APPLYING HUMAN RIGHTS STANDARDS TO GOVERNMENT USE OF AI

CROSS-CUTTING PRINCIPLES

- Social Participation
- Equality/ Non-Discrimination
- Due Process/ Access to Justice
- Access to Information
- Privacy/ Data Protection

SCOPING THE PROBLEM

What problem is the state aiming to address by using an algorithmic system?

By using an algorithmic system, what is the legitimate goal the state wants to achieve?

What information is available to analyze this problem?

Which rights are affected?

Which rights are limited or restricted?

What's the legal basis for restricting or limiting these rights?

Which rights are enhanced?

Can **an** algorithmic system reliably address this problem? Can **this** algorithmic system reliably address this problem?

Why is using an algorithmic system better than other approaches that do not involve this technology?

Which groups are most affected? Which groups require special attention?

WHAT ARE THE BENEFITS, DRAWBACKS & PERILS of using an algorithmic system in this case?

IS THIS USE ADEQUATE, NECESSARY, & PROPORTIONATE?

DESIGNING & TESTING

Define scope & use protocol (i.e. machine/human interaction)

Determine measures for risks, gaps, & specificities of affected groups

Embed transparency & accountability

Identify legal & institutional framework

Set monitoring & evaluation processes

IMPLEMENTING THE PROGRAM

Ensure reliability, accessibility, contestability, adaptability

Establish routines and structure to fulfill **cross-cutting principles***

Ensure appropriate expertise & resource allocation

Ensure institutional cooperation, coordination, & oversight

Enable effective public oversight

MONITORING & EVALUATING THE PROGRAM

Are rights enhanced and is the legitimate goal met? Are rights limitations necessary and proportionate?

Are **cross-cutting principles*** fulfilled? Are prevention and remediation duties sufficiently considered?

Feedback from affected people & groups

Feedback from institutional & public oversight

Data from complaint mechanisms & analysis of their effectiveness

SHOULD THE STATE KEEP USING AN ALGORITHMIC SYSTEM FOR THIS RIGHTS-RELATED DECISION-MAKING? If so, what should continue and what should change? Why?

HUMAN RIGHTS IMPACT ASSESSMENT & AUDIT