



AI and Human Rights

Building a Tech Future
Aligned With the Public Interest





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Lee J. Tiedrich

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What are key factors in the way AI is developed/deployed that have the most impact on protecting human rights?

To protect humans, it's critical to establish frameworks consisting of laws, standards, policies, and other tools that collectively foster AI innovation in a manner that's safe, sustainable, ethical, protects human rights, and otherwise operationalizes the OECD AI principles. These frameworks must align with sound scientific principles and be implementable. They can increase trust by helping society identify trustworthy AI applications.

In addition, to protect humans, AI developers should adopt an inter-disciplinary “ethics-by-design” approach that fosters collaboration among experts in human rights, law, ethics, policy, business, sustainability, computer science, and other disciplines, throughout the AI product life cycle. This holistic approach will help ensure that human rights, ethics, sustainability, and legal compliance are addressed upfront in AI product design and development, as well as throughout deployment and wind-down.

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Finally, others in the AI ecosystem have important roles in protecting humans too. AI deployers should familiarize themselves with applicable laws as well as explanations provided by AI developers, including on how to use AI tools in ways that protect individuals. Individuals and organizations also should take advantage of opportunities to provide feedback to AI developers and deployers as well as policymakers, enforcement agencies, and other relevant organizations.

How can we strengthen interdisciplinary engagement in technology development, deployment, governance, regulation and oversight?

As discussed above, AI developers can strengthen inter-disciplinary engagement by implementing an “ethics-by-design” framework supported by an appropriate governance structure. This inter-disciplinary model can be adapted by others in the AI ecosystem. For example, AI deployers can draw upon inter-disciplinary experts to help ensure that their activities are sustainable and comply with applicable legal and contractual obligations as well as directions provided by AI developers in relevant explanations.

As also discussed above, society needs appropriate AI frameworks consisting of laws, standards, policies, and other tools that are grounded in science. Some mechanisms exist to support inter-disciplinary collaboration in policymaking. For example, at Congress' direction, the National Institute of Standards and Technology is working on an AI risk management framework with input from a broad range of stakeholders. Similarly, the draft EU AI Act contemplates pre-market conformity assessment requirements for high-risk AI as well as the development of technical tools. The EU-US Trade and Technology

Council establishes structures for cross-border collaboration on technical tools that also should promote interoperability. Policymakers should continue to build on this good inter-disciplinary foundation.

The need for inter-disciplinary collaboration also extends to enforcement. For instance, the U.S. Department of Justice announced an initiative to combat redlining together with the U.S. Attorney's Offices. It also has partnered with the EEOC to warn against potential discrimination stemming from AI hiring tools. Other agencies, such as the FTC, have relevant enforcement authority too. As agencies exercise this enforcement authority, it's important that they have access to relevant technical expertise.

What emerging regulatory frameworks are having the greatest impact on AI development at the present time?

Among emerging AI regulatory frameworks, the proposed EU AI Act is presently having the greatest impact on AI development. It would apply to any AI deployed within the EU, even if the developer resides outside the EU. Embracing a risk-based approach, the proposed Act would create four categories of AI applications and calibrate the regulatory requirements for each category based on the associated risk. For instance, the proposed EU AI Act would ban those AI applications that are deemed to pose an unacceptable level of risk. It also would establish several regulatory requirements for "high risk" AI applications, including pre-market conformity assessment requirements and post-market surveillance obligations. The proposed EU AI Act also addresses enforcement and provides for hefty penalties for non-compliance.

In the United States, while Congress may not pass in the near term the proposed Algorithmic Accountability Act or any other similar AI specific legislation, the growing number of state and local AI laws and ordinances, such as in New York City and California, are having increased impact. It is noteworthy that the expanding patchwork of differing AI laws and regulations within and outside the United States can increase the cost and difficulty of compliance for AI developers and deployers, which in turn, can pose barriers to entry, particularly for small and medium sized businesses. To reduce these barriers and promote competition, policymakers should continue to foster more cross-jurisdictional harmonization. In the United States, Congress could achieve more harmonization through federal legislation that preempts inconsistent state and local requirements. Bi-lateral and multi-lateral efforts can help foster more international harmonization.

Tell us about your role:

After practicing law for three decades at a global law firm, I recently joined Duke University as a Distinguished Faculty Fellow in Ethical Technology, with a dual appointment at Duke Law School. In addition to teaching AI Law and Policy, I have developed and am teaching an Ethical Tech Practicum where students from different Duke programs work in inter-disciplinary teams to help real world clients address ethical tech matters. The course combines teaching relevant legal, policy, and ethics doctrine with hands-on experiential learning.

In addition to teaching, I continue to engage in relevant policy developments. For example, I currently am a member of the Global Partnership on AI (GPAI) Multi-stakeholder expert group, and co-chair the GPAI IP Subcommittee and serve on the GPAI AI and Climate Steering Committee. Consistent with my commitment to education, I also am co-authoring the first AI law school case book to help expand AI education more broadly.

How did you carve out your career in the Responsible Tech ecosystem?

Having studied both electrical engineering and law, I always have gravitated to helping emerging technology pioneers navigate the evolving legal and policy landscape so they can make responsible new technologies available for society. At the beginning of my career, this involved working with pioneers of wireless and internet technologies, well before many people had cell phones or high speed internet access. Drawing upon my engineering studies, I recognized early on the importance of inter-disciplinary collaboration and the need for our legal and policy frameworks to align with science. Throughout my career, while the technologies have changed, my goal of fostering inter-disciplinary cooperation to enable society to benefit from responsible technology has remained constant.