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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in cooperation with

**THE MINISTRY OF DIGITAL TRANSITION AND ADMINISTRATIVE
REFORM OF THE KINGDOM OF MOROCCO**

Regional seminar for senior civil servants

17th UniDem Med

**" DIGITAL TRANSFORMATION AND ARTIFICIAL
INTELLIGENCE: RULES AND APPLICATIONS "**

hybrid format (online and in Rabat, Morocco)

21-22 November 2023

**PROPORTIONALITY AND TRANSPARENCY OF MEASURES TAKEN BY PUBLIC
ADMINISTRATION IN THE CONTEXT OF DIGITAL TRANSFORMATION AND
CITIZENS' RIGHT TO APPEAL**

by Mr Abdelghani BERDI

**(Head of Division, Technologies, Digital Space and Human Rights, Office of the
President, National Human Rights Council (CNDH), Morocco)**

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by the Council of Europe

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"Protecting human rights, the rule of law and democracy through shared standards in the Southern Mediterranean"
(South Programme V)

Ai & public administrations

ADVOCACY FOR A HUMAN RIGHT-BASED APPROACH



MAIN POINTS

- **Primarily focus on the human rights-based approach to AI (what implications for public administrations?)**
 - **A few examples of Impacts of new information technologies on human rights**
 - **What does the the human rights-based approach mean for public administrations?**
 - **For a NPS on business and human rights**
 - **Role of NHRIs**
 - **RECs**
-

HUMAN RIGHTS

- **UDHR (UNDH75)**
 - **9 core international human rights instruments – 9 additional protocols to the conventions (Morocco's treaty practice: 9 inst. 6/9 additional protocols)**
 - **General comments of treaty bodies – UN resolutions, Resolution of the UNHRC, etc.**
 - **Regional human rights instruments**
 - **The Constitution: a NATIONAL BILL OF RIGHTS: Fundamental Freedoms and Rights (21 explicit articles) ... In total almost 1/3 explicit and implicit articles, including the preamble.**
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HUMAN RIGHTS as core mission of each and every public administration!

- Police, Judges, health, educational, environmental departments, Tax administrations, etc.

PUBLIC SERVICES => RIGHTS

For the purposes of this presentation/advocacy:

A PUBLIC SERVICE IS EITHER

- A HUMAN RIGHT A PA IS IMPLEMENTING,
- OR A HUMAN RIGHT IT IS DENYING/VIOLATING OR AT LEAST NOT RESPECTING OR TAKING INTO ACCOUNT



WORLD LOOKS DIFFERENT WHEN WE USE/APPLY A HUMAN RIGHTS LENS

HUMAN RIGHTS ARE
INTERNATIONAL OBLIGATIONS AND COMMITMENTS
CONSTITUTIONAL RIGHTS (THAT MUST BE FULFILLED)

>>> change in perceptions - change in (better) implementation

Best practices, at national level (to name a few):

National security agency (an astonishing human rights agreement with CNDH)

The prison administration

The office of the public prosecutor

Training of Judges

Implementation of UNESCO's REC...

EXAMPLES

- **Facial recognition gone wrong**
 - **Bias in mortgage-approval algorithms**
 - **When a tax authority ruined thousands of lives**
 - **“Brighten” or “lighten up” skin (to be recognized as a human!)**
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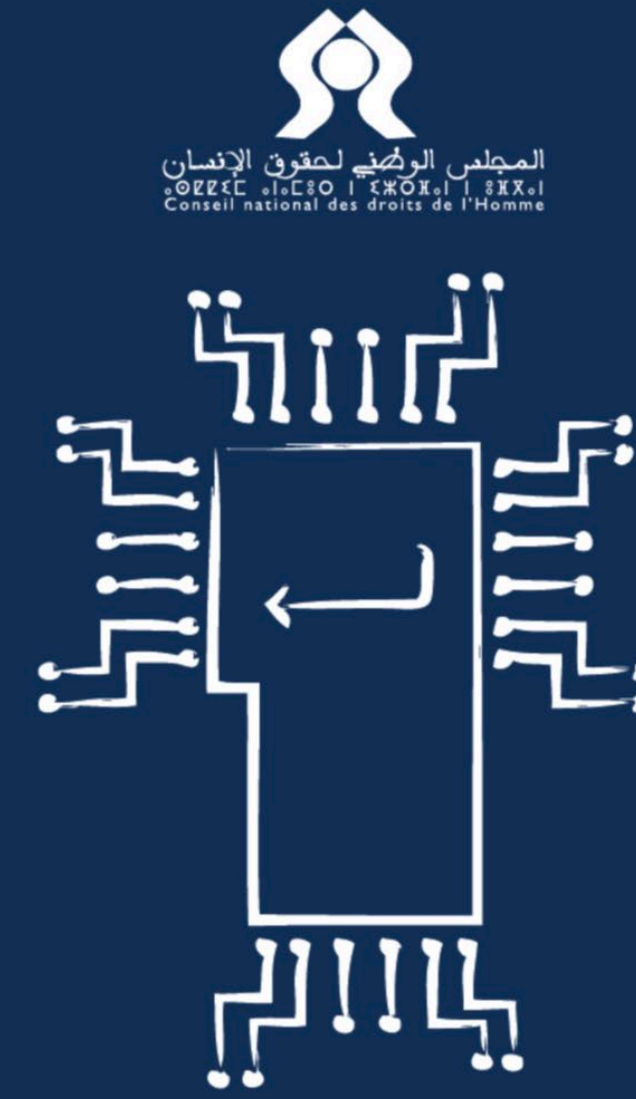
ROLE OF NHRIS



ARTIFICIAL INTELLIGENCE AND HUMAN RIGHTS

Organization, ethics and
guiding principles
an international benchmark

Proceedings of the International Seminar
Organized December 3rd, 2021

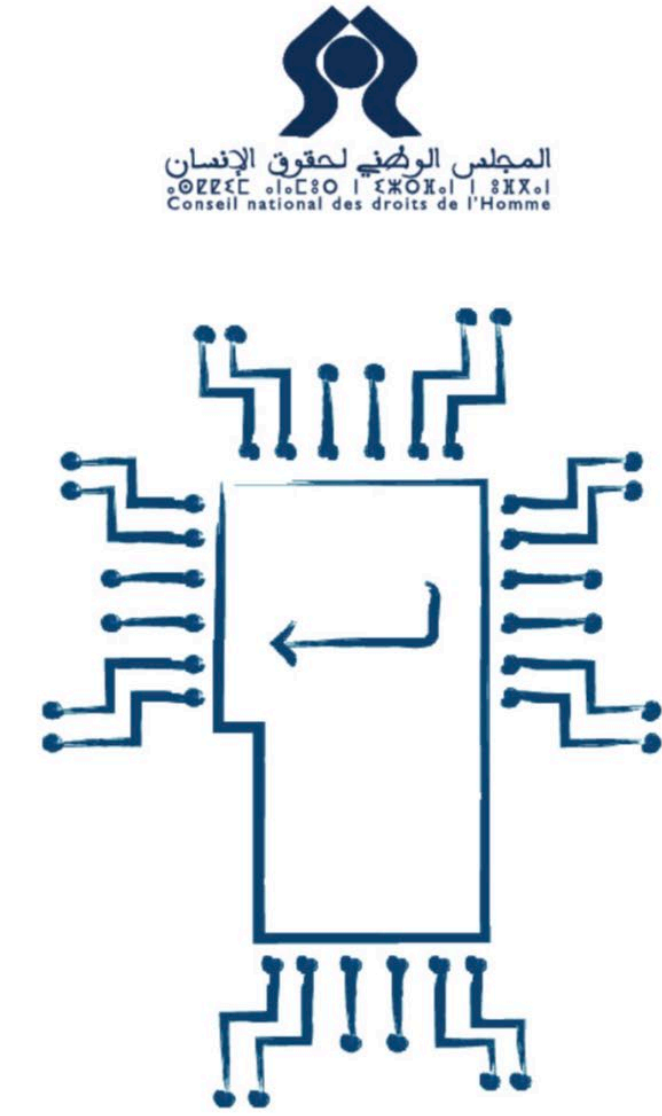


الفضاء الرقمي ونظم الذكاء الاصطناعي

76 توصية و 10 مبادئ توجيهية
للأخلاقيات من أجل حماية حقوق الإنسان

تقرير تكميلي

دجنبر 2022



حماية حقوق الإنسان في العالم الرقمي ونظم الذكاء الاصطناعي

تقرير تكميلي لنتائج الرصد
واللقاءات التشاورية الوطنية

مارس 2022

RECS

Look at public administrations and services from a human rights lens

Capacity building: mainstreaming human rights & HR education in all public administrations

Prevention: mandatory human rights impact assessment, before deploying any system;

Regular independent human rights audits: Positive interaction with independent oversight (NHRIs);

Handling complaints effectively and ensuring swift investigations and mechanisms for mitigation;

Redress and access to remedies for the adverse impacts of AI and new information technologies on citizen's human rights

Commission a administrative guidelines (country specific or regional) on the use of AI and other algorithmic systems in administrative decision-making (human rights based)

NPAS ON #BIZHUMANRIGHTS

ADOPTION AND IMPLEMENTATION OF NATIONAL PLANS OF ACTION ON BUSINESS AND HUMAN RIGHTS

CALLS ON COMPANIES TO UNDERTAKE ONGOING HUMAN RIGHTS DUE DILIGENCE AND RESPECT HUMAN RIGHTS

CALLS ON BOTH STATES AND COMPANIES TO ENABLE EFFECTIVE REMEDIES OF ANY ADVERSE HUMAN RIGHTS IMPACTS CAUSED BY COMPANIES OR TO WHICH THEY CONTRIBUTE
