**Human Rights Council Advisory Committee**

**Thirtieth session**

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**Opening remarks by**

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**Chief**

**Human Rights Council Branch**

**Office of the United Nations High Commissioner for Human Rights**

Monday, 7 August 2023

Palais des Nations, room XX

Mr. Vice President,

Distinguished Chair and Members of the Advisory Committee,

Excellencies,

Delegates,

Civil society participants,

Representatives of Indigenous Peoples,

It is my privilege to address you today at the opening of the thirtieth session of the Advisory Committee. I am pleased to welcome you all back to Room XX.

The Vice President of the Human Rights Council has provided you with an overview of recent and upcoming activities of the Council. Following our established practice, I will draw your attention to developments in the Office of the High Commissioner for Human Rights (OHCHR), and also more generally in the United Nations, that may be of relevance to the current priorities of the Committee.

Distinguished Members,

The Committee is currently working on two thematic studies mandated by the Council: **neurotechnology and human rights** and **the human rights implications of new and emerging technologies in the military domain**. Both themes stem from the rapid development of technology which have been an inseparable part of today’s world and yet whose impacts on and multifaceted relationship with human rights are yet to be explored in concrete terms. Here lies the indispensable value of the Advisory Committee as the think-tank of the Human Rights Council, the leading intergovernmental body tasked with the promotion and protection of human rights around the world.

Having established respective drafting groups of both mandates at its twenty-ninth session, this Committee sought the views and inputs of Member States and other relevant stakeholders. At this session, the Committee will hold discussions on these two themes, and consider the preliminary draft and annotated outline of the mandated reports. I take this opportunity to thank the drafting groups, in particular the rapporteurs, for their hard work in this endeavor and look forward to your continuing contribution to these pertinent topics.

Firstly, regarding the **mandate on neurotechnology and human rights**, it is clear that this Committee and thereby the Human Rights Council must lead a rights-based approach to the application of this very specific area of technology. While advancements in neuroscience hold immense promise in the medical field and can contribute to the right to health of many, the potential adverse effects on other human rights remain uncertain. The Advisory Committee’s mandate is, in this regard, a focused and action-oriented one: studying the impact, opportunities and challenges of neurotechnology with regard to the promotion and protection of *all* human rights, and to come up with recommendations on how human rights impacts of neurotechnology could be addressed by the Human Rights Council, its special procedures and subsidiary bodies.

In connection with this mandate, I would like to draw your attention to the recent report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the relationship between human rights and technical standard-setting processes for new and emerging digital technologies and the practical application of the Guiding Principles on Business and Human Rights to the activities of technology companies.[[1]](#footnote-2) As the first in-depth analysis by the United Nations of the human rights aspect of technical standard-setting, this report illustrates the breadth of positive and negative impacts of technical standards on the enjoyment of the full range of human rights, and offers the High Commissioner’s recommendations to Member States, standard-setting organizations and civil society to ensure that standard-setting processes put human rights front and center. Furthermore, OHCHR is initiating a project on technical standard-setting to contribute to the implementation of the recommendations set out in this report.

I would also like to highlight the ongoing work of UNESCO which has been the leading UN agency calling for the development of sound and ethical regulation in the field of neurotechnology at the international level. Just last month, on 13 July 2023, UNESCO organized the International Conference on the Ethics of Neurotechnology on the theme "Towards an Ethical Framework in the Protection and Promotion of Human Rights and Fundamental Freedoms" in Paris. Participants agreed on the need for a comprehensive and solid governance framework to balance the potential of neurotechnology and the risks it presents, as well as the need to engage the private sector, developers, and investors early in the discussions on standard-setting. I find it important to note is that the Committee’s rapporteur for this study, Ms. Milena Costas-Trascasas, participated as one of the speakers at this conference. This kind of cross-fertilization and enrichment of discussion between members of the Advisory Committee and ongoing international processes relating to the Committee’s mandates cannot be praised and welcomed enough.

I have in previous sessions referred to specific works by the UNESCO International Bioethics Committee, the culmination of which is UNESCO’s Recommendation on the Ethics of Artificial Intelligence. Indeed, artificial intelligence and neurotechnology are becoming increasingly intertwined. Three weeks ago, the UN Secretary-General remarked in his address to the Security Council that “the international community has a long history of responding to new technologies with the potential to disrupt our societies and economies” and emphasized the role of the United Nations “to set new international rules, sign new treaties, and establish new global agencies”.[[2]](#footnote-3) In addition to suggesting a creation of a UN agency specializing in artificial intelligence, the Secretary General announced that he will be convening a high-level meeting for artificial intelligence, which will report back on the options for global governance by the end of this year.[[3]](#footnote-4) It is critical for the Human Rights Council and its Advisory Committee to not only complement but also contribute to these developments underway, ensuring that a rights-based approach is mainstreamed at every step of the way of this global movement.

Distinguished Members,

Much of the developments I spoke of thus far often raise the issue of *governing* technologies – especially artificial intelligence – in international security and peace efforts. This brings me to the Committee’s second mandate: **the human rights implications of new and emerging technologies in the military domain.**

Of particular relevance to your mandate is the UN Secretary General’s new policy brief on “A New Agenda for Peace”, which made recommendations on artificial intelligence governance to Member States. The Secretary General called for negotiations to be concluded by 2026 on a legally binding instrument “to prohibit lethal autonomous weapon systems that function without human control or oversight, which cannot be used in compliance with international humanitarian law, and to regulate all other types of autonomous weapons systems”.[[4]](#footnote-5)

As you know, the Group of Governmental Experts on Lethal Autonomous Weapons Systems (LAWS) under the framework of the Convention on Certain Conventional Weapons (CCW) laid groundwork of this important discussion at the intergovernmental level. In 2019, parties to the CCW adopted the guiding principles on LAWS, which was a major accomplishment after many years of negotiation. In its latest session in May 2023, the Group of Governmental Experts concluded that when characterizing weapon systems built from emerging technologies in the area of LAWS, it is crucial to consider the potential future developments of these technologies. States also affirmed that States must observe particular compliance with international humanitarian law throughout the life cycle of such weapon systems. It further underscored that States should limit the types of targets and the duration and scope of operations with which the weapon systems can engage; and that adequate training must be given to human operators. Finally, States reaffirmed that weapons systems based on emerging technologies in the area of LAWS must not be used if they are incapable of being used in compliance with IHL.[[5]](#footnote-6)

A dedicated human rights lens is what the Advisory Committee can and must bring to the discussion. Citing the use of artificial intelligence in the military domain as a rapidly evolving technology that continues to reveal new and complex human rights challenges,[[6]](#footnote-7) the High Commissioner has recently stressed that “it is time to incorporate the shared language of human rights into the way we regulate, manage, design, and use new and emerging technologies. From the conception phase of technology and throughout its entire life cycle, safeguards must be in place to uphold human rights.” [[7]](#footnote-8)

Distinguished Members,

The Advisory Committee is also mandated to integrate a gender perspective and the perspectives of persons with disabilities in its work and recommendations. Regarding the **rights of persons with disabilities**, I would like to draw your attention to the recently held 16th session of the Conference of States Parties to the CRPD (COSP16), where States Parties discussed harmonizing national policies with the CPRD: focusing on sub-themes such as equal access to sexual and reproductive health services for persons with disabilities, as well as digital accessibility for persons with disabilities. Furthermore, while **a gender perspective** has been emphasized in the human rights agenda time and time again, it cannot be stressed enough against the worrying current of what some call “pushbacks” against women’s rights and gender equality. A gendered approach to international humanitarian law and gender sensitive methodology would perhaps be particularly poignant in the context of your current mandates.

Finally, allow me to congratulate the Committee for having successfully submitted for consideration at the fifty-fourth session of the Human Rights Council the two reports on the impact of new technologies for climate protection on the enjoyment of human rights, and on the advancement of racial justice and equality. I wish to echo the Vice President in congratulating the two rapporteurs, Ms. Patrycja Sasnal and Mr. Frans Viljoen, for their hard work, as well as all the members of the Committee for their efforts.

Distinguished Members,

Excellencies,

Ladies and Gentlemen,

Hoping that my remarks have provided some context of the work relating to the Committee’s mandates within our Office and the United Nations at large, let me conclude here by assuring you the full support of the Secretariat for your activities. I wish you fruitful discussions and deliberations at the present session.

Thank you.

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1. [A/HRC/53/42](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2Fdocuments%2Fhrbodies%2Fhrcouncil%2Fsessions-regular%2Fsession53%2Fadvance-versions%2FA_HRC_53_42_AdvanceUneditedVersion.docx&wdOrigin=BROWSELINK) [↑](#footnote-ref-2)
2. Secretary-General's remarks to the Security Council on Artificial Intelligence, 18 July 2023, [link](https://www.un.org/sg/en/content/sg/statement/2023-07-18/secretary-generals-remarks-the-security-council-artificial-intelligence-bilingual-delivered-scroll-down-for-all-english?_gl=1*999c9i*_ga*NTEwNjg0NTgxLjE2NjA1NTM4MjU.*_ga_TK9BQL5X7Z*MTY5MDQ2MjIzMi4yNC4xLjE2OTA0NjIyMzYuMC4wLjA.) [↑](#footnote-ref-3)
3. Ibid. [↑](#footnote-ref-4)
4. Our Common Agenda Policy Brief 9: A New Agenda for Peace, July 2023, [link](https://www.un.org/sites/un2.un.org/files/our-common-agenda-policy-brief-new-agenda-for-peace-en.pdf) [↑](#footnote-ref-5)
5. [CCW/GGE.1/2023/2](https://docs-library.unoda.org/Convention_on_Certain_Conventional_Weapons_-Group_of_Governmental_Experts_on_Lethal_Autonomous_Weapons_Systems_(2023)/CCW_GGE1_2023_2_Advance_version.pdf) [↑](#footnote-ref-6)
6. UN High Commissioner for Human Rights, “Taking stock on the realization of human rights globally – crises, challenges, success stories’, 19 December 2022, [link](https://www.ohchr.org/en/speeches/2022/12/taking-stock-realization-human-rights-globally) [↑](#footnote-ref-7)
7. UN High Commissioner for Human Rights, “[Today's mounting – and intersecting – challenges can be resolved with human rights”, 15 July 2023, link](https://www.ohchr.org/en/statements/2023/07/todays-mounting-and-intersecting-challenges-can-be-resolved-human-rights)  [↑](#footnote-ref-8)