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HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

DROITS DE L'HOMME, DÉMOCRATIE ET ÉTAT DE DROIT

New Technologies

The Metaverse impact on Human Rights, Democracy and the Rule of Law

Presentation

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Patrick Penninckx

Head of Information Society Department

PRESENTATION TOPICS:

- What is the Metaverse?

- The Metaverse impact on:

  - Human Rights

  - Democracy

  - Rule of Law

- Metaverse and the Council of Europe

What is Metaverse ?

The **Metaverse** has been defined as a **massively scaled and interoperable network** of real-time rendered **3D virtual worlds** which can be **experienced synchronously** and persistently by an effectively **unlimited number of users** with an **individual sense of presence**, and with continuity of data, such as **identity, history, entitlements**, **objects**, **communications, and payments**.

Source: mathewball.vc

In Neil Stephenson's 1992 Novel "Snow Crash" people plug in to conduct business and socialize in commercially owned digital worlds.

The book turned film "Ready Player One" and the recent Netflix film "Free Guy," where a non-player character becomes a sentient artificial intelligence.

Source: finance.yahoo.com

The Metaverse was born

October 28, 2021

Mark Zukerberg, Chair of Meta announced:

'==The next platform will be even more immersive== - an embodied internet where you're in the experience, not just looking at it.

==We call this the Metaverse, and it will touch every product we build'==.

The Metaverse and How We'll Build It Together -- Connect 2021, https://www.youtube.com/watch?v=Uvufun6xer8

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Virtuality replaces Reality

Welcome to the **Metaverse**!
a virtual world that breaks distinctions
between digital and physical space.
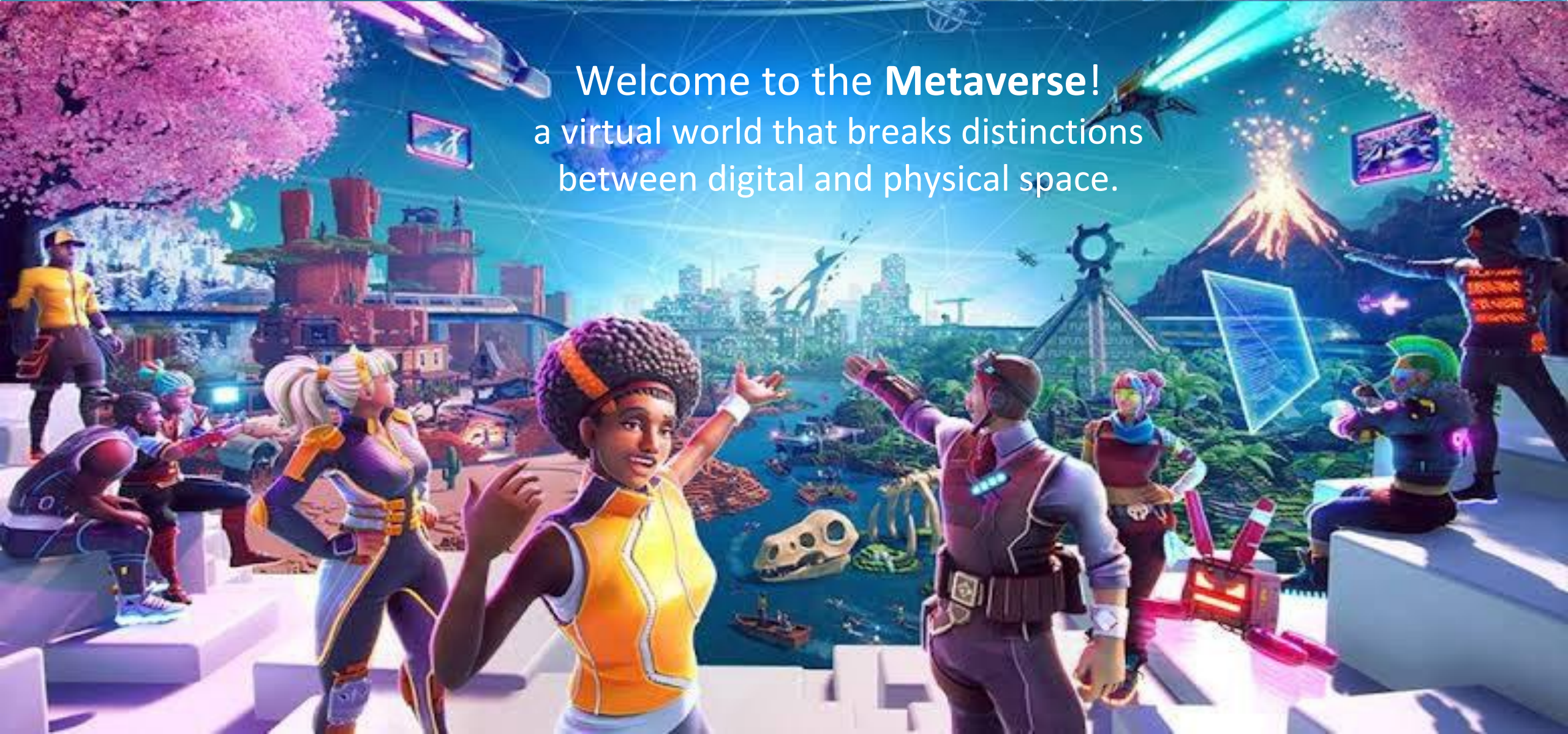
Impact of the Metaverse on Human Rights

Examples of potential Benefits

Right to health

- In October 2021, the U.S. Food and Drug Administration (FDA) approved a virtual reality-based **treatment for children with neuro-visual disorders** developed by the neuroscience company Luminopia.

Freedom of assembly and freedom of expression

- Protests and social movements have already used these technologies to **raise awareness on collective issues**, by making peoples' voices heard

Right to education

- Courses like history or geographics could be taught in a completely new manner by **immersing children directly into replicas of the historic events** or geographical features

The Metaverse and Human Rights

Given the **wide potential impacts of the Metaverse**, a multitude of question arise:

- **To what extent** individuals' fundamental rights freedoms may be guaranteed in the virtual reality?

- **Who are the subjects** of those rights (real individuals/their avatars)?

- **What are the necessary safeguards**?

- **Who are the victims** and who is accountable in case of violation (again, real individuals/their avatars)?

- **Who has authority to regulate**/put in place protection systems? who should 'judge' such violation?

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How to address unchartered Challenges?

The Guide to Human Rights for Internet Users based on the ECHR and its interpretation by the ECtHR, states unequivocally **fundamental freedoms and human rights apply equally online and offline.**

However, given the yet largely unchartered, evolving and unpredictable character of the Metaverse, an obvious question arises: **will the current frameworks, applicable to the offline and online reality, remain appropriate and/or sufficient** to address Virtual Reality and whether the ECHR is still a valid instrument in a Metaverse?

What makes the immersive realities different from videogames: Impact on the brain and the body

Immersion or virtual reality (VR) creates a feeling of "really being there" for many users. This sense of reality can have both positive and negative impact.

Presence - according to neuroscience research, our brain gives us the capability to *completely identify ourselves with virtual creatures/realities*.

Embodiment is the sensation of experiencing a virtual body as your own.

Action is correlated with brain connections and influence in the virtual world. VR gives users the opportunity to see themselves moving in the environment while comfortably seated in a chair.

The Metaverse and Human Rights

Our minds memorialize what we perceive

It is the combination of immersion, presence, and embodiment that allow users to perceive they are in an **alternative reality.**

Machine manipulation - algorithms can identify, collect and choose data according to our preferences, and propose content online to the point where the opinions we build and choices we make, are not so surely ours anymore.

Existential alienation could be another risk: rubbing out the distinction between mind and machine also comes with more philosophical risks, like the risk that we might feel/or actually be alienated from ourselves. The more the melding with a machine, the more confusion about one's own agency - where does one end and where the device begins.

The Metaverse and Human Rights

Demographics Vs Psychographics
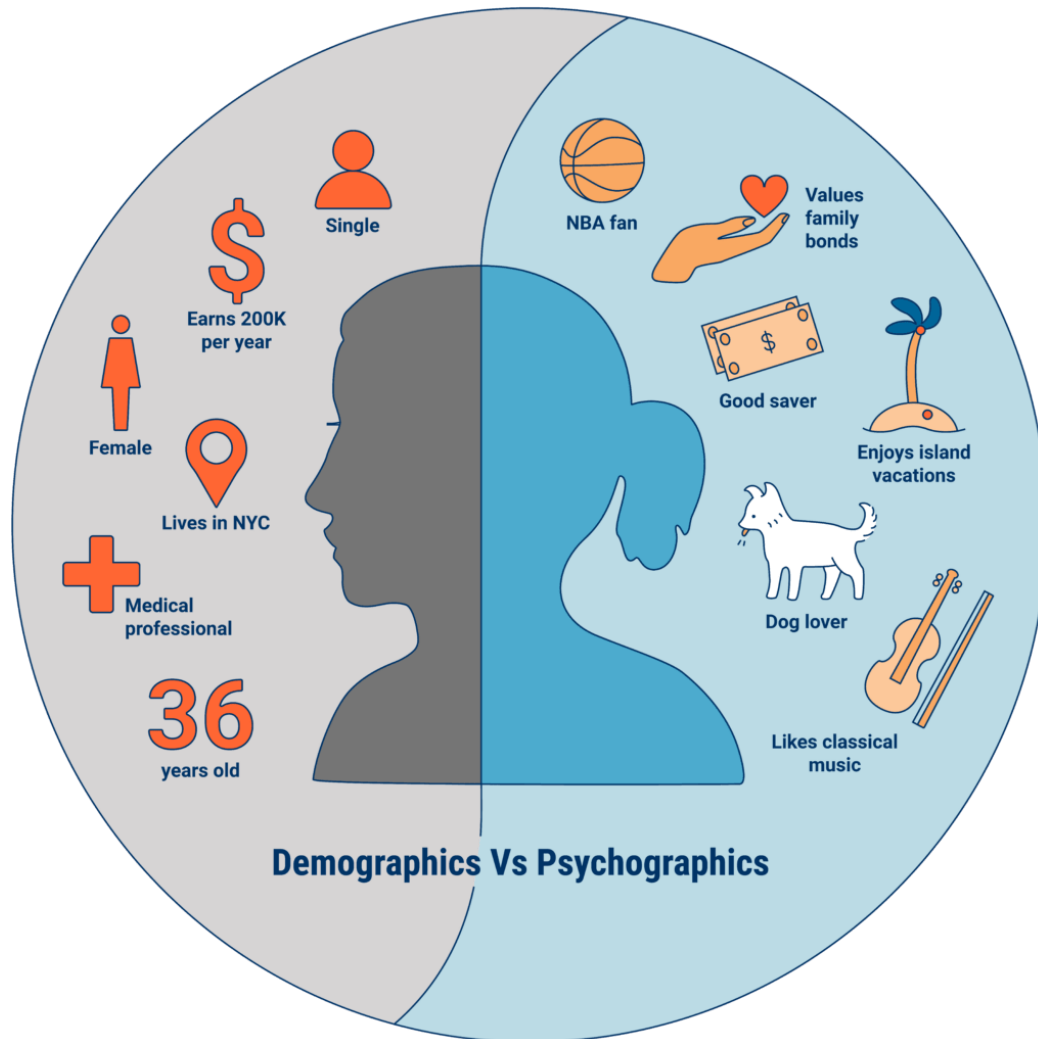
Risks for the Privacy

Biometric psychography is a new concept for a novel type of bodily-centred information that can reveal intimate details about users' likes, dislikes, preferences, and interests.

Biometric data generated from immersive technologies are more akin to the data which would normally be collected exclusively for the purposes of health care, such as eye tracking and pupil response, facial scans, galvanic skin response, electroencephalography (EEG), electromyography, and electrocardiography (ECG).

The behavioural and anatomical information used to identify or measure a person's reaction to stimuli over time, provides insight into a person's physical, mental, and emotional state, as well as their interests.

The Metaverse and Human Rights

Online Safety - protection against harassment, hate speech and other types of abuses

Vulnerable categories are at a major risk - the great power that VR detains, could also be transformed into a manipulative instrument and deepen existing issues related to bullying, hate speech and misinformation of/on social media, which are already detaining a massive influence over their users.

Avatars can commit crimes in the virtual space - several cases of women, whose avatar had allegedly been groped by another avatar, in the virtual environment of Horizon Worlds have been reported.

Freedom of expression and content moderation in the immersive virtual reality

Metaverse content itself requires some analysis, as it is not limited only to written words, images or videos.

Different technical levels in an immersive experience imply different avenues for potential content moderation.

➢ According to experts, for immersive content, a first layer of potential moderation space would be **looking at user behavior itself**, via actions and choices that one's avatar projects in the virtual world.

➢ Second would be the **content of the virtual environment** itself.

➢ Third would be the **aspects built into interfaces and platforms** themselves.

Some of these layers, like avatar behavior, will pose more of a foreseeable risk than others.

Source: Reimagining Reality

The Metaverse and Human Rights

Working in the Metaverse

Metaverse working environment has many the potential opportunities and changes.

New regulations will have to be put in place, or existing regulations will need to adapt to the VR, starting from the simple Human resources regulations to national employment laws.

Metaverse, implies a need for different, **new job profiles** such as Metaverse ecosystem architects, marketing, branding, business development and innovation specialists etc.

Concerns related to social media's impact on democracy

Disinformation threats such as conspiracy narratives and violent extremists.

Terrorist or violent extremist content, including terrorist propaganda, which directly seeks to spread and support anti-democratic movements, overthrow the constitutional order of states, or promote acts of terror.

The Metaverse and Democracy

Potential use of the Metaverse by the public authorities

The use of digital technological innovation has had a **positive impact on democratic systems:**

- ✓ e-governance, right and access to information
- ✓ e-participation, e-voting, development of virtual democracy
- ✓ enhanced civic participation and inclusiveness

The big question is: will old, traditional - although modernised - democracy progressively move into the virtual reality?

Seoul plans to make **public services** & **cultural events** available in the Metaverse, technopixel

Governance

Immersive reality could be used to:

➤ prepare, train, plot or simulate crimes, such as **terrorist incidents in the real world**

➤ use the enhanced immersive experience of the Metaverse for **acts of meta-terrorism**.

Questions to explore:

➤ a real risk of victimization through such acts

➤ capacity for law enforcement to interdict or intervene

➤ potential for redress or victim support

➤ who would exercise authority in the Metaverse?

Intellectual Property Rights (IPR)

The "World Intellectual Property Organisation" defines **intellectual property as creations of the mind**, such as inventions, literary and artistic works, designs and symbols, names and images used in commerce.

The first question that comes into being is related to the meaning of the word **"mind"**: **are only human mind creations protected by IP**, or **does it also encompass artificial intelligence creations?**

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Fraud

Since Meta's announcement of launching its own Metaverse, thousands of Metaverse projects arose within the **crypto and gaming communities**.

Some such projects use the hype of the Metaverse to try and **scam people financially**.

Absent any anti-money laundering regulation in the Metaverse, the use of cryptocurrencies for **money laundering** may proliferate significantly in this virtual space.

What Jurisdiction to Metaverse ?

Because of the **psychological and physiological aspects** of immersive technologies, and the **potential for a new invasive class of harms**, the **policy makers should work together with the technological industry** and scientist research to **explore the challenges** and measures to be taken to **ensure the enjoyment of the benefits** of the VR and the Metaverse, while **preventing its potential negative impacts.**

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The CoE **Digital Agenda 2022-2025- *Protecting Human rights, democracy and rule of law in the digital development*** refers to the fact that :

Far beyond our computers, smartphones and connected watches, every object would seem to have a vocation to interface, through the so-called "Internet of Things" with the deployment of 5G. **New immersive experiences,** *like* **metaverse, will play an increasing role in our lives and already shape the future of the internet***.*

The massive investments of the large digital companies in that domain will make these **virtual universes concrete***, within which we will find the issues that we already know about the internet multiplied.*

Relevant Treaties

The CoE "**Convention 108**", modernised in 2018 by an amending protocol ("Convention 108+"), establishes international standards that **guarantee individuals the right to privacy** and the protection of personal data, regardless of technological developments.

The **Budapest Convention on Combating Cybercrime** and its additional protocol is another example of how the CoE has been timely responding to the evolution of cybercrime, taking into consideration of the growing importance of digital evidence in traditional crime.

Relevant Recommendations

➤ Declaration on **Internet Governance Principles** as a people-based and human rights perspective to the Internet.

➤ A series of other tools tackle the **impact of algorithmic systems** or **digital technologies** on **human rights**

➤ Guidance on **content moderation**

➤ The Organisation is carrying on important work aimed at **regulating Artificial Intelligence**

The Information Society Department

2022 roadmap

➢ 2022 – The information paper **Mapping the Metaverse** was shared with the various departments of the Organisation.

➢ **Conclusion** - the topic is transversal, just as it was the case for the AI and that it touches upon all the sectors of the Organisation.

2023 current focus

➢ Explore cooperation and expertise of the Digital Partnership.

➢ Prepare a report on the **Challenges of Immersive Realities** in cooperation with IEEE - one of the world's largest technical professional organisation gathering communities and experts of engineering, computing and technology information around the globe.

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What is expected from the project?

➢ **Explore the impact of the Metaverse and virtual realities in general on human rights, rule of law and democracy** from the perspective of the European Convention for Human Rights and other existing instruments.

➢ **Evaluate whether the existing tools the CoE has** in place are sufficiently comprehensive for such a new reality or if further action is needed.

➢ **The report will be peer-reviewed** by a Focus Group involving different sectors of the Organisation.

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Thanks for your attention !

further resources:

www.coe.int/**freedom**of**expression**

www.coe.int/**internet**governance

www.coe.int/**data**protection

www.coe.int/**cyber**crime

www.coe.int/**AI**

Facebook Page
Information Society Group

Council of Europe

46 Member States

www.coe.int

Albania
Tirana

Estonia
Tallinn

Lithuania
Vilnius

San Marino
San Marino

Andorra
Andorra-la-Vella

Finland
Helsinki

Luxembourg
Luxembourg

Serbia
Belgrade

Armenia
Yerevan

France
Paris

Malta
Valletta

Slovak Republic
Bratislava

Austria
Vienna

Georgia
Tbilisi

Republic of Moldova
Chișinău

Slovenia
Ljubljana

Azerbaijan
Baku

Germany
Berlin

Monaco
Monaco

Spain
Madrid

Belgium
Brussels

Greece
Athens

Montenegro
Podgorica

Sweden
Stockholm

Bosnia and Herzegovina
Sarajevo

Hungary
Budapest

Netherlands
Amsterdam

Switzerland
Bern

Bulgaria
Sofia

Iceland
Reykjavik

North Macedonia
Skopje

Turkey
Ankara

Croatia
Zagreb

Ireland
Dublin

Norway
Oslo

Ukraine
Kyiv

Cyprus
Nicosia

Italy
Rome

Poland
Warsaw

United Kingdom
London

Czech Republic
Prague

Latvia
Riga

Portugal
Lisbon

Denmark
Copenhagen

Liechtenstein
Vaduz

Romania
Bucharest

Map labels

Canada

Greenland (Den.)

Svalbard (Nor.)

Arctic Ocean

Barents Sea

Russian Federation

Jan Mayen (Nor.)

Iceland

The Faeroes (Den.)

North Atlantic Ocean

Norway

Sweden

Finland

Baltic Sea

Estonia

Latvia

Lithuania

Russia

Belarus

North Sea

Denmark

Ireland

United Kingdom

The Netherlands

Belgium

Germany

Poland

Ukraine

Luxembourg

Czech Rep.

Slovak Rep.

Rep. of Moldova

Liechtenstein

Austria

Hungary

Romania

France

Switzerland

Slovenia

Croatia

Bosnia and Herzegovina

Serbia

Bulgaria

Black Sea

Georgia

Armenia

Azerbaijan

Caspian Sea

Bay of Biscay

San Marino

Montenegro

North Macedonia

Andorra

Monaco

Italy

Albania

Greece

Turkey

Syria

Iraq

Portugal

Spain

Cyprus

Lebanon

Jordan

Azores (Port.)

Madeira (Port.)

Malta

Mediterranean Sea

Israel

Canary Islands (Spa.)

Morocco

Algeria

Tunisia

Libya

Egypt