



GLOBAL DIGITAL HUMAN RIGHTS NETWORK 2022 MAIN EVENT

Opening keynote

Tobias Judin, Head of the International Section, Norwegian Data Protection Authority/ Datatilsynet) –
“Integrating human rights perspectives in the risk-based approach of the EU’s Artificial Intelligence Act Proposal”

Abstract: Has the European data protection framework delivered for Norway? Four years in, we all benefit from the GDPR’s ambition to safeguard fundamental rights in an increasingly data-driven society. At the same time, it would be difficult to argue that the digital sphere has successfully transformed into a safe space, with some opining that the current legislation – or perhaps the enforcement of it – is not up to par. The aim of this presentation is to share the Norwegian Data Protection Authority’s experiences in enforcing data protection law and to assess the current state of affairs. Are our personal data safe in the digital age? How is the Norwegian regulator navigating in its ambition to safeguard the right to data protection?"

Biography: Tobias Judin heads the International Section at the Norwegian Data Protection Authority, where he is responsible for cross-border cases and cases regarding international transfers. Additionally, he represents Norway in the European Data Protection Board, and he is a Co-Chair of the Global Privacy Assembly’s International Enforcement Working Group. Tobias is a lawyer, technologist and sinologist by education.



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Session 1: Challenges of human rights protection in the digital domain

Gentian Zyberi, UiO – Moderator

Biography: Gentian Zyberi is Professor of International Law and Human Rights at the Norwegian Centre for Human Rights, Faculty of Law, University of Oslo. He has a bachelor's degree in law (LL.B, 2000) from Tirana University School of Law, Albania, a master's degree (LL.M, 2002) and a doctorate (2008) in international law from the Utrecht University School of Law. He has researched, published and taught in various areas, including international human rights, international humanitarian law, international criminal law and international law, at various universities in the Netherlands, Albania, China, the USA, Kosovo and Norway.

Luca Tosoni, UiO – *“The Right to Cybersecurity: An Emerging Fundamental Right?”*

Abstract: Over the last decades, cybersecurity has evolved from a purely technical matter to a crucial element that is baked into and underpins an ever-increasing number of laws, policies and civil society initiatives on digital matters. This evolution reflects the growing significance that the use of information technologies has for the development of individuals and societies, and the evolving threat landscape that accompanies it. These developments have led some to argue that cybersecurity should be seen as an emerging fundamental right, and there are signs that this way of thinking has begun to find fertile ground, in particular in Europe. This presentation provides an overview of the unfolding discourse on the emergence of a fundamental right to cybersecurity, and outlines the key implications that the full recognition of such a right would have.

Biography: Luca Tosoni is a Senior Legal Advisor at the international affairs section of the Norwegian Data Protection Authority (Datatilsynet). In that capacity, Luca regularly contributes to the workings of the European Data Protection Board (EDPB), and is involved in cross-border investigations. Prior to joining Datatilsynet, Luca worked as a researcher at the University of Oslo where his research focused on cybersecurity, data protection and digital rights. Luca is a dual-qualified lawyer, in Italy and Belgium, and has practiced law on matters involving law and technology, including before the European courts in Luxembourg and Strasbourg.

Rebecca Schmidt, UiO – *“Big Tech as Human Rights Defenders? A critical analysis of Meta’s inclusion of HR protection in its self-regulatory frameworks”*

Abstract: The presentation will summarize the main human rights challenges that the social media provider Meta is facing in its global operations. It will then look at internal corporate strategies to address and mitigate those. This is followed by a critical analysis of this strategy. The broader question to be assessed is how far and to what degree private regulatory strategies are adequate for



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human rights challenges in this context. The presentation is designed to provide a general overview of the problems and to be a starting point for further investigations and debate.

Biography: Rebecca Schmidt is currently a postdoctoral researcher at the Senter for Rettsinformatikk at the Department of Private Law (University of Oslo), where she focuses on the interplay between public (particularly EU-level) regulation of robots and AI systems with privately developed regulatory regimes. She obtained a PhD from the European University Institute and an LLM in International and Legal Studies from New York University. Before starting her current position, she was an assistant professor in law at the School of Law and Government at Dublin City University. She has also held a two-year postdoctoral fellowship at University College Dublin, and a research fellowship within the Transnational Business Governance Interactions Project (at Osgoode Hall Law School and at SUNY Buffalo).

Zsolt Demetrovics, GDHRNet, University of Gibraltar – *“Problematic use of the internet: An overview of challenges and responses”*

Abstract: Internet use has significantly changed our everyday life during the past three decades. In the late 90s concerns regarding the addictive features had been raised, however, more recently many new internet-related behaviors have been identified as potentially problematic. These behaviors include video game use, social media use, online gambling, online pornography use, buying-shopping behavior, cyberchondria, streaming, etc. The presentation aims to summarize the most recent findings related to these phenomena with a special focus on classification issues, the discussion of phenomenological characteristics, and the related challenges. Moreover, possible policy responses and interventions to these challenges are also discussed.

Biography: Zsolt Demetrovics is a professor of psychology, chair of the Centre of Excellence in Responsible Gaming at the University of Gibraltar, and head of the Addiction Research Group at the ELTE Eötvös Loránd University, Budapest, Hungary. He obtained his MA degrees in psychology and cultural anthropology, and he received his PhD in clinical and health psychology. Formerly, he served as dean of the Faculty of Education and Psychology at the ELTE. He has published over 400 papers on the epidemiology, assessment, and psychological correlates of substance use behaviour and behavioural addictions. He is president of the International Society for the Study of Behavioral Addictions and founding Editor-in-Chief of the Journal of Behavioral Addictions.

Lee Bygrave, UiO – Discussant

Biography: Dr. Lee A. Bygrave is full professor at the Department of Private Law, University of Oslo, where he is Director of the Norwegian Research Center for Computers and Law. He has functioned as expert advisor on technology regulation for numerous organisations, including the Nordic Council of Ministers, the European Commission, the Internet Corporation for Assigned Names and Numbers,





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Session 2: AI and human rights

Vygantė Milašiūtė, GDHRNet, University of Vilnius – Moderator

Biography: Dr Vygantė Milašiūtė is Action Vice Chair of the Global Digital Human Rights Network. She teaches and conducts research at Vilnius University, Faculty of Law. Her scholarly interests focus on the protection of human rights under international, European Union, and national law. For a number of years, she was a civil servant at the Ministry of Justice and is now a policy analyst at the Government Strategic Analysis Center in Lithuania. She has extensive experience of cooperating with the United Nations, Council of Europe, and the European Union bodies, mostly in the area of human rights and fundamental rights law.

Wolfgang Benedek, GDHRNet, University of Graz, - “*Artificial Intelligence and Human Rights: A comparison of the approaches of the Council of Europe and the European Union*”

Abstract: After a short introduction whether the topic is in need of new human rights, the contribution will focus on the comparison of the two regulatory approaches starting with the Council of Europe and its methodology in elaborating a new legally binding instrument to address artificial intelligence on the basis of Council of Europe standards in the fields of human rights, democracy and the rule of law but with a global vocation. This is to be followed by an analysis of the approach of the European Union towards the regulation of artificial intelligence from a fundamental rights perspective. The third part is identifying commonalities and differences with a view of possibilities of cross-fertilization and will draw some conclusions on the future of the regulation processes in general.

Biography: Former director of Institute of International Law and International Relations and of the European Training and Research Centre for Human Rights and Democracy (ETC) of University of Graz; Lecturer at Vienna Diplomatic Academy, University of Ljubljana and at the European Master Programme on Democracy and Human Rights in Sarajevo; expert services for UN, Council of Europe and EU; OSCE rapporteur under the Moscow Mechanism on Chechnya (2018), Belarus (2020) and Ukraine (2022). Projects and publications on internet governance and the information society as well as on freedom of expression and the Internet (Freedom of Expression and the Internet, Updated and revised 2nd edition, with Matthias C. Kettemann, Council of Europe Publishing 2020).

Hugo A. López, GDHRNet, University of Copenhagen – “*AI and citizen rights: perils and opportunities*”

Abstract: Digitalisation of the public sector is not an optional path: given the amount of work, number of cases and lack of transparency, state organisations decide to invest in different type of digital tools, many of them involving AI-powered processes. However, not all AI-powered implementations support the knowledge-intensive nature of administrative case work, leading to implementations that





are inflexible and opaque in the decisions recommended, or that replicate undesirable biases. In our talk we will discuss how the combination of two variants of AI that can support the flexible nature of case work while at the same time being compliant with regulations. In our research, we explore the use of declarative process models and natural language processing to 1) generate digital representations of legislations, 2) analyse the compliance of existing cases with regulations, and 3) generate case-management applications that support the flexible nature of case work. Our talk will discuss the results achieved so far, but, equally importantly, stresses the importance of an inter-disciplinary and inter-sectorial approach to digitalisation and compliance involving law, design and computer science.

Biography: Hugo A. López is a tenure-track assistant professor at the Technical University of Denmark (DTU), in the Computer Science Department. His research objectives involve the maturing of a new generation of process technologies that can adapt to citizen needs, while still be compliant with regulations and laws. His main research topics are process-oriented technologies, their theoretical formalisation, their adoption via software tools (engineering), and their empirical validation. Previously he have had research positions at Copenhagen University, the IT university (Denmark) and the University of Lisbon (Portugal)

Tobias Mahler, UiO – “*Integrating fundamental rights perspectives in the risk-based approach of the EU’s Artificial Intelligence Act Proposal*”

Abstract: The fundamental rights impact of artificial intelligence (AI) systems is increasingly on the agenda of lawmakers in Europe, both in the EU and in the Council of Europe. The EU Commission’s proposal for an Artificial Intelligence Act (AIA) follows a risk-based approach, according to which “high-risk” AI systems are subject to stringent requirements, while lower-risk systems remain largely unregulated by this law. The risk-based approach of the AIA proposal explicitly includes consideration of risks for fundamental rights, such as data privacy and non-discrimination. Risks to rights are at stake for example when bias in machine learning can lead to discrimination, as when AI systems are used to assess applicants during recruitment. By employing the “risks to rights” approach also known from the GDPR, the AIA Proposal merges risk assessments and legal assessments, including fundamental rights considerations. This merger is visible at several levels of decision-making. This talk argues that fundamental rights considerations play a role not only for the lawmaker in selecting specific AI systems to be regulated, but also for the compliance with requirements with the AIA. Thus, providers and users of regulated AI systems ought to consider fundamental rights risks when managing risks of concrete AI systems.

Biography: Tobias Mahler is professor at the Faculty of Law at the University of Oslo, where he is the legal research leader of the “vulnerability in the robot society” (VIROS) project, the deputy director of the Norwegian Research Centre for Computers and Law (NRCCL) and co-leader of the Legal Innovation Lab Oslo (LILO). Mahler is also Director of the Master of Laws Programme in Information and Communication Technology Law at the University of Oslo. He teaches robot



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regulation, cybersecurity regulation, legal technology and artificial intelligence. In 2020 he acted as an expert advisor to the European Commission on drafting the upcoming Digital Services Act.

Violeta Beširević, GDHRNet, Union University Law School (Belgrade) – Discussant

Biography: Violeta Beširević is a Professor of Law at Union University Law School Belgrade, a Research Associate at Central European University in Budapest, and an Affiliate Professor at the University of Milano-Bicocca, Center for Law and Pluralism. She is Editor-in-Chief of Pravni Zapisi, Union University Law School Review. Professor Beširević holds an L.L.M. and an S.J.D. in Comparative Constitutional Law from the Central European University, Budapest. She works in the field of Constitutional Law, EU Constitutional Law, European Human Rights Law, and Bioethics. She was a Fulbright Scholar at NYU School of Law (2012) and a visiting scholar at George Washington University Law School, Brigham Young University Law School, and ASSER Institute in The Hague. Professor Beširević serves as a member of the Board of Directors of the European Public Law Organization and Fund for Open Society, Belgrade.





Afternoon keynote

Mart Susi, Tallinn University, Chair of GDHRNet – “*Are human rights offline and online the same?*”

Abstract: Very often the proposition that the same rights as people have offline must also be secured online is accepted without hesitation. Yet it is important to view whether this idea of the sameness of offline and online human rights carries more than just a rhetorical component. This is the question about the justification of the idea of sameness. Several steps can be taken to verify, or in alternative, reject the idea of sameness. On a philosophical level, various approaches to justify the existence of human rights can be explored and compared. Another possibility is to ask the question about the origin of human rights rules and principles – that is, do human rights online merely reflect the image of offline human rights, are the rights transposable and to what degree, whether something “is lost” during transposition from offline to online, or is the digital domain capable of generating independently standing human rights law. An existential question is related to the level of abstractness – whether human rights online still meet the criterion of abstractness and universality which is usually associated with the definition of human rights in general. All these considerations can also be placed into the framework of lexical semantics by looking into the meaning of words. Do freedom of expression and the right to privacy have the same meaning offline and online? A skeptic would argue the difference in meaning, which by itself can be translated to counter the idea of sameness. A non-skeptic would, in turn, ask for evidence that the meaning of words and consequently the content of human rights offline and online is at variance.

Biography: Mart Susi is Professor of Human Rights Law at Tallinn University, Estonia; Action Chair of the Global Digital Human Rights Network; and Estonian representative at the Management Committee of the EU Fundamental Rights Agency. He has initiated several international research and development projects, and has published extensively in the field of digital human rights and new human rights. He has proposed the Internet Balancing Formula as an instrument to balance conflicting rights online, and has lectured on the topic of the relative weight on human rights in tens of universities around the world.



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