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Organisation Details

Is this submission presented on behalf of an organisation:

No

Nature of submission: public or confidential

I have read the information about this Project concerning publication, confidentiality, and privacy obligations at

Yes

I would like my submission to be treated as confidential

No

Human rights and technology

1. What types of technology raise particular human rights concerns? Which human rights are particularly implicated?

All types of technology raise human rights concerns, but the most they influence/impact our lives and freedoms, the greater the concerns. Some specific examples of types of technologies that have potential to greatly influence/impact our lives include:

- * AI and big data analytics: As Prof Max Tegmark (MIT) states, AI safety is 'the most important conversation of our time'
- * IoT: related to the above, as the sensors that collect data and will increasingly act on it (e.g. with an increase in edge/fog computing)
- * Robotics: especially as they move from factories and into society more generally
- * Social media: which are increasingly determining what we read/how we stay informed, but also by collecting data on users for third-parties to buy, who may

not have the most noble intentions

- * Screen time generally for children/youth: for a range of cognitive and mental health issues
- * Nanotechnologies: especially as they relate to health
- * Genetic engineering: similar to nano-tech
- * Energy capturing/harnessing, storage and transmissions technologies: always important!
- * Regulatory technology (i.e. 'regtech'): as mistakes in this area will impact the industries they are regulating

One of the common themes is that of trust (and it's counterpart: privacy) - i.e. how can these types of technologies be designed to help build trust in society, as opposed to undermine it? Otherwise, all human rights are implicated, from life to education to economic opportunities.

2. Noting that particular groups within the Australian community can experience new technology differently, what are the key issues regarding new technologies for these groups of people (such as children and young people; older people; women and girls; LGBTI people; people of culturally and linguistically diverse backgrounds; Aboriginal and Torres Strait Islander peoples)?

I am mostly in a position to comment on how new technologies can experience peoples from different cultural backgrounds - especially Aboriginal and Torres Strait Islander peoples, based on my PhD research on enhancing the capability to design (technology appropriations) at the cultural interface between First Australian and Western design paradigms.

My research proposes that appropriating technologies designed by foreign cultures requires a form of design at the cultural interface between the two cultures. I then identify three capability dimensions that are valued when expanding the freedom to design at the cultural interface. The following section is copied from my thesis (which can be accessed at:

<https://ses.library.usyd.edu.au/handle/2123/13361>)

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First, the capability to develop empowering partnerships was identified, as the quality of the partnership associated with the mixing of knowledge systems at the cultural interface will greatly impact the wellbeing of the communities.

Context for this capability dimension was provided through a discussion of recent policies of disempowerment that have been implemented by successive Australian governments. The following indicator questions were identified that can be used to determine the capability to develop empowering partnerships:

1. To what extent does the partnership focus on the strengths in the

community?

2. To what extent does the partnership generate and implement ideas that originate from within the community?
3. To what extent does the partnership enable communities to identify the right member to receive training and lead the initiative?
4. To what extent does the partnership allow the community to specify the timeframes?
5. To what extent does the partnership allow the community to control funding?

Supporting evidence from the literature for programs that focus on empowerment was also discussed. The relevance to design at the cultural interface for this capability dimension can be understood in terms of providing opportunities for First Australians to exercise their agency and engage in respectful, balanced participation (similar to the capability to develop meaningful relationships discussed in chapter 6).

The second capability dimension identified was the capability to maintain the integrity of cultural reproduction at the cultural interface. This capability dimension is closely related to the capability for cultural survival discussed in section 6.2. However, there was enough discussion during the yarns of indicators associated with the maintenance of the integrity of cultural reproduction at the cultural interface, to warrant special consideration in this chapter. The following indicator questions were identified that can be used to determine the capability to develop empowering partnerships:

1. To what extent do children have the opportunity to experience both-ways of learning at school?
2. To what extent do children receive equity of educational opportunities and inspiration?
3. To what extent is the community able to contribute to changing the current formal education system as it affects them?
4. To what extent is formal education in the community politicised?

Similar to the capability for cultural survival discussed in chapter 6, if the integrity of cultural reproduction at the cultural interface is compromised, then design at the cultural interface will simply not be possible.

The third capability dimension identified was the capability to appropriate Western ICTs to strengthen cultural identity. A number of participants noted the importance of this capability, given the rapid increase in adoption of these technologies in First Australian communities. The following indicator questions

were identified that can be used to determine the capability to appropriate Western ICTs to strengthen cultural identity:

1. To what extent does the ICT strengthen cultural identity and interconnectedness?
2. To what extent does the community value the characteristics of the ICT?
3. To what extent does the ICT enhance educational opportunities?
4. To what extent is the implementation of the (technology) program empowering the community?

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Reinventing regulation and oversight for new technologies

a) What gaps, if any, are there in this area of Australian law?

A significant gap in Australian law is the lack a bill of rights: "Australia is the only common law country with neither a constitutional nor federal legislative bill of rights to protect its citizens"

(https://en.wikipedia.org/wiki/Bill_of_rights#Exceptions_in_Western_democracies)

b) What can we learn about the need for regulating new technologies, and the options for doing so, from international human rights law and the experiences of other countries?

I found the following article instructive:

<http://blogs.lse.ac.uk/mediapolicyproject/2018/09/27/regulating-online-platforms-for-misinformation-and-disinformation/>

In particular, the final two paragraphs, which I have copied below:

"In a recent article for the Journal of Cyber Policy, and a related paper published by Communications Chambers, I have described this as 'procedural accountability'. 'Procedural' content regulation defines standards for the processes platforms use to make, implement and enforce their content policies. The goal is to make platforms better 'regulators' – more transparent, evidence-based, accessible and proportionate – and to test, validate and improve their efforts to address complex content problems. As a result, the risks of online communication will be better managed, users will have greater confidence in the safety of online content, and we will all understand more about platforms' policies and impacts.

Bringing this back to 'fake news', the critical question is not 'what is true?' vs 'what is fake?', but 'who controls the conditions in which truth is determined?'

Increasingly, the answer is the big online platforms. Consequently, the job of whoever ends up regulating 'fake news' is not to decide the truth – but to ensure that platforms' power to do so is used cautiously and accountably."

c) What principles should guide regulation in this area?

A similar principle may apply to all technologies - 'who controls the conditions by which human flourishing is determined?'

I believe the capability approach, a normative framework which asserts that human development should be concerned with the expansion of freedoms to live a valued life (Amartya Sen, "Development as Freedom", 1999, p. 18), can inform the discussion on which principles should guide regulation in this area.

Also, acknowledging the social construction of new technologies - i.e. that all technologies are cultural artefacts, and as such, introducing them to different cultures needs to be done in such a way as to encourage the appropriation of the technology. See my response to question 2 for additional details on how to go about this.

4. In addition to legislation, how should the Australian Government, the private sector and others protect and promote human rights in the development of new technology?

First and foremost, the Australian Government, the private sector and others (e.g. academia, not-for-profits, other representatives from society) need to find a way to collaborate closely to protect and promote human rights in the development of new technology.

This requires co-creating a vision, which may involve defining a range of scenarios, that all actors agree is inspiring and engaging. Co-creating the strategy to implement the vision is the next step, which will need to acknowledge the complexity of the task. Funding this process may prove problematic.

Artificial intelligence, big data and decisions that affect human rights

5. How well are human rights protected and promoted in AI-informed decision making? In particular, what are some practical examples of how AI-informed decision making can protect or threaten human rights?

AI Safety is an area of growing interest to industry and academia, as well as to certain governments around the world. Examples of the kinds of organisations/initiatives in this space include:

* 3AI: <https://3ainstitute.cecs.anu.edu.au/>

* OpenAI: <https://openai.com/>

- * Machine Intelligence Research Institute: <https://intelligence.org/>
- * Future of Life Institute: <https://futureoflife.org/ai-safety-research/>
- * Future of Humanity Institute: <https://www.fhi.ox.ac.uk/>
- * Leverhulme Centre for the Future of Intelligence: <http://lcfi.ac.uk/>
- * Cambridge Centre for the Study of Existential Risk: <https://www.cser.ac.uk/>
- * DeepMind Ethics & Society: <https://deepmind.com/applied/deepmind-ethics-society/>

A number of universities around the world also have departments/teams exploring these issues. It will be difficult for any government to stay abroad of the developments in this area, and to understand their impact on society/human rights, without a dedicated task force/team.

d) What can we learn from how other countries are seeking to protect human rights in this area?

Forming partnerships to collaborate at a national levels would be a good start, as per the agreement between France and Canada:

<http://www.digitaljournal.com/tech-and-science/technology/france-and-canada-collaboraten-on-ethical-ai/article/524336>

a) An organisation that takes a central role in promoting responsible innovation in AI-informed decision making?

See the answer to question 5.

c) A 'regulation by design' approach?

It may be worth exploring how the rapidly growing 'regtech' industry can inform this particular approach.