

Artificial Intolerance and Digital Dignity: Older Persons, Human Rights and New Technologies for Education

Craig Mokhiber, United Nations

A growing population of older persons across the globe is experiencing both new opportunities, and new risks to their human rights. New technologies are impacting both sides of this equation. Digital education, communications technologies, and artificial intelligence can help secure empowerment, dignity and autonomy for millions. But if new technological developments are to advance, rather than undercut the human rights of older persons, appropriate legal, regulatory and policy frameworks will need to be put into place—and quickly. Here’s why.

The human rights of older persons

First, the human **life cycle is changing**. Human beings are living longer, working longer, creating longer, and participating longer. Many get their education later, marry later, have children later, and retire later. Second, older persons are a **large and growing constituency**. There are 740 million older persons in the world today. By the end of this decade, they will surpass one billion. By 2045, for the first time in history, there will be more older persons than children in the world. By 2050, older persons will represent 20% of the global population.

Third, this constituency is increasingly subjected to a **broad range of violations** of their civil, political, economic, social and cultural rights, perpetrated against them *because* of their status as older persons: ageism, age discrimination, exclusion, deprivation, and abuse. This includes institutional **neglect and abuse, denial** of work, social security, healthcare and other essential services, denial of a voice in political processes, targeting by con-artists and violent criminals, and interference with autonomous decisions about their own personal finances, property and housing, and medical care.

And, finally, yawning **gaps in legal, regulatory, policy and programmatic frameworks** at the national and international levels have left older persons without adequate protection, redress, and power. At the global level, 70 years after the adoption of the Universal Declaration of Human Rights, and with international treaties in place to address a broad range of special groups and subjects of discrimination, there is still **no dedicated international instrument** on the prohibition of age discrimination and the protection of the human rights of older persons.

The promise-- and threat-- of new technologies

Against this backdrop, new technologies are already having a **dramatic impact** on the human rights of older persons. The **internet** brings a world of information to our finger tips, and, in turn, projects our own ideas to the world. **ICTs, robotics, social management systems, and social networks** are helping to alleviate social isolation. **Artificial Intelligence** is revolutionizing everything from medical diagnosis and treatment to personal transportation. The so-called “**Internet of Things**” is linking all spheres of human existence, the public and the private, the virtual and the real, our homes and our bodies. It brings **assistive technologies** that will mean more freedom, more autonomy, more safety, more security, and more dignified lives. And **online learning** platforms are providing access to education for millions who would otherwise not have such access.

But every technology also has a **dark side**.

The **digital divide** means that the power of these innovations is distributed unevenly, disadvantaging groups on the bases of age, geography, ethnicity, and economic status. As such, older persons are at particular risk of being left behind. Ageism, age discrimination, and a lack of older representation in the **tech industry** mean that the needs, perspectives and ideas of older persons are ignored in design processes, creating **biases in new designs**. Even more frightening is the tendency for **Artificial Intelligence** to reproduce, repeat, and magnify the biases and prejudices that it harvests from human society, including racism, gender discrimination and ageism. Our interaction with the digital world means that powerful private and public organizations have access to our most **personal data**. This is effectively stripping us bare, dicing us into pieces, and broadcasting every detail of our lives across the screens of strangers in large corporations and governments, who can use it to surveil us, to profit from us, to manipulate us, to exploit us. **Electronic surveillance**- including mass surveillance—is undercutting the right to privacy and facilitating repression against critical voices, human rights defenders, minority groups and others. While it is true that **automation** is saving people from the most dangerous and dirty **jobs**, it is also erasing jobs of every other kind, at exactly the moment when the demand for employment for older persons is growing. And the **internet** itself, lauded as an expanded platform for free expression and information, is also showing itself to be a powerful tool for con-men and exploiters, bullies and abusers, and a weapon for targeting critics, human rights defenders, even the truth itself.

A human rights framework for the digital world

The question of whether these technological developments will serve or undercut the human rights of older persons will turn on the policy and **regulatory framework** that evolves to address them.

A **human rights-based framework** would include:

- ***Same rights online as off.*** The notion of the digital world as a “human-rights-free” zone has allowed a general climate of impunity to prevail, thereby incubating an expanding array of digital abuses. We must extend the 70-year-old promises of the Universal Declaration of Human Rights fully into the digital world, guaranteeing that every human being enjoys the full protection of human rights both online and off.
- ***Recognition of digital access as a necessity, not a luxury.*** Increasingly, many services and resources are accessible only through digital means. Treating digital access as a commodity for sale to some, rather than a right for all, reinforces existing inequalities, and directly undercuts the realization of human rights for those without access.
- ***Address bias and discrimination:*** Ageism and age discrimination are manifest in the human resources policies of many tech companies, in design processes, in the development of products, and in the marketing and distribution of technologies in the general population. Ageist algorithms can produce artificial intelligence—and *artificial intolerance* at the same time. There is no substitute for the participation and voice of older persons in technological

design and development. And their actual needs and rights- as opposed to assumptions about these by others, should be factored into the design process.

- **Safeguards to protect the right to privacy:** International human rights law guarantees the right to privacy and imposes obligations on states to protect that right. Digital technologies must therefore be accompanied by safeguards—both legal and technical—to protect private information and data, to prevent unlawful surveillance, and to redress any breaches.
- **Guarantee equal availability and accessibility:** The increasing necessity of digital access for securing a broad range of human rights, from healthcare to education to political participation—makes digital access a human rights issue. As such, mere commodification or deference to the market cannot be viewed as an adequate public response. Rather, governments (and international institutions) need to take the necessary action in law, policies, and public programmes to ensure equal access to digital technologies for all, without discrimination on any basis, including age.
- **Accountability and redress for breaches:** Age discrimination, online exploitation or abuse, ageist patterns in distribution of access, and violations of the right to privacy of older persons are breaches of international human rights standards. Where individual breaches occur, accountability for those responsible (whether private individuals, companies, or public-sector actors) must be assured under the rule of law. So too do victims of such breaches have a right to remedies and redress for the violation of their rights and for any resulting harms or losses.
- **Due diligence for tech companies:** Tech companies involved in the design, development, manufacture, distribution or use of these technologies have a responsibility to respect human rights in their work at every step in the business process and at every point in the supply and distribution chains. This implies a responsibility of due diligence, in keeping with the *UN guiding principles on business and human rights*, with ongoing risk identification, assessment, monitoring, and prevention, as well as reporting and remedial action.

Empowerment of older persons through digital education

Education is a human right. And there is no age-based expiration date on human rights. Thus, this right is as important to older person as it is to other age groups. Indeed, the concept of **lifelong learning** is an essential element of the **right to education**, as defined in international human rights law, and international human rights bodies emphasize the requirement that older persons must have access to education and training **throughout their lives**. This is because education has long been recognized as a means by which to **empower** people to participate in all aspects of society- civil, political, economic, social and cultural—and to pursue the fuller realization of all other human rights.

And yet, in practice, older persons have often been **excluded** from educational opportunities, either by design, or owing to challenges of mobility or social integration. But **digital education**, including blended learning, e-textbooks, mobile learning, online learning, and technology enhanced learning offers possibilities for educational access that are having profound implications for older persons. Of course, for older persons to benefit from these opportunities, programmes, platforms, and technologies for digital education must be made **available** to them,

be purged of **ageist assumptions**, be **accessible**, and be designed with the **actual needs and demands** of older persons in mind. And, fundamentally, **learning on the use of these digital technologies** themselves must be made available for older persons.

Human rights law, and the UN bodies charged with interpreting its normative and operational imperatives, provide valuable guidance in considering the **requirements of education** provided through these means. In sum, education – including digital education -- is to be directed to fostering the human person's **sense of dignity**, the full development of the **human personality**, **understanding between groups** in society, and to **enabling people to participate** fully in society. Importantly, it also provides guidance on the constituent elements of "**accessibility**," including **non-discrimination** in distribution, **physical** accessibility, and **economic** accessibility (**affordability**). Thus, where tailored opportunities for digital education for older persons are not **available**, **discriminatory outcomes** result, leaving older person less empowered to participate in society than other groups, and diminishing their capacities for pursuing their human rights. Similarly, the failure to provide **interfaces** that do not provide for difference in vision, hearing, dexterity, and other **human variations** have the effect of leaving many older persons behind and locking them out of digital learning opportunities. And **unaffordable technologies** will leave older persons living on fixed or limited incomes out as well.

But if we can power our quest to advance the human rights of older persons with the engine of these new technologies, if we can assure availability, accessibility, and affordability, if we can free design and distribution from the shackles of ageism and age discrimination, if we can incorporate human rights safeguards to protect older persons from digital exploitation, abuse, and invasions of privacy, then we will see real advances in the dignity, autonomy, participation, and rights of older persons.

Thank you.