



Privacy International's oral statement to the UN the Committee for the Convention on the Rights of Persons with Disabilities, 31st Session, 11 August 2024

Privacy International welcomes the opportunity to participate in this plenary session and the Committee for the Convention on the Rights of Persons with Disabilities' critical work in monitoring the implementation of the Convention by states around the world.

In an increasingly digitised world, automation, artificial intelligence and sensitive data processing present new and rapidly shifting challenges which underscore the urgent need for states to ensure that the rights of persons with disabilities are explicitly addressed and centred when it comes to the use of data and technology. Digital technologies can offer important opportunities for accessibility and the realisation of human rights of persons with disabilities, but can also present barriers to – or actively threaten and undermine – the realisation of these rights.

In our research PI has identified three key areas of concerns related to the impact of digital technologies on the rights of persons with disabilities.

When governments provide public services or otherwise interact with people with disabilities, they're often processing personal, including sensitive, data; an activity which requires heightened safeguards in order to respect core data protection principles. The importance of complying with data protection legislation is specifically acknowledged by article 31 of the CRPD. And whilst many Member States have adopted data protection legislation, effective implementation and enforcement is often lacking, and we remain concerned that in many countries such processing activities are taking place in a legal void.

When it comes to contracting private companies to facilitate access to public services, or produce assistive technologies, governments should ensure that adequate safeguards are firmly in place. For example, it has been brought to our attention by Organisations of Persons with Disabilities that intrusive data collection practices are pre-conditions to accessing assistive technologies, and there are concerns that this data may be exploited and abused. We've developed a [set of recommended safeguards](#) which should be adopted when engaging in public-private partnerships related to surveillance technologies and data processing.

Another area of concern is that social protection programmes around the world are undergoing increasing digitisation, which often includes the use of black-box automated decision making, or ADM, in making a decision to assess eligibility. ADM harnesses algorithm-powered Artificial Intelligence (AI). Its opaque manner of operation makes it extremely difficult to obtain transparency and accountability for its decisions. ADM can also have encoded ableist biases and discriminate against persons with disabilities, as well as people from ethnic and other minorities, partly due to training on non-representative datasets.

We believe that states should not rely on the use of ADM in social protection programmes and should ensure it upholds human rights due to the threats this black-box technology poses. The risks of ADM have been widely reported on and [acknowledged](#) around the world

including by a host of UN mandates, such as the Special Rapporteur on the Rights of Persons with Disabilities both in their 2021 thematic report, and when she recognised that: *"Biased data sets and discriminatory algorithms can restrict persons with disabilities from employment or benefits making them even more vulnerable to poverty and marginalization, and in ways that are more systematic and harder to detect"*. We have observed such impacts of ADM in social welfare systems around the world including in Serbia, the USA, the Netherlands and the UK.

We welcome the decision of the Committee to address these issues in its recent review of the United Kingdom by specifically raising questions of artificial intelligence and of data protection in relation to the use of automation in the UK's welfare system under the guise of fraud prevention, but to the detriment of the rights and dignity of persons with disabilities.

We view this progress and the strength of the report's recommendations on this front as a pivotal turning point towards recognising the link between the use of digital technologies and the right to privacy and other human rights of persons with disabilities.

We encourage the Committee to expand upon this important work in highlighting the human rights implications of the growing use of technology and personal data on persons living with disabilities and their enjoyment of an array of fundamental rights, in its future dialogues with, and assessments of, all states parties. We urge the Committee to:

- Include technology and data protection in the set of questions it uses to evaluate states' implementation of the Convention.
- Examine and scrutinise use of tech and data in relation to impact upon rights of persons with disabilities, and explore the measures necessary to mitigate risks, including identifying potential red lines when certain technologies should not be deployed;
- Reaffirm the obligations of Members States to adopt robust regulatory frameworks and to effectively hold third parties, like the private sector, to account, when it comes to the use of new technologies with special consideration on the impact of such developments on particular communities.

The unprecedented rapidity with which data-driven technologies such as AI are proliferating into more and more areas of our daily lives, including fields of healthcare and neuroscience, makes this an issue for now, not an issue for the future, and one that brings with it a host of critical privacy, freedom of expression and non-discrimination implications.

I thank you.