Transcript - Artificial Intelligence

Kate: So, I think we'll move to our next contemporary issue, which I think ties in quite well with what we've just been talking about with technology but is artificial intelligence, or AI. It's a very big area that we're just seeing kind of feels like it's just everywhere. It feels like it's just kind of just sprouted out of nowhere. So, what kind of areas of human rights are we seeing emerge from this like resurgence of AI?

Lorraine: Well, look, I am really excited and optimistic about AI, and that's important to understand because there's a lot of fear and uncertainty that surrounds it. But overall, I'm really optimistic. I think this technology is something that has so much potential. It can enhance human rights in a huge variety of ways. But we need to be really aware of the risks, and we need really early on to think through what are the human impacts of AI and the way that we use it, and how do we put the appropriate guardrails in place so that we can actually stop some of the harms that we know are starting to occur from happening. So, some of the things that we're really concerned about are, for example, impacts on privacy because we know that as AI takes data from people, it can draw from discrete data points a whole variety of really quite intrusive conclusions about who you are, what you do, what you like, and that information a lot of people don't understand who holds their data, what protections are in place, and how it can be abused. So, privacy issues are really important.
 I think there are a number of issues also around algorithmic bias when it comes to AI and ensuring that you don't have discrimination actually being embedded in artificial intelligence technology, and so, examples of that are when AI is used for recruitment, for example. If the data that it's trained on has only been given traditional CVs to learn from, in terms of, let's say, and I'm picking a hypothetical example, let's say an engineering company wants to use AI to help with its hiring processes. If it's only ever hired males before because traditionally that's been an area of high male employment, the AI training tool will learn to identify engineers as being male. And so, when that tool is then used in the engineering firm, it will recommend males. The discrimination actually gets embedded into the data or into the AI. And so, what AI can do is, rather than being a fair and more objective way of actually approaching something, it can actually embed discriminatory practices. So, we need to guard against that.
But the third thing that I think is most important is AI is starting to change our perceptions of what's true and what's not. This is a really big issue that we need to grapple with because we all know that there is so much misinformation and disinformation out there, and AI really challenges some of our perspectives in terms of not being sure now whether, you know, the photo that you see of Princess Kate is a real photo or isn't a real photo. And there are some really, you know, innocuous examples of this. One of the big ones was the photo of the Pope in a big white puffer jacket, which didn't do any harm to anybody, was a bit of a pop culture example. But there are also examples of AI, for example, being used to generate videos from political leaders making statements that they've never actually made. That can be really dangerous for democracy because you can then get things being said that influence the way people vote, the way people think about an issue, the way people perceive the world, and yet those things aren't actually real. So, that idea of needing to think through truth and fiction, what's real, what's not, is a really challenging human rights issue.

Kate: Yeah, so are there areas that you're seeing where vulnerable people are maybe more impacted by AI and their human rights are more impacted by what AI can do?
Lorraine: I think one of the realities when we're talking about human rights issues is that people who are already vulnerable or disadvantaged are often the most impacted when these types of things emerge, and, you know, we saw, and it's not an AI issue but it's related to it with the robo-debt scandal that only happened recently in Australia. It was people who were already disadvantaged in our community who were the most affected. In terms of AI, I think that is absolutely a risk. But the second aspect of that that we also need to think about is that growing digital divide in Australia and the risk that in our pursuit of technological innovation, we actually leave parts of the community behind. And it's really important, for example, in terms of young people, to make sure that all young people have the opportunity to actually understand or have access to the technology that's becoming such a part of our day-to-day lives, but have the same opportunities to understand through their schools and education how to use that responsibly and we're not creating a real divide between students who do have access to that and students who don't.

Kate: I've seen it at University as well where it's such a big issue using AI and who uses it and who doesn't, and as it develops as well, I'm sure it creates more different human rights challenges. So, are there any human rights challenges that you can foresee with the further development of AI?

Lorraine: I think one of the really interesting things is that, again, we tend to talk about technology in terms of individual forms of technology, so AI is separate from other things, but they all actually come together. So, if we look at AI and facial recognition technology, for example, it's a really good illustration of the duality of this. That technology can have such benefits in terms of strengthening human rights, but it can also lead to huge problems. In India, for example, the Delhi police used facial recognition technology combined with AI software to actually connect or run missing children through a data base, and they connected over 3000 missing children with their families in a matter of a weekend. That is enormously powerful. That's an amazing result. But that same technology was also used to profile individuals who were protesting against the government, and in that way, it was used to shrink civil space and actually target people who were seen as holding the wrong opinions. So, that's a really damaging human rights story. Again, it shows technology can be used for good, but it can also be used to undermine human rights. We've got to be aware of both of those possibilities and make sure we put frameworks in place to harness the benefits but guard against some of those risks.

Kate: Yeah. So, I've seen a video that you've produced a while ago about LAWS or the Lethal Autonomous Weapons Systems and how it's actually because of the lack of human emotion that's really where the dangers in human rights come in. Can you speak more on LAWS?

Lorrain: Sure. So, LAWS stands for Lethal Autonomous Weapon Systems, and it's effectively the idea of like drones, but drones that are able to have a lethal impact. So, the artificial intelligence, the technology, actually makes the decision about whether the target is terminated or not. It's the stuff of science fiction, and yet we know that these weapons are being developed. We know that these weapons are already being used, and there are examples recently in Russia & Ukraine, for example, of developments in this area that are really concerning because from my perspective, I think that ultimate decision about human life, about whether somebody is killed or not, you can't leave that decision to a machine. That's a decision that is always going to be difficult but has to be left to a human being, and when we look at, for example, international humanitarian law, I have real concerns about whether Lethal Autonomous Weapon Systems or LAWS could ever meet the criteria that we've set around international humanitarian law, nd without getting into the really technical details, the primary concerns are around necessity and proportionality. So, I don't think there's a way at the moment for this technology to make the necessary distinctions between, for example, is somebody an active participant in war or are they an injured combatant who, under international law, can't be attacked? Have they surrendered? Are they a civilian? Are they a combatant who's disguised as a civilian? There are so many complexities around these decisions, their judgments that in a conflict zone need to be made instantaneously, and yet, ultimately, they're very human decisions that I don't want to see a machine making because the risks of that are literally life and death.

Kate: Do you think that would be difficult for lawmakers to keep up with this development and especially like with laws but just in general in AI? What do you think?

Lorraine: Absolutely. So, one of the real challenges is the technology is always years ahead of the law. One of the things we should have learned from the explosion of social media over the last decade is that we're really playing catch-up, and we're looking now at putting regulations in place around social media that are needing to be retrofitted. If they'd been put into place 10, 15 years ago, some of those harms that have since occurred would have been avoided. So, that's the approach we need to take with technology now. We need to look ahead at what are the impacts likely to be, and how can we actually put things in place now to stop the worst of those harms from occurring? It's a hard thing to do, but it also highlights again the fact that the law's a really important part of this, but it's not the only answer because if we wait for laws on everything, the technology will have already moved on. So, we need to be looking at how can we encourage people to be responsible in their use of technology, but also how can we encourage technology companies to ensure that they are ethical and responsible in the way they develop and use this technology, and that's a really important thing.

Kate: So as companies look at how they can strengthen and use technology for good, do you think there are ways that AI and technology can help protect and promote human rights?

Lorraine: Oh, absolutely, and I mean, there are a whole variety of things you can look to in terms of positive uses of technology, whether it be accessibility. I'll give one example. We just released last week a paper on

neurotechnology, which is the idea of technology that impacts on your brain. There are some really interesting trials happening at the moment about human implantations where devices are being implanted into human brains with the idea of then being able to provide, for example, people who have a disability who perhaps are paraplegic or quadriplegic to actually control a computer or control other devices using their mind. The possibilities in terms of treating Parkinson's disease, treating epilepsy, really providing assistance from a healthcare perspective are enormous. The risks in terms of invasions of privacy, in terms of freedom of speech, in terms of the commercialization of your personal data, those risks are also really significant. And if I give one example to highlight it, there are wearable headbands that you can now get that you attach over your head and wear, and that can actually measure your brain activity, and these are being trialed by some mining companies for use by their truck drivers because what it allows you to do is identify when the truck driver is falling into a micro sleep. So, from a work health and safety perspective, enormously helpful in terms of ensuring that workers aren't overly fatigued and they can take breaks whenever they're becoming unsafe. The same technology has also been trialled in China on school children, and it's been used in classrooms where children have been required to wear their headbands throughout their days' lessons, and it measures whether they're being attentive in class. And that data is sent to the teacher, to their parents, and to the school district. Now, the concern there is about the privacy of children and what happens to that data, and what does it show in terms of their attentiveness? What sort of pressure does it put them under? What does it mean for students, for example, who are neurodiverse, who might not conform to those normal or what's considered to be a normal parameter in terms of brain activity, and who suddenly will find themselves more isolated in the classroom than perhaps they already are?

Kate: Yeah, so it seems to be like a balancing act between the pros and the cons, and there will always be, but just trying to find that like happy medium, I guess, of human rights.

Lorraine: Absolutely, and looking at human rights in a really practical sense in terms of how do we put things in place now for technology that is developing so quickly to make sure that we don't cause serious harm to people, but at the same time, we don't want to stop innovation because we know that this technology could have amazing benefits for people