoring that was being widely shared with the financial industry. He asked whether States should invest in artificial intelligence tools to track suspicious financial activity in order to identify the perpetrators of slavery and

trafficking. He also asked if there was a way to trace the cash transactions that flowed from such crimes.

34. **Ms. Fernández** (Chile) said that technology should not be seen as a problem in and of itself, as it had significant potential to protect human rights and to prevent modern forms of slavery. It was particularly important that measures be taken to ensure that technology was used responsibly and not exploited by criminals. While States had the primary role in promoting and protecting human rights, technology companies also had the responsibility to take human rights due diligence measures.

35. **Mr. Kuzmenkov** (Russian Federation) said his delegation was of the view that there was no such thing as “bad” or “good” technologies; the issue was the intent of the user. The Russian Federation agreed that legislation should be developed to govern information and communication technologies. Specifically, it seemed reasonable to criminalize specific acts committed using current and future information technologies.

36. The Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes would next meet in early 2024. The scope of that convention should be as broad as possible and cover an array of criminal acts. The Russian Federation agreed about the need for capacity-building for law enforcement officers and for better regulation of information and communications technology companies.

37. **Mr. Zhang** Tianhao (China) said that algorithm bias, the digital divide and other issues complicated the solutions to contemporary forms of slavery. China had been working consistently and rigorously to combat and prevent all forms of slavery and was enhancing its legal system in order to effectively combat trafficking in persons, forced labour and other criminal activities. In the digital age, crimes, especially cyberfraud and cross-border trafficking in persons, were spreading. China had launched joint operations with other countries to curb such crimes.

38. More than 70 per cent of the people in detention centres in the United States were held in private facilities, where they worked for very low wages. In addition, the United States was the only country that had not ratified the Convention on the Rights of the Child. Child labour, child pornography, racial discrimination and disinformation were also further exacerbating the human rights crisis in that country. China called upon the international community to carry out in-depth investigations of those issues in the United States. It also

hoped that the Special Rapporteur would give them due attention.

39. **Mr. Smyre** (United States of America) said that although every country had abolished slavery, contemporary forms of slavery persisted, particularly for members of marginalized racial, ethnic and Indigenous communities. A blind eye must not be turned to the suffering of the millions of people around the world who were trafficked for the purposes of sexual or labour exploitation. In order to effectively prevent and eradicate slavery in all its forms, States must address the drivers of vulnerability, including poverty, social exclusion and all forms of discrimination. Those shared global challenges required coordinated and sustained global solutions. He asked the Special Rapporteur how States could improve their data analysis systems in order to more accurately identify patterns of trafficking in persons.

40. **Mr. Obokata** (Special Rapporteur on contemporary forms of slavery, including its causes and consequences) said that States should work closely with technology companies and experts and regularly review technological advancements with a view to balancing the risks and benefits of new technology for combating modern slavery. States should also work with companies to develop tools to detect and prevent potential slavery, and academia could supply important evidence-based research.

41. There were many good examples of multi-stakeholder initiatives, such as Tech against Trafficking, which involved the United Nations, technology companies and other stakeholders in developing tools to detect and identify potential risks. The Office of the United Nations High Commissioner for Human Rights had also launched the B-Tech Project, which fostered consultation with technology companies regarding the use of technology to protect and promote human rights. His report also highlighted the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, an Asian initiative with participation from Member States and United Nations entities, which also actively consulted with technology companies.

42. Multi-stakeholder governance was necessary for the establishment of an international initiative to govern artificial intelligence. A failure to protect data or privacy could lead to a situation in which private data was manipulated by criminals. The targeted use of artificial intelligence by law enforcement authorities could raise other human rights concerns. A multi-stakeholder initiative to govern artificial intelligence should therefore include input from human rights experts and survivors of contemporary forms of slavery. Efforts

should be made to address the racial, gender and other biases that might be present in artificial intelligence technology, the potential for disinformation and the risks posed by the evolving nature of artificial intelligence. The appropriate and user-friendly solutions that he called for in his report should be developed in consultation with youth leaders and survivors of contemporary forms of slavery.

43. While artificial intelligence could be used to trace suspicious financial transactions, data protection and privacy must be ensured. Finance against Slavery and Trafficking, which was conducting evidence-based research with the involvement of experts, could play a role in guiding the use of artificial intelligence in the combating of contemporary forms of slavery.

44. **Ms. Nougères** (Special Rapporteur on the right to privacy), introducing her report on the principles of transparency and explainability in the processing of personal data in artificial intelligence ([A/78/310](#)), said that the growing presence of artificial intelligence throughout society, from personal mobile devices to complex business management systems, had opened up a broad and diverse range of opportunities, challenges and threats. Risks in both the development of artificial intelligence systems and the collection, storage and use of personal data must be addressed responsibly, in order to reap the potential benefits safely and ethically, while ensuring respect for human rights, in particular the fundamental right to privacy, throughout the life cycle of such systems.

45. Building trust in artificial intelligence systems while ensuring respect for human rights required both transparency and explainability through all stages of development, processing and use, including with regard to how decisions were made, the reliability of those decisions and the security of the underlying information. Decisions made by or using artificial intelligence systems, as well as their underlying logic and reasoning, must be clearly, visibly, accurately, comprehensively and impartially explained to anyone affected by them, to ensure that the right to defence and due process is upheld for all involved. Member States were urged to promote transparency in the development of artificial intelligence; incorporate the principle of explainability into their regulatory framework; promote ethical practices for integrating both concepts into projects and processes; and foster education and digital literacy to ensure that individuals understood and could demand that their rights be respected.

46. **Ms. Szelivanov** (Representative of the European Union, in its capacity as observer) said that, because artificial intelligence-based technologies were used

every day, Governments and other institutions must not only keep track of the fast pace of technological progress, but take measures to ensure compliance with human rights in new technologies. The guidance provided by the Special Rapporteur in her report was appreciated, as was her mention of the European Declaration on Digital Rights and Principles for the Digital Decade. Artificial intelligence had the potential to transform Governments, society, the economy and labour. Nevertheless, the design, use and deployment of artificial intelligence-based technologies could have a direct impact on a wide range of human rights, including the right to privacy. Without proper safeguards, its use could lead to decisions that reinforced discrimination and perpetuated inequalities. She asked which regulatory tool could be most effective for ensuring that such technologies were human rights-compliant. She also wondered what could be done at the United Nations to better promote the principles of transparency and explainability.

47. **Mr. Nascimento Dias** (Brazil) said that the right to privacy was a cornerstone of human dignity, enshrined in numerous international instruments. As a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Brazil was fully committed to upholding the right to privacy for all its citizens, including through an approach that balanced the promise of artificial intelligence technologies with respect for human rights, guided by principles to safeguard personal information and privacy. Artificial intelligence systems could revolutionize industries and address pressing social challenges, but also posed significant privacy concerns through frequent reliance on vast quantities of personal data, the improper handling of which could lead to invasive surveillance and discrimination, as well as hate speech, disinformation and violence. Complex algorithms used to generate contextually appropriate results required human oversight and transparency with regard to both data processing and decisions made using artificial intelligence-based input, to avoid bias and errors.

48. Preserving the right to privacy, which was a foundational principle in the digital age, was paramount to navigating the landscape of artificial intelligence, the responsible and ethical development of which was both a technological challenge and a moral imperative. International norms and standards were required to guide responsible conduct in cyberspace and protect sensitive personal information. Brazil stood ready to collaborate with the global community to ensure that related advances were aligned with the shared commitment to human rights and privacy.

49. **Mr. Wald** (Luxembourg) said that young people in his country had indicated satisfaction with the protection

provided by the existing regulations on personal data in the European Union. Nevertheless, given the global rise in digitalization and in emerging technologies such as artificial intelligence, it was crucial to strengthen the international legal framework to protect children's rights to privacy and create a safe online environment. It was especially important to provide access to information, presented in clear and simple language, so that children and young people could make appropriate decisions. Given the significant role played by private businesses in that regard, he enquired about best practices in data protection that could guarantee respect for human rights and about recommended measures to help young people better understand the risks associated with artificial intelligence.

50. **Ms. Soyka** (Austria) said that, regardless of the many positive and legitimate uses for processing personal data using artificial intelligence, it was clear that unintentional negative impacts on human rights could also arise, making transparency essential when processing was automated. Such concerns were even more alarming if automated weapon systems were used to make life or death decisions. Volumes of information were being collected, stored, analysed, processed and used by and through artificial intelligence systems. It was essential to ensure not only adequate datasets but also proper supervision and safeguards to avoid harm, as well as accountability when harm was done. To ensure accountability, users must be advised of when such systems were used, of all purposes for such use, including training, and of how decisions were made. She wondered whether users had any protection from the automated processing of personal data and what they could do to opt out. As artificial intelligence was a current concern, protecting the rights of individuals affected by automated decision-making tools or technologies should be prioritized. Given that the European Union, the Human Rights Council and the United Nations Educational, Scientific and Cultural Organization had underscored the need for further initiatives to enable citizens to better understand concepts relating to artificial intelligence, she asked about best practices on digital literacy and artificial intelligence encountered by the Special Rapporteur in her work.

51. **Mr. Zumilla** (Malaysia) said that growth and advancements in information technology, including enhanced capacities for surveillance, communication, computation, storage and retrieval, had brought new challenges with regard to privacy, the protection of which was enshrined in the Universal Declaration of Human Rights. Those capacities could lead to such violations as the exploitation and sharing of personal data without comprehensive understanding or consent. The Special Rapporteur's focus on the impact of artificial

intelligence on the right to privacy was welcome, and her recommendations on ensuring transparency and explainability were valued. Nevertheless, efforts to ensure the promotion and protection of that right in the digital sphere must neither impede access to the Internet nor hamper the ability to harness the benefits of research, development and innovation, especially in developing countries.

52. Efforts by Malaysia to promote and protect the right to privacy included the enactment and review of a law on personal data protection, the creation of a data protection authority and a national cybersecurity policy and advocacy efforts to combat data breaches and privacy intrusions through awareness-raising activities. He enquired as to the most significant challenge in incorporating transparency into artificial intelligence governance.

53. **Mr. Kuzmenkov** (Russian Federation) said that, in his country, artificial intelligence technologies were developed primarily to increase the well-being and quality of life of the population, national security and public order. Regulatory and legislative frameworks must be adapted and ethical standards established for the development of such technologies, in particular concerning interactions between humans and artificial intelligence. The use of digital technologies had led to large-scale violations of the human right to privacy and confidentiality of correspondence by Western countries applying blanket surveillance to intercept everyday correspondence.

54. International cooperation was imperative in all spheres, but the West tended to obstruct such cooperation in technology transfer, in order to retain its global domination and provide a competitive advantage to its own national economic actors. Furthermore, limitations on technology exchange and transfer were often introduced through illegal unilateral sanctions by the West against political opponents. Sooner or later, artificial intelligence could pose a threat to both Western countries and the rest of the world.

55. **Mr. Altarsha** (Syrian Arab Republic) asked the Special Rapporteur to elaborate on transparency with regard to artificial intelligence and private information. According to the report, in cases of misuse of artificial intelligence, there should be a right to lodge a complaint with a supervisory authority. He asked whether that authority would therefore be a law enforcement authority. Elsewhere in the report, the Special Rapporteur noted that trade-offs might need to be made between explainability and accuracy in artificial intelligence systems; in that connection, he asked the Special Rapporteur whether she thought explainability or accuracy was more important. He also asked to what extent populations, especially in

developing countries, were ready to let artificial intelligence take decisions on their behalf.

56. He had not participated in the discussion with the Chair of the Working Group on the issue of human rights and transnational corporations and other business enterprises, as the sanctions against his country meant that no transnational corporations operated there. Nevertheless, it had been interesting to hear the representative of the United States say that the United States paid attention to human rights when it came to extractive sector activities. It was comforting to know that the United States was mindful of human rights when stealing Syrian oil.

57. **Mr. Merron** (United States of America) said that, although independent media played a vital role in free and democratic society, journalists and human rights defenders were increasingly experiencing intimidation and arbitrary and unlawful surveillance among other attempts to silence factual reporting. Commercial spyware had recently been detected on a prominent independent Russian journalist's phone. Such targeting by Governments that did not respect the rule of law or that had inadequate privacy protection safeguards undermined the right of individuals to be free from arbitrary and unlawful interference with their privacy. The United States had placed restrictions on its Government's procurement and use of commercial spyware that posed risks to national security or human rights. Other Governments were urged to take similar actions to prevent the proliferation and misuse of such tools. He asked how Governments could work together to support media freedom and protect journalists worldwide from arbitrary and unlawful surveillance, including through the misuse of cybertools such as commercial spyware.

58. **Mr. Zhang** Tianhao (China) said that the development of artificial intelligence made life and work more convenient but brought new challenges to privacy protection. As part of efforts made to protect the privacy of Chinese citizens, his Government had integrated relevant protections into its recently adopted Civil Code, had launched the Global Data Security Initiative and had passed a law on protecting personal information. Provisional measures were also enacted to regulate generative artificial intelligence to facilitate its healthy development and maintain national security and social and public interest. Committed to global cooperation in formulating international digital governance rules that reflected the wishes and respected the interests of all parties, China was actively engaged in creating an open, fair, just and non-discriminatory environment for digital development.

59. For a long time, the United States of America had been conducting large-scale, organized and indiscriminate global cybertheft, seriously infringing upon the right to privacy of citizens of various countries, including its own. In 2021, the Federal Bureau of Investigation conducted millions of searches of American citizens' digital data without search warrants. For more than a decade, American intelligence agencies had used scalable weapons to conduct cyberattacks in 45 countries and regions, including China, and the Government had been stealing cybersecrets. His delegation condemned such irresponsible behaviour.

60. **Ms. Nougrères** (Special Rapporteur on the right to privacy) said that the use of artificial intelligence systems carried inherent risks and that it was necessary to mitigate impacts on human rights as much as possible, without, however, cutting short innovation, which must continue through collaborative efforts. To guarantee respect for human rights, where specific regulations did not exist, protections should be based on general principles for protecting individual rights, such as purpose and proportionality. It was also essential to address the distinct but complementary roles of education and awareness-raising, to ensure that people of all ages and from all walks of life understood the risks involved in providing others with unfettered access to their personal data. In formal education, concepts of privacy were introduced at different stages of life and levels of schooling, while awareness-raising served to introduce those principles at all levels of society, so that the general public would understand that the aim was to promote a system that would not cause harm. The first step was to ensure national domain-specific regulations to ensure adequate functioning of personal data and privacy protection systems.

61. Challenges at the international level, which arose when accessing the Internet and through global communications and media, required global solutions. As presented in the report, the principles of transparency and explainability merited particular attention. There was no conflict between those principles and questions of accuracy, which could go hand-in-hand. Other areas of concern to be addressed in forthcoming reports included spyware, owing to its association with Internet use and to the resulting harm done to people and their rights, and so-called remedies, which referred to the means for resolving issues after fundamental human rights had been violated. Delegations were invited to discuss issues pertaining to specific sections of the report bilaterally; her Office was open to all comments.

The meeting rose at 4.50 p.m.