IGF 2022 Session Proposal Background Paper

What if…. And What if Not? … And if so, how? - A Journey through algorithms, their impacts and possible regulation

Navigation systems, social media, search engines - algorithms are an inherent part of our everyday life. People all over the world are getting in touch with each other and online services or products by using the mentioned tools and giving information which is being processed. Managing the immeasurable plurality of information online has become impossible without the support of algorithms. In fact, sophisticated machine-learning technologies and artificial intelligence are increasingly powerful tools to shape online spaces and experiences.

Nowadays, users in social media platforms and search engines are neither informed nor aware of the algorithms that determine what they see or the order in which they see content. Instead, users only realize that they can shape or specify an answer in some way by adding more details to a request.

Information given to internet users on social media and search engines is determined by algorithms, which tailor results to individual users based on the perceived preferences of the user. These calculated relevance and perceived preferences are based on user profiles that social media platforms and search engines create for each user, based on assessments to entice user engagement and in turn maximize advertising revenue. What the user does not see and does not know is exactly what information makes up their unique user profile and how the algorithms weigh specific traits to determine what content is provided, removed, prioritized or to whom it is disseminated. In a very real sense, algorithms are the gatekeepers to information. Very few persons would realize the impact algorithmic techniques have on their daily lives, including decisions made by their governments.

Content governance by online platforms shapes and arbitrates political and public discourse. As the way online information is curated and moderated directly affects global peace, stability and comprehensive security, it is essential that policies – and their enforcement – are in line with international human rights standards.

The decisions made by algorithms directly influence the free flow of information and individuals' right to seek, impart and receive information – and ultimately, their opinions. Decisions are executed by technology designed, developed and deployed by a handful of online platforms – the gatekeepers to the digital world. Yet, these gatekeepers – and their business practices – are developing at a rate that outpaces any legal or regulatory framework for the use of algorithms to shape our online

information space. And algorithms are regularly deployed with little or no transparency, accountability or public oversight. What will happen in the near future if algorithms continue to be developed and deployed without transparency or oversights?

Moreover, algorithms facilitate the ability of online platforms to constantly observe and analyze data in order to personalize and target services, content and advertising. The subsequent personalized online experiences risk fragmenting online information spaces and limit individuals' exposure to a diversity of information, which in turn infringes upon principles of media pluralism. They also risk making people susceptible to manipulation and deception. Additionally, studies have shown that the mere perception of observed leads to self-censorship, including of journalists and human rights defenders. Thus, the currently prevalent online surveillance and data harvesting practices of dominant internet intermediaries may undermine freedom of expression and pluralism. Moreover, as these automated processes typically take place without knowledge or consent, they also risk of directly interfering with the absolute right to form and hold opinions.

In recent times, some of the largest companies and internet service providers have developed schemes that include a human rights perspective to classify algorithms and the way they work. Yet, we cannot assess how effective they are and if they follow the same standard. What is needed is more transparency and robust human rights due diligence. But possibly, regulation is also required. What would it look like and what should be guiding elements?

From a global policy making perspective, it is relevant to identify in which areas guidance in the set-up of algorithms is needed in order to protect and preserve Personal Data and Privacy Rights, the Right to Informed Consent and to exercise the Right to Freedom of Expression and Opinion.

The OSCE Representative on Freedom of the Media (RFoM) has recently published a Policy Manual on the Impact of Artificial Intelligence on Freedom of Expression. This policy manual serves as guidance to states, on what and how to regulate the use of AI in order to protect the rights to freedom of opinion and expression, as well as media pluralism.

The Freedom Online Coalition (FOC) - a group of 34 countries deeply committed to the promotion and protection of human rights and fundamental freedoms both offline and online - has also called for action to promote respect for human rights, democracy, and the rule of law in the design, development, procurement, and use of AI systems. In 2022, Germany is chairing its Task Force on Artificial Intelligence and Human Rights (FOC TF-AI) consisting of government representatives, researchers, business and NGO representatives.

This panel aims at contributing to the elaboration of the Global Digital Compact. The impacts caused by algorithms on human rights will be outlined. Panelists will share their research results and assessments. They will present new approaches to raising transparency of algorithms, including concepts of regulatory tools. Panelist from various regions will add their experiences and expectations. Cherishing a multi-stakeholder approach will be essential to develop a contribution on this pertinent issue to the Global Digital Compact that will serve people around the world.