Comments on the AI in Global Development Playbook

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Submitted by

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About Derechos Digitales

Derechos Digitales[1] is a non-governmental and non-profit organisation, founded in 2005, with a Latin American scope. It has consultative status with ECOSOC and its headquarters are in Santiago de Chile. We are an organisation dedicated to defending and promoting human rights in the digital environment.

Our actions are focused on analysing the impact of technologies on fundamental rights and influencing the public and private sector to promote social change around the respect and dignity of all people. Derechos Digitales has contributed to previous reports on privacy in the digital age before the Office of the High Commissioner of Human Rights OHCHR, and has also conducted research on human issues raised by artificial intelligence (AI) systems and technologies. From our policy analysis, research, and advocacy work, we submit for your consideration the following.

The Opportunities, Risks, and Barriers of AI

1. What are the most important barriers in Global Majority countries to achieving a future where AI tools are designed and deployed in a responsible way to address the UN Sustainable Development Goals (SDGs) and support humanitarian assistance. How would you address these barriers?

The digital divide[2] is one of the most relevant barriers experienced by countries in the Global South, and it is accentuated in the context of humanitarian action provided in remote areas or areas with difficult geographic access.

The use of AI tools for humanitarian aid in contexts affected by the digital divide can be critical[3,4], especially when their use is integrated into tools that later condition or monitor people's access to various forms of humanitarian aid[5] - such as registering aid applicants in mobile applications, for example, which is a common practice in humanitarian action deployed by state actors[6] in certain countries in the region.

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[1] www.derechosdigitales.org

[2] See: Informe anual del Indice de Desarrollo de la Banda Ancha: IDBA 2020: Brecha digital en América Latina y el Caribe (iadb.org) ;
https://www.derechosdigitales.org/wp-content/uploads/DD_Amazonia_5_General_POR.pdf ;
https://www.derechosdigitales.org/wp-content/uploads/DD_Glimpse_23_ENG.pdf

[3] AI Threatens to Widen Latin America's Digital Divide - The Washington Post

[4] https://odi.org/en/about/our-work/the-humanitarian-digital-divide-understanding-the-impact-of-technology-on-crisis-response/

[5] Private tech, humanitarian problems: how to ensure digital transformation does no harm - Access Now ; #MigrarSinVigilancia - Access Now ; Informe: Tecnologías de vigilancia en el control migratorio – Cejil (cejilmovilidadenmesoamerica.org)

[6] For example, consider the case of the Colombian government, which in the past has required Venezuelan migrants to use digital applications as a means to obtain a migration regularization registration; or more recently, the mandatory deployment and use of applications to facilitate the "safe transit" of migrants from certain nationalities in irregular transit in the country. See:
https://www.dejusticia.org/column/un-futuro-incierto-para-la-regularizacion-migratoria-en-colombia/;
https://digitalid.karisma.org.co/2021/07/01/sistema-multibiometrico-etpmv/;
https://www.dejusticia.org/wp-content/uploads/2021/03/Fundacion-Karisma-Comentarios-al-decreto-E

2. What applications of AI or AI technologies are most promising for advancing the SDGs and supporting humanitarian assistance? How can these applications be advanced responsibly? Are there any sectors that are particularly well suited to applications of AI? Are there potential limitations or trade-offs that should be considered when applying AI in these contexts?

In the provision of humanitarian aid, AI can be employed to identify, characterize, and classify potential beneficiaries of assistance programs, as well as to prevent instances of fraud in their acquisition. We believe that one of the risks in the use of AI that may arise in the context of humanitarian aid is the unjustified withdrawal of aid granted to beneficiaries due to alleged suspicions of fraud, alerts for which were generated through the use or intermediation of AI systems.

Indeed, this is a real risk that has already been highlighted by the United Nations Special Rapporteur on Extreme Poverty in his report on the use of algorithms in the distribution of state social benefits[7]. Their report pointed out that AI systems aimed at detecting or preventing fraud in the provision of scarce aid to populations in need end up punishing them by withdrawing aid without reason, explanation, or any right of reply, in contexts where there is no transparency towards the aid recipient regarding the impact of AI use in their application process for social assistance. We draw attention to the possible replication of this risk in the humanitarian sphere too.

3. Relatedly, what are the most risky or harmful applications of AI in Global Majority countries? Why? Can their risks or harms be mitigated, and if so, how?

We believe that biometric identification technologies can be particularly risky in humanitarian contexts for two reasons. First, because their use, enhanced by AI systems with the aim of verifying or authenticating the identity of people requesting aid, can lead to false positives or negatives that result in denial of access.

And secondly, because the individuals who are often beneficiaries of humanitarian aid are people in extremely vulnerable situations, who due to the context of need and urgency in which they find themselves, may give consent that is tainted, meaning it is not freely given, as refusal to consent to the use of AI tools could mean they do not receive the assistance they require. The only way to mitigate this risk is by eliminating the use of biometric technologies from the humanitarian sphere.[8,9]

TPM.pdf;
https://www.elcolombiano.com/colombia/de-que-se-trata-la-app-para-migrantes-transito-seguro-habria-riesgos-en-la-privacidad-de-los-datos-HM23853040

[7] https://www.ohchr.org/en/documents/thematic-reports/a74493-digital-welfare-states-and-human-rights-report-special-rapporteur ;
https://www.derechosdigitales.org/wp-content/uploads/identity-systems_ENG.pdf

[8] https://www.derechosdigitales.org/wp-content/uploads/glimpse-cap-rec-facial.pdf

[9] https://www.derechosdigitales.org/wp-content/uploads/algoritmo_desigualdad_cast.pdf

4. How are commercially available AI tools currently helpful in addressing the SDGs and supporting humanitarian assistance? Where do they fall short or lead to harm? What steps have or should be taken to mitigate such harms?

No comments.

The Enabling Environment for Responsible AI

6. How should data for AI systems be collected, used, stored, managed, and owned to further the SDGs and support humanitarian goals? Which aspects of data management are unique or particularly salient for AI? How should the objective of ensuring sufficient data accessibility for AI training be reconciled with other objectives, such as ensuring privacy protections, in different contexts?

Countries in the Global South, especially in Latin America, have regulations on data protection with heterogeneous standards of protection. Furthermore, some countries still lack a general data protection law to this day - such as Cuba, Venezuela, Haiti, Costa Rica, Bolivia, Paraguay, Honduras, among others[10,11]. The deployment of AI systems in humanitarian contexts in countries of the region should be guided by the highest standards of data protection and privacy, even if these standards are not reflected in the legal framework under which humanitarian aid is deployed.

Among the key principles that we believe should guide data collection is minimization. The minimum amount of necessary information collected for the provision of humanitarian aid should be gathered only if it involves the least intrusion or invasion of the privacy of individuals who, due to the context, find themselves in vulnerable situations. We also believe that the principle of purpose limitation is essential, as once the humanitarian activity that motivated the collection of personal information is satisfied, this information should be proactively deleted without requiring a request from the data subject.

Personal information of beneficiaries of humanitarian aid intended for use in training AI systems should only be collected with the express, free, and informed consent of the individual, without such consent being assumed or inferred from its collection.

7. What kind of AI-related financial and resource investments should actors in Global Majority countries prioritize to achieve the SDGs and support humanitarian assistance? What kinds of financing and resourcing is most needed to catalyze responsible AI development?

No comments.

8. How should computational resources ("compute") to build or deploy AI systems be managed in Global Majority countries? How could compute be more

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[10] Informe-FSC-Tomo-III-Costa-Rica-y-Panama.pdf (sociedadcivilripd.org);
Informe-FSC-Volume-III-Brasil.pdf (sociedadcivilripd.org); FSC-Tomo-1.pdf (sociedadcivilripd.org);
Informe-FSC-Tomo-2-Argentina-y-Mexico.pdf (sociedadcivilripd.org);
[11] 2022.06.03-Derechos-Digitales-Right-to-privacy-OHCHR.pdf (derechosdigitales.org)

accessible, affordable, and reliable? How should hardware and infrastructure to support the deployment of AI systems be managed and governed?

No comments.

9. What are the barriers to building the AI workforce in Global Majority contexts, including for tasks beyond technical development of AI systems? What kinds of skills or experience are most needed in these contexts? Where can people gain these skills and experiences?

No comments.

10. What other AI-enabling infrastructure or resources are needed to advance responsible AI development and use?

No comments.

AI Policy, Protections, and Public Participation

11. Are there existing AI principles, tools, or best practices that you think are particularly helpful in advancing AI for development in a risk-aware manner? If they are only partly helpful, where do they fall short?

The principles of ethics for AI are primarily developed by actors from the Global North, and as such, their content is influenced by a vision of ethics and relevant principles that are not necessarily universalizable or applicable to the Global South.[12]

Most of these principles (such as those of the OECD and UNESCO, to name two sources adhered to by the majority of countries in Latin America) do not address concerns regarding the impact of AI in contexts of digital inequality, nor its impact on democratic stability in countries with weak institutions, lacking the capacity or resources necessary to counteract the negative effects of AI use. They also do not foresee risk analyses associated with its environmental impact in the Global South, where increasingly data farms are being established that demand the use of valuable and increasingly scarce natural resources, such as water (as seen in Chile[13]).

Furthermore, the principles of AI do not primarily focus on the differentiated impact that the deployment of this technology would have in the public sector for outsourcing services, automating them, or subcontracting them to private sector companies. They also do not tend to address differentiated impacts on aspects such as guaranteeing the rights of vulnerable, precarious, and marginalized individuals, among others.

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[12] https://link.springer.com/article/10.1007/s11023-020-09517-8 ;
a63503d70be79cf5a6454686baae4a9256fa.pdf (semanticscholar.org) ;
https://doi.org/10.1038/s42256-019-0088-2
[13] https://www.latercera.com/piensa-digital/noticia/que-es-un-data-center/1017499/ ;
https://empresas.blogthinkbig.com/el-crecimiento-de-los-data-centers-en-america-latina/ ;
https://www.bnamericas.com/es/reportajes/los-centros-de-datos-mas-grandes-que-se-instalaran-en-latinoamerica

12. What kinds of AI-related policies do you think are most promising (or harmful) in Global Majority contexts? Why? Who might these policies benefit, and who might they harm? How might existing policies be reshaped for improved outcomes?

Promising: We believe it is promising that the traditional human rights agenda is increasingly permeated by discussions on AI governance (as seen today in the working agenda of the Human Rights Council, or the Organization of American States OAS). In the emerging standards, we recognize the value of creating human rights impact assessments applied to the lifecycle of AI systems, the implementation of systematic due diligence obligations (A/HRC/51/17); the classification of risky uses such as (i) profiling, (ii) facial recognition, (iii) behavior prediction, (iv) person scoring (A/HRC/RES/48/4); as well as the establishment of explainability obligations in the use of AI in the public sector, the use of independent audit mechanisms, the duty to ensure the participation of all stakeholders (A/HRC/48/31); and the prohibition of indiscriminate and mass surveillance systems (A/HRC/44/24).

It is also promising the creation of more concrete obligations for States and Companies brought about by resolution A/HRC/50/56. Its content provides that States, among others, must implement human rights due diligence when financing, supporting, or owning a company or when outsourcing functions or contracting third parties in relation to the provision of public services or the acquisition of goods and services, as well as encouraging and if necessary requiring companies to explain how they take into account the negative human rights impacts resulting from their business activities or related to them.

The same resolution obliges technology companies to implement commitments aimed at implementing human rights due diligence actions that must encompass all the effects that a technology company may cause, those to which it may contribute through its own activities, and those that may be directly linked to its operations, products, or services through its business relationships; as well as anticipating and remedying the negative consequences related to the use of its products and services.

Harmful: We believe that regulatory approaches in Latin American countries that seek to regulate the use of AI in an abstract or generalized manner without addressing its specific applications in the public or private sectors, the regulation of specific AI tools (such as chatbots), as well as the introduction of regulatory responses that mimic Europe and its solutions without considering the regulatory and social needs of the context they address, are harmful. Also harmful are proposals generated without genuine and authentic participation of multiple stakeholders, or that fail to address the multiple nuances of the impact on human rights of specific tools or uses.

13. How might AI affect broader labor-market dynamics in your context? Are there some skills for which it increases demand, and others for which it decreases demand?

In the countries of the Global South, especially in Latin America, informal employment is a common and majority form of work compared to formal sources of employment. More than

50%[14] of the region works without contracts and labor benefits, even though this is the type of work driving growth in the region.[15]

In the labor market, the wage gap remains very wide[16], and care work continues to be unrecognized as such in many countries in the region[17]. Young people who are better educated face challenges in entering the job market, and the available employment is often precarious, poorly paid, or unstable.[18]

In the region, the impact of the deployment of AI systems on work has been studied by Fairwork[19], especially in relation to work performed on ride-hailing platforms (such as Uber, Beat, DiDi, and Cabify) and food delivery platforms (such as Rappi and PedidosYa) in countries like Argentina[20], Colombia[21], Ecuador[22], Brazil[23], México[24], Chile and Perú[25]. However, there is still a need to further explore the impact of AI on other occupations, tasks, and jobs in the region. In all evaluated cases, automation has led to common phenomena in the workplace: precariousness and unfair calculation of remuneration, lack of labor protection (health and other benefits), and hiring with unfair clauses for the worker - including automated account blocking clauses on the platform - imbalance between working hours and equal compensation, among others. Other studies reach similar conclusions regarding the impact of AI systems on well-being in the workplace.[26]

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[14]

https://www.imf.org/-/media/Files/Publications/REO/WHD/2019/October/Spanish/SPA-Labor-Market.ashx ;
https://www.ilo.org/americas/sala-de-prensa/WCMS_867505/lang--es/index.htmvvvvvvvvvvvvvvv
[15] https://www.imf.org/es/Blogs/Articles/2020/03/12/12950
[16]

https://publications.iadb.org/es/brecha-de-ingresos-laborales-por-genero-en-america-latina-y-el-caribe-un-analisis-de-sus-diferentes ;
https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_697670.pdf ;
[17] https://biblioteca.clacso.edu.ar/clacso/gt/20200810034952/El-Cuidado-en-Am-Latina.pdf
[18]

https://www.cepal.org/es/publicaciones/1902-jovenes-empleo-america-latina-desafios-perspectivas-nuevo-escenario-laboral
[19] Fairwork | Private: Homepage (TEST)
[20]

https://fair.work/en/fw/publications/fairwork-argentinaratings-2022labour-standards-in-the-platform-economy/
[21]

https://fair.work/en/fw/publications/fairwork-colombia-ratings-2023-the-mobilities-of-gig-work-in-colombia/
[22] https://fair.work/en/fw/publications/fairwork-ecuador-ratings-2023/
[23]

https://fair.work/wp-content/uploads/sites/17/2023/07/Fairwork-Brazil-Ratings-2023-report-EN-red.pdf
[24] https://fair.work/wp-content/uploads/sites/17/2023/04/Fairwork-Mexico-Report-2023-EN-red-1.pdf
[25]

https://fair.work/en/fw/publications/fairwork-peru-ratings-2023-labour-standards-in-the-platform-economy/
[26] https://web.karisma.org.co/wp-content/uploads/2023/02/Como_Domar_El_Algoritmo.pdf

Studies such as 'Cracking the Future of work: Automation and labor platforms in the Global South'[27] and 'Digital Platforms: a qualitative approach to labor conditions in Peru'[28], conducted by the 'Future of Work in the Global South' initiative, point out that: (i) younger people face the automation of their jobs, and thus, the risk of unemployment; (ii) automation will impact men slightly more than women, (iii) it is expected that the impact of AI will be much greater on moderately skilled forms of work as well as on work performed by people with low levels of education, (iv) this situation would have a negative impact on the income of workers from the middle and lower classes. Both studies caution that it is currently difficult to predict all the nuances of the impact of AI on work in the region.

14. How might AI affect competition dynamics in your context? Do these effects vary by economic sector?

In general, we are in a situation in Latin America of enormous concentration of the digital market by a few players[29], with concentration of the market and enormous concentration of personal data. In many cases, there is no choice for the Latin American consumer as to whether or not to use a product or service, because for structural reasons there are no other viable services, which leads to a great degradation of privacy aspects (as a quality attribute of services and products) for consumers.[30] In addition, there are problems with the concept of the relevant market in digital markets, which make it difficult, for example, to identify the margins where competition pressures take place and therefore where the competition risk of mergers can come from[31].

In this scenario, with few effective anti-monopoly control tools, coupled with a growing concentration of technology and data, mainly from players in the Global North, we believe there is a risk of reinforcing monopolies, market power and domination by existing players[32].

15. How should the public be informed about AI risks and harms in your context, and engaged on AI governance issues? What efforts around community engagement seem promising? What communities should be engaged who are not part of existing discussions?

The participation of stakeholders, such as civil society, academia, among others, has so far been marginal or tokenistic in local regulation processes - in countries of Latin America - and

[27]
https://fowigs.net/wp-content/uploads/2021/10/Cracking-the-future-of-work.-Automation-and-labor-platforms-in-the-Global-South-FOWIGS.pdf
[28] Digital platforms: a qualitative approach to the labor conditions in Peru - FOWIGS
[29] For instance: CEPAL. La concentración de los mercados en la economía digital. Available at:
https://www.cepal.org/sites/default/files/publication/files/43631/S1800551_es.pdf
[30] Canales, Souza. What's Up, Latin America. GRUR International. Available at:
https://doi.org/10.1093/grurint/ikac076
[31] Canales, Souza, Da Motta, Defining Relevant Markets in the Digital Era: Lessons from Merger Control in Brazil, Chile and Mexico. GRUR International. Available at:
https://doi.org/10.1093/grurint/ikad002
[32] Open Markets Institute. AI in the Public Interest: Confronting the Monopoly Threat. Nov. 2023. Available at:
https://static1.squarespace.com/static/5e449c8c3ef68d752f3e70dc/t/6554461d58cc944a2d95bc6e/1700021790820/OMI+AI+Report+WEB.pdf

in international AI governance processes (such as those taking place in various global forums, including the Digital Global Pact or the development of UNESCO's AI principles).[33]

In these environments, participation processes in AI regulation or governance are either captured by private sector actors - companies - or they reduce participation to the submission of written comments and excessively short oral presentations (barely minutes) without true opportunities for dialogue and exchange among stakeholders. Furthermore, participation often revolves around discussing a preconceived proposal on AI regulation or governance, rather than generating desirable standards and obligations from scratch that are agreed upon by all interested parties.[34]

Not all spaces discussing AI governance are open and receptive to the participation of all stakeholders, and there are spaces where, although the importance of participation has been acknowledged, mechanisms to facilitate it properly are still lacking (such as in CEPAL and BRICS+, to name two examples).

All stakeholders should be called upon without exception to discuss the future of AI regulation or governance. Participation should be systematic and permeate the lifecycle of AI systems, not just be considered for the discussion of a specific proposal. Participation should be inclusive and involve local and national actors representing all specialties and regions, as well as end-users of AI systems intended for deployment in the public or private sector.[35]

For example, in seeking diversity of voices, the deployment of prior consultation should be considered in ethnic communities and indigenous peoples in accordance with ILO Convention 169, when the use of these AI systems immediately impacts the exercise of their rights or the administration of their natural resources.[36]

16. What are the best ways to improve inclusivity and stakeholder representation in AI design, deployment, governance, or policymaking in the context of global development (at the global, regional, and local levels)?

See the response to question 15.

17. What are best practices for ensuring human rights are respected and protected in the development, deployment, and use of AI in the context of a risk-based approach to AI governance? Are there mechanisms, processes, and capacity in place to hold actors accountable for harms resulting from AI systems in your context? What should be done to create and operationalize those accountability mechanisms, and ensure their sustainability?

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[33] GDC-Consultations-12-Feb-2024.pdf (derechosdigitales.org) ;
Joint-Civil-Society-Input-Pact-for-the-future.pdf (derechosdigitales.org)
[34] https://www.derechosdigitales.org/wp-content/uploads/IA-Participacion-EN-2022.pdf ;
https://www.derechosdigitales.org/wp-content/uploads/09_Informe-Comparado-EN_180222_compressed.pdf ; Inteligencia artificial y su 'regulación' en Colombia: ¿Y qué hay de la participación ciudadana? : Fundación Karisma
[35] https://www.derechosdigitales.org/wp-content/uploads/08_Informe-Comparado-PT_180222.pdf
[36] wcms_345065.pdf (ilo.org)

Various human rights instruments highlight good practices, obligations, and specific commitments in the design, deployment, and use of AI systems by private sector actors and states (see resolutions A/HRC/51/17; A/HRC/RES/48/4; A/HRC/48/31; A/HRC/44/24, and especially resolution A/HRC/50/56, which operationalizes the principles of Business and Human Rights for companies engaged in technological activities).

However, in countries of Latin America, several operational challenges must be addressed for the implementation of applicable commitments and obligations, particularly those related to companies. For example, challenges persist regarding the extraterritorial application of the law to companies that are not domiciled in our countries - an argument that has hindered in the past the application of regulatory frameworks for data protection and access to information against Big Tech despite various attempts by local authorities to enforce local laws.

Another challenge relates to building technological capacity so that countries in the Global South, especially in Latin America, are not mere passive consumers of AI technologies developed in the Global North. There is also a need to build literacy capacities in their use, not only for the general population but particularly for individuals in public roles where AI systems will be deployed with increasing frequency.

18. Please list any other organizations you think should be consulted as the AI in Global Development Playbook is developed (please note it may not be possible to consult with every organization).

Karisma (Colombia), IDEC (Brazil), R3D (México), InternetLab (Brazil), Internet Bolivia (Bolivia), Coding Rights (Brazil), Sulá Batsu, Fundación Vía Libre (Argentina), Access Now (Global), TEDIC (Paraguay), DatySoc (Uruguay).

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