

CALL FOR INPUTS

QUESTIONNAIRES TO INFORM THE ANNUAL THEMATIC REPORT OF THE SPECIAL RAPPORTEUR ON THE RIGHTS OF PERSONS WITH DISABILITIES ON ARTIFICIAL INTELLIGENCE AND DISABILITY, TO BE PRESENTED TO THE HUMAN RIGHTS COUNCIL AT ITS 49th SESSION IN MARCH 2022

Context

The Special Rapporteur on the rights of persons with disabilities, Gerard Quinn, intends to undertake innovative research concerning the impact of new technologies involving Artificial Intelligence (AI), Machine Learning (ML) and Automated Decision Making (ADM) on the rights of persons with disabilities.

In view of their rapid worldwide deployment, the Special Rapporteur wishes to examine how new technologies can help the promotion, protection and enjoyment of the rights of persons with disabilities and, equally important, the ways in which their potential to be discriminatory can be identified, reduced and eliminated.

The Special Rapporteur notes the work already undertaken by the United Nations, including the report of the High Commissioner for Human Rights on the right to privacy in the digital age, presented to the Human Rights Council at its 48th session (A/HRC/48/31). He wishes to take forward this work by referencing specifically the rights of persons with disabilities as set out in the [Convention on the Rights of Persons with Disabilities](#) (CRPD), and the [United Nations Flagship Report on Disability and Sustainable Development Goals](#) (the Flagship Report).

After engaging with all relevant actors (States, civil society, national human rights institutions (NHRIs), organisations of persons with disabilities (OPDs) and commercial undertakings and other stakeholders), the Special Rapporteur expects that his report will identify emerging good practices but also propose “red lines” prohibiting harmful uses contrary to established human rights norms.

The Special Rapporteur also expects his report will propose that relevant actors engage with a cyclical three-stage process, which includes:

- (a) *Mapping*: Relevant actors should (1) Identify the use of new technologies within their territories, their potential to enhance the rights of persons with disabilities and the extent to which they risk infringing them, (2) Examine the reach, effectiveness and accessibility of existing legal protections of the rights of persons with disabilities in order to protect and enhance rights; and, (3) Review the extent to which national protections and incentives are “fit for purpose” to protect and enhance the rights of persons with disabilities.
- (b) *Action*: Having identified gaps in existing protection under (a), relevant actors should (4) Develop and execute an appropriate “action plan” with measures such as capacity building, education, guidance, increasing resources to meet identified needs, propose legislative change, and plan other targeted measures which will guard and enhance the rights of persons with disabilities.
- (c) *Assessment*: Having formulated a plan of action, relevant actors should (5) Monitor their deployment, and, (6) Assess and evaluate its achievements and change

course, where necessary.

There are many areas where AI, ML and ADM is being used. The Special Rapporteur wishes to focus on the benefits and potential for discriminatory outcomes in relation to the following key areas:

1. Interactions between persons with disabilities and State bodies;
 2. the status of persons with disabilities as beneficiaries in relation to the providers of goods and services;
 3. the role of persons with disabilities as workers/employees in relation to their employers and potential employers;
 4. the ways in which persons with disabilities can access education and information; and
 5. all aspects facilitating the independent living of persons with disabilities.
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B) Questionnaire for NHRIs, OPDs, human rights defenders, and civil society

The Special Rapporteur is interested to learn the extent to which NHRIs, OPDs, human rights defenders and other parts of civil society (including particularly those concerned with the rights of persons with disabilities or with the development, control and monitoring of ethical and lawful uses of these new technologies) are engaging with States and private industry on the development of policy and usage in line with the CRPD in relation to these technologies, the types of engagement, if any, that have taken place, and the dangers and benefits of these technologies in improving the inclusion of persons of disabilities.

Please note: this set of questions seeks information from non-state actors regarding the opportunities for persons with disabilities and the threats to their rights from the deployment of AI, ML and ADM and associated technologies.

The Special Rapporteur invites contributions that address both good practices as well as the problems and deficits that have yet to be resolved.

Please attach links to official documents, policies, and/or legislation as appropriate.

QUESTIONS

1. Please provide information about the extent to which technologies such as AI, ML and ADM are used in engagements between the individual and State bodies and private bodies in a way that allows persons with disabilities to better engage positively in society.
2. The following relationships are of particular interest:
 - (i) the individual and State bodies (for example: the distribution of social advantages, the determination of appropriate taxation/monitoring for taxation fraud, security including border control, the determination/monitoring of immigration status, humanitarian responses including during times of military conflict);
 - (ii) consumers and providers of goods and services (for example: advertising, pricing, accessing goods and services, paying for goods and services, the trend toward e-platforms to replace traditional service provision, and the development of

appropriate products and services);

(iii) workers/employees and employers (for example: recruitment, access to decent work, access to work, reasonable adjustments and other accommodations, health and safety monitoring and support, training and personal development, and disciplinary and termination procedures);

(iv) learners and the providers of education (for example: the development of equal access to education, inclusive education, and to information, in particular in identifying and remedying deficits in access, providing specific accommodations for persons with disabilities, raising the quality of education, and the utility, relevance, and reliability, of information); and

(v) individuals and their right to live independently and being included in the community (for example: policies and practices in support of independent living, including access to appropriate housing, essential services, healthcare, transport, and financial security).

3. Please provide information about the extent to which technologies such as AI, ML and ADM pose a risk to the rights of persons with disabilities when deployed in relation to the areas highlighted in question 1.

4. Please provide information on any formal complaints, official investigations, and related jurisprudence arising from allegations of discrimination against persons with disabilities in relation to the matters highlighted in response to question 2.

5. Please provide information about all relevant criminal and civil laws, codes, regulatory mechanisms, cases and other determinations that address the rights of persons with disabilities and the matters highlighted in response to question 2.

6. Please explain the effectiveness of these laws, codes and regulatory mechanisms in relation to the protection and advancement of the rights of persons with disabilities (for example: the reach of those rights, access to courts and tribunals and other enforcement mechanisms).

7. Please provide information on the extent to which persons with disabilities, civil society and organizations of persons with disabilities (OPDs) are consulted and participate in the development of policy and practices in relation to the matters outlined in questions 1 to 2 and the extent to which they are included on the same basis as others.

**Please submit your inputs by 3 November 2021 at 6 p.m. CET
via email to ohchr-sr.disability@un.org**
