



Realising social rights in the age of digitalisation: opportunities and risks

13th Meeting of the COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights

28 September 2023, 09:30-17:30 CET
Helsinki, Finland

DRAFT CONCEPT NOTE

Digitalisation has radically transformed our daily lives, allowing us to communicate instantly and across borders, to easily access and share information, to find a job around the world. By opening up new possibilities in education and culture, employment and trade, social protection and health, digitalisation offers huge economic opportunities, including in times of crisis, as evidenced during the COVID-19 pandemic. However, acknowledging and understanding the disruptive effects of digital technologies is crucial in ensuring the continued protection of human rights including social rights, which are heavily impacted by digitalisation. The [COE-FRA-ENNHRI-EQUINET Collaborative Platform on Social and Economic Rights](#) is concerned about the risks of misuse of AI and its potential negative impact on social rights and decided to focus its 13th meeting on the topic of realising social rights in the age of digitalisation. Particular attention will be paid to the impact of new technologies on the labour market, on access to social services and on how to ensure a digitally inclusive society.

The main objectives of the meeting are:

- to discuss the **impact of new technologies on the labour market** and the emergence of new forms of work (access to the labour market, new forms of work, working conditions, inclusive digital society in relation to job opportunities),
- to discuss the digitalisation of social protection systems and its **impact on access to social services**,
- to discuss **how to ensure equal access to digital tools, services and education** for persons vulnerable to social and digital exclusion such as children with migrant background, Roma, persons with disabilities, older persons and persons living in poverty,
- to discuss the **role of human rights defenders** in the prevention, mitigation, and oversight of the human rights impacts of digital technologies and their capacity to suggest possible policy-level responses to mitigate the negative impact of digitalisation on social rights.

Digitalisation has a particular **impact on the labour market**, which is undergoing significant transformations now. The development of digital platforms and the increased prevalence of atypical forms of work are among the most striking examples of digital transformation in the field of labour. They have brought new opportunities and more flexibility, but also new challenges for the realisation of workers' labour rights as well as their legal access to and enjoyment of a range of rights guaranteed by the European Social Charter and other international human rights instruments.

New forms of employment can undoubtedly bring new risks of losing social protection. Unemployment or pension insurance become limited due to an insufficient amount of contributions.

Introducing technology into human lives can also be an emerging factor of vulnerability and poses the question of how to ensure a digitally inclusive society with equal opportunities for all. In addition, robotisation and the increased use of artificial intelligence (AI) are substantially changing the labour market and raising fundamental rights questions such as discrimination and bias in algorithms in automated decision making.

Governments have been rapidly digitalising public services to increase cost-effectiveness of the public sector. But **digitalisation of social services** may give rise to many challenges such as reduced access to social security systems for persons who lack skills, capabilities and/or resources. It can have negative effects for service beneficiaries and society as a whole if not properly addressed. In particular, people with lower socio-economic status, poor local language skills and education, older persons¹ and persons with disabilities are at higher risk of exclusion from digital services.

The use of algorithms by administrations to improve performance in the allocation of social benefits may also raise serious questions of fairness and privacy, risking introducing or reinforcing various forms of discrimination or segregation due to bias in algorithms. The importance of protecting human rights, including social rights, remains all the more relevant at present, when they are put at risk from the use of automated decision making by public authorities in the area of social services.

The **European Union Agency for Fundamental Rights** has published several reports that highlight how AI can impact on fundamental rights and how these challenges need to be addressed. AI may impact on the right to a private life and data protection (Article 7 and 8 of the Charter of Fundamental Rights), non-discrimination (Article 21) and the right to an effective remedy (Article 47). Existing and future legislation will be relevant for new technologies and AI, including, among others, the General Data Protection Regulation, the EU Digital Services Act, and the proposed EU AI Act. The Council of Europe is currently working on a framework convention on AI.

The **Council of Europe European Social Charter** is an integrated set of international standards concerning social rights, and a mechanism for monitoring their implementation within the States concerned. The Charter also serves as a “shield” against the possible negative effects of new technologies on human rights. For example, Article 10 of the Charter provides for the right to vocational training of adult workers necessary in the event of technological development or new trends in employment. Article 7, guarantees, among others, the right of children to protection against all forms of exploitation and against the misuse of information technologies. The European Committee of Social Rights reminded in its statement of interpretation on Article 12§3 (The right to social security) that social security coverage must be provided for persons employed or whose work is managed through digital platforms. The ECSR also tackled the issue of online harassment related to work, reminding that the Charter applies to harassment in all places and circumstances related to work (Article 26). Moreover, one of the primary objectives of Article 23 of the Social Charter is to enable elderly persons to remain full members of society for as long as possible and suffer no discrimination on the basis of age in all areas of life outside employment.

In this context, effective and independent national human rights institutions and equality bodies have a critical role to play in the prevention, mitigation, and oversight of the human rights impacts of digital technologies. Some of them have taken initiatives to increase their capacities to tackle human rights issues arising from the use of AI systems and to raise public awareness on the potential and risks of AI for human rights and social rights in particular.

¹ The FRA will launch its report on older persons and digitalisation at the end of September 2023

PARTICIPANTS

The event is designed to bring together representatives of the Council of Europe, the European Union Fundamental Rights Agency, national human rights institutions, national equality bodies and civil society actors active in promoting and defending social rights.

FORMAT / WORKING LANGUAGES

The meeting will be held in person in Helsinki, Finland (Parliament building). The working language will be English only.

The meeting is open to ENNHRI and EQUINET members and civil society organisations (NGOs, INGOs, trade unions) depending on their area of expertise.

RELEVANT EU/COE DOCUMENTATION

European Commission

- [Platform work directive](#), 2021²

Fundamental Rights Agency

- [#BigData: Discrimination in data supported decision making](#) (2018a)
- [Data Quality and AI - Mitigating bias and error to protect fundamental rights](#) (2019)
- [Facial Recognition technology](#) (2019)
- [Getting the future right – AI and Fundamental Rights](#) (2020)
- [Bias in Algorithms – discrimination and artificial intelligence](#) (2022)
- Fundamental rights of older persons: ensuring access to public services in digital societies (forthcoming September 2023).

Council of Europe Department of Social Rights

- [Report on the Impact of Digitalisation and IT Developments on Social Rights and Social Cohesion](#) (2022)
- European Committee of Social Rights Statement of interpretation on Article 26 - online harassment related to work (Press briefing, [Conclusions 2022 on labour rights](#), p. 4,)
- European Committee of Social Rights Statement of interpretation on Article 12§3 - The right to social security for digital platform workers (Press Briefing, [Conclusions 2021 on health, social security and social protection](#), p.4)
- [Declaration by the Committee of Ministers on the risks of computer-assisted or artificial-intelligence-enabled decision making in the field of the social safety net](#)

Council of Europe Commissioner for Human rights

- [Human rights by design: future-proofing human rights protection in the era of AI](#) (2023)
- [National human rights structures play a key role in addressing the impacts of artificial intelligence on human rights - Commissioner for Human Rights \(coe.int\)](#) (2023)
- Commissioner's Recommendation "[Unboxing AI: 10 steps to protect Human Rights](#)" (2019)

CoE web page dedicated to Artificial Intelligence:

[Council of Europe's Work in progress - Artificial Intelligence \(coe.int\)](#)

² The proposed directive was presented by the European Commission in December 2021 and the Council adopted its position on the proposal on 12 June 2023.