Asia-Europe Meeting

Human Rights & Artificial Intelligence

23rd Informal ASEM Seminar on Human Rights

29-31 October2025 | Copenhagen, Denmark

Human Rights and Artificial Intelligence

Seminar Proceedings of the 23rd Informal ASEM Seminar on Human Rights (ASEMHRS23)

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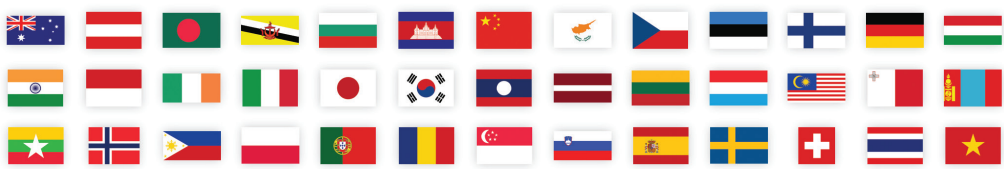

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We are especially grateful to our host for ASEMHRS23, the Ministry of Foreign Affairs Denmark and the University of Copenhagen, for coordinating, planning, and offering subject-matter expertise on Artificial Intelligence and Human Rights. It is unsurprising why Denmark is a steward in this area!

We would also like to extend special thanks to our keynote speakers: Ms Louise HOLCK, the Executive Director for the Danish Institute for Human Rights; Ms Kajsa OLLONGREN, the EU Special Representative (EUSR) for Human Rights; Dr TANG Yingxia, the Deputy Director of Human Rights Research Center of Nankai University; and Dr Virginia DIGNUM, a member of the UN High Level Advisory Body on AI.

We are truly grateful to Dr Virginia DIGNUM for being an invaluable pillar to this Seminar, through her preparation and presentation of the background paper that served as backbone for the discussions. Assisting her was Dr Rachele CARLI and Dr TANG Yingxia.

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Ambassador Beata STOCZYŃSKA

Executive Director

Asia-Europe Foundation

WE MUST ENSURE THAT AI SERVES HUMANITY, NOT THE OTHER WAY AROUND

Kajsa OLLONGREN, EU Special Representative for Human Rights

(Keynote speech at the 23rd Informal ASEM Seminar on Human Rights)

Excellencies, distinguished delegates, ladies and gentlemen,

It is an honour to address this 23rd ASEM Seminar on Human Rights, dedicated this year to Human Rights and Artificial Intelligence. This theme could not be more timely. Artificial intelligence is transforming every aspect of our societies - how we communicate, learn, work, and govern - while also raising profound ethical and human rights questions.

Europe and Asia are front-runners when it comes to the development of new technologies. Together, we represent the most dynamic regions of the digital age, where innovation and creativity thrive. But we also share a profound responsibility: to ensure that this digital revolution benefits all citizens and remains firmly grounded in universal human rights and democratic values.

In this context, the European Union has emerged as a global leader, working tirelessly to make sure that the digital transformation aligns with international norms and human rights principles. We are proud to have a pioneering role in creating a digital future that is secure, safe, and above all, human centred. Our legal framework focuses on empowering users and keeping in check the excessive power of big tech companies. It is about upholding the simple principle that we should not accept behaviour online that we would never accept offline.

The very rapid development of generative AI has only confirmed that firm and forward-looking action is needed to frame and regulate the digital sphere. The EU has spearheaded this effort through the **Artificial Intelligence Act** — the world's first comprehensive law on AI. This landmark legislation is designed to safeguard human rights and to mitigate the risks associated with digital technologies.

While most AI systems pose little or no risk, some carry serious challenges that must be addressed to avoid undesirable outcomes. We have all experienced and seen the positive use of AI tools generating a harmless parody or a piece of satire with participation of renown figures and politicians (like Trump, Macron, and others), which makes us smile, even laugh, while scrolling through our social media.

However, the same AI tools could be also weaponised to deceive, to manipulate, and to undermine trust in our institutions. Deepfakes and AI-generated disinformation have the power to blur the line between truth and fiction, even to influence elections. Protecting democratic integrity in the age of synthetic media must therefore be a shared global priority.

This is why we have adopted a tailored approach to address these issues. The AI Act applies to both public and private actors, inside and outside the EU, as long as their systems are placed on the European Union market or affect people in the EU. AI governance has become one of the defining issues of our time. With the AI Act, the European Union has shown that it is possible to stay ahead of the curve, while effectively managing the risks that AI brings.

A human-rights-based approach to the design, development, deployment and use of AI is not only essential for individuals - it is also vital for our collective security.

The power of new technology is immense, and it must be harnessed for the benefit of individual rights - to deliver better health and education, to foster inclusion, and to create a more pluralistic, safe and democratic public debate. But this promise cannot be fulfilled by private companies alone, however powerful they may be. It requires sound and principled policymaking at national, regional and global levels - with governments, private companies, and civil society working hand in hand.

We often hear that regulation stifles innovation. But in truth, it is wrong to pit the two against each other. Smart regulation fosters innovation - it builds trust, and trust is the foundation of progress. Innovation and risk mitigation can go together, ensuring that the products and services we create uphold our rights and meet the expectations of our citizens.

At the global level, the United Nations Summit for the Future adopted the Global Digital Compact—a milestone that reaffirms that digital transformation must be based on human rights and shared values. This Compact offers a vital opportunity to advance a global discussion on AI governance. We need to address the challenges and opportunities of AI collectively - by investing in scientific evidence, promoting talent worldwide, strengthening capacity in all countries, and putting in place the right governance frameworks.

This is where the partnership between Europe and Asia becomes particularly important. We saw it very clearly during the ASEAN–EU Policy Dialogue on Human Rights, held earlier this month in Kuala Lumpur. Our discussions confirmed the genuine and growing interest among ASEAN partners in this topic. Issues of digital rights and human-centred governance were among the most vibrant parts of our exchange.

ASEAN has taken important steps, such as the 2024 ASEAN Guide on AI Governance and Ethics, and together we discussed how to ensure that AI and digitalisation truly serve the people—by protecting privacy, promoting equality and preventing misuse. We also shared experiences on countering disinformation, addressing internet shutdowns, and preventing online censorship, reaffirming our common aspiration for a free, open, and secure internet.

These conversations showed that ASEAN and the EU are partners in shaping a responsible and inclusive approach to AI governance. We share the same goal: to ensure that digital technologies strengthen, rather than undermine, civic space, accountability, and human dignity.

The recent ASEAN–EU Civil Society Forum also reminded us of the indispensable role played by civil society. Across both regions, civil society organisations are on the frontline - defending rights, protecting the environment, and amplifying the voices of the most vulnerable. Their participation in policymaking - including in the field of AI and digitalisation—must be recognised, valued, and protected.

The EU's commitment to a human-centred digital future is also at the heart of our broader digital diplomacy. We continue to advocate globally for an open, unfragmented, free, safe, and secure internet. We work actively to counter internet shutdowns, online censorship, disinformation, and cybercrime. For us, promoting human rights in the digital sphere is an essential part of protecting democracy and sustaining open societies worldwide.

Europe will continue to act as a standard setter for human-rights-sensitive regulation of AI and digital technologies. But we know that we cannot do this alone. The challenges and opportunities posed by AI are global in nature - and they require a truly inclusive global dialogue. That is precisely what this ASEM Seminar embodies: cooperation between Europe and Asia to ensure that technological progress serves humanity.

Artificial intelligence holds enormous potential to improve lives—to make our societies more prosperous, more inclusive, and more resilient. But it must always remain guided by human judgment, by democratic oversight, and by ethical standards.

Our shared task is simple yet profound: to ensure that AI serves humanity, not the other way around.

Europe and Asia have the talent, the vision, and the responsibility to lead this effort. Together, we can show the world that technological progress and human dignity go hand in hand - that innovation can strengthen, not weaken, our rights and our democracies.

Thank you, and I wish you productive deliberations.

LET'S MAKE AI A FORCE THAT IMPROVES LIVES AND BUILDS A SUSTAINABLE AND INCLUSIVE FUTURE FOR ALL

TANG Yingxia, Deputy Director of Human Rights Research Center of Nankai University

(Keynote speech at the 23rd Informal ASEM Seminar on Human Rights)

Your Excellences, Ladies and Gentlemen, colleagues,

We are gathered here today to discuss an urgent issue concerning the future of humankind. AI is a rapidly growing field, full of new opportunities, but it also brings many complex risks.

Algorithms that can accurately diagnose diseases may also contain hidden biases. Platforms that connect billions of people can also threaten privacy and personal freedom.

So, the key question we face is: How do we build a strong system of governance—one that supports innovation while keeping people safe?

In this context, the UNGPs on Business and Human Rights offer a clear and practical guide. The framework—'Protect, Respect, and Remedy'—is both universal and actionable.

Dimension One: Strengthening the 'State Duty to Protect': Building a Forward-Looking, Dynamically Balanced Regulatory System.

Under the UNGPs, states have a duty to protect human rights within their borders, including from harms caused by businesses. This means governments should create AI laws and policies that encourage responsible corporate behaviour. This is not only part of their international human rights obligations but also reflects the spirit of 'people-centred' development.

Many Asian countries are already taking meaningful steps. China, Japan, and South Korea, for example, are combining ethics, law, and technology to balance innovation with rights protection.

Southeast Asian nations like Thailand, Vietnam, Indonesia, Malaysia, and the Philippines have also introduced ethical AI guidelines focused on fairness, inclusion, and transparency.

Across the region, we see a growing emphasis on people-centred AI governance. Countries are building capacity through public-private partnerships and cross-border cooperation.

Dimension Two: Inspiring the 'Corporate Responsibility to Respect': From Compliance to Value Co-creation for Inclusiveness

AI companies also have a vital role to play. They need to actively build human rights into their strategies. That means designing products, developing algorithms, and shaping business models that respect human rights from the start.

We've already seen how AI can help protect human rights. In healthcare, it improves access to quality treatment in rural areas. In education, programmes like 'AI Rural Teachers' help narrow the education gap. In environmental protection, AI can monitor forests, carbon emissions, and water quality.

More and more businesses are putting the idea of 'shared benefits' into practice. They are aligning ethical standards with business strategy, making sure innovation truly serves human well-being.

Dimension Three: Coordinated Governance for a Digital Community with a Shared Future

AI still brings serious human rights risks. Regulations differ across countries, algorithms can be opaque, and mass data collection threatens privacy. To meet these challenges, we must close the global 'AI divide', set up cross-border dispute resolution systems, and jointly address risks that cross national borders.

Ladies and gentlemen, we must uphold a people-cantered approach, ensuring AI's benefits are shared equitably and inclusively. Only through resolute and sustained global collaboration—under the United Nations framework—can we guide this intelligent revolution toward safety, reliability, and order.

Let us work together to make AI a force that improves lives, pushes civilization forward, and builds a sustainable and inclusive future for all.

AI AND HUMAN RIGHTS: GLOBAL GOVERNANCE, REGIONAL PATHWAYS, AND THE ROAD AHEAD

Virginia DIGNUM, Member of the UN High Level Advisory Body on AI

(Keynote speech at the 23rd Informal ASEM Seminar on Human Rights)

Artificial Intelligence is not neutral. It can advance human dignity—or undermine it. The question before us is not whether AI will shape our societies, but whether it will do so in ways that respect and promote fundamental rights.

Today, I want to share three key messages: First, human rights are not optional in AI governance—they are the foundation for trust, legitimacy, and sustainable innovation. Second, the global landscape is moving from high-level principles to enforceable safeguards. And third, Asia and Europe, together, have a unique opportunity to lead this transformation.

As AI is transforming societies, it is its governance that will define whether it strengthens or erodes fundamental rights.

Every AI system embodies human decisions—what data to use, which goals to optimise, whose risks to accept, and whose values to embed.

So, when we talk about 'governing AI', we are really talking about governing ourselves: what kind of society we want technology to help create.

Human rights are not optional in AI governance—they are the foundation for trust, legitimacy, and sustainable innovation.

AI does not happen in a vacuum. It is designed, deployed, and applied within social, economic, and political contexts. The question is not can we use AI, but why and how.

Before asking how to do AI, we must always ask why do AI at all? — Question Zero.

There is no 'tech fix' for social or ethical problems. Responsible AI solutions must be social rather than merely technical.

Over the past decade, we have seen an explosion of initiatives aimed at aligning AI with human rights. Building on human rights foundations, new instruments have emerged.

The OECD AI Principles, adopted in 2019 and updated in 2024, stress inclusivity, fairness, and accountability.

UNESCO's Recommendation on the Ethics of AI, endorsed by 194 states, places human dignity at the centre.

The G7 Hiroshima Process introduced voluntary codes of conduct for advanced AI, while the Global Partnership on AI seeks to operationalise responsible practices through multi-stakeholder collaboration.

And yet, despite this progress, one gap remains: there is no binding global treaty on AI and human rights. Fragmentation persists. The trend is the move from high-level ethics to enforceable safeguards

and algorithmic accountability, but at the same time, geopolitical context is not working in the same direction

But the trend is clear—we are moving from aspirational ethics to enforceable governance, from soft law to hard law.

Too often, regulation is framed as a brake on progress. But responsible governance is the engine of sustainable innovation.

'Regulation is innovation—it's not a barrier, but a stepping stone to responsible adoption.'

Regulation signals ambition, sets expectations, and creates a level playing field that encourages trustworthy innovation.

It gives businesses confidence, protects citizens, and builds public trust — and without trust, there is no long-term innovation.

Around the world, we see a shared recognition of this balance: Europe is moving from ethics to enforceable governance; Asia is developing agile, principle-based approaches that integrate human-rights language.

Both regions are converging on the same truth—governance is a precondition for innovation.

Many international, national and regional efforts, there is a 'movement' going on. These frameworks are not bureaucratic obstacles—they are innovation frameworks:

- They clarify responsibilities.
- They demand accountability.
- They encourage multidisciplinary innovation—technological, organisational, and social.

Let me conclude with a call to action. AI governance is not just a technical challenge—it is a societal choice. Asia and Europe can lead by embedding human rights at the core of AI development. We have the tools, the knowledge, and the shared values to make this happen.

Responsible AI is not optional.

Innovation without responsibility is unsustainable—but responsibility without innovation is ineffective.

It is not innovation versus governance, but governance as innovation.

Let us ensure that our regulatory choices today enable technology that truly serves humanity, not the other way around.

Thank you.

SEMINAR REPORT

ASIA AND EUROPE HAVE A DUTY AND THE CAPACITY TO SHAPE A DIGITAL FUTURE GROUNDED IN HUMAN RIGHTS

(Report of the 23rd Informal ASEM Seminar on Human Rights)

Introduction

The 23rd Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights was held in Copenhagen, Denmark, from 29 to 31 October 2025 under the theme *Human Rights and Artificial Intelligence*. The Seminar provided a platform for dialogue between government representatives, civil society, academia, national human rights institutions, and international organisations from Asia and Europe.

The seminar examined how emerging artificial intelligence (AI) technologies interact with human rights frameworks and how both regions can cooperate to ensure that technological progress strengthens, rather than undermines, human dignity. There were around one hundred participants, representing a broad range of perspectives and expertise. All discussions were held under the Chatham House Rule.

The 23rd edition built upon more than two decades of collaboration through the Informal ASEM Seminar on Human Rights series, which has become a cornerstone of Asia–Europe engagement on contemporary human rights issues. Previous editions have addressed the rights of children, persons with disabilities, the prevention of violent extremism, and the human rights implications of climate change. The 2025 Seminar marked the first dedicated ASEM platform addressing AI and human rights, reflecting the growing urgency of understanding the governance of emerging technologies.

Background and Concept

AI technologies increasingly shape how individuals access services, information, and opportunities. They influence employment, education, healthcare, law enforcement, and democratic participation. The background paper prepared by Professor Virginia DIGNUM, Dr Rachele CARLI, and Dr TANG Yingxia provided the analytical foundation for the Seminar, identifying privacy and data protection, equality and non-discrimination, and access to remedies as the three key dimensions through which AI impacts human rights. It underlined that AI is not a neutral tool, but a socio-technical system reflecting the values, intentions, and priorities of those who design and deploy it.

The paper stressed that rapid digitalisation and the integration of AI across all sectors of society offer significant potential for innovation and development, yet they simultaneously risk entrenching inequalities and creating new forms of exclusion. The authors emphasised the need to embed human rights safeguards at every stage of the AI lifecycle, from design to deployment and oversight. Responsible AI governance must ensure transparency, fairness, and accountability, supported by both ethical principles and enforceable legal frameworks.

The concept note elaborated that the Seminar's objective was to foster mutual learning between Asia and Europe, recognising the complementary nature of their approaches. Europe's legal frameworks, such as the General Data Protection Regulation and the AI Act, offer enforceability and rights anchoring. Asian partners, meanwhile, have mostly adopted principle-based, adaptive models that integrate human-centric values into technology governance. Together, these regional experiences provide an opportunity to establish coherent, rights-based pathways for AI governance that are globally relevant.

Programme Overview

The three-day Seminar combined plenary sessions and thematic working groups. The opening plenary introduced the key objectives and conceptual frameworks. The keynote session and background paper presentation set the tone for subsequent discussions. A panel examined AI applications in public administration, exploring the tension between efficiency and rights protection. The second day was devoted to three simultaneous working groups on privacy and data protection, equality and non-discrimination, and remedies and access to justice. On the third day, a closing plenary panel consolidated the working group outcomes and identified cross-cutting recommendations.

Opening Session

The Seminar was held at the University of Copenhagen, Faculty of Law, one of Europe's oldest academic institutions, renowned for its long tradition of critical inquiry and exchange. Welcoming remarks were delivered by Lone MOUYAL, Vice-Dean for Research at the Faculty of Law, and Ambassador Beata STOCZYŃSKA, Executive Director of ASEF. Both speakers underscored the long-standing partnership between Asia and Europe in promoting dialogue on human rights and the timeliness of addressing the governance of artificial intelligence at a moment when technology is reshaping societies, institutions, and the very boundaries of law and ethics.

Lone MOUYAL highlighted that the seminar brought together a diverse community of scholars, practitioners, and policymakers to reflect on how innovation can advance, rather than erode, fundamental values of dignity, equality, and justice. She noted that technological progress should not come at the expense of these principles, and that universities have a vital role in challenging assumptions, facilitating open debate, and developing frameworks that ensure human rights remain central to digital transformation. Speaking in the context of the Danish EU Presidency, she observed that hosting the seminar in Denmark reflected the country's deep commitment to responsible innovation and Europe's broader leadership in human-rights-based approaches to AI.

Ambassador Beata STOCZYŃSKA expressed ASEF's gratitude to the co-organisers and participants, describing the attendees as 'the most important part of the seminar.' She welcomed Denmark's reputation for human rights stewardship and emphasised that the success of the meeting would depend on the active participation of all delegates in panels and working groups. Ambassador STOCZYŃSKA drew attention to both global and regional trends in AI regulation—binding and non-binding frameworks alike—and stressed the importance of maintaining a human rights-centric approach in Asia and Europe alike. She concluded by reaffirming ASEF's dedication to fostering inclusive dialogue and practical cooperation between the two regions so that technological progress serves human dignity and equality.

Keynote Session

The keynote session, chaired by Rolf RING of the Raoul Wallenberg Institute, featured addresses by Louise HOLCK of the Danish Ministry of Foreign Affairs, TANG Yingxia of Nankai University, the EU Special Representative for Human Rights Kajsa OLLONGREN, and Professor Virginia DIGNUM of Umeå University.

Louise HOLCK, Executive Director of the Danish Institute for Human Rights, opened the keynote session by emphasising that artificial intelligence is no longer a futuristic concept but an integral part of daily life, shaping how people communicate, work, and access public services. AI, she noted, is now embedded in critical sectors such as healthcare, education, and public administration. This rapid transformation makes it imperative to ensure that technological

progress strengthens, rather than undermines, the foundations of human dignity, equality, and justice.

She warned that while AI offers immense potential to improve efficiency and service delivery, it also carries the risk of amplifying inequality, eroding privacy, and entrenching bias if not governed responsibly. In Denmark, parliamentary debates have already raised concerns about discriminatory outcomes in automated decision-making systems used by public authorities, particularly those affecting vulnerable and minority groups. Ensuring transparency, fairness, and accountability in such systems, Holck observed, is essential to maintaining public trust.

HOLCK called for a societal approach to technology governance, where governments ensure robust oversight and enforcement while citizens remain informed and engaged. She underlined that AI should not only optimise efficiency but also serve justice and social inclusion, reaffirming that the principles guiding human-rights-based governance must equally guide AI development and regulation. "*We must choose wisely,*" she concluded, "*and make sure that technology helps us create a society grounded in dignity and equality.*"

In her keynote remarks, Kajsa OLLONGREN emphasised Europe's commitment to a human-centred digital transformation grounded in universal human rights and democratic values. She highlighted the EU Artificial Intelligence Act as the world's first comprehensive legal framework for AI, designed to ensure that innovation is accompanied by responsibility and accountability. Ollongren underlined that regulation and innovation are not opposing forces, asserting that effective governance fosters trust as the foundation of sustainable technological progress.

She warned against the misuse of AI for disinformation, manipulation, and threats to democratic integrity, calling for global cooperation to safeguard civic space and truth in the digital age. The EU, she noted, views the Global Digital Compact as a milestone for international collaboration on responsible AI. Drawing on recent ASEAN–EU dialogues, she highlighted shared efforts to promote privacy, equality, and ethical governance across both regions. Civil society's active participation was recognised as vital to protecting rights and ensuring inclusive policymaking. Concluding, OLLONGREN called on Asia and Europe to lead global AI governance by demonstrating that technological progress and human dignity are mutually reinforcing.

Dr TANG Yingxia, Professor at Nankai University, focused her keynote on the intersection of digital rights, climate change, and sustainable development, exploring how artificial intelligence can both advance and threaten these objectives. She observed that algorithms capable of exceptional precision are nevertheless shaped by human biases that may compromise privacy, autonomy, and equality. The key challenge, she argued, lies in moving from principles to practice, ensuring that human rights norms are operationalised throughout the AI lifecycle.

Drawing from the UNGP Framework on Business and Human Rights, TANG outlined the complementary duties of states and enterprises: governments must create laws that promote human–centred innovation, while businesses must implement due diligence to respect human rights in design, deployment, and governance. She highlighted that the approaches taken by China, Japan and South Korea increasingly integrate ethics, law, and innovation, whereas Southeast Asian frameworks—such as the ASEAN Guidelines on AI Governance and Ethics, emphasise these goals by stressing fairness, inclusion, and privacy.

She also drew attention to AI's capacity to deliver social value, including tools supporting rural education, environmental monitoring, and carbon management, but cautioned that opaque algorithms and fragmented regulation could

erode trust. TANG concluded that AI governance requires a people-centric and cooperative model, where governments, companies, and citizens share responsibility for ensuring that AI serves as a force for good rather than a source of harm.

The keynote by Professor Virginia DIGNUM set out the central question of the Seminar: how to ensure that AI contributes to the advancement of human dignity. She argued that every AI system reflects human decisions about what goals to optimise, which risks to accept, and which values to prioritise. Therefore, the governance of AI is inseparable from the governance of societies themselves. DIGNUM outlined three main messages.

First, human rights are not optional in AI governance; they constitute its foundation. Second, the global policy landscape is shifting from aspirational ethics toward enforceable governance. Third, Asia and Europe together have the potential to lead this transformation. She highlighted international instruments – such as the OECD AI Principles, the UNESCO Recommendation on the Ethics of AI, and the G7 Hiroshima Process – noting that while these frameworks promote accountability and fairness, a binding global treaty on AI and human rights has yet to emerge.

Then, she contrasted regional approaches: Europe's enforceable legal frameworks and Asia's adaptive, principle-driven models. Both, she argued, are converging on the same insight: governance is a condition for innovation, not a constraint. Finally, DIGNUM concluded with a call to action, urging ASEM partners to strengthen cooperation through initiatives such as an ASEM Observatory on AI and Human Rights, joint training for regulators and judges, and cross-border certification schemes.

The Background Paper

The background paper, *Human Rights and Artificial Intelligence*, was presented by lead author Professor Virginia DIGNUM, together with Dr TANG Yingxia and Dr Rachele CARLI, who served as co-authors of the paper. Their presentation set the conceptual foundation for the Seminar and offered a structured analysis of the relationship between technological innovation and the international human rights framework.

The authors noted that AI is not a single technology but an evolving ecosystem of methods and applications that increasingly influence public administration, social relations, and private enterprise. They emphasised that AI systems are not value-neutral: every algorithm embodies assumptions, priorities, and social contexts that shape how it performs and whose interests it serves. Accordingly, a rights-based approach to AI governance must begin from the understanding that technological systems are social systems with normative implications.

The paper proposed a human-rights based model for AI governance, centred on three interdependent pillars: respect for human autonomy and privacy, protection against discrimination, and effective access to remedies. Each pillar was examined as both a normative commitment and a practical dimension of policy and regulation.

Respect for Human Autonomy and Privacy

The first pillar, respect for autonomy and privacy, is foundational. The authors argued that human dignity requires that individuals maintain meaningful control over decisions that affect them and over the personal data that fuel algorithmic processes. In the context of AI, this extends beyond the traditional right to privacy to include informational self-determination, data governance, and the right to explanation. The authors emphasised that human agency must remain central even in highly automated environments.

Protection Against Discrimination

The second pillar, protection against discrimination, addresses the structural risks of bias and exclusion that arise when algorithms reproduce patterns embedded in data. The authors discussed how historical inequities, unrepresentative datasets, and opaque design processes can lead to discriminatory outcomes. Moreover, they noted that algorithmic bias is not only a technical flaw, but a governance failure, one that requires both preventive and corrective measures through inclusive design, equality impact assessments, and effective oversight.

Access to Remedies

The third pillar, access to remedies, is the operational anchor of the human rights framework. The authors observed that rights have real power only when they can be enforced. Yet AI systems often obscure accountability by diffusing responsibility across multiple actors and making it hard to clearly identify the direct source of harm. Ensuring effective redress, therefore, requires institutional innovation, legal adaptation, and cross-border cooperation. The authors proposed that independent oversight bodies, including national human rights institutions and data protection authorities, be equipped with the expertise to handle AI-related grievances.

In presenting these pillars, Professor DIGNUM and Dr TANG emphasised that the relationship between AI and human rights is not adversarial. When properly governed, AI can contribute to realising social and economic rights by improving access to services, enhancing public administration, and enabling inclusive development. However, without deliberate safeguards, the same technologies risk undermining equality, freedom, and justice.

The background paper further outlined key thematic areas requiring sustained attention. These include the global governance of data, the need for human rights impact assessments throughout the AI lifecycle, the design of accountability frameworks to clarify responsibility among developers, deployers, and users, and the importance of aligning national AI strategies with international legal obligations.

Particular attention was given to regional perspectives. The authors noted that while Europe has advanced comprehensive regulatory initiatives such as the General Data Protection Regulation and the Artificial Intelligence Act, Asian jurisdictions have developed adaptive and principle-based approaches that reflect local contexts and priorities. The paper argued that cooperation between the two regions can generate mutually reinforcing models of governance that combine enforceability with flexibility.

Building on her earlier keynote reflections, Dr TANG Yingxia expanded on the need to translate normative principles into operational mechanisms. She reiterated that AI's effectiveness depends on embedding human rights due diligence and accountability throughout the entire value chain—from data collection to deployment and oversight. She revisited regional examples, noting that China, Japan, and South Korea's policy frameworks increasingly connect ethical design with legislative development, while Southeast Asian initiatives focus on harmonising fairness, inclusion, and privacy standards through cooperative regional efforts. Cross-border collaboration, she emphasised, is essential for aligning diverse governance systems and mitigating transnational risks.

TANG also pointed to concrete instances of AI for social good, including applications in education, environmental sustainability, and climate resilience, showing that human-centric approaches can generate tangible societal benefits. She concluded that a people-centric, inclusive, and transparent AI ecosystem requires sustained cooperation among states, businesses, and civil society to ensure that

technological innovation remains firmly grounded in human rights.

The presentation concluded with a reflection on implementation. The authors proposed that rights-based AI governance should be understood as a continuous process rather than a static framework, requiring regular evaluation, participatory oversight, and responsiveness to societal change. They called on ASEM partners to foster capacity-building initiatives to link technical expertise with human rights education, ensuring that public institutions, civil society, and private actors share a common understanding of accountability and ethics in AI.

The presentation was followed by an open plenary discussion that examined how these principles could be operationalised across diverse regional contexts. Participants recognised that Asia and Europe face parallel challenges in ensuring transparency, accountability, and access to remedies. They highlighted the potential for collaboration in developing shared standards, regulatory sandboxes, and training initiatives. Several interventions emphasised that capacity-building is indispensable to bridge gaps between normative commitments and technical practice, while others pointed to the need for global coordination on data governance, algorithmic transparency, and ethical certification.

The discussion closed with broad agreement that human rights provide not only a normative compass, but also a practical architecture for governing AI. Participants acknowledged that translating these principles into policy requires sustained cooperation, mutual learning, and commitment to inclusive and participatory governance across both regions.

Panel Discussion: AI in the Public Sector

A panel entitled *AI in the Public Sector: Delivering Services or Compromising Rights?* examined how governments deploy AI to deliver social services and manage public functions. Aysel KUCUKSU, Karolina IWANSKA, Hafiz NOER, and Michaela SULLIVAN-PAUL, panellists from academia and civil society, described the promise of AI in improving efficiency and access to services but warned that automated decision-making in welfare, migration, and law enforcement often occurs without adequate safeguards. They stressed the need for transparent algorithms, human oversight, and public participation in designing and evaluating digital systems used by public authorities.

Speakers acknowledged that AI holds great potential for improving access to public services, particularly in welfare distribution, healthcare management, and migration administration. When responsibly designed, algorithmic tools can help public institutions process large volumes of information quickly and equitably, extending the reach of social protection and public assistance. However, they also warned that these same tools can perpetuate discrimination and opacity, especially when implemented without proper human oversight or transparency obligations.

Several examples illustrated both promise and risk. Panellists cited the use of predictive analytics in welfare eligibility assessments and the application of automated decision-making in visa and border control systems, noting that efficiency gains often come at the expense of due process and individual agency. In some cases, algorithmic errors or biased datasets have led to the exclusion of vulnerable groups from essential services. These cases highlight the urgent need for accountability frameworks, human-in-the-loop safeguards, and public transparency.

The conversation also examined governance and procurement practices, underscoring that many governments purchase AI systems from private vendors whose design processes are opaque. Participants recommended that public contracts for AI should include mandatory human-rights impact assessments and requirements for explainability and auditability. They further

discussed how open-source development and participatory evaluation can increase citizen trust and administrative legitimacy.

Across interventions, participants agreed that public-sector AI must meet higher standards of scrutiny and accountability than private-sector applications, given the state's duty to uphold equality before the law and protect fundamental rights. The panel concluded that ensuring fairness, transparency, and proportionality in government use of AI is not only a technical necessity but a democratic imperative.

The discussion concluded that public-sector AI should be subject to higher scrutiny and accountability than private-sector applications, given the direct impact on citizens' rights and the state's duty to uphold equality before the law.

Working Group Discussions

The second day of the Seminar was dedicated to in-depth working group discussions. Three parallel groups examined privacy and data protection, equality and non-discrimination, and remedies and access to justice. Each group was guided by specific questions from the concept paper and tasked with identifying key challenges, promising practices, and actionable recommendations.

Working Group 1: Privacy and Data Protection

Moderator: **Dr Anja Møller PEDERSEN**
Rapporteur: **Smita MITRA**
Notetaker: **Anders Vithner HOLM**

Background

AI systems rely on large-scale collection and processing of personal data, creating risks of mass surveillance, opaque profiling, and weak safeguards. While Europe has consolidated protections through the EU's General Data Protection Regulation (GDPR) serving as a major international standard, Convention 108, and the AI Act, Asian states show more diverse approaches, ranging from binding frameworks in China, India, South Korea, and Vietnam, to soft law initiatives such as ASEAN's Guide on AI Governance and Ethics and Singapore's AI Verify toolkit.

Objectives

The aim of discussion was to identify gaps and challenges, as well as recommendations for administrative, legislative, social, and educational measures, and how to enhance meaningful engagement of stakeholders for partnership and co-operation on furthering the cause of Human Rights and Artificial Intelligence.

Key Discussion Points

- Identify gaps in legislation, policies, and programmes at the international, regional, and national levels
- Share lessons learned, promising practices, and challenges in integrating human rights in relation to AI and privacy/data protection
- Formulate concrete, forward-looking recommendations for uptake.

The participants acknowledged the very broad nature of the topic, and the conceptual challenges of separating the topic into sub-categories to lay out the international instruments and legal framework and guidance note. However, given the interconnectedness of human rights, design development, and deployment of AI, access to information, decision making, inclusion, and protection issues were laid out for identifying gaps, challenges, strategies to address the gaps, and recommendations.

The instruments of privacy and data protection with intersectionality with AI (relevance and actual use) were identified:

International Level

Key global human rights and governance instruments include the *Universal Declaration of Human Rights (UDHR); the International Covenant on Civil and Political Rights (ICCPR)*; the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*; the *Convention on the Rights of the Child (CRC); the Convention on the Rights of Persons with Disabilities (CRPD); and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*.

Relevant soft-law and policy frameworks include the United Nations Guiding Principles on Business and Human Rights (UNGPs); OECD recommendations and guidelines; outputs of the UN Special Procedures (including Special Rapporteurs); and the Universal Periodic Review (UPR) process. Additional reference tools include General Comments, development and economic indicators such as the Gender-

related Development Index (GDI) and Gross National Income (GNI), as well as emerging AI-specific initiatives such as the Hiroshima Artificial Intelligence Process (HAIP).

Regional Level

Europe

The European regulatory landscape is characterised by binding legal instruments and comprehensive governance frameworks, including the European Convention on Human Rights (ECHR); the Council of Europe (CoE) Convention 108+ (1981 Convention); the Council of Europe Framework Convention on Artificial Intelligence; and relevant CoE recommendations.

At the European Union level, key instruments include the Charter of Fundamental Rights of the European Union (CFREU); the General Data Protection Regulation (GDPR); the AI Act; and broader digital governance legislation such as the Digital Services Act (DSA) and the Digital Markets Act (DMA).

Asia

AI governance frameworks in Asia are generally flexible, innovation-oriented, fragmented, and predominantly non-binding. Key regional instruments include:

- ASEAN Guidelines on AI Governance and Ethics
- ASEAN Frameworks, including baseline approaches in the context of Asian Smart Cities initiatives
- Digital Economy Framework Agreement (DEFA)

National Level

At the national level, many European countries embed AI and digital governance within constitutional and statutory regulatory frameworks. In contrast, such comprehensive frameworks are less common in Asia, reflecting the region's diversity and regulatory complexity.

Examples of national approaches include:

- National implementation and supplementation of EU frameworks (e.g. GDPR and the AI Act), including domestic legislation (e.g. Italy) and regulatory guidance from Data Protection Authorities (e.g. the United Kingdom)
- Personal Data Protection Acts (PDPAs) in several Asian jurisdictions, which primarily regulate the private sector and often include significant exceptions and business-friendly provisions
- Continued reliance on non-binding international and regional frameworks, such as OECD guidelines (e.g. Singapore)
- National AI governance and ethics guidelines (e.g. Malaysia)
- Preliminary or evolving frameworks comprising laws, regulations, policy systems, application standards, and ethical guidelines (e.g. China)
- National AI roadmaps and draft ethical frameworks (e.g. Indonesia)

Gaps and Challenges

The group outlined the main challenges / human rights risks (privacy & data protection) associated with the collection, use, and sharing of personal data by AI systems:

- Legal (in)adequacy in the current privacy/ data protection laws keeping up with the pace of technological innovation poses a significant challenge
- Lack of effective legal and regulatory frameworks to protect individual privacy in AI deployment, especially with vulnerable communities
- Institutional challenges around competencies of policy makers and allocation of sufficient resources for ensuring minimum algorithmic biases
- The challenges for policy making and design deployment of AI in countries were discussed, as well as the issue of understanding it

from the vantage point for planning by administrators and human rights defenders. It was recommended to invest in training and capacity building of both policy makers and human rights defenders to arrive at a common understanding of Human Rights and AI. AI policy makers and Human Rights defenders use different vocabulary hence it is important to bridge the gap through information, education, and training

- The important role of European Member States in implementation of available frameworks, promoting the accountability of governance machinery, and supporting civil society and its ombudsman role were acknowledged
- The significant pressure and expectations placed on civil society in leading advocacy and providing adequate knowledge management sharing of experience from emerging good practice cases in Europe necessitates more support and international co-operation
- Within this context it was suggested ASEF should consider supporting national and regional NGO initiatives for advocacy and information-sharing on emerging good practices.

Strategies to Devise Solutions

- Address profiling and manipulation through forward-looking, multi-level legislation (national, regional, and global).
- At the fundamental level there is a need to strengthen institutional capacity and clarify stakeholder roles. This will enable prompt intentional and informed decision making.
- Promote multilateral collaboration for knowledge-sharing and resource pooling between governments and civil society organisations.
- Encourage ASEAN and APEC to adapt EU frameworks, recognising greater cultural diversity challenges while working towards country contextual adaptations.
- Reassess the feasibility of transparency obligations.
- Reference Fundamental Rights Impact Assessment's extensive experience in areas of privacy and data protection.
- Streamline legislative processes by dividing them into fixed principles and adjustable/revisable parts.
- Regional hard law should provide the foundation, supported by national harmonisation to prevent exploitation.

Recommendations to ASEM Partners

- There is a need to streamline and align existing AI guidelines multilaterally. This will imply accountability and respective enforcement to design deploy and guide the rights of communities
- Dedicate resources and emphasise mutual exchange through capability-building knowledge sharing and training. 'AI' as a broad term dilutes focus, especially when human rights and technology use different vocabularies and professionals or policy makers often find themselves technically inadequate to make informed decisions.
- Acknowledge that State-centric data protection acts often prioritise state interests over individual rights.
- Create broad aspirational frameworks to enable policy makers to exchange ideas and share learning experiences. Cross-regional learning will foster future collaboration
- Acknowledge that frameworks shaped within one system (e.g., EU) cannot simply be exported to others without adaptation. There is no interoperability in privacy and data protection since each regional and country context is unique and requires adaptation and geographical contextualisation.

Working Group 2: Equality and Non-Discrimination

Moderator: **Dr Sue Anne TEO**
Rapporteur: **Dr Virginia DIGNUM**
Notetaker: **Caribay RASMUSSEN**

Overview

This Working Group explored the challenges AI poses to the principles of equality and non-discrimination from a human rights perspective and discussed pathways to uphold these principles in practice across ASEM countries. The issues discussed included how to integrate equality impact assessments into AI governance, how to ensure inclusive and intersectional participation in AI design, how to translate the prohibition of discrimination into practice, and how to strengthen cross-regional cooperation, oversight, and public empowerment.

The conversation was frank, inclusive, and grounded in practical examples. Participants emphasised the diversity of socio-political contexts across ASEM countries and the need for adaptable, human-centred approaches to AI governance rather than a one-size-fits-all model.

Key Issues and Themes

Participants raised concerns about proxy discrimination, where seemingly neutral variables such as postal codes or linguistic markers reproduce systemic inequalities. They emphasised the need for **minimum, adaptable baselines** that allow for contextual adjustments while remaining aligned with universal human rights norms. Meaningful participation requires **safe and trusted spaces**, particularly for groups facing cultural or political vulnerability. The group also discussed whether new rights (such as the right to disconnect or the right to flourish) may become necessary in AI-mediated environments, though no consensus was reached. These were the main issues discussed:

AI as an Amplifier of Inequality

AI technologies often replicate or amplify existing patterns of exclusion and bias in societies. While they offer opportunities for inclusion and innovation, they also reproduce systemic inequalities in welfare, employment, migration, surveillance, and online discourse. Participants noted that algorithmic discrimination often occurs through proxy variables such as postal codes or language markers that indirectly encode protected characteristics including ethnicity, gender, or disability. Legal redress becomes difficult when discrimination is embedded in data or technical design rather than individual intent.

Contextual Benchmarks and Adaptability

Several interventions underlined that most fairness benchmarks originate in Western contexts and do not always reflect the realities of Asian societies, where dimensions such as ethnicity or religion play a stronger role. ASEM partners were encouraged to adapt, not reinvent, existing international benchmarks. Minimum, adaptable baselines should be developed that respect local contexts while remaining aligned with universal human rights norms.

Explainability and Accountability

Explainability was seen as essential to trust and accountability in AI. Yet, technical and organisational barriers persist. Participants argued that accountability is primarily an organisational issue, extending beyond the AI

system itself to the institutions and governance structures deploying it. States and companies should be required to conduct equality impact assessments prior to AI deployment and to ensure the traceability of decisions. Explainability should be viewed not only as a technical feature but as a right of affected individuals.

Data Quality and Representation

Participants discussed the concept of data swamps, referring to unstructured, incomplete, or biased data sources that distort AI outcomes. Many noted that languages with limited digital representation, such as Burmese or minority dialects, are poorly served by existing datasets, resulting in systems that misrepresent or exclude entire groups. Local data collection must therefore prioritise linguistic and cultural diversity while safeguarding privacy and consent.

Inclusive and Intersectional Design

Meaningful Participation: Participants agreed that inclusion cannot be tokenistic. Early and continuous participation of affected communities – especially women, minorities, persons with disabilities, and indigenous peoples – should be built into every phase of AI system design and governance. Safe and trusted spaces are needed for this engagement, particularly in contexts where marginalised voices may face social or political risk.

Localisation Without Fragmentation: While locally adapted AI systems are valuable, participants warned against regional fragmentation. ASEM partners should align with established international human rights standards, including those of UNESCO, OECD, the Council of Europe, and ASEAN, to maintain coherence while allowing flexibility. AI must remain proportionate, problem-driven, and human-centred, treated as a normal technology embedded in social systems rather than as an exceptional or autonomous agent.

Intersectionality and Access: Multiple examples illustrate how intersectional discrimination, such as gender combined with linguistic exclusion or disability, creates compounded vulnerabilities. Participants from Pakistan and Malaysia highlighted how lack of digital infrastructure or local-language AI models further entrenches gender and regional disparities. Addressing such layered inequality requires targeted public investment, open data access, and capacity building at the community level.

From Principles to Practice

Translating Norms into Action: There was consensus that rather than inventing new rights for AI, states should apply existing human rights instruments to the digital context. The challenge is operational: transforming the prohibition of discrimination into clear technical, legal, and institutional standards. Equality impact assessments, independent audits, and certification mechanisms were cited as practical steps.

Capacity Building and Public Literacy: Low AI literacy among policymakers, regulators, and civil society limits effective oversight. Participants called for ASEM-supported initiatives to train judicial and regulatory actors in assessing algorithmic bias and transparency. Civil society and educational institutions also need support to raise public awareness so that citizens can understand, question, and contest AI-driven decisions affecting them.

Future-Proof Governance: Participants recognised that human rights will increasingly be shaped by AI use itself. Some suggested the possible creation of an AI Special Rapporteur within the UN system. Others proposed decentralised or community-based oversight models that integrate future AI capabilities into existing institutional frameworks, ensuring adaptability without overregulation.

Cross-Regional Cooperation: Participants noted that civil society engagement mechanisms vary significantly across regions. In ASEAN, only a limited number of CSOs are formally accredited, and even accredited organisations often rely on government-mediated channels for participation. This contrasts with European structures where independent human rights institutions and CSOs have designated advisory roles. Strengthening inclusive and institutionalised spaces for CSO participation was identified as a priority for balanced regional cooperation.

Shared Standards and Knowledge Exchange: ASEM partners can serve as a bridge between European regulatory maturity and Asian innovation. Participants proposed establishing an ASEM Hub on Equality and AI to facilitate exchange of good practices, policy learning, and research collaboration. The hub could connect regulators, national human rights institutions, and civil society to coordinate audits, share data, and align ethical and legal standards.

Aligning Global and Regional Frameworks: Rather than proliferating new guidelines, participants recommended aligning ASEM cooperation with existing international frameworks such as the UNESCO Recommendation on AI Ethics, OECD AI Principles, Council of Europe Convention 108+, and ASEAN AI Governance Guidelines. This would promote regulatory coherence and mutual recognition of principles.

Recommendations to ASEM Partners

1. Facilitate cooperation by creating an ASEM platform for sharing good practices, equality impact assessment tools, and case studies of inclusive AI development.
2. Build capacity through joint training programmes for regulators, judiciary, and civil society on AI literacy and discrimination detection.
3. Align frameworks to promote coherence with global standards while respecting regional specificities.
4. Empower the public through AI awareness campaigns and accessible resources for affected communities.
5. Ensure accountability by requiring transparency and explainability in both public and private sector AI deployments.
6. Support inclusion by institutionalising participation of marginalised groups in AI policy and design processes.
7. Promote data diversity through investment in multilingual and culturally representative datasets, especially for underrepresented languages.
8. Monitor progress by establishing an ASEM coordination group or periodic review mechanism on equality and non-discrimination in AI.
9. Promote the development of task-specific, human-centred AI tools that address concrete equality challenges through inclusive, transparent, and context-appropriate design

Concluding Reflection

AI technologies mirror the societies that create them. The challenge for ASEM partners is not merely to regulate technology but to ensure that digital transformation advances equality, not exclusion. As one participant noted, “AI knows everything about you, but do we know enough about AI?” Achieving non-discrimination in AI will require continuous dialogue, trust-building, and shared responsibility across sectors and regions.

Working Group 3: Remedies and Access to Justice

Moderator: **Caleen OBIAS**
Rapporteur: **Nele ROEKENS**
Notetaker: **Tobias Brøns JENSEN**

Overview

This Working Group explored the challenges AI poses to remedies and access to justice and discussed pathways to strengthen redress across ASEM countries. Issues discussed included whether existing human rights instruments adequately address harms caused by AI systems or if new tools are required.

Participants also examined how remedies can encompass not only individual harm but also systemic and collective harms and discussed the role of transparency and explainability as prerequisites for effective redress. The Working Group concluded by reflecting on how to enhance the participation of affected communities and strengthen cross-regional cooperation, oversight, and public empowerment. Participants emphasised the diversity of socio-political contexts across ASEM countries and the need for better implementation of existing rights and mechanisms, including mapping the gaps of existing mechanisms.

Key Issues and Themes

Very Low AI and Digital Literacy

Low AI literacy was identified as one of the main barriers to access to justice. Participants agreed on the need to raise public awareness and ensure AI training so that individuals can understand, question, and contest AI-driven decisions affecting them, including in rural areas.

Power and Information Asymmetries

Throughout the discussions, power and information asymmetries were recurrently identified as

main barriers to justice and redress. Even where redress mechanisms are in place, financial, temporal, and practical constraints often prevent affected persons or groups from effectively challenging AI systems that infringe upon their human rights.

Meaningful Transparency and Explainability as Prerequisites for Redress

Individuals may not know that a right was infringed as many AI systems operate in a non-transparent manner. Participants discussed transparency as an element of the right to know, which operates at several levels. Disclosure was recognised as a precondition for access to remedies. Individuals should be informed when AI is being used — both through public disclosure and direct notification. Participants highlighted AI system registries and publicly available Fundamental Rights Impact Assessments as examples of good practice. A further level of transparency concerns providing information on how AI systems function and how they influence decisions.

Explainability was discussed as a bridge between technical design and human rights obligations. Though not a human rights term, it is linked to informed consent — people must understand what they agree to when AI systems affect them. Participants noted that explainability encompasses an element of participation: only when people understand decisions can they make real choices or challenge outcomes. Participants underlined that explainability does not relate to very technical aspects of AI systems,

but to the decisions made about individuals and their impact. There was consensus that the absence of explainability in itself constitutes a violation of rights since it prevents contestation.

Accountability in International Supply Chain

The discussion highlighted fragmentation of liability across international supply and value chains. For instance, the South Korean AI law applies only domestically, while the EU AI Act governs products placed on the EU market, and many Asian countries only have soft law at the moment creating gaps in global accountability.

Participants examined key AI-related terminologies and identified the various entities involved, noting that data providers should be considered as an important entity in the liability debate and emphasising that the quality and integrity of data are essential for building robust and non-discriminatory AI systems. The conversation also referred to the guiding role of the UN Guiding Principles on Business and Human Rights (UNGPs) and the need to ensure responsibility along the entire value chain. The link with international humanitarian law was seen as particularly important in the context of dual-use AI systems.

Addressing Individual, Collective, and Societal Level Harm

There was broad consensus that addressing societal harms linked to AI — such as growing polarisation, the use of deepfakes, the impact on democracy, and the environmental footprint of AI systems – is essential to ensuring effective remedy. It was noted that individual harm is often disproportionately small compared to the resources, expertise, and information needed to challenge actors developing AI systems, even when the societal impact is significant.

Defining and addressing collective or systemic harm remains complex. Participants referred to the notion of systemic harm in the EU acquis (e.g. the Digital Services Act), though its practical implementation remains limited. Operationalising requires procedural guarantees: beyond individual claims, systemic harms call for mechanisms such as group litigation, public interest actions, multi-stakeholder participation in Fundamental Rights Impact Assessments (FRIAs) and systemic investigations by regulators or national human rights institutions.

Participants highlighted that generative AI significantly increases the speed and scale at which misleading or fabricated content spreads online. Evidence shared during the seminar indicated that posts containing AI-generated content often achieve higher virality than non-AI content, creating incentives for inflammatory or sensational material that distorts public discourse. These trends were identified as major threats to democratic integrity and social cohesion.

Participants also stressed that societal harm can stem not only from the use of AI systems but also from their development and production. The environmental and social impacts of data centres, the situation of workers in the tech sector, and the labour-intensive data preparation that underpins AI value chains—often outsourced under precarious conditions in the Global South—all highlight the broader inequalities embedded in AI's global infrastructure.

Ensuring Meaningful Participation

Participants agreed that inclusion cannot be a tick-the-box exercise. Early and continuous identification and participation of affected communities and/or their representatives should be built into AI system design development and deployment, AI governance, and AI policy making. Special attention should be paid to vulnerable groups, traditionally underrepresented and – therefore - highly impacted groups.

From Principles to Practice

Translating Norms into Action

Some participants advocated for a new international binding instrument on AI and Human Rights. Other participants underlined the need for better implementation of existing human rights instruments to the digital context. A significant part of the discussion considered whether existing human rights frameworks are sufficient for addressing AI-related harms or whether a new global instrument is required.

It was pointed out that there are emerging proposals such as the 'Draft Munich Convention on AI, Data and Human Rights,' which argues that current mechanisms leave substantial gaps in accountability, cross-border redress, and oversight across the AI lifecycle. The discussion emphasised asymmetries in national regulation, challenges of tracing responsibility across global value chains, and the broader discussion on whether internationally coordinated standards are needed to support binding, internationally coordinated standards that ensure consistency in rights protection and access to justice.

The Working Group observed that these and other initiatives reflect a growing international debate about the extent to which AI may give rise to systemic, collective, and transnational harms that existing tools address only partially. Participants agreed that any future debate on remedies must be informed by such developments while prioritising the preservation and effective implementation of existing human rights standards.

There was consensus that there is a need for mapping the gaps of existing access to justice and remedy rights and mechanisms. A shared concern related to the current geopolitical climate in which human rights frameworks are under pressure. A new global binding instrument would entail the risk of lowering existing human rights standards. The Council of Europe Convention on AI and Human Rights, Rule of Law and Democracy, and the UN Convention against Cybercrime were cited in this regard.

An intervention underlined that most regulations originate in EU-US contexts and do not always reflect the realities of Asian societies or sufficiently consider minority rights and rural communities. In line with this, another participant pointed out the EU AI Act has notable shortcomings and should not be interpreted as a new global standard for human rights in the context of AI.

Guaranteeing Independent and Well-Resourced Oversight at National, Regional and Global Level

Participants underlined the need for clear and established complaint mechanisms at national, regional, and global levels. Competent institutions should be formally and functionally independent, adequately funded, and equipped with sufficient personnel as well as both technical and human rights expertise.

Enabling Cross-Regional Cooperation and Exchange of Best Practices

Given the transnational nature of AI, cross-regional cooperation among regulators is essential to avoid jurisdictional gaps and ensure consistent protection. Participants suggested creating a central repository—for instance through ASEM partners or the UN Global Compact—to share judicial and non-judicial decisions, solutions, and best practices. Cooperation could also be strengthened through structured dialogue among ASEM partners or on other existing platforms such as Global Alliance of National Human Rights Institutions (GANHRI).

Recommendations to ASEM Partners

1. Integrate access to justice and remedy as a central pillar in emerging AI regulation and policy at national, regional, and global levels.
2. Take immediate action to strengthen the

implementation of existing rights and mechanisms and support comprehensive mapping of gaps in current frameworks.

3. Ensure transparency at all levels by making public where AI systems are deployed and ensuring explainability, meaning that their functioning and impact on decisions can be clearly understood. Call on all actors to recognise transparency and explainability as preconditions for effective remedies.
4. Commit to strengthening collective remedies: beyond individual claims, ensure the development of mechanisms to address collective and societal harms.
5. Empower and consult affected groups to identify and remedy individual, collective, and societal impacts and harms.
6. Guarantee effective remedies at the national level, clarify the responsibilities of private actors, and ensure cross-border cooperation between regulators and supervisors to prevent cross-border algorithmic harms from going unaddressed.
7. Promote the exchange of best practices through regional and global fora, for example by establishing an ASEM coordination group or periodic review mechanism to monitor implementation and progress.
8. Promote AI literacy and awareness among the public, with emphasis on empowering vulnerable and marginalised groups.
9. Ensure independent and adequately resourced oversight at national, regional, and global level.

Concluding Reflection

ASEM partners are at very different stages and have divergent approaches in regulating AI and human rights. As one participant noted "There is one commonality: access to justice and remedy is lacking as a central focus in emerging AI regulation." The main challenge lies less in creating new rights than in implementing existing access to justice and remedy rights effectively.

In the specific context of AI, this requires AI literacy amongst all groups and procedural and evidentiary measures that enable individuals, public interest organisations, and oversight bodies to understand, contest, and address the broader human rights impacts of AI systems. Achieving access to justice and remedy will also require independent, well-resourced, independent oversight bodies capable of holding both public and private actors accountable, and shared responsibility across sectors and regions.

Plenary Reflections and Panel Discussion

The third day of the Seminar was devoted to drawing together insights from the working group discussions and exploring forward-looking perspectives on the governance of artificial intelligence from a human rights standpoint. The day opened with a reflection by Line RASMUSSEN, followed by a high-level panel on 'Shaping the Future of AI: A Human Rights View from Asia and Europe.'

RASMUSSEN underscored that the development and deployment of AI must be guided by a human rights-based approach (HRBA), ensuring that participation, accountability, non-discrimination, and transparency are built into both the technology and its governance structures. She highlighted the bridging role of civil society, industry, and policymakers, noting that inclusive dialogue among these actors is essential to embed human rights in AI systems from design to oversight. For smaller countries, she observed, the reliance on international and regional frameworks is particularly crucial for maintaining consistency and legitimacy in national governance. RASMUSSEN cautioned against framing regulation and innovation as opposing forces, describing this as a "false juxtaposition." Instead, she argued, effective regulation is a prerequisite for sustainable and trustworthy innovation.

Farah Gul RAHUJA's closing remarks reminded participants that the conversations on rights, governance, and accountability resonate far beyond institutional settings by the fact that they shape the lives of communities that remain furthest from technological opportunity. Her experience from rural Sindh in India underscored that AI's human rights implications are not theoretical but deeply lived, particularly where connectivity, language representation, and social norms limit access. By showing how locally grounded, multilingual, and inclusive tools can expand dignity and agency, her reflection brought the Seminar's core message into sharp focus: the legitimacy of AI governance depends on whether it serves those who are most often excluded. It was a powerful reminder that the true test of responsible innovation lies not in sophistication, but in equity and impact.

Discussions also highlighted that AI systems increasingly amplify social and political risks. Participants noted the rise of generative AI–driven misinformation, including fabricated headlines and synthetic media that spread faster and more widely than verified information. Such dynamics were seen as directly compromising public trust, institutional legitimacy, and democratic processes.

Speakers further underlined the critical role of civil society actors in AI oversight, yet acknowledged that participation is often constrained, particularly in parts of Asia where formal accreditation requirements or government-controlled channels limit engagement. Strengthening structured, protected, and inclusive spaces for CSO contributions was highlighted as a necessary condition for meaningful governance.

Shaping the Future of AI: A Human Rights View from Asia and Europe

The final plenary panel examined how Asia and Europe can shape the future of AI governance through cooperation grounded in universal human rights principles. Moderated by Line RASMUSSEN, the discussion featured **Dr David REICHEL** (European Union Agency for Fundamental Rights), **Barani MAUNG MAUNG** Oxford Internet Institute, **Dr Stanati NETIPATALACHOOCHOTE** (Global Academy, Siam University, Thailand), and **Dr Gry HASSELBALCH** (DataEthics EU).

Participants reflected on the integration of fundamental rights into AI regulation in the European Union, including the evolution of the EU's policy framework from the High-Level Expert Group on AI (2018) and the White Paper on AI (2020) to the adoption of the AI Act. This framework, it was noted, adopts a risk-based approach distinguishing between unacceptable, high, limited, and minimal-risk applications. Participants discussed how this model assigns obligations to AI providers and deployers, combining market regulation with rights protection. It was suggested that this approach demonstrates how human rights–based governance can strengthen both accountability and innovation.

The conversation also addressed the amplification of human rights risks through generative AI, particularly in relation to misinformation, deepfakes, and algorithmic recommendation systems that prioritise inflammatory or misleading content. Participants warned that such dynamics can undermine public trust, distort civic discourse, and weaken democratic institutions.

It was noted that the impact of these technologies varies across regions, depending on levels of digital literacy, regulatory maturity, and media resilience. Several interventions further underlined the importance of culturally specific research and inclusive knowledge production. Participants noted that researchers in local contexts should be able to share insights and data with private sector actors to inform context-sensitive design and policy development. Increasing digital and AI literacy across the rural–urban divide was identified as a priority for both regions.

The role of civil society organisations (CSOs) was a recurring theme. Participants noted that in parts of Asia, the number of accredited CSOs engaged in AI governance remains limited and that institutional participation often depends on government approval. By contrast, European structures include formalised roles for human rights institutions and civil society within advisory bodies, such as the EU's emerging AI governance mechanisms. Participants called for expanded and institutionalised spaces for CSO engagement, both within regional frameworks like ASEAN and in multi-stakeholder initiatives at the global level.

It was also observed that private-sector actors play a critical role in shaping AI's social impact. Participants agreed that multi-stakeholder dialogue platforms should be established or strengthened to facilitate interaction between governments, companies, academia, and civil society. It was suggested that companies must move beyond a 'move fast and break things' mindset and recognise that technical decisions also carry moral and societal implications.

Reflections and Forward-Looking Proposals

The final plenary consolidated recommendations emerging from the Seminar. It was suggested to establish an ASEM Observatory on AI and Human Rights, a joint training programme for regulators and judicial authorities, and a cross-border AI certification or assurance scheme to promote alignment of standards. It was further proposed that ASEM partners facilitate multi-stakeholder dialogue platforms, including structured participation from the private sector, to ensure that innovation proceeds with transparency and accountability.

Participants also discussed longer-term institutional developments, including the possibility of enhancing regional human rights mechanisms in Asia and strengthening domestic legal systems to ensure access to remedies and compensation for victims of AI-related harms.

The deliberations concluded that human rights and innovation are interdependent. Effective governance, regional cooperation, and inclusive participation were identified as the conditions necessary for ensuring that artificial intelligence serves humanity with fairness, transparency, and respect for dignity.

Overall, the discussions on Day 3 highlighted a broad consensus: human rights and innovation are mutually reinforcing. Effective governance, cross-regional cooperation, and inclusive participation are not barriers to progress but essential conditions for ensuring that artificial intelligence serves humanity with fairness, accountability, and respect for dignity.

Emerging Issues

The Seminar's deliberations revealed a complex and evolving landscape in which AI

simultaneously offers opportunities for innovation and exposes human rights to new forms of harm. Participants observed that the speed and scope of technological deployment have outpaced the development of legal, regulatory, and ethical frameworks. The uneven maturity of national and regional systems results in significant variations in protection, oversight, and access to remedy.

AI now functions as an infrastructure that underpins decision-making in fields as diverse as education, health, policing, employment, and migration management – just to mention some. These applications determine who is seen, counted, or excluded by both public and private institutions. The Seminar emphasised that human rights considerations must then be integrated at every stage of the AI lifecycle, since the cumulative societal effects of algorithmic systems cannot be addressed through isolated technical or sectoral measures.

Participants discussed how AI development reflects and amplifies existing global inequalities. Concentration of data and technological capacity among a limited number of actors in high-income economies reinforces asymmetries of power and information. This dynamic limits the ability of less-resourced states and institutions to participate in norm-setting, to influence standards, or to challenge unfair practices. Participants underlined the importance of collective engagement within the ASEM framework to ensure that all partners can contribute meaningfully to shaping global AI governance.

A recurrent observation across discussions was that AI challenges the boundaries between individual and collective rights. The right to privacy, for instance, now extends beyond personal data protection to include the collective management of information and the social effects of predictive analytics. Participants noted that traditional conceptions of privacy based on individual consent are increasingly inadequate in an environment of continuous and often invisible data collection.

The Seminar also examined the growing tension between innovation and accountability. Technological opacity, proprietary restrictions, and the use of complex learning models make it difficult for regulators, courts, and individuals to understand or contest algorithmic decisions. This opacity undermines both the rule of law and the ability to assign responsibility when rights are violated. Participants called for clear definitions of accountability across the AI value chain and emphasised the need for robust oversight mechanisms that combine technical expertise with legal authority.

The question of discrimination featured prominently. Participants noted that AI systems can replicate or magnify structural inequalities embedded in society and reflected in data. Examples were presented from employment recruitment, financial credit scoring, welfare eligibility assessments, and predictive policing, illustrating how algorithmic bias disproportionately affects women, minorities, and persons with disabilities. The discussion stressed that equality and non-discrimination are not only ethical aspirations, but binding legal principles. Therefore, ensuring algorithmic fairness requires institutional safeguards, participatory design, and systematic equality impact assessments.

Access to justice emerged as a further area of concern. Automated decision-making within judicial and administrative systems can improve efficiency but may also compromise due process, if implemented without transparency or human oversight. Participants highlighted the need for remedies that are accessible, timely, and effective, particularly for individuals or groups affected by opaque or automated procedures. There was broad agreement that existing institutions – such as ombuds offices, national human rights commissions, and courts – require additional technical capacity to address AI-related complaints.

Participants drew attention to the fragmentation of governance frameworks. Numerous initiatives

exist at the national, regional, and international levels, yet they remain poorly coordinated. This fragmentation limits accountability and leads to overlapping or contradictory standards. The Seminar recognised the potential role of ASEM as a bridge between Asian and European initiatives, facilitating coherence, joint learning, and collective advocacy for rights-based AI governance.

Finally, participants noted that public trust constitutes the foundation of sustainable digital transformation. Trust depends on transparency, inclusion, and accountability. Without these elements, public resistance to AI technologies may increase, undermining innovation itself. Participants agreed that public education and AI literacy should form part of national strategies, equipping citizens to engage critically with digital technologies and to understand their rights in the digital sphere.

Cross-Cutting Reflections

Across all sessions and working groups, several cross-cutting reflections were identified. Participants emphasised that AI governance must be explicitly grounded in international human rights law. Ethical frameworks are useful but insufficient if not anchored in binding obligations. The integration of human rights impact assessments into policy and project design was considered essential, particularly for high-risk AI applications in the public sector.

Transparency was identified as a precondition for accountability. Developers, procuring authorities, and regulators must ensure that AI systems are explainable, their decision-making processes traceable, and their limitations disclosed. Participants underlined that meaningful transparency requires not only the publication of technical information but also the accessibility of explanations to non-specialist audiences, including affected individuals.

Inclusivity and participation were recognised as fundamental to rights-based governance. The inclusion of civil society, academia, and affected communities in decision-making processes helps to ensure that diverse perspectives are represented and that AI serves broad public interests. Participants stressed the importance of ensuring that those most affected by automation and data-driven decision-making have a voice in shaping the policies that govern them.

Building institutional and societal capacity was identified as an urgent priority. Governments, national human rights institutions, and judicial authorities require technical understanding of AI to perform oversight functions effectively. Cooperation between Asia and Europe can facilitate knowledge exchange and shared methodologies for impact assessment, auditing, and risk classification.

Participants also reaffirmed that regulation and innovation are not mutually exclusive but interdependent. Predictable and rights-based regulatory environments foster public confidence and provide incentives for responsible innovation. Participants called for the rejection of narratives that present governance as an impediment to progress, affirming instead that governance is integral to the development of trustworthy technology.

Recommendations and the Way Forward

The Seminar produced a range of recommendations aimed at strengthening cooperation between Asia and Europe and reinforcing human-rights-based AI governance.

Participants proposed the creation of an ASEM Observatory on AI and Human Rights to serve as a platform for research, data exchange, and policy dialogue. The Observatory could map legislative and policy developments, compile

good practices, and support coordination between national and regional institutions.

Institutional capacity-building was identified as a priority. Joint training programmes for regulators, judges, public administrators, and national human rights institutions should be developed to enhance understanding of AI systems, data protection, and algorithmic accountability. In this context, participants also stressed the importance of dedicating resources to capability building and mutual collaboration. They noted that human rights and AI often operate within distinct conceptual frameworks, and that bridging these domains requires interdisciplinary approaches and shared learning experiences.

Participants recommended that ASEM partners collaborate to develop shared methodologies for AI audits, human rights impact assessments, and equality evaluations. These tools should be applicable across jurisdictions and compatible with existing frameworks, promoting coherence and mutual recognition of standards. At the same time, the Seminar acknowledged that governance models and regulatory frameworks developed in one region often cannot be directly transplanted into other contexts. Effective implementation requires geographical contextualisation, which is possible through careful adaptation to local legal, cultural, and institutional realities.

The Seminar underlined the importance of public awareness and AI literacy. Governments and educational institutions should implement strategies to strengthen digital literacy, including understanding of rights and obligations in digital environments. Empowering individuals with knowledge is essential to accountability and informed participation.

Participants proposed that ASEM partners explore the possibility of establishing principles for public procurement of AI systems that require suppliers to demonstrate compliance with human rights standards. This approach could leverage public purchasing power to promote responsible innovation.

Cross-regional cooperation in AI for public interest applications was also encouraged. Areas such as health, education, environmental management, and disaster response offer opportunities to demonstrate how technology can advance human development when guided by ethical and rights-based principles.

In addition, participants emphasised the relevance of guaranteeing cross-border cooperation between regulators and supervisors to prevent cross-border algorithmic harms from being unaddressed or under-addressed due to regional differences. To this end, integrating access to justice and remedies as a crucial element in AI governance at an international level may be essential to be able to effectively respond to collective and societal harms perpetrated by and through AI systems.

Finally, participants recommended that national AI strategies explicitly reference international human rights treaties and commitments, ensuring that domestic policies are aligned with global standards. They further called for independent and adequately resourced oversight bodies at national, regional, and global levels to ensure effective monitoring, enforcement, and accountability in AI governance.

Summary of Recommendations

Participants proposed a range of recommendations to guide Asia–Europe cooperation:

1. Strengthen institutional capacity for human rights-based AI governance through training programmes for regulators, judges, and human rights institutions.

2. Dedicate resources to capability building and mutual exchange, recognising that human rights and technology often operate in distinct vocabularies and require interdisciplinary understanding.

3. Establish an ASEM Observatory on AI and Human Rights to monitor trends, share data, and facilitate policy dialogue.

4. Promote the exchange of best practices through regional and global fora, for example, by establishing an ASEM coordination group or periodic review mechanism to monitor implementation and progress.

5. Encourage joint research and exchange of good practices between Asia and Europe, focusing on algorithmic transparency and accountability mechanisms.

6. Develop interoperable frameworks for AI audits, certification, and risk assessments, that respect regional diversity and legal pluralism.

7. Acknowledge that frameworks developed in one region (e.g., EU) cannot be exported wholesale, and that adaptation to local contexts is essential for meaningful impact.

8. Promote AI literacy and awareness among the public, with emphasis on empowering vulnerable and marginalised groups.

9. Support cross-regional collaboration on AI for public interest projects, including health, education, and climate resilience, guided by human rights-based approaches.

10. Align national AI strategies with international human rights obligations, ensuring consistency between ethical guidelines and enforceable legal standards.

11. Integrate access to justice and remedy as a central pillar in emerging AI regulation and policy at national, regional, and global level. In particular, beyond individual claims, ensure the development of mechanisms to address collective and societal harms.

12. Ensure independent and adequately resourced oversight at the national, regional, and global level.

Concluding Reflections

The 23rd Informal ASEM Seminar on Human Rights reaffirmed that technological progress must be guided by a clear commitment to human dignity, equality, and accountability. Participants recognised that the governance of AI is not a purely technical endeavour but a central question of democratic governance and social justice.

The discussions in Copenhagen demonstrated the value of interregional dialogue in addressing emerging challenges and highlighted the complementary strengths of Asia and Europe. The European experience in legal and institutional regulation and the Asian experience in adaptive and principle-based governance provide a strong foundation for joint leadership in global AI governance. Participants concluded that human rights must not be treated as an afterthought to innovation but as its necessary starting point. Responsible governance is not a constraint but a condition for sustainable technological development. The Seminar provided an opportunity for reflection and collective vision, reaffirming that Asia and Europe share both the responsibility and the capacity to shape a digital future grounded in human rights.

The concluding remarks also reminded participants that the impact of AI is experienced unevenly across communities. Drawing on lived realities from regions with limited connectivity, linguistic exclusion, and persistent social barriers, Farah Gul RAHUJA, co-founder of PakGPT, underscored that rights-based AI governance must prioritise those historically left at the margins. Her reflections affirmed that the true measure of progress lies not only in technological capability but in whether innovation expands access, inclusion, and opportunity for those most often excluded from digital transformation.

In her closing remarks, Lone THORUP, Chief Advisor, Department for Asia, Latin America, Oceania & the Caribbean (ASILAC) at the Ministry of Foreign Affairs of Denmark and Governor of the Asia–Europe Foundation (ASEF), highlighted the importance of cross-sectoral dialogue in ensuring that artificial intelligence remains aligned with human rights. She noted that bringing together experts from government, academia, the private sector, and civil society is essential to ensuring that *"AI serves humanity, and not the other way around."*

The discussions in Copenhagen marked a further step in advancing the long-term partnership between the two regions. They established a shared understanding that ethical reflection, legal enforceability, and public accountability must evolve together if AI is to serve the public good. The discussions will inform subsequent ASEM initiatives and contribute to the continuing effort to align technological transformation with the universal principles of human dignity and justice.

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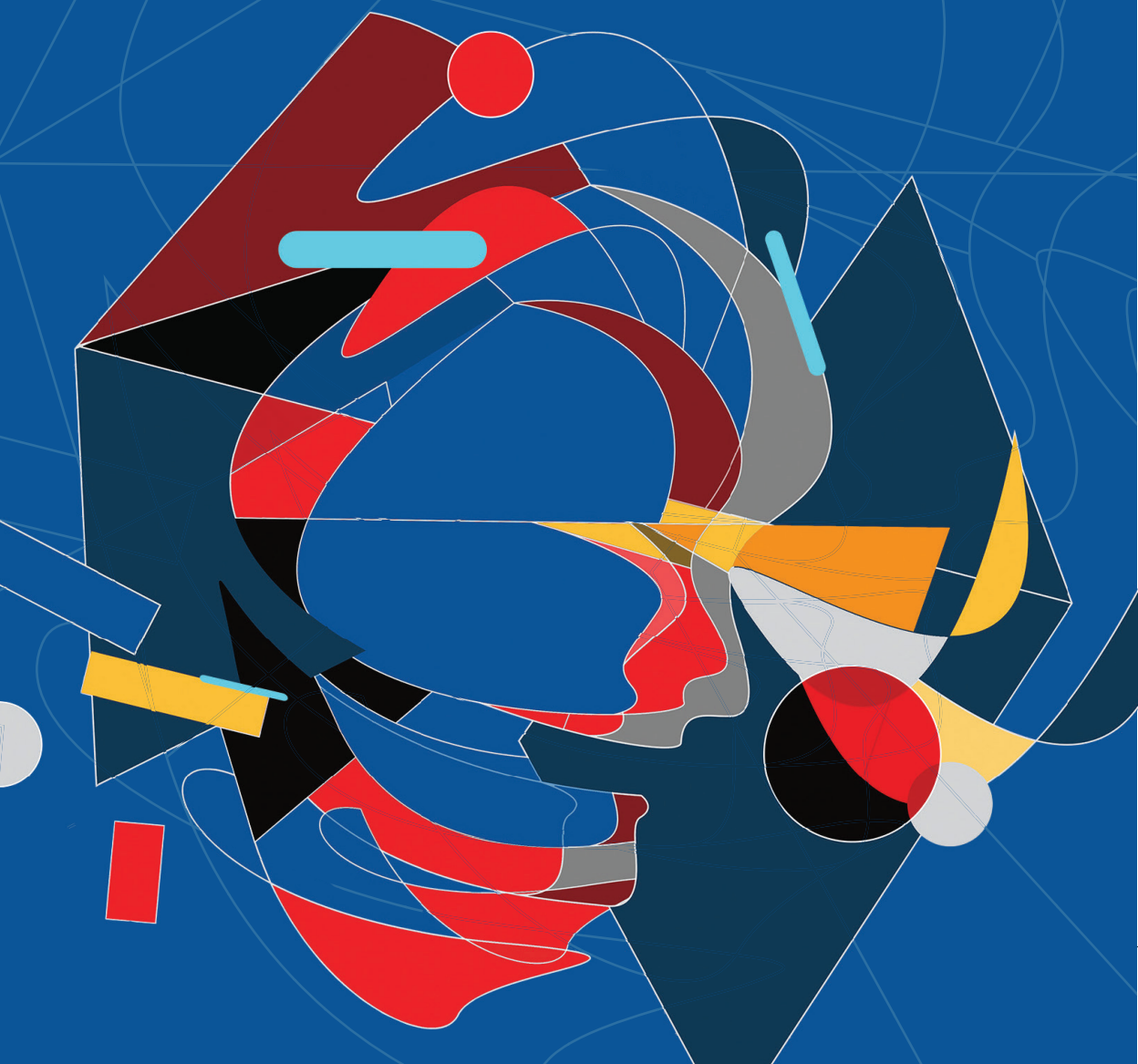
The organisers acknowledge with gratitude the contribution of the authors of the background paper, Virginia Dignum, Rachele Carli, and Tang Yingxia, whose research and conceptual framing provided the intellectual foundation for the discussions. Their work offered a comprehensive analytical perspective that informed the deliberations and outcomes of the Seminar.

Special recognition is given to the ASEF Governance and Sustainable Development Department for the coordination of the overall process, from conceptual preparation to implementation, and to the dedicated staff and institutional partners who ensured the smooth organisation of the event.

The continued collaboration among ASEM partners and the enduring commitment of all co-organisers have made this Seminar series a platform for meaningful Asia–Europe dialogue on human rights, advancing a shared vision of dignity, equality, and justice in an era of profound technological transformation.

BACKGROUND PAPER ON HUMAN RIGHTS & ARTIFICIAL INTELLIGENCE

Virginia DIGNUM, Rachele CARLI, and TANG Yingxia



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Executive Summary

This background paper has been prepared for the 23rd Informal ASEM Seminar on Human Rights on the theme of Artificial Intelligence (AI) and Human Rights. It provides an overview of the main opportunities and risks posed by AI across Asia and Europe, with three foci: privacy and data protection, equality and non-discrimination, and remedies and access to justice. It also identifies future directions and concrete opportunities for Asia–Europe cooperation in the governance of AI.

AI technologies are rapidly transforming social, economic, and political life. They offer significant benefits in areas such as healthcare, education, and public administration, but also create acute risks for fundamental rights. The use of AI in surveillance, welfare allocation, recruitment, and online platforms has raised pressing concerns over mass data collection, profiling, systemic bias, and limited access to redress. These challenges are amplified by the unevenness of regulatory regimes across ASEM countries and by the transnational nature of AI-related harms.

These are the three core sets of challenges that will be the focus of the discussions at the ASEM seminar:

- Privacy and data protection: AI systems rely on the large-scale collection and processing of personal data, creating risks of mass surveillance, opaque profiling, and weak safeguards. While Europe has consolidated protections through the GDPR, Convention 108, and the AI Act, Asian states show more diverse approaches, ranging from binding frameworks in India, South Korea, and Vietnam, to soft-law initiatives such as ASEAN's Guide on AI Governance and Ethics and Singapore's AI Verify toolkit.
- Equality and non-discrimination: AI often reproduces or amplifies social biases, with significant consequences in welfare systems, employment, credit scoring, and surveillance. Europe frames bias as a rights violation prohibited under binding instruments, while Asian states have adopted a patchwork of sectoral regulations and judicial interventions. Systemic remedies remain limited across the region.
- Remedies and access to justice: Effective redress mechanisms for AI-related harms remain fragmented. Europe provides stronger procedural and institutional safeguards through DPAs, ombuds institutions, and courts, though enforcement gaps persist. In Asia, remedies are uneven, with early experiments such as disclosure duties (China), complaint mechanisms (Philippines), and voluntary Human Rights Impact Assessments (South Korea).

The comparative analysis highlights key divergences: Europe tends toward comprehensive, enforceable frameworks, while Asia shows heterogeneous and fragmented approaches, often balancing human rights with state control and economic development. Despite these differences, the underlying risks are shared, and governance challenges are convergent.

Looking ahead, the paper emphasises that effective AI governance requires moving beyond high-level ethical principles towards enforceable safeguards, algorithmic accountability, and inclusive participation. It underlines that regulation and innovation are not in conflict: robust governance is essential to building trust, legitimacy, and sustainable adoption of AI technologies.

Finally, the paper identifies concrete opportunities for Asia–Europe cooperation within ASEM, including:

- Establishing an ASEM Observatory on AI and Human Rights.
- Launching joint training programmes for regulators, judges, and civil society.
- Piloting cross-border AI audits or certification schemes integrating human rights safeguards.
- Supporting multi-stakeholder dialogue platforms to ensure inclusive participation.

Taken together, these actions provide a roadmap for ASEM partners to translate shared commitments into practice. By embedding human rights at the core of AI governance, Asia and Europe can demonstrate global leadership in aligning technological innovation with the protection of fundamental rights and democratic values.

1 Introduction

1.1 Background and Core Concepts

In this paper, the term Artificial Intelligence (AI) is used as an umbrella term covering a broad family of computational techniques, including machine learning, natural language processing, computer vision, and decision-support systems, rather than a single technology. This reflects the way AI is framed in policy and human rights contexts, where the focus is on governance, safeguards, and impacts on rights, rather than on technical taxonomies.

In all its different meanings and approaches, AI technology is rapidly reshaping societies across Asia and Europe, offering both significant opportunities and complex challenges for the protection and promotion of human rights. As governments, businesses, and civil society actors increasingly rely on AI systems to make or support decisions in areas such as healthcare, education, law enforcement, and public administration, concerns about transparency, accountability, fairness, and non-discrimination have moved to the forefront of human rights discourse.

This background paper, prepared for the 23rd Informal ASEM Seminar on Human Rights, examines the evolving intersection between AI and human rights within the Asia-Europe context. It aims to foster dialogue among policymakers, academics, technologists, and civil society actors from both regions by providing an overview of the emerging regulatory landscape, key thematic issues, and shared challenges and opportunities for cooperation. In particular, it focuses on three thematic pillars central to the Seminar: privacy and data protection, equality and non-discrimination, and access to remedies.

AI systems are not inherently neutral; their design and deployment can either advance or undermine fundamental rights, depending on the values embedded in their governance. On the one hand, AI can help expand access to services, improve public sector efficiency, improve early warning systems for human rights violations, and support the realisation of economic, social, and cultural rights through data-driven insights.

On the other hand, serious risks arise from opaque algorithmic decision-making, embedded biases in training data, lack of meaningful oversight, and inadequate legal and institutional safeguards. These risks threaten core rights such as privacy, freedom of expression, equality, and access to justice. They also highlight the importance of addressing intersecting forms of

discrimination, such as those based on gender, race, disability, or socio-economic status, which remain central to equality and non-discrimination obligations. A nuanced understanding of this dual potential is essential for developing governance frameworks that harness the benefits of AI while preventing and mitigating its harms.

Similarly, it could be highlighted that the intersection of human rights with the challenges of technological development is twofold: fundamental rights serve both as a normative framework to guide the development of AI systems and as a body of law whose full realisation may be actively fostered and supported through AI.

The international human rights regime provides a universally recognised set of principles and obligations, including rights to privacy, non-discrimination, freedom of expression, and access to remedy, that serve as a foundation for responsible technological innovation. Viewing human rights as a framework for AI development entails embedding these standards at every stage of the technology's lifecycle, from design to deployment and ex post supervision.

This means that AI systems should be conceived and implemented with the explicit purpose of respecting, protecting, and promoting human rights [154]. Such a rights-based approach requires systematic assessment, transparency, accountability mechanisms, and the inclusion of stakeholders—especially impacted communities and minorities—in governance and decision-making processes.

Human rights impact assessments are meant exactly for this: they enable developers and policymakers to anticipate, identify, and mitigate potential harms before systems are deployed. In doing so, they shift the focus from mere legal compliance to the proactive advancement of human dignity, fairness, and social equity. Table 1 provides an overview of existing Human Rights Impact Assessment frameworks.

Conversely, AI technologies possess significant potential to support and strengthen the body of human rights law itself. In fact, despite their universality, the problem of effective access to instruments for the protection of fundamental rights, or even their full enjoyment, is far from being resolved at the international level. Machine learning, natural language processing, and large-scale data analytics can enhance legal discovery, documentation of abuses, and access to justice. AI-powered platforms can be utilised to monitor rights violations, increase legal literacy, and facilitate reporting and redress, thereby contributing to the realisation of fundamental rights in practice.

Furthermore, AI-powered remote learning or telemedicine tools can increase access to education or healthcare for all those who find themselves in circumstances—whether personal or determined by external factors—that make it difficult to access or fully enjoy these essential rights. In order for this impact to be effective and truly beneficial, it is critical that such systems are developed and deployed in light of the principles highlighted earlier.

Therefore, it follows that a robust human rights perspective on AI both directs the ethical and legal boundaries of system design and positions AI as a technological ally in the global effort to advance and protect equity.

To better understand and address these elements, the paper begins by introducing foundational concepts relevant to AI and human rights alike. Definitions and guiding principles are drawn from international and regional legal frameworks, including the Universal Declaration of Human Rights (UDHR), the UN Guiding Principles on Business and Human Rights (UNGPs), the Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, and the European Union's Artificial Intelligence Act. These documents provide important normative benchmarks and legal tools for assessing the human rights implications of AI technologies.

Following this conceptual foundation, the paper is structured in four main sections: (1) a review of international and regional frameworks for human rights and AI governance; (2) thematic analyses focusing on privacy and data protection, equality and non-discrimination, and access to remedies; (3) forward-looking considerations on integrating human rights into AI governance; and (4) a discussion of future trends and potential areas for Asia-Europe collaboration.

By situating the debate within the ASEM framework, this paper highlights the importance of cross-regional dialogue and shared responsibility. It calls for a rights-based approach to AI governance that is inclusive, participatory, and context-sensitive, grounded in legal standards and informed by ethical considerations. Beyond dialogue, the paper foreshadows concrete opportunities for Asia–Europe collaboration—such as joint capacity-building, harmonised audit practices, and shared institutional mechanisms—to advance a coherent and rights-based approach to AI governance. Ultimately, the paper seeks to support ASEM partners in developing coherent, just, and future-oriented responses to the evolving challenges posed by AI.

Table 1: Examples of human rights impact assessment (HRIA) frameworks relevant to technology and AI.

Danish Institute for Human Rights (DIHR) – HRIA Guidance and Toolbox Comprehensive toolkit with step-by-step guidance for planning, conducting, and reporting human rights impact assessments. https://www.humanrights.dk/tools/human-rights-impact-assessment-guidance-toolbox
UN Guiding Principles on Business and Human Rights – Due Diligence (OECD) Global standard requiring businesses to identify, prevent, mitigate, and account for human rights impacts through systematic due diligence. https://www.oecd.org/en/topics/due-diligence-for-responsible-business-conduct.html
Global Network Initiative (GNI) – Assessment Toolkit Guidance for ICT companies to assess risks to privacy and freedom of expression, with independent accountability mechanisms. https://globalnetworkinitiative.org/wp-content/uploads/2021/11/AT2021.pdf
Institute for Human Rights and Business (IHRB) – ICT Sector Guide Sector-specific guidance for ICT companies on operationalising the UNGPs, with practical advice and risk mapping. https://op.europa.eu/en/publication-detail/-/publication/ab151420-d60a-40a7-b264-adce304e138b
OECD – Due Diligence Guidance for Responsible Business Conduct Risk-based due diligence framework covering human rights, environment, labour, and governance, widely applied in digital and AI contexts. https://www.oecd.org/content/dam/oecd/en/publications/reports/2018/02/oecd-due-diligence-guidance-for-responsible-business-conduct c669bd57/15f5f4b3-en.pdf
European Union – Fundamental Rights Impact Assessment (FRIA) AI Act Art. 27 requires deployers of high-risk AI systems to assess and mitigate risks to fundamental rights prior to deployment. https://artificialintelligenceact.eu/article/27/

2 International and Regional Protection

International and regional protection of human rights in the context of AI has become an urgent political issue, as the spread of this technology introduces new dimensions of risk alongside opportunities for social progress. The implementation of AI systems, particularly by states and multinational corporations, is now recognised as potentially transformative for societies, but also as a source of threats inherent to fundamental rights enshrined in international human rights law. Given the nature of AI systems and their development and training techniques, it is now well established that the implications of their use often transcend national borders. Furthermore, it would not be possible to protect fundamental rights without due reference to the international disciplines that address and protect them even outside the mere digital context.

In this regard, the Universal Declaration of Human Rights (UDHR) represents the foundational instrument for the protection of fundamental rights, proclaiming a common standard for the recognition and safeguarding of these rights for all individuals and nations. The Declaration, adopted by the United Nations General Assembly in 1948 in the aftermath of World War II, aimed not only to enshrine in a legal document the rights that should be recognised for all human beings by virtue of their humanity, but also to establish the right to effective remedies in the event of violations.

In its formulation, the UDHR has served as both a starting point and a source of inspiration for many national constitutions that emerged thereafter. Among the rights most prominently featured—and frequently invoked in international legislation, including in the context of AI governance—are the right to human dignity, as the cornerstone of the human rights framework, as well as the rights to integrity, equality, and the free expression of one's self, thoughts, beliefs, and identity.

Alongside the UDHR, it is essential to high-light both the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC) as benchmarks for the protection of such rights.

The ICCPR, in force since 1976, legally binds its signatory states to guarantee the full range of civil and political rights to all individuals. While many of these rights reflect those recognised in the UDHR, their explicit specification and separate articulation were intended to reinforce respect for dignity and equality, particularly in the face of political or administrative dissent within individual states. In this respect, the Preamble's reference to 'freedom from fear' is especially noteworthy.

The CRC, adopted in 1989, explicitly addresses the protection and promotion of fundamental rights for individuals under the age of 18. It marked a significant mile- stone — not least because of its legal force—in the reconsideration of the child as an individual with full rights, whose dignity, identity, and entitlements must be protected independently of those who act as their guardians. Supporting this view, the CRC enshrines the principle of the best interests of the child (Article 3) and the right of the child to be heard in all matters affecting them (Article 12).

This body of norms serves as the starting point for discussions on the inalienable rights at stake in the regulation and development of emerging technologies, including evaluations of which rights AI systems might primarily help to promote. Building upon these principles and rights, numerous legal and governance documents—at both international and regional levels—have since been developed to more specifically

address the interaction between human rights and AI systems.

The following sections present some of the most significant strategies, initiatives, and legal instruments relevant to this intersection. Extended details, including full texts and comprehensive references, are provided in Appendix A.

2.1 Human Rights and AI at the International Level

At the international level, several instruments and initiatives provide normative guidance on the relationship between AI and human rights. These include both binding human rights treaties and non-binding standards that are increasingly shaping global practice. However, a key gap remains — the absence of a comprehensive, universally binding legal instrument specifically dedicated to AI and human rights.

2.1.1 United Nations Special Rapporteurs

The system of UN Special Rapporteurs provides independent, expert analysis on human rights. While there is not yet a dedicated mandate for AI, several Rapporteurs have already raised concerns about its use.

The Special Rapporteur on Human Rights while Countering Terrorism highlighted the use of AI for mass surveillance, particularly targeting journalists and activists, and called for a moratorium until safeguards for privacy and freedom of expression are in place [7]. The Special Rapporteur on the Right to Privacy issued report A/78/310 stressing the principles of transparency and explainability in AI data processing [118], and later reports on neurodata (2025) reiterated these concerns. Similarly, the Special Rapporteur on the Right to Education underscored both opportunities (inclusion, disability support) and risks (educational disparities, alienation of teachers) linked to AI in education [151].

These interventions illustrate the increasing attention given by existing mandates to AI-related risks. They also support calls for a dedicated Special Rapporteur on AI and Human Rights to provide consistent leadership, interdisciplinary expertise, and consolidated guidance at the UN level.

2.1.2 International Covenant on Economic, Social and Cultural Rights

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the three foundational treaties of the International Bill of Rights. Article 15(b) establishes the right to 'enjoy the benefits of scientific progress and its applications' [84]. This provision can be interpreted as guaranteeing equitable access to AI technologies while also obliging states to mitigate harms through transparency, oversight, and remedies [139].

In the context of AI, this means that states must ensure that new technologies support, rather than undermine, the enjoyment of economic, social, and cultural rights. Examples include access to education, health care, and social protection through AI-enabled services. At the same time, states must establish mechanisms for accountability, ensuring individuals can contest algorithmic decisions that affect their rights.

2.1.3 Office of the High Commissioner for Human Rights

The Office of the High Commissioner for Human Rights (OHCHR) has been central in identifying AI-related human rights challenges. Reports and Human Rights Council sessions have highlighted risks arising from biometric surveillance (e.g., facial recognition), predictive policing, and algorithmic discrimination [2, 31]. The opacity of such systems (the 'black box' problem) makes accountability and access to remedies particularly difficult.

The OHCHR has also stressed the risks of AI-driven content moderation, which may suppress freedom of expression online. To address these challenges, OHCHR has reaffirmed three pillars: (1) human rights as the normative framework for AI development, (2) the need for international cooperation, particularly involving the Global South, and (3) the importance of timely intervention before harmful technologies become widespread.

Recent initiatives include updated interpretative guidance on the UN Guiding Principles on Business and Human Rights (UNGPs), emphasising due diligence through-out the AI lifecycle and stronger stakeholder engagement [122]. In 2025, OHCHR also prioritised the Global Digital Compact, which proposes establishing an Independent International Scientific Panel on AI and a Global Dialogue on AI Governance [62, 88].

2.1.4 Organisation for Economic Co-operation and Development (OECD) AI Principles

In 2019, the Organisation for Economic Cooperation and Development (OECD) adopted the first intergovernmental standard for trustworthy AI: the OECD Principles on Artificial Intelligence. These five core principles emphasise inclusive growth, human-centred values, transparency, robustness, and accountability, supported by five policy recommendations on investment, enabling ecosystems, governance, skills, and international cooperation.

By 2024, these Principles were updated to respond to rapid advances in general-purpose and generative AI. Key revisions included explicit reference to environmental sustainability, a stronger focus on systemic risk management, and the reframing of transparency as contestability (the ability to challenge algorithmic decisions). Accountability was broadened to cover bias, intellectual property, and labour rights [119].

With more than 47 adherent countries across Europe and Asia, the OECD Principles have become a global reference point for AI governance, though their voluntary nature leaves enforcement to national implementation.

2.1.5 G20 AI Guidelines

At the 2019 Osaka Summit, the G20 endorsed AI principles inspired by the OECD, emphasising fairness, transparency, accountability, privacy, and the rule of law [69]. Unlike the OECD Principles, however, the G20 Guidelines function primarily as a political declaration rather than a comprehensive governance framework. They carry diplomatic weight by aligning major economies around high-level commitments but lack specific implementation or monitoring mechanisms [143]. Their scope is also narrower, focusing on broad values rather than detailed standards, and omitting issues such as environmental sustainability or sector-specific safeguards.

2.1.6 Global Partnership on AI

The Global Partnership on AI (GPAI), launched in 2020 and hosted by the OECD, represents a multi-stakeholder effort to operationalise responsible AI. With participation from over 20 countries, alongside civil society, academia, and industry, GPAI works through expert working groups on responsible AI, data governance, future of work, and innovation.

GPAI draws heavily on the OECD AI Principles and the UNGPs, seeking to bridge theory and practice by embedding human rights in AI governance. It promotes inclusive stakeholder participation and accountability across the AI lifecycle. However, as a voluntary initiative, GPAI's outputs take the form of reports and recommendations rather than binding rules.

2.1.7 G7 AI Principles and Code of Conduct

In October 2023, the G7 launched the Hiroshima Process, adopting eleven voluntary principles and a Code of Conduct for advanced AI systems. These principles stress risk-based management

across the AI lifecycle, including pre-deployment impact assessments, post-deployment monitoring, transparency, security, and incident reporting. They also highlight content authentication, research prioritisation, and support for international technical standards.

The Hiroshima Process represents an important step toward harmonising AI governance among major economies, embedding risk management and human rights considerations. However, the voluntary and transitional nature of the principles limits their enforceability. Their main value lies in shaping national approaches and in building alignment with OECD and GPAI processes.

2.1.8 UNESCO Recommendation on the Ethics of AI

The UNESCO Recommendation on the Ethics of AI, adopted in 2021 by 194 Member States, is the first global normative instrument dedicated specifically to AI [161]. It establishes human dignity as the central guiding principle and calls for inclusivity, gender equality, environmental sustainability, and education for responsible AI [116, 110, 165].

The Recommendation urges states to conduct ethical impact assessments of high-risk AI systems, develop national capacities, and ensure public participation in AI governance. Despite its ambition, the Recommendation remains voluntary and largely preventive, focusing on early stages of AI development. It does not fully address adaptive or generative AI systems that evolve after deployment.

2.1.9 IEEE Ethically Aligned Design

The Institute of Electrical and Electronics Engineers (IEEE) has developed a comprehensive framework as a result of the Global Initiative on Ethics of Autonomous and Intelligent Systems: The Ethically Aligned Design (EAD) principles. The main objective is to provide guidance for the development and deployment of autonomous systems and AI systems that promote human rights.

In particular, EAD makes it explicit that AI must be implemented and operated to promote and protect rights such as the right to life, safety, privacy, equality, and freedom of expression. Special efforts must be made to limit the risk of discrimination based on race, gender, religion, disability, sexual orientation, and other individual characteristics as a result of algorithmic operations. To this end, care must be taken to foster human oversight and human agency, putting in place all necessary measures to prevent manipulation and coercion through AI systems. The IEEE also encourages the drafting of governance frameworks that promote the building of public trust in technology, including by ensuring that AI system outcomes can always be traced back to their source of accountability.

This initiative has been influential in guiding industry and policies towards human rights-based approaches in AI system design, with particular emphasis on de-biasing and transparency. Nevertheless, the effective implementation of these guidelines encounters some difficulties, primarily related to technical complexity. In fact, embedding ethical principles from design to actual deployment of AI requires ethical risk modelling, algorithmic audits, adversarial testing, and other methodologies to ensure transparency, which are difficult to operationalise.

Moreover, the claim for constantly verifiable accountability—while certainly commendable and worthy of further study—may be difficult to implement in practice, due to the still high level of unpredictability in AI behaviour in real-life scenarios. While establishing an interdisciplinary ethics review board could be a valid option, organisations may find it difficult to implement consistently due to the related need to ensure diverse stakeholder involvement, constant and continuous commitment, and clear accountability measures, which are difficult to set based on EADs alone. Furthermore, as these are voluntary guidelines, they lack enforcement structures, which could lead to uneven adoption

and pressures due to the need for companies to meet efficiency and financial expectations in order to be competitive in the market.

2.1.10 Raoul Wallenberg Institute of Human Rights and Humanitarian Law

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent research and education institute that has increasingly engaged with the intersection of AI and human rights. Its work examines both the opportunities and risks of AI in areas such as healthcare, justice, and social welfare.

RWI stresses the importance of inclusive multi-stakeholder engagement, transparency, and human dignity in the design and governance of AI systems. It also calls for more robust ethical standards and stronger safeguards against algorithmic bias and accountability gaps.

Although not a norm-setting body like the OECD or UNESCO, RWI contributes through research, policy advice, and convening platforms, helping bridge the gap between academic expertise, civil society perspectives, and policy development.

2.1.11 Overview

Taken together, these instruments constitute a growing body of international initiatives. They provide important reference points for rights-based AI governance but remain fragmented and uneven in enforceability. The rapid advancements in generative AI and the emergence of novel applications have introduced a series of potentially unforeseen ethical dilemmas, such as, by way of example only, the dissemination of misinformation, the development of deepfakes, or the misuse of technology, that existing guidelines may not fully address yet, necessitating ongoing updates and research.

Furthermore, the effective implementation of AI ethics is contingent upon the education of developers, policymakers, and users regarding the capabilities, risks, and responsible use of AI, a gap that hampers ethical compliance and broader social trust. Concurrently, a global regulatory approach that is equally enforceable and uniformly valid across the world is very complex even just to theorise conceptually, due not only to the variety of legal systems that exist internationally, but also to the cultural and social contexts, and the related historical and philosophical roots that guide the different states and their respective approaches to policy in the various sectors of interest.

However, analysis conducted in this section is useful for highlighting the need for even stronger international cooperation, and potentially a binding global treaty to ensure consistent and coordinated human rights protection in the AI era. This has already begun to take shape through the emergence of emerging global dialogues, like the 2023 AI Safety Summit, the 2024 AI Seoul Summit, and the 2025 AI Action Summit, which have spurred initiatives such as a network of AI Safety Institutes and multi-stakeholder foundations, aimed at democratising access, setting safety infrastructures, and advancing public-interest AI.

In order to underline the ways in which these international inputs and key principles have been received by ASEM countries, the following sections will examine some of the main AI governance and regulation measures in light of the human rights framework which have been developed in Asia and Europe.

Summary of International Approaches to Human Rights and AI

Instrument / Actor	Focus / Contribution	Limitations
UN Special Rapporteurs	Highlight AI risks (surveillance, privacy, education); call for dedicated AI Rapporteur	Fragmented, issue-specific mandates
ICESCR (1966)	Right to benefit from scientific progress (Art. 15b); obligations of due diligence and remedies	Broad; requires interpretation for AI context
OHCHR	Reports on surveillance, discrimination, opacity; guidance on UNGPs; Global Digital Compact	Recommendations non-binding; implementation gaps
OECD AI Principles (2019/24)	First intergovernmental AI principles; inclusivity, fairness, transparency, accountability, sustainability	Voluntary; interpretive ambiguities
G20 AI Guidelines (2019)	Political alignment of major economies; based on OECD principles	No monitoring or enforcement mechanisms
Global Partnership on AI (2020)	Multi-stakeholder, practice-oriented; focuses on rights, governance, future of work	Advisory role; limited authority
G7 Hiroshima Process (2023)	Eleven voluntary principles on risk management, transparency, content authentication	Transitional, non-binding
UNESCO Recommendation (2021)	First global normative framework; dignity, inclusivity, sustainability	Preventive, voluntary, limited adaptability
IEEE Ethically Aligned Design (EAD)	Voluntary framework for embedding human rights in AI; stresses oversight, accountability, and non-discrimination	Hard to implement; no enforcement
Raoul Wallenberg Institute (RWI)	Research and policy advice on AI and human rights, emphasises dignity, inclusivity, transparency	Advisory role; non-binding influence

2.2 Human Rights and AI at the Regional Level: Asia

Asia has emerged as a critical region in the global development and governance of AI, characterised by rapid technological adoption, diverse regulatory approaches, and significant variations in the integration of human rights safeguards. As AI technologies become increasingly embedded in economic and social systems, countries across the region are grappling with how to balance innovation with the protection of fundamental rights.

Against this backdrop, South Korea, China, and Japan stand out as particularly instructive case studies, due to their leading roles in AI development, distinct governance models, and active engagement in shaping regional and global AI norms. These three nations represent a spectrum of regulatory philosophies — from South Korea's comprehensive and human-rights oriented framework to China's approach of balancing development and governance with a people-centred focus, to Japan's principles-based and inclusive governance model. By examining their legislative advances and policy challenges, this subsection aims to illuminate key trends, gaps, and tensions in the evolving relationship between AI and human rights in Asia.

2.2.1 AI Basic Act

South Korea's AI Basic Act, passed on 26 December 2024 and promulgated on 21 January 2025, marks a significant step in the country's efforts to establish a comprehensive regulatory framework for AI. This legislation aims to promote AI technology development while safeguarding human rights and ensuring social responsibility. It constitutes the first comprehensive framework on AI in the Asian region and the second on a global level, following the adoption of the EU AI Act in August 2024 [158].

The core of the AI Basic Act is the establishment of a centralised governance structure, with the National AI Committee leading the policy development. This committee is chaired by the President and composed of government officials and industry experts. This centralised decision-making model ensures consistency and efficiency in policy execution, allowing for coordinated efforts in promoting AI-related initiatives. However, it also raises concerns about governance centralisation, which might limit the inclusion of diverse voices from industry stakeholders and reduce the capacity for grass-roots innovation. In a rapidly evolving technological field, a more centralised governance model may impede the flexibility required to adapt to emerging challenges.

The AI Basic Act also mandates the creation of a Basic AI Plan every three years, which is led by the Ministry of Science and ICT (MSIT) and aims to support AI research and development. In addition, it provides the legal basis for establishing specialised institutions like the AI Policy Center and the AI Safety Research Institute to promote and enforce AI policies. While this systematised framework helps ensure long-term stability in AI policy, the lack of flexibility in addressing the fast-changing technological landscape could result in delays in policy adaptation, leading to a gap between emerging technological needs and regulatory responses.

One of the key highlights of this Act is its emphasis on human rights protection in AI development. The Act mandates that businesses assess the impact of their AI systems on fundamental rights when deploying high-impact AI technologies. For instance, high-impact AI systems, which may severely affect human life, physical safety, or fundamental rights, are required to undergo additional risk assessments. This provision underscores South Korea's commitment to ensuring that AI technologies do not infringe upon individual freedoms or perpetuate discrimination.

However, while the AI Basic Act places significant importance on human rights protection, it does not provide sufficiently clear guidelines on ensuring algorithmic transparency, which is a critical issue in many AI applications. For

instance, while businesses are required to inform users when AI is used in their products or services, the Act does not specifically mandate algorithmic transparency or the explainability of AI decision-making processes. In high-stakes areas like facial recognition or social scoring, the lack of transparency could undermine public trust and lead to potential human rights violations, especially if AI decisions are not easily understood or contested by affected individuals [124].

Another distinctive feature of the AI Basic Act is its reliance on voluntary compliance to drive businesses towards responsible AI practices. The Act introduces a preferential procurement system for companies that voluntarily undergo Human Rights Impact Assessments (HRIAs) for their AI systems. While this soft law approach encourages companies to act ethically, it lacks mandatory enforcement and stronger penalties for non-compliance. This difference in regulatory philosophy reflects a divergence in how the two frameworks approach enforcement. The EU's model, with its high penalties, provides a strong deterrent against non-compliance, ensuring that businesses take regulatory requirements seriously. On the other hand, the AI Basic Act's emphasis on voluntary compliance might result in some businesses treating the law as a cost of doing business rather than a compliance obligation. Thus, strengthening enforcement mechanisms and clearly defining punitive measures for violations will be key to ensuring the Act's effectiveness [128].

Moreover, although the AI Basic Act provides a forward-thinking framework for AI governance, it faces challenges in adapting to the rapid evolution of AI technologies. The current legal framework may not be agile enough to address new, unforeseen risks that emerge with advancements in AI. For instance, technologies like generative AI, including deepfake tools, could pose risks that are not adequately covered by the existing provisions. While the AI Basic Act mandates that businesses disclose when their AI-generated content is used, it does not provide sufficient regulatory clarity on how to manage the broader societal risks posed by such technologies. Therefore, the flexibility of the legal framework will be critical. To ensure that the AI Basic Act remains relevant, it will need to evolve with new technological developments, including through subordinate legislation and updates that address the emerging risks of generative and autonomous AI systems. Without the ability to quickly adapt to new technological realities, the law may become ineffective or obsolete, undermining its goal of fostering safe and ethical AI innovation.

2.2.2 AI Promotion Act

On 28 May 2025, Japan's Parliament approved the Act on the Promotion of Research and Development and the Utilisation of AI-Related Technologies (Japan AI Promotion Act) [130], making Japan the second major economy after Korea in the Asia-Pacific (APAC) region to enact comprehensive AI legislation. Most provisions of the Act — except Chapters 3 and 4, and Articles 3 and 4 of its Supplementary Provisions — took effect on 4 June 2025, marking a significant transition from Japan's soft-law, guideline-based approach to AI governance to a formal legislative framework [40].

It is important to note that this legislative evolution builds upon Japan's established model of 'agile governance,' which emphasises flexibility, adaptability, and multi-stakeholder participation to keep pace with rapid technological changes [22]. Rather than imposing binding obligations on private actors, this legislation is designed as a basic law, similar in form and spirit to Japan's Science and Technology Basic Law or the Basic Act on Forming a Digital Society. The Act establishes strategic directions, policy guidelines, and national commitments aimed at promoting research, development, and deployment of artificial intelligence across all sectors.

The AI Promotion Act represents a significant step in embedding human rights considerations into the framework for AI development and governance in the country. Building on Japan's Social Principles of Human-Centred AI, the Act emphasises that AI technologies must respect and uphold fundamental rights such as privacy, equality, and freedom of expression. This is reflected in its focus on transparency, accountability, and fairness, which are critical in mitigating risks like algorithmic bias, discrimination, and misuse of personal data. The Act's provisions also indirectly address human rights by promoting privacy protections, ensuring data security, and fostering a fair and competitive environment for AI innovation. These measures aim to prevent harm to individuals, particularly in sensitive areas such as employment, healthcare, and law enforcement, where AI could significantly impact personal freedoms and opportunities.

Furthermore, the Act's emphasis on inclusive governance ensures that all stakeholders, including citizens, private businesses, and local governments, have roles in shaping AI policies. Article 9 of the Act mandates "strengthened collaboration between the national government, local public entities, research institutions, and AI-utilizing businesses", while Article 15 requires the government to "promote public education and awareness of AI" to enhance citizens' ability to participate in policy debates. This participatory approach aligns with democratic principles and empowers individuals to have a voice in how AI technologies are implemented, reducing the risk of top-down or unaccountable decision-making.

Notably, the Act avoids heavy handed regulatory measures — such as mandatory algorithm audits for all AI systems — in favour of voluntary compliance supported by reputational incentives, a choice tailored to Japan's collaborative industrial culture. It encourages businesses to adopt self-regulatory frameworks and publicly disclose their AI governance practices, leveraging market pressure to drive accountability. For instance, companies that demonstrate strong human rights safeguards in AI may gain a competitive edge with consumers and investors increasingly focused on ethical technology. This approach fosters a culture of responsibility where human rights are not viewed as a regulatory burden but as a core component of sustainable AI innovation — critical for building public trust in technologies that are increasingly integrated into high-stakes areas like criminal justice and education.

Despite representing a milestone in the country's regulatory landscape for emerging technologies, the AI Promotion Act suffers from several shortcomings that may undermine its effectiveness. These issues primarily revolve around enforceability, oversight, and addressing systemic risks inherent in AI technologies. First, he Act's reliance on voluntary compliance, rather than legally binding obligations, creates significant gaps in accountability. Without punitive measures or mandatory oversight mechanisms, there is little recourse if businesses fail to adhere to ethical AI practices. For example, companies may prioritise profit over fairness or privacy, exacerbating risks like algorithmic bias or misuse of personal data. This lack of enforceability is particularly concerning in high-stakes applications, such as law enforcement or healthcare, where errors or abuses could have severe human rights implications [35].

Second, while the Act promotes privacy protections, it does not adequately address the risks associated with AI-driven surveillance technologies. For example, the use of facial recognition and other monitoring tools by public authorities or private entities could infringe on individual freedoms, particularly if deployed without meaningful oversight. This is especially relevant in Japan, where balancing technological innovation with privacy rights has been a longstanding challenge. The lack of clear safeguards against mass surveillance could lead to significant human rights violations, particularly

in the absence of independent regulatory bodies.

Third, the Act's focus on fostering innovation risks overlooking issues of equitable access to AI benefits. Populations in rural or underserved areas may face barriers to accessing AI-driven services, exacerbating existing social inequalities. Furthermore, without proactive measures to ensure inclusivity, the benefits of AI may disproportionately favour well-resourced corporations or urban centres, leaving vulnerable groups further marginalised.

Ultimately, the Japan AI Promotion Act seeks to strike a balance between promoting innovation and safeguarding human rights. By framing human rights as a core principle rather than a regulatory afterthought, the legislation aims to ensure that AI serves as a tool for social good, contributing to a society where technology empowers individuals without compromising their freedoms or dignity. However, its success will depend on how effectively these principles are translated into practice and whether the soft regulatory approach can adequately address the complex challenges posed by AI.

2.2.3 Provisions on the Administration of Algorithmic Recommendation in Internet Information Services

The Human Rights Action Plan of China (2021-2025) establishes the principle of "leveraging digital technologies to expand the space for the free and comprehensive development of all individuals". [59] Rather than pursuing unified AI legislation at the outset, China has adopted a decentralised, scenario-specific regulatory approach, which facilitates a swift response to human rights issues arising during the early stages of artificial intelligence development.

As one of the first steps of this Plan, on 31 December 2021, the Provisions on the Administration of Algorithmic Recommendation in Internet Information Services was issued. This is the first departmental regulation in China and globally to specifically target algorithmic recommendation technology for regulation, marking a new phase of institutionalisation and standardisation in algorithm governance. Article 2 of the Provisions provides the first explicit definitions for five types of algorithms: generative synthesis, personalised recommendation, sorting and filtering, retrieval and filtration, and scheduling and decision-making.

The Provisions are underpinned by higher-level legislation including the Cybersecurity Law, Data Security Law, and Personal Information Protection Law, focusing on issues such as illegal information, algorithmic discrimination, personal information protection, and safeguarding minors. Furthermore, they establish a preliminary algorithm governance framework encompassing pre-emptive prevention, in-process compliance, and post-incident redress, which embodies the 'protect, respect and remedy' principle of the UN Guiding Principles on Business and Human Rights.

In implementing the State's duty of protection, Article 6(2) of the Provisions adopts a negative approach by stipulating that algorithmic recommendation service providers shall not use such services to infringe upon the legitimate rights of other users. Specifically, the Provisions establish a system for algorithmic filing and classification-based management. The Provisions require providers of algorithmic recommendation services possessing public opinion attributes or social mobilisation capabilities to fulfil their registration obligations.

This tiered classification approach shares common ground with the European Union's Artificial Intelligence Act in regulating high-risk AI systems, reflecting the country has taken into account the diversity and impact differences of algorithm technology when fulfilling its protection obligations. Additionally, the Provisions place particular emphasis on the potential impact of algorithms on vulnerable groups such as minors,

the elderly, and workers, requiring algorithm service providers to implement effective measures to safeguard their lawful rights and interests. For instance, addressing the issue of minors becoming addicted to online activities, the Provisions stipulate that algorithmic models must not be designed to induce such behaviour.

As developers, operators and users of artificial intelligence technology, algorithmic recommendation service providers possess not only first-hand knowledge of technological advancements but also direct engagement with users, granting them a governance advantage over governmental bodies development of all individuals" [153]. Consequently, they should exercise self-regulatory oversight. The Provisions translate corporate responsibilities regarding respect for human rights into specific, actionable compliance obligations, providing algorithmic service providers with clear guidance. One is the right to be informed of algorithm information, which means informing users of the relevant information recommended by the algorithm, and disclosing the basic principles, target intentions, and main operating methods of its services.

However, this transparency requirement lacks a tiered approach. For algorithms of high technical complexity and commercial sensitivity, excessive disclosure may compromise corporate trade secrets and core competitiveness; conversely, for low-risk algorithms, existing transparency requirements may prove insufficient to safeguard users' right to know. This one-size-fits-all transparency mandate struggles to strike a balance in practice, potentially leading enterprises to opt for symbolic disclosure rather than substantive transparency.

Secondly, the selection right of algorithms is stipulated, which provides users with choices that do not target their own personality, or facilitates the closure of algorithm recommendation services. And thirdly, the Provisions require algorithm recommendation service providers to fulfil their primary responsibility for algorithmic safety. They must establish and improve management systems and technical measures covering algorithmic mechanism review, technological ethics assessment, user registration, information publication review, data security and personal information protection, anti-telecommunications network fraud, security evaluation and monitoring, and emergency response to security incidents. Providers shall formulate and publicly disclose relevant rules governing algorithm recommendation services.

Moreover, beyond judicial remedies based on national jurisdiction, the Provisions also stipulates non-judicial redress mechanisms. Article 22 stipulates that providers of algorithmic recommendation services shall establish convenient and effective channels for user appeals and public complaints or reports, clearly define processing procedures and response timeframes, and promptly receive, handle and provide feedback on the outcomes of such cases. This non-judicial redress mechanism provides users with a relatively low-cost avenue for relief, facilitating the prompt handling of complaints and enabling direct redress.

2.2.4 ASEAN Guide on AI Governance and Ethics

At the 4th Digital Ministers Meeting of the Association of Southeast Asian Nations (ASEAN), which was held in Singapore in February 2024, the Guide on AI Governance and Ethics (AI Guide) was released. It serves as a practical guide for organisations in the region that wish to design, develop, and deploy traditional AI technologies in commercial and non-military or dual use applications. AI Guide highlights seven principles, including transparency, fairness, security, reliability, human-centricity, privacy and accountability. When it comes to human-centricity, AI Guide proposes that:

"It is key to ensure that people benefit from AI design, development, and deployment while being protected from potential harms. AI systems should be used to promote human well-being and ensure benefit for all. Especially in instances where AI systems are used to make decisions about humans or aid them, it is imperative that these systems are designed with human benefit in mind and do not take advantage of vulnerable individuals" [148].

AI Guide advances the ASEAN Digital Masterplan 2025's Desired Outcome (2.7) which is to adopt regional policy to deliver best practice guidance on AI governance and ethics, IoT Spectrum and technology. The Guide is explicitly structured to be a 'living document,' allowing it to evolve in response to emerging technologies and governance challenges [81].

Recognising the rising prominence of generative AI, ASEAN released an Expanded ASEAN Guide on AI Governance and Ethics — Generative AI in 2025 to supplement and support AI Guide with policy considerations related to generative AI. It outlines six core risks, including mistakes and anthropomorphism, inaccurate content and disinformation, deepfakes, impersonation and malicious use, IP rights infringement, privacy breaches and biased outputs.

The Guide's principles overlap with rights recognised under international human rights law, such as right to information, access to remedy, right to non-discrimination and equality, right to privacy and human dignity. Compared to mandatory measures, ASEAN's preference is for non-binding, consensus-driven, and flexible frameworks, which may be more politically feasible in a region with diverse governance models but weaker in enforceability for rights protection. The Guide represents an important regional step toward ethical AI governance, but its integration of human rights is indirect, implicit, and aspirational rather than binding.

2.2.5 Future Trends of Integrating Human Rights into AI Governance in Asia

Currently in Asia, developments in AI governance suggest that, in the future, Asian countries are more likely to opt for soft-law instruments like regulations as opposed to hard-law mechanisms like legally enforceable constitutional rules. As mentioned in table 5, several Asian countries have been working on voluntary guidelines to establish a regulatory framework for AI that takes human rights considerations into account. This trend reflects both pragmatic and structural factors. On the one hand, voluntary guidelines allow governments to respond quickly to technological changes without the political and legal complexities of passing binding legislation. On the other hand, voluntary guidelines play a strategic role in shaping industry norms and preparing the ground for future regulation. They encourage companies and research institutions to internalise human rights principles while leaving space for innovation and experimentation. Over time, these soft frameworks may crystallise into standards that influence binding lawmaking.

Even where human rights are not expressly stated as a consideration, Asian countries have been emphasising the need to regulate AI in order to protect human interests. For example, Singapore has developed sector-specific guidelines such as the Artificial Intelligence in Healthcare Guidelines, which provide detailed guidance for the design, development, and deployment of AI medical devices, based on the principles of fairness, responsibility, transparency, explainability and patient centricity. Another example is China, where the Robotics + Application Action Implementation Plan not just promotes AI integration in healthcare, elderly care, and education, but has asserted that it will also look into best practices and risk management so as to 'develop a culture of responsible AI development' [121, 71].

In summary, while Asian countries are converging on the need to embed human rights into AI governance, their approaches remain heterogeneous and often less enforceable than European frameworks. South Korea's AI Basic Act represents a comprehensive and rights-oriented framework, yet its centralised governance model and relatively weak penalties may undermine effective compliance. Japan's AI Promotion Act embeds strong principles of inclusivity and fairness but relies on voluntary compliance and lacks a risk-classification system, creating accountability gaps in high-stakes areas such as surveillance. China's scenario-specific regulations mandate corporate duties to respect human rights but risk fragmentation across agencies and encourage symbolic disclosure rather than substantive transparency.

At the regional level, a human rights-based approach to AI regulation is gaining momentum. However, these regulations are mainly soft law in nature and therefore enforceability, and liability for unethical actions, is impaired. For example, while the ASEAN Guide on AI Governance and Ethics is a step in the right direction, it remains a guide where adherence is voluntary. Another example is the Asian Forum on Human Rights that took place in China in 2025, where participants unanimously agreed that technology must be fundamentally oriented towards the protection of human rights [93, 111]. Once again, while the intention is encouraging, more needs to be done with regards to monitoring and accountability.

Taken together, Asia's frameworks prioritise flexibility, innovation, and state-led development, in contrast to Europe's binding and rights-based approach. Whereas European instruments treat algorithmic bias and discrimination as direct human rights violations, Asian systems more often frame them as technical or governance challenges to be managed. This divergence underscores the importance of Asia–Europe dialogue: Europe can contribute enforceable rights safeguards, while Asia offers models of regulatory adaptability and innovation.

2.3 Human Rights and AI at the Regional Level: Europe

As artificial intelligence has become increasingly embedded within the social fabric, the European Union has concentrated its efforts on developing governance and regulatory frameworks for these technologies. Such an initiative stems from the intention to find a balance between fostering technological research and development at the Union level and upholding principles and values central to European legislation, such as respect for fundamental human rights, consumer protection, fair competition, and the rule of law. These efforts have given rise to a set of harmonised European strategies aimed at reconciling the interests of the technology industry and related companies with the safeguarding of end users.

Among these strategies, the following sections will examine in greater depth: the General Data Protection Regulation (Section 2.3.1), the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Section 2.3.2), the Human Rights, Democracy, and Rule of Law Impact Assessment Methodology (Section 2.3.3), and the Artificial Intelligence Act (Section 2.3.4).

2.3.1 General Data Protection Regulation

Among the issues that have emerged as particularly pressing within the European landscape, initially with the advent of the internet and subsequently with the progressive development and consolidation of artificial intelligence technologies, is the protection of privacy and personal data. Within the European legal order, these principles are recognised as essential components of the corollary right to personal identity and individual autonomy. However, once the imperative of safeguarding

what lies most intimately with each subject of law—including, among other things, data relating to their person, health, habits, and lifestyle—shifted into the digital domain, the legal framework was forced to grapple with a way of conceptualising these notions, and with the related management and protection strategies, that has proved arguably incomplete and potentially ineffective. [144, 1]

Originally, the right to data protection was considered an aspect of the right to privacy. Consequently, safeguarding data pertaining to each data subject's personal sphere per se emerged as a subsequent concern—one that nevertheless spread rapidly. [52] The first Data Protection Act was passed in 1970 by the German government, and it was followed by similar legislation in Sweden (1973), Australia (1978), Norway (1978), France (1998), and the United Kingdom (1998). It was not until the advent of the Charter of Fundamental Rights of the European Union (2009) that the right to the protection of personal data was officially recognised as a fundamental right, at least within Europe. [164].

This approach was then consolidated by the General Data Protection Regulation (GDPR), which came into force in 2018, becoming an enforceable and binding legislative instrument for member states [141, 169]. The framework of this act is based on the principles expressed in the EU Data Protection Directive of 1995 and establishes new rights in the field of privacy and data protection, such as data portability and the right to be forgotten. This legislation reaffirms Europe's unique approach in establishing data protection as a fundamental right.

Nevertheless, according to some scholars, this approach is incongruent with numerous business practices in the digital age [27]. The core of this issue lies in the fundamental nature of human rights, which are inherently non-tradeable. Consequently, the pricing of data, whether for exchange, sale, or transfer, should be prohibited. However, it is evident that this practice is prevalent and is frequently justified by the doctrine of informed consent—an increasingly problematic foundation in the context of AI and the digital exchange of information. In fact, the GDPR requires that the data subject give freely given, specific, and unambiguous consent for their data to be processed lawfully, as set out in Article 4.

Nonetheless, it is important to note that such agreement can be withdrawn at any time, as fundamental rights are inalienable. This observation underscores what some scholars have characterised as an ambiguity in the approach adopted by the European legislators. On the one hand, Europe attempts to circumvent the commodification of personal data, a position that is consistent with the notion that human rights should not be regarded as a commodity to be traded in order to fuel market growth or advance technological development [28]. On the other hand, it is clear that the European Union has expressed a clear intention to develop a data-driven economy internally, thus making GDPR compliance complex for both businesses and European institutions themselves [105, 4].

The GDPR is often discussed in terms of compliance and technicalities. Nevertheless, at its core, it was designed as a human-rights protection instrument, as expressed in Recital 1. Among the rights primarily highlighted are:

- The right to information (Articles 13 and 14), which aims to enhance transparency about how personal data is collected, the legal basis for its collection, and how long—and for what purpose—it is retained.
- The right of access and the right to restriction of processing (Articles 15 and 18, respectively), which govern an individual's right to know whether and how their data has been processed, and to trigger safeguards where the lawfulness of that processing is contested.

Due to its rights-protection focus, the GDPR was also the first major legislative instrument to centre the concept of 'risk to the rights and freedoms of natural persons' (see Articles 24, 25, 32, and 35), thereby paving the way for a succession of regulatory and governance documents built around a risk-based approach [54]. In particular, Recital 75 and Articles 24 and 25 frame this risk as a function of both probability and severity of harm—physical, material, or non-material—arising from data processing.

In the document, this approach is reflected in the Data Protection Impact Assessment (DPIA) framework, as set out in Article 35. It was conceived as a European counterpart to the Privacy Impact Assessment (PIA), developed by the OECD and put into practice in legal frameworks such as those of Canada and Australia. The purpose of the DPIA in the GDPR is to ascertain the existence of risks to the rights data holders (Recital 1(2) and Recital 75). This wording provides a broad spectrum of flexibility, extending beyond privacy protection to also cover the rights to dignity, freedom of expression, non-discrimination, and access to services.

Specifically, this tool is intended to (i) test the necessity and proportionality of data-processing operations, (ii) identify the risks associated with them, and (iii) generate documentary evidence that can support findings of compliance—or, conversely, of negligence—thereby enabling responsibility to be attributed where infringements occur [16]. Through the DPIA procedure (Articles 35 and 36 GDPR), the European legislator sought to formalise a risk-based assessment that could function both as a basis for legal accountability and as a mechanism for preventing or mitigating foreseeable harms. Accordingly, where risks are identified in relation to a particular AI technology, the DPIA must also indicate the countermeasures to be adopted to limit them. Where risks nonetheless persist, Article 36 requires controllers to consult the supervisory authority and to inform it of the issue. This establishes an ex-ante dialogue that strengthens regulatory guidance and is intended to facilitate compliance.

In light of the above, it is important to emphasise that the DPIA required under data protection law is controller driven. This means it is carried out by controllers themselves, without mandatory review by external supervisory bodies—except where residual risks remain and are sufficiently significant to trigger a consultation/notification obligation. Moreover, in practice risk assessment often devolves into a "tick-box" exercise, confined to yes-or-no answers, with limited analysis and little requirement for detailed problematisation of the results obtained [99].

Additionally, while the GDPR can be seen as having helped inaugurate a risk-assessment logic for (what are now) AI-enabled processing operations, it does not clearly define thresholds for classifying risks as high, medium, or limited [32]. That determination is largely left to the judgement of internal company personnel conducting the assessment, leaving scope for ambiguity — and, potentially, for strategic interpretation — regarding the outcomes reached. Moreover, many DPIAs are not publicly disclosed, and competent authorities are not obliged to review them unless harm occurs or irregularities are reported [32, 99]. Taken together, these factors raise questions about the GDPR's practical effectiveness in safeguarding fundamental rights — foremost among them the right to privacy — despite the regulation's considerable theoretical and conceptual influence.

2.3.2 Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

On 5 September 2024, the Council of Europe adopted the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law. The Convention establishes a monitoring mechanism intended to ensure that fundamental rights are protected throughout the

entire lifecycle of AI systems. It is the world's first binding international treaty specifically dedicated to addressing the human-rights implications of the development and deployment of AI technologies. [143]

By virtue of its legal status, the Framework Convention obliges signatory states to incorporate its principles and provisions into national legislation and administrative procedures, thereby embedding human-rights safeguards within domestic AI governance frameworks. It also reflects a broader—and increasingly consolidated—trend in recent European regulatory efforts: a commitment to multi-stakeholder engagement. In this context, the drafting process involved representatives from academia and industry, alongside international organisations and civil society actors at the global level.

At its core, the Framework Convention sets out a series of fundamental principles that must guide state action in the development and use of AI technologies. Among these, the protection of human dignity is explicitly emphasised. Often described as a 'constellation right' [176], human dignity is considered by the majority of legal scholars as the foundation upon which the recognition and enforcement of all other fundamental rights depend. [127]

Closely related is the principle of individual autonomy, understood as an expression of self-determination and freedom from external influence or coercion [100]. Furthermore, the Convention incorporates environmental sustainability considerations, emphasising the need for risk-mitigation strategies when deploying AI systems with potentially significant environmental impacts [143]. It also reaffirms the principle of equality and non-discrimination, with particular attention to protecting vulnerable groups — a recurring concern in European policy frameworks [134].

Great attention is focused on algorithmic bias and its potential to undermine individuals' human rights, especially in contexts where automated or algorithm-supported decisions significantly affect people's lives. Ensuring the protection of fundamental rights is inseparable from the principles of accountability—requiring a clear allocation of responsibilities for harms resulting from rights violations—and human oversight, which the Framework Convention identifies as a critical safeguard in the design and deployment of AI systems

Based on the provisions of the treaty, signatory states are required to collect relevant information regarding the use and characteristics of AI systems deployed within their national territory and to make this information accessible to the populations potentially affected by them. Such information must be presented in a manner that is both understandable and usable by the public, enabling individuals to make informed decisions about whether to rely on AI systems and to assess the trustworthiness of AI-supported outcomes.

The Conference of the Parties, established by the Framework Convention itself and composed of representatives from the signatory states, is the body tasked with supervising and monitoring the implementation of the act's provisions. Its mandate includes facilitating stakeholder consultations to support understanding and address challenges encountered in the implementation process. National authorities are further empowered to introduce red lines—that is, outright bans—on specific AI systems deemed potentially harmful to the protection of fundamental rights. Such determinations are made through the application of a risk-based approach, designed to assess the impact of AI systems on human rights, democracy, and the rule of law. Rather than relying on a fixed classification of AI systems into predefined risk categories, the treaty promotes a system-specific and iterative assessment throughout the lifecycle

of the AI technology in question. This tailored evaluation is intended to ensure contextual adaptability in risk management.

Despite the undoubtedly revolutionary scope of this instrument, the treaty is enforceable only within the jurisdictions of the states that have ratified it. As such, non-signatory states are under no legal obligation to comply with its provisions. While this does not diminish the importance of the issues addressed by the Framework Convention, it does limit its potential impact. This limitation once again brings to the forefront the challenge of the 'territoriality' of AI regulation and, consequently, the difficulty of ensuring consistent protection of fundamental human rights in the global development and deployment of AI.

2.3.3. Human Rights, Democracy, and Rule of Law Impact Assessment Methodology

Among the initiatives promoted by the Council of Europe, high expectations have been placed on the adoption (in November 2024) of the Human Rights, Democracy, and Rule of Law Impact Assessment Methodology (HUDERIA), which aims to assess the effects of AI systems on fundamental rights, democratic governance, and the rule of law [85]. The methodology is intended for use by both the public and private sectors, supporting them in identifying, managing, and mitigating risks associated with the specific AI technology under review across its entire lifecycle. Accordingly, it is conceived as an iterative framework rather than a one-off assessment. HUDERIA adopts a socio-technical perspective: it recognises that AI systems are, or are intended to be, embedded within social contexts shaped by cultural, legal, and economic factors, and that their impacts are mediated by human decisions [92].

Based on these underlying assumptions, HUDERIA is structured into the following phases:

- **Context-Based Risk Analysis:** This phase analyses the specific context in which the AI system in question was developed and is used, bringing to light potential risk elements concerning the safeguarding of fundamental rights, democratic values, and the rule of law.
- **Stakeholder Engagement Process:** The involvement of all the most relevant stakeholders is considered essential to evaluate the perspectives of those who may be directly or indirectly impacted and to ensure effective transparency.
- **Risk and Impact Assessment:** The possible risks identified are evaluated based on criteria such as likelihood, severity, and potential impact. This also helps assess whether the AI system under examination is appropriate for its intended purpose and how it might affect the enjoyment of fundamental rights by users.
- **Mitigation Plan:** The final stage aims to determine which measures can be implemented and which regulations may apply to limit risks and protect potentially affected parties. This phase is designed to be iterative and involves monitoring the AI system throughout its operational lifespan.

Such a methodology is not intended to be a legally binding instrument. Rather it serves to complement the Council of Europe's Framework Convention on Artificial Intelligence and other legal documents that establish a clear framework of norms without specifying concrete application tools for the rules imposed—such as in the case of the AI Act 2.3.4. The added value of this initiative lies in setting a precedent and model for a rights-based, anticipatory regulatory approach to AI that embraces democratic principles while going beyond traditional focus on mere formal and technical compliance. In fact, its principal merit is the attempt to incorporate into the impact assessment procedure evaluations that consider the relevant social context and the related social and cultural dynamics that are involved in the deployment of new technologies.

2.3.4 Artificial Intelligence Act

The Artificial Intelligence Act (AI Act) represents the first attempt to establish a uniform, systematic framework for regulating artificial intelligence. It is the outcome of a prolonged political debate that engaged not only policymakers, but also experts across relevant research fields, representatives of technology users, and industry stakeholders — including those directly involved in building AI systems [19]. The aim was to craft a regulatory architecture that would not stifle AI development in Europe, while still protecting citizens from potential harms, particularly those implicating fundamental rights [80]. In this respect, the European legislator also aspired for the AI Act to generate a 'Brussels Effect,' mirroring what previously occurred with EU data and privacy regulation. The underlying assumption is that global actors drawing on European AI rules may, in turn, accelerate the diffusion of technologies that embed high standards of protection by design—especially with regard to dignity, non-discrimination, and respect for the rule of law and democratic

The AI Act was adopted in its final form in June 2024 and entered into force in August 2024, but it is not yet fully operational. Several implementation measures and phased compliance obligations still need to be completed. The Act introduces a riskbased system for classifying AI according to the potential harm it may pose to individuals' health, safety, and fundamental rights. AI systems considered to pose an unacceptable risk are banned (Article 5). Next are highrisk systems (Article 6, with specific use cases listed in Annex III), which may cause significant harm and are therefore subject to strict design, governance, and operational requirements. Finally, limitedrisk systems are mainly regulated through transparency duties, such as informing users when they are interacting with an AI system or when content has been generated or manipulated by AI.

Similar attention to disclosure—namely, making clear when one is interacting with an AI rather than a human operator, or when one is exposed to AI-generated content—is also reinforced for general-purpose AI (GPAI), which is addressed separately in Title VIII. In this latter case, it is also important to make clear to users the system's ability to generate outputs autonomously, as well as the datasets and training methods on which it relies, including their limitations. All other systems are classified as minimal risk and are, in practice, largely unregulated.

The risks that the AI Act considers are those affecting the fundamental rights of individuals, with particular emphasis placed on human dignity, privacy, non-discrimination, and equality. Therefore, even though the rules regulating the requirements for specific classes of AI technologies and the necessary risk mitigation measures bear similarities to those found in safety regulations, the Act is conceived by the European legislator as a human rights protection instrument.

In line with this goal, Article 27 requires that a Fundamental Rights Impact Assessment (FRIA) be carried out prior to the deployment of a high-risk AI system [129]. This obligation applies to public bodies and to private entities providing public services, as well as—by way of example—to deployers covered under Annex III, point 5(b) and (c), such as companies using AI for credit scoring or for risk analysis in life or health insurance. The assessment must describe how the system is expected to be used (including timing and frequency), identify the categories of individuals who may be affected, and set out the harms that could potentially arise.

Furthermore, the assessment must include a description of the strategy to be implemented should the anticipated risks materialise, together with the specific form of human oversight to be put in place. All of this information must be gathered before the AI system is first used.

Subsequent deployers may rely on an existing assessment unless they consider it necessary to update it due to obsolescence or shortcomings in the original analysis. Once the assessment has been completed, market surveillance authorities may authorise the placing on the market of systems that have successfully undergone the FRIA.

However, Article 46(1) introduces a significant exception to the procedure outlined above, potentially undermining the protective scope of Article 27 regarding human rights. In fact, Article 46 allows the use of high-risk AI without the need to demonstrate no or marginal impact on fundamental rights for reasons such as public security or environmental protection. Although the provision refers to 'justified reason'—suggesting that the exceptional circumstances which lead to the application of this norm cannot be entirely arbitrary — it is true that this expression is in itself a source of ambiguity in legal terms. Indeed, it raises doubts about the actual impact of the FRIA obligation in the AI Act [167]. The European Data Protection Supervisor has expressed apprehension about exemptions that could weaken the safeguards applicable to high-risk AI systems. Its primary concern is that protections intended to guarantee individuals' fundamental rights may be applied inconsistently, thereby generating legal uncertainty in one of the regulation's core fields. [156]

2.3.5 Open Challenges in the European AI Strategies

The preceding sections have presented some of the most significant strategies and interventions adopted by European institutions to address the risk of human-rights infringements perpetrated by, or arising through, AI systems. As the overview shows, the approach favoured in Europe is a risk-based one. This choice is likely driven by the dual objective pursued by Member States in regulating new technologies: not only to protect end users, but also to foster technological development within the region.

To achieve this, a framework modelled on product-safety regulation can offer greater legal certainty for providers. Providers already have experience with compliance duties and liability exposure under safety laws and may therefore be more willing to adhere to procedures and requirements that resemble rules they already know [67]. However, product-safety norms are primarily designed to address risks to health and safety [133]. As a result, while they can help make technologies safer, they capture only part of the spectrum of risks that AI—especially high-risk systems—may pose to fundamental rights.

The main challenge is that the concept of risk and that of human rights—particularly fundamental rights—belong to legal, evaluative, and thematic categories that are fundamentally misaligned. On the one side, a fundamental right is often regarded as an inalienable attribute of every human being, by virtue of our shared humanity [65, 64]. It is a right which not even the holder can lawfully renounce. On the other side, risk is situated within the domain of verifiability, quantification, and systematic analytical processes. Risk must be measured so it can be anticipated, mitigated or eliminated al-together. In many cases, risk may be regarded as tolerable when weighed against contextual factors and assessed through trade-offs among likelihood, severity, and potential benefits. In other words, a threshold can be set beyond which risk is deemed intolerable, and below which it may be considered acceptable for pragmatic reasons.

Such thresholds, however, cannot be applied to fundamental rights. Legal theory and judicial practice recognise no threshold within which the impairment of a human right may be considered tolerable and beyond which sanctions are triggered. To do so would undermine the very notions of essentiality and inviolability that define these rights. What is possible — and indeed common—is the balancing of multiple rights, guided by rigorous precedents and norms, undertaken on a case-by-case basis, often by

apex courts such as the European Court of Human Rights or the International Court of Justice. Such balancing exercises lie beyond the actuarial logic of risk, a logic more commonly associated with business strategy, civil liability frameworks, and corporate policy, and not with the protection of core human values [6].

Scholars seeking to reconcile what appears an irreducible conceptual and applicative gap have frequently resorted to the use of proxies—indirect measures or surrogate categories of risk—intending to avoid clear-cut quantitative frameworks [95]. Nonetheless, such strategies rely on assessments conducted by individuals who, even if competent, may lack complete impartiality or may not guarantee consistency in judgment and implementation of countermeasures. Mechanisms intended to limit the arbitrariness of interpretations of certain norms are sometimes embedded within the regulations themselves, as in the AI Act—most notably in Article 42 [129]. Nevertheless, even there the framework relies heavily on external actors, for instance through third-party certification and the prominent role assigned to harmonised standards. These instruments, in particular, present non-negligible challenges.

By definition, harmonised standards are technical instruments drafted largely by industry actors—often major corporations—through processes that are relatively distant from the democratic procedures typically associated with the enactment of laws and regulations. Moreover, notified bodies are frequently composed primarily of technical experts who may lack experience with the complex work of identifying, interpreting, and safeguarding fundamental rights. Effective protection in this domain requires the capacity to engage with notions such as 'interference with human rights' or 'risk to fundamental rights'—concepts that are highly complex and multifaceted, and that can challenge even jurists specialised in international law. Human rights are, by nature, questions of policy and legal balancing; they are difficult to quantify and systematise in the way standards are often expected to do [166]—unlike more tangible risks, such as those linked to particular chemical agents or to compliance with specified technical procedures.

In light of these considerations, a rights-based logic and a more holistic approach to the impact that AI systems may have on individuals and society as a whole could prove most effective, at least in regulatory and governance frameworks that prioritise the protection of fundamental rights. From this perspective, the initiatives and outlook adopted by the Council of Europe appear to outline a more effective strategy for safeguarding human rights in the digital era. The Council notably includes an evaluation of the context in which AI technologies are used, paving the way for a better assessment of collective and systemic repercussions of technological development—rather than merely individual ones.

Moreover, the range of rights covered by this approach is broader and more flexibly expandable. The impact assessment methodology proposed by the HUDERIA (2.3.3) is also designed as an iterative process, ensuring coverage throughout the entire lifecycle of AI systems while adapting to any acquired capabilities, ongoing learning processes, or technological upgrades. In doing so, it may adequately address the persistent challenge posed by the mismatch between the rapid pace of technical development and the rhythms of legal adaptation.

2.3 6 Future Perspectives

The European Union is resolutely committed to becoming a global leader in the responsible development of artificial intelligence. To this end, on 9 April 2025, the so-called AI Continent Action Plan was launched, aiming to transform Europe into an 'AI Continent' grounded in the principles of transparency, trust, and respect for democratic values [25]. A human-centric

approach stands as the cornerstone of this agenda, underpinning a suite of measures intended to improve data access and promote the responsible advancement and deployment of AI systems and AI-driven solutions across key sectors such as industry, sustainability, education, and healthcare.

To realise these ambitions, the AI Continent Action Plan sets out a comprehensive roadmap to ensure the safe and fundamental rights-respecting deployment and market diffusion of AI technologies. Central to this effort is the progressively closer and interdisciplinary cooperation between the economic sector, technical experts, and policy makers, fostering a successful intertwining of technological excellence with ethical leadership [113].

Naturally, achieving these objectives necessitates maintaining a global outlook — one that accounts for the technologies being developed, the emergent technological needs, and the evolving legislative frameworks in other regions of the world. The effort to establish an efficient and human rights-compliant AI continent cannot succeed without open collaboration and dialogue among leading economic actors in the global market, nor without the planning of a governance and regulatory framework that is as harmonised as possible. This is particularly critical given that AI, in light of its technical and operational characteristics, tends to transcend both physical and legal national boundaries. Thus, an overly fragmented AI policy approach would merely incentivise the development of technology in under-regulated or more business-friendly jurisdictions, leaving fundamental human rights at risk.

3 Thematic Focus

Among the fundamental rights implicated by the development, deployment, and dissemination of intelligent systems, certain rights have garnered particular attention from international policymakers. Chief among these is the right to privacy, whose protection has become increasingly complex in light of the pervasive and extensive use of data intrinsically linked to identifiable individuals throughout the technological life cycle. Consequently, another category of rights that has attracted considerable focus within global governance concerns equality and non-discrimination. In fact, progressive automation of AI systems and their expanding role in various decision-making processes expose them to risks of unfair treatment, bias, and the perpetuation of social inequalities embedded in the underlying data. Faced with these two examples of fundamental rights potentially endangered by AI, a crucial challenge that different states around the world are called upon to address is that of guaranteeing access to the judicial system and remedies for those adversely affected.

As discussed in section 2.3.5, a right is inalienable not only when universally recognised as a fundamental entitlement, but also when the legal framework enables rights holders to enforce it at any time and against any infringers. Thus, safeguarding the remedial system is essential to upholding the rule of law and securing substantive, rather than merely formal, equality before the law. Therefore, the following sections aim to explore these three central themes regarding the approach that ASEM countries adopt to the protection of human rights in AI: (i) the right to privacy and data protection, (ii) the right to equality and non-discrimination, and (iii) the access to justice.

3.1 Privacy and Data Protection

The right to privacy is protected by Article 12 of the Universal Declaration of Human Rights. In particular, it stipulates that "no one shall be subject to arbitrary interference with his privacy, family, home, or correspondence, nor to attacks upon their honour and reputation" [11]. The International Covenant on Civil and Political Rights (ICCPR) provides protection against arbitrary or unlawful interference and attacks on privacy in Article 17. Confirming the fact that this right is highly personal and fundamental, dependent not on additional factors but solely on belonging to the humankind, the Convention on the Rights of the Child also recognises it in Article 16 for minors, even if they do not yet have full legal capacity.

The advent of the internet, artificial intelligence, and related technologies has quickly highlighted the practical difficulty of guaranteeing such a right on a large scale. This is linked to the role that data plays in such a landscape of innovation and development, especially when it comes to data that pertains to the private and personal sphere of the individuals who hold it.

In such an already complex and dynamic scenario, a further difficulty in protecting the rights analysed here also stems from the fact that privacy and data protection are not conceptualised in the same way and do not have the same relevance everywhere in the world. Examples of this divergence are evident in the ASEM countries too, resulting in different levels of attention and urgency in their regulation and governance. Europe, in fact, considers privacy — and, since the adoption of the GDPR, data protection as well (Section 2.3.1)—to be fundamental rights, protected by a unified and enforceable legal regime. As a corollary to the protection thus guaranteed to these rights, there is a particular emphasis on the theme of individual autonomy, individual control over what belongs to the subject, and consent as an essential institution for allowing others access

to this sphere of identity and subjectivity. At an even broader level, this vision can be traced back to property as a central right in European legal systems — but we could also say Western legal systems — since Roman law [86, 61].

Asian countries, on the other hand, show a more heterogeneous approach, which includes both the adoption of forms of strict law for the protection of privacy in some states, and greater attention to the delicate balance between privacy, state control, and collective economic growth in other states [60]. In fact, in Asia, the concept of privacy is often intertwined with economic development priorities, collective social values, and government roles that push for a more peculiar balance between state interests and individual rights than what has historically been observed in Europe.

Given such a multifaceted approach to data protection, it is nevertheless worth noting that the challenges facing policymakers are similar on an international scale, due to the comparable technical requirements of the intelligent systems for which these data are essential.

3.1.1 Sources of Privacy Harms in AI Systems

The data collected, analysed, and stored to enable the functioning of AI systems often concern highly personal aspects of individuals' lives, such as health, habits, location, political or religious beliefs, or sexual orientation. Because AI technologies depend so heavily on this type of information, they create significant risks for the protection of privacy and personal data in the digital age.

These risks can be better understood by distinguishing between two categories of privacy harms: those linked to how data are collected and managed, and those linked to how data are subsequently used by AI systems. The first category includes vulnerabilities in gathering, storing, and re-using personal information, often without clear consent or adequate safeguards. The second arises when AI systems process or infer new information from data, for instance, by profiling, biometric analysis, or large-scale surveillance.

Taken together, these challenges illustrate the continuing difficulty of reconciling the functioning of AI with the protection of privacy. Despite ongoing regulatory initiatives, high risks to fundamental rights remain and require sustained technical, legal, and institutional responses.

Sources of Privacy Harms in AI Systems

Privacy harms from AI generally arise from two categories:

1. **Data collection and management**
   - **Excessive data gathering:** *collection beyond what is necessary [94].*
   - **Ambiguous consent:** *unclear or overly complex authorisation mechanisms [50].*
   - **Weak anonymisation:** *anonymised data can be re-identified [53].*
   - **Data re-use:** *information repurposed without consent [83, 125].*
   - **Regulatory mismatches:** *conflicting legal regimes in cross-border contexts [82, 15].*
2. **Data use by AI systems**
   - **Opaque governance:** unclear how data drive algorithmic outcomes [31112].
   - **Profiling:** detailed user profiles built for decision-making [147, 96].
   - **Algorithmic training:** models trained on personal data without consent [168].
   - **Mass surveillance:** large-scale monitoring of individuals [98].
   - **Biometric analysis:** use of facial or bodily data with chilling effects [39, 75, 155, 97, 102].

3.1.2 Illustrative Examples

The ASEM region has seen multiple cases where the use and processing of personal data by AI systems has caused harm. Risks from AI-enabled data collection, profiling, and inference often stem from scale, opacity, and function creep. A central concern is the growing gap between what data subjects expect and how their information is used, coupled with the difficulty of contesting inferences drawn from data they never explicitly provided. See Appendix C.1 for the full set of illustrative cases and citations. Despite sustained attention to privacy in global governance, effective data protection in the digital age remains unresolved.

Cases from ASEM countries also reveal uneven visibility: more have been documented in Europe than in Asia, reflecting differences in transparency and enforcement. While this indicates growing attention by regulators, it also underscores the limits of existing frameworks in preventing and addressing violations of fundamental rights.

3.1.3 Legal and Policy Responses

As already highlighted in the previous sections, the issue of privacy has been one of the most pressing concerns for researchers and policymakers with the advent and progressive spread of intelligent systems. Such a focus is naturally due to the awareness that AI requires data in order to be developed, trained and, ultimately, to function. This has brought to light what could in some ways be considered an irreducible aporia between (i) the need to protect information that draws on the private and highly personal sphere of legal subjects and (ii) the need to make as many data as possible available to AI, in order to enable its effective integration into civil society [1].

Therefore, ASEM countries have developed multiple regulatory attempts that aim to balance support for technological development with the goal of protecting fundamental human rights. Among these attempts, the GDPR—which was discussed in detail in section 2.3.1—certainly stands out. Through it, Europe has attempted to outline a replicable framework model that guarantees rights such as data portability, access, and erasure. In parallel, the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data—also known as European Convention 108—in its revised 2018 version, constitutes the only multilateral agreement on personal data protection with binding legal force at the global level [24]. It has played a primary role in reinforcing obligations related to algorithmic accountability and breach notification. Naturally, the AI Act also aims to safeguard privacy as one of the fundamental human rights that regulation seeks to protect. While the Act leaves intact the provisions of legislation directly governing the fair processing of personal data, it repeatedly imposes stringent requirements concerning transparency and the significance of human oversight, particularly when high-risk systems are involved [129].

With respect to the Asian region, in 2024 the Association of Southeast Asian Nations adopted a Guide on AI Governance and Ethics, highlighting the importance of transparency, fairness, and sector-specific standards designed to protect the processing of data by AI systems and for AI training purposes [136]. More specifically, China has recently developed guidelines for managing AI user privacy [5], supplementing its Personal Information Protection Law, which requires explicit consent for data processing and mandates data localisation [18]. The centrality of consent in data processing also emerges in Indian legislation, which, through the Digital Personal Data Protection Act, strengthens accountability measures for personal data within the context of AI. In India, the Supreme Court's landmark case K.S. Puttaswamy v. Union of India further entrenched privacy as a fundamental right, setting constitutional limits on data use and informing safeguards such as data minimisation, purpose limitation, and consent in AI applications [137].

In other Asian countries, the approach to privacy protection remains largely focused on soft law. South Korea's AI Basic Act and AI Framework Act introduce binding obligations for 'high-impact' AI systems in sensitive sectors, requiring human-in-the-loop oversight, explainability, and protection of user rights, including privacy [115]. Indonesia's Kominfo Circular No. 9 of 2023 similarly identifies personal data protection as a guiding principle for AI use, though its voluntary nature limits enforceability [9]. Japan has issued a series of non-binding AI guidelines centred on the human-centric development of new technologies, emphasising the fair and lawful processing of users' personal data. Vietnam's Decision No. 1290/QD-BKHCN (2024) requires developers to ensure AI systems respect privacy and dignity by preventing discrimination and unfairness in data use [109]. Singapore has taken a different approach with AI Verify, a testing and governance toolkit to validate compliance with principles including transparency, fairness, accountability, and data governance [91]. Together, these examples illustrate how Asian states are experimenting with a mix of constitutional rulings, statutory provisions, and soft-law instruments to address privacy concerns in AI, though uneven enforcement remains a significant challenge.

3.1.4 Comparative Analysis

The preceding overview illustrates how approaches to privacy and data protection in AI diverge significantly across regions. In Europe, privacy and data protection are entrenched as enforceable fundamental rights within a comprehensive and unified regulatory framework. In contrast, Asian states present a more heterogeneous picture, ranging from constitutional recognition and binding statutory instruments to non-binding guidelines, voluntary initiatives, and sector-specific toolkits. This diversity reflects deeper differences in legal traditions, governance priorities, and the balance struck between individual rights, state interests, and economic development. A comparative perspective therefore highlights not only the different regulatory logics shaping AI governance in ASEM countries, but also the common technical and institutional challenges that persist across contexts.

Table 2: Comparative Analysis of Privacy and Data Protection in AI

Dimension	Europe	Asia
Regulatory Maturity	Many regulatory binding laws and treaties, e.g. GDPR, AI Act, DSA	Mix of binding laws — as in China or India — and voluntary guidelines, even if soft law remedies are still predominant.
Enforcement and Oversight	Strong supervisory frameworks, with the possibility to export some of the prevision — as in the case of the GDPR.	In many Asian countries supervisory measures are still pretty limited, and the exportation of rules is challenged by strategic divergences. Some alignments are still possible, especially thanks to ASEAN guidelines.
Orientation	Human-centric, with an intervention approach predominantly risk-based and focused on impact assessment strategies.	Innovation-centric, with an intervention based on state-guided balance between security and control.

In sum, while Europe advances through a harmonised and enforceable framework that emphasises individual autonomy and consent, Asia demonstrates a spectrum of responses that combine binding legal measures with soft-law and experimental approaches. Asian approaches often reflect a hybrid model, balancing state and economic interests with privacy protections, contrasting with the EU's rights-based GDPR model. This heterogeneity shows how privacy in AI is framed not only as an individual right but also in relation to collective values, state authority, and developmental priorities. Despite these divergences, both regions face parallel challenges in addressing data-driven risks of AI, including the protection of sensitive information, the enforcement of consent, and the prevention of misuse. The comparative perspective underscores that no single model yet offers a complete solution, and that cross-regional dialogue within ASEM remains essential to developing effective and rights-respecting governance of AI.

3.1.5 General Recommendations

Despite the considerable attention that researchers and technical experts have devoted for years to developing AI systems that respect the fundamental human right to privacy and comply with the imperative to protect users' data, numerous challenges persist. In this regard, some recommendations are outlined below for ASEM countries, aimed at overcoming the risk of mere formal compliance and moving toward the substantive guarantee of these rights:

- **Strengthen Enforcement and Oversight Bodies:** It could be relevant to reinforce the capacity for audits and breach reporting, taking inspirations from the GDPR authorities.
- **Privacy Preserving Technologies:** Directing the attention of technical experts and policymakers toward fostering the development and dissemination of technologies that incorporate mechanisms for protecting and securing users' personal data is paramount. This approach should supplant the prevailing remedial logic that continues to dominate attempts at global data governance. Achieving this objective first requires the widespread promotion of privacy-by-design principles in AI systems.
- **International Cooperation:** Favouring international collaboration is of central importance—not only for the creation of multilateral platforms for sharing best practices and facilitating regulatory alignment, but also for the ongoing dialogue concerning regulatory approaches to be adopted. Such cooperation aims to achieve more harmonised legislation concerning privacy protection in the digital era. This is particularly relevant given the coexistence of strict consent-based regimes (e.g. India, China) and more flexible or voluntary models (e.g. Indonesia, Japan), which create mismatches in cross-border data flows.
- **Cross-border Enforcement Mechanisms:** Strengthening international cooperation is essential not only at the governmental level but also in the development of effective and tangible enforcement tools capable of transcending national boundaries. Since AI services routinely cross jurisdictional borders, reliance on enforcement mechanisms valid only in specific circumstances may encourage forum shopping and undermine certainty regarding the consequences of privacy infringements or data breaches. Similarly, access to affordable legal remedies is crucial for upholding privacy rights in the global deployment of AI. ASEM dialogue should seek to build bridges between binding and non-binding approaches, exploring how voluntary frameworks and toolkits can complement legal instruments and improve enforcement.
- **Continuous Reassessment:** Given the rapid technological advancements in AI, it is imperative to maintain a reiterate assessment of privacy governance frameworks to ensure they remain dynamic and adapted to ongoing innovation.

Approaches within Asia remain heterogeneous, ranging from binding statutory instruments in India, South Korea, and Vietnam, to soft-law initiatives such as ASEAN's Guide on AI Governance and Ethics, Japan's non-binding guidelines, and Singapore's AI Verify toolkit. By contrast, European approaches are largely unified under binding and enforceable instruments such as the GDPR, the revised Convention 108, and the AI Act, which together establish a comprehensive framework centred on individual autonomy, consent, and accountability. This divergence underscores the value of ASEM dialogue in bridging approaches and promoting mutual learning across regions.

3.2 Equality and Non-Discrimination

Equality and non-discrimination are core principles of international human rights law, enshrined in Article 2 of the Universal Declaration of Human Rights (UDHR), Article 26 of the International Covenant on Civil and Political Rights (ICCPR), and Article 21 of the Charter of Fundamental Rights of the European Union (EU Charter). Unlike technical definitions of 'fairness' in computer science, international human rights law treats discrimination as an absolute prohibition: there can be no 'tolerable' threshold of discriminatory treatment [150, 177].

In the context of AI, the risk that algorithmic systems may reinforce or even exacerbate existing inequalities has become one of the most urgent concerns for policymakers, legal agencies, and civil society alike. There are many sources for bias in AI systems (see section 3.2.1), but data is often seen as the primary medium through which AI systems are trained and thus the fundamental basis for algorithmic predictions or decisions. This signifies that the quality of data exerts a direct influence on the functionality of these systems, independently of other sources of bias. A salient issue is the recognition that data is inherently subject to biases that are intrinsic to it and to those that are context-specific to its generation or utilisation [30, 140].

Importantly, intersectional bias, where gender, race, disability, class and other identities compound to produce unique harms, remains a pressing but under-detected problem. These forms of bias directly undermine the right to equality and the essence of human dignity [55, 34]. Consequently, contemporary AI technology may amplify these biases, thereby jeopardising the fundamental right to equality and non-discrimination.

As we will see in section 3.2.2, across the ASEM region, real-world cases illustrate the breadth of these risks. In Europe, welfare fraud detection tools (SyRI, Netherlands) and grading algorithms (UK Ofqual) have been struck down for systemic discrimination and opacity. In France and Germany, predictive policing and employment profiling have revealed indirect discrimination and lack of transparency. In Asia, large-scale infrastructures such as Aadhaar in India, credit scoring in China and the Philippines, and AI-driven recruitment in South Korea and Indonesia show how exclusionary outcomes disproportionately affect vulnerable groups, often reframed as technical failures rather than rights violations.

But concerns about algorithmic bias are not unique to the Asia–Europe context. Well-documented global cases such as the COMPAS recidivism tool in the United States, which disproportionately misclassified Black defendants as high risk, and Amazon's experimental recruitment algorithm, which systematically disadvantaged female applicants, have become reference points in the international debate. While these cases lie outside the ASEM region, they illustrate the broader mechanisms through which AI systems can replicate and intensify existing inequalities. The following discussion turns to examples from ASEM partner countries, where similar risks have manifested in welfare, policing, education, and employment contexts.

The following subsections examine in greater detail the sources of bias in AI (3.2.1), real-world examples across the ASEM region (3.2.2), legal and policy responses (3.2.3), and comparative insights from Europe and Asia (3.2.4). Building on this analysis, section 3.2.5 identifies general recommendations for ensuring that AI governance fully upholds the non-derogable right to equality and non-discrimination. This chapter ends with a list of questions to be discussed in the Working Group session (3.2).

3.2.1 Sources of Bias in AI Systems

AI systems frequently reproduce or intensify existing social inequalities. Bias enters at different stages, including the composition of training datasets, the design of algorithms, and the contexts in which they are deployed. As a result, groups that are already marginalised face disproportionate harms in welfare, education, policing, and employment. The literature highlights five recurring sources of bias: data bias, algorithmic bias, design bias, deployment bias, and intersectional bias.

Sources of Privacy Harms in AI Systems

- **Data bias:** Training datasets reflect historical inequalities and under-representation [17].
- **Algorithmic bias:** Model architectures and optimisation amplify unequal outcomes [12].
- **Design process bias:** Lack of diversity in development leads to blind spots in impacts [150].
- **Deployment bias:** Context of use (e.g., policing, credit) can create discrimination even with accurate models [42].
- **Intersectional bias:** Overlapping forms of discrimination across race, gender, or class compound harms [49].

The persistence of these different forms of bias shows that algorithmic discrimination is not an isolated error but a systemic risk. Addressing it requires preventive design, robust monitoring, and effective legal safeguards across sectors.

3.2.2 Illustrative Examples

Across the ASEM region, several high-profile cases have demonstrated how algorithmic decision-making can entrench or magnify structural inequalities. In Europe, the Netherlands' child benefits scandal and the SyRI welfare fraud detection system revealed how opaque profiling in public administration can lead to systemic discrimination, lack of accountability, and severe social harm [131, 14]. In the United Kingdom, the Ofqual grading algorithm disproportionately downgraded students from disadvantaged schools during the COVID-19 pandemic, sparking public outcry and concerns about systemic bias and lack of transparency [159]. In France, predictive policing initiatives such as PAVED raised concerns about opacity and data-driven feedback loops that reinforce discriminatory policing [114]. In Germany, the Federal Employment Agency's 'Arbeitsmarktchancen-Index' was criticised for profiling job seekers based on sensitive variables such as age, health, and migration background, thereby risking indirect discrimination and unequal access to social rights [74].

In Asia, India's Aadhaar biometric identification system has been associated with the exclusion of vulnerable groups such as the rural poor, women, and the elderly from essential entitlements, illustrating how large-scale digital infrastructures can reinforce structural inequalities [138]. China's pilot projects for social credit and credit-scoring systems have raised concerns of indirect discrimination, particularly where proxies such as geographic location or social networks are used [89]. In the Philippines, AI-driven credit scoring models risk excluding low-income groups by relying on Western-centric datasets that fail to capture local demographic and linguistic realities

[104]. In South Korea, AI-based hiring tools and related systems have faced criticism for opacity, discriminatory outcomes, and biased behaviour in conversational agents such as the chatbot Lee Luda [47]. Similarly, in Indonesia, AI-driven job-matching platforms have been found to disadvantage female applicants due to systemic occupational segregation reflected in training data [132].

Taken together, these cases demonstrate that algorithmic discrimination is not incidental but a systemic risk across welfare, policing, education, employment, and financial services. The examples highlight how historical data, proxy variables, and feedback loops produce errors that are unequally distributed and difficult to correct at scale. Algorithmic bias thus directly intersects with regional human rights protections, making it a pressing governance challenge. For further illustrative cases and detailed sources, see Appendix C.2.

3.2.3 Legal and Policy Responses

Several international and regional legal and policy initiatives have been developed to address the risks of inequality and discrimination in AI. These initiatives generally intertwine legal obligations with soft law approaches at the intergovernmental level, with the objective of ensuring that AI systems are developed and deployed in a manner that respects fundamental rights and maintains legal standards of equality. These initiatives converge on some crucial points, such as the attempt to prevent algorithmic discrimination through a mandatory impact assessment on the principle of equality, the promotion of transparency, the adoption of an inclusive approach that favours multi-stakeholder engagement, and the attempt to promote the logic of harms prevention rather than focusing only on compensation or mitigation of damages [68].

At the international level, the UN Office of the High Commissioner for Human Rights (OHCHR) has stressed that biometric surveillance and predictive policing practices raise particular risks of racial and ethnic discrimination [163]. These normative instruments underscore the need for AI governance that directly confronts discrimination, rather than treating it as a secondary risk. Thus, in 2024 the OHCHR advocated for thematic investigations and issued calls to action aimed at promoting non-discrimination throughout the lifecycle of AI systems.

Specifically, it has endeavoured to encourage the participation of civil society and members of minority groups and those often regarded as marginalised in research concerning the design and development of new intelligent technologies [10]. Furthermore, it has highlighted the accomplishments and shortcomings of the measures implemented thus far to limit or eradicate racism, homophobia, and other forms of intolerance perpetrated by and through AI.

On addressing gender and intersectional bias, instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and regional equality frameworks provide a legal basis for addressing gendered and intersectional harms [162]. Yet most AI governance instruments to date have not operationalised these obligations, leaving intersectional discrimination insufficiently addressed.

Moreover, the UN's Global Digital Compact has promoted the establishment of an Independent International Scientific Panel on AI and a Global Dialogue on AI Governance which should have the aim of guaranteeing the integration of human rights insights and concrete actors into policymaking at international level, so as to promote a more cohesive AI regulation and respect for the right to equality [126].

Following a similar line, the OECD has developed the so-called OECD AI Principles, the first official attempt at intergovernmental standards on AI, which bind signatories to develop technologies that respect the rule of law, fundamental rights,

and democratic values [119]. Among these principles, inclusiveness and respect for and promotion of diversity have been repeatedly emphasised [174]. The European Union appears among the adherents, alongside 44 other countries, including Asian countries such as Singapore, Japan, Korea, and Saudi Arabia.

Among other global initiatives it is also relevant to highlight the Ethically Aligned Design initiative promoted by the Institute of Electrical and Electronics Engineers (IEEE) [21]. It developed ethical guidelines which should guide the design of new technology towards a de-biased and non-discriminatory result. Similarly, the Global Partnership on AI (GPAI) — an international initiative involving over 20 countries, including European ones — promoted research and development of inclusive AI systems, underlining the relevance of favouring non-discrimination in AI governance.

Furthermore, from the point of view of black letter law, many regulations have been introduced at regional level to protect these rights. Recent regulatory developments in Europe are aimed at addressing some of these risks. The EU AI Act includes among the AI systems which expose to 'unacceptable risk' those that enable social scoring or perpetuate discriminatory practices, considering them as prohibited technologies [129]. High-risk systems require a FRIA before deployment [166]. Similarly, the Council of Europe's 2024 Framework Convention on AI and Human Rights obliges signatories to embed safeguards against algorithmic bias, with explicit attention to the protection of vulnerable groups. Article 22 of the GDPR, then, aims to prevent algorithmic discrimination, particularly for decisions that could impact individuals based on characteristics related to gender, religion, ethnicity, or sexual orientation.

Asian countries are experiencing a dynamic interplay between soft law initiatives and more binding statues, even though the option of a uniform regulatory system does not yet appear to be the prevailing approach.

ASEAN has established a set of regional standards that encourage its member states to adopt or enhance legal and policy frameworks: the Guide on AI Governance and Ethics. These frameworks aim to prevent AI-induced discrimination and promote inclusiveness, particularly in the domains of data governance and algorithmic fairness [136]. Similarly, the South Asian Association for Regional Cooperation (SAARC) set regulatory guidelines to foster equality and prevent the reinforcement of social, racial, and gender divisions [63].

Individual states have also established more specific regulatory and governance plans, which are more preventive than remedial or punitive in nature. Japan, for example, has created advisory institutions with the power to intervene in cases where discriminatory effects or dangers arise from the use of AI systems [79, 38]. Singapore has developed a framework that specifically addresses AI technologies involved in personnel selection processes, guaranteeing recourse for discrimination related to the operation of automated systems and providing fair employment practice guidelines that prohibit all forms of discrimination based on gender, health conditions, age, religion, or marital status [73, 157]. China has introduced a series of binding regulations since 2021 — notably the Internet Information Service Algorithm Recommendation Management Regulations and the Interim Measures for the Administration of General AI Services — which require data training and data services systems, as well as algorithm design, to develop and implement tools to prevent discrimination [142, 107]. Among these measures, bias audits and ethical impact assessments are primarily promoted [107].

Further recent initiatives reinforce this trend. South Korea's AI Basic Act and AI Framework Act designate 'high impact' systems in sectors

such as healthcare and education, requiring explainability, human oversight, and fairness protections [115]. Vietnam's Decision No. 1290/QD-BKHCN obliges developers to prevent discrimination and unfairness in training datasets, embedding equality safeguards into system design [109]. In India, the Responsible AI for All framework emphasises inclusivity and non-discrimination, drawing on constitutional guarantees of equality and fundamental rights [117]. Taken together, these initiatives show how Asian states are beginning to integrate equality principles into AI governance through both binding legislation and soft-law instruments, though enforcement remains uneven across jurisdictions.

3.2.4 Comparative Analysis

Table 3 provides a comparative analysis of how bias and discrimination in AI systems manifest differently across Europe and Asia, along the following aspects: sectors affected, governance framings, institutional responses, and emerging patterns.

While both regions face common technical sources of bias, skewed datasets, feedback loops, and under-representation in design processes, their governance responses diverge. In Europe, algorithmic bias is increasingly framed as a direct violation of the absolute human rights prohibition on discrimination, reinforced by binding legal instruments such as the EU AI Act and the Council of Europe's Framework Convention. Whereas the EU frames bias as a binding human rights violation, Asian systems frequently treat it as a risk management or modernisation issue. That is, in Asia bias often emerges in large-scale state-led infrastructures such as digital identity and credit- scoring systems, where exclusion is treated primarily as a technical or access issue rather than a rights violation. This contrast reveals not only a difference in legal framing but also in institutional pathways for redress: European courts and regulators actively strike down unlawful systems, while many Asian contexts rely more on judicial review or sectoral regulation.

Table 3: Comparative Analysis of Bias and Non-Discrimination in AI

Dimension	Europe	Asia
Sectors where bias appears	Welfare profiling, policing, education, employment	Digital ID and welfare, credit scoring, hiring, education, surveillance
Typical sources of bias	Historical inequalities reflected in datasets; reliance on sensitive variables (e.g. age, ethnicity, socio-economic status); feedback loops in policing and welfare	Large-scale state-led infrastructures using proxies (e.g. geography, networks); data quality gaps; Western-centric models applied in local contexts; linguistic and demographic under-representation
Governance framing	Bias recognised as discrimination prohibited under EU Charter and ECHR; some AI uses labelled 'unacceptable risk' under the AI Act; courts active in striking down unlawful systems	Bias often treated as exclusion or access problem, addressed through judicial review or sectoral regulation; even if several countries introduce explicit fairness and anti-discrimination principles lack of comprehensive anti-discrimination frameworks tailored to AI

Institutional responses	Data protection authorities (ICO, CNIL), courts, Council of Europe instruments, EU AI Act compliance tools (e.g. Fundamental Rights Impact Assessments)	Constitutional courts (e.g. India, South Korea), data protection laws (e.g. PIPL in China), and emerging regulatory instruments (e.g. South Korea's AI Basic Act, Vietnam's Decision No. 1290, ASEAN's regional guidance), but oversight remains fragmented and ex ante safeguards are uneven
Key patterns	Bias is formally prohibited but enforcement uneven; strong rights-based framing sometimes clashes with technical 'fairness' approaches	Bias risks amplified by scale of infrastructures; systemic inequalities reframed as technical malfunctions rather than rights violations

As Table 3 shows, both Europe and Asia face systemic risks of algorithmic discrimination, but their institutional and normative contexts differ. In Europe, discrimination is framed as an absolute prohibition under binding human rights instruments such as the EU Charter of Fundamental Rights and the European Convention on Human Rights. This framing rejects any notion of 'tolerable' bias and has produced regulatory tools like the AI Act and the Council of Europe's Framework Convention, reinforced by active judicial interventions.

In Asia, bias more often emerges in large-scale state-led infrastructures such as digital identity or credit-scoring systems. Here, exclusion and unequal access are frequently treated as technical or administrative problems, addressed through sectoral regulation or judicial review rather than comprehensive anti-discrimination norms. This fragmented and pragmatic orientation makes systemic inequalities more likely to be framed as access issues rather than rights violations.

For ASEM partners, these divergent approaches create both risks and opportunities. Europe provides clear normative anchors but struggles with uneven enforcement. Asia's scale and diversity highlight urgent risks of exclusion while also offering lessons for stress-testing fairness safeguards. The ASEM process is uniquely positioned to bridge these approaches by harmonising perspectives into actionable safeguards, ensuring that AI systems promote equality and inclusion rather than reinforce structural discrimination.

3.2.5 General Recommendations

Despite notable progress in acknowledging and addressing bias in AI, significant challenges persist. To ensure that AI systems uphold the absolute prohibition of discrimination, ASEM partners should pursue a rights-based strategy that goes beyond technical fixes. The following priority actions are recommended:

- **Institutional safeguards:** Embedding equality impact assessments into procurement, funding, and deployment decisions for AI systems.
- **Inclusive design:** Ensuring meaningful participation of affected groups, including women, minorities, and persons with disabilities, throughout the AI lifecycle.
- **Oversight and accountability:** Strengthening the role of courts, regulators, and independent oversight bodies in scrutinising discriminatory AI applications.
- **Cross-regional cooperation:** Harmonising standards through Asia-Europe collaboration, enabling the sharing of methodologies for non-discrimination audits and joint capacity-building initiatives.

- **Public empowerment:** Enhancing AI literacy to enable individuals and communities to understand, contest, and influence how algorithmic systems affect their rights.
- **Intersectional safeguards:** Develop standards and audits that explicitly detect and mitigate overlapping forms of discrimination, such as those based on gender, race, disability, or class, ensuring that AI systems do not reinforce compounded inequalities.

Given the heterogeneity of approaches across Asia, with binding instruments emerging in South Korea, Vietnam, and India, alongside predominantly soft-law frameworks in ASEAN, Japan, and Singapore, future efforts should prioritise strengthening enforcement and oversight capacity to ensure that fairness principles are effectively applied in practice. Regional initiatives such as ASEAN's Guide on AI Governance and Ethics (2025) provide an important platform for convergence but require complementary mechanisms to translate guidance into accountability. In addition, while preventive measures such as bias audits and fairness requirements are increasingly promoted, these need to be accompanied by monitoring and sanctioning tools to ensure that safeguards are not only designed but also enforced.

Asia and Europe, through the ASEM framework, are uniquely positioned to collaborate on joint standards for algorithmic fairness, exchange best practices for non-discrimination audits, and build institutional capacity to monitor compliance. Such cooperation would not only strengthen protection within each region but also contribute to shaping global norms in rights-based AI governance.

Ultimately, equality and non-discrimination must be treated as non-derogable principles. Unlike risk-based approaches that accept trade-offs, discrimination cannot be tolerated in any form. By embedding this absolute standard into technical design, governance frameworks, and institutional practices, Asia and Europe can lead the way in ensuring AI becomes a tool for inclusion rather than exclusion, demonstrating global leadership in developing technologies that serve all members of society fairly and justly.

3.3 Remedies and Access to Justice

The right to an effective remedy is a cornerstone of international human rights law. It is affirmed in Article 8 of the Universal Declaration of Human Rights (UDHR), Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), and regional instruments such as Article 47 of the Charter of Fundamental Rights of the European Union. These provisions establish that where rights are violated, individuals must have timely, accessible, and enforceable avenues of redress. As outlined in Chapter 2, both international and regional frameworks recognise remedies as essential for ensuring that rights protections are not merely declaratory but practically enforceable.

In the AI context, this principle faces distinctive challenges. Algorithmic harms often arise from opaque, complex, and multi-actor systems that make it difficult to identify responsibility or contest outcomes [173, 41]. Unlike traditional rights violations, AI-related harms are frequently diffuse (affecting groups rather than individuals), transnational (spanning multiple jurisdictions), and systemic (embedded in infrastructures and processes rather than isolated acts) [46]. These features strain existing legal and institutional mechanisms of redress and raise critical questions about whether existing human rights frameworks are sufficient or whether new legal tools are required [103].

The following subsection (3.3.1) identifies the main barriers that obstruct effective remedies in practice, ranging from opacity and diffusion of responsibility to collective harms, jurisdictional complexity, and resource gaps.

3.3.1 Barriers to Remedies

When AI causes harm, access to justice is often obstructed by structural and procedural barriers. These challenges are not incidental but stem from the technological, legal, and socio-economic characteristics of AI systems [166, 41]. Opacity in complex models makes it difficult to detect harms or contest outcomes, with some arguing that the absence of explainability should itself be treated as a rights violation [168]. Responsibility is frequently diffused across developers, deployers, regulators, and data providers, creating accountability gaps where no single actor can be held liable [16, 20].

Existing frameworks are also poorly suited to collective and systemic harms, such as predictive policing or biased grading, because they are largely designed for individual claims [98]. The transnational nature of AI complicates accountability by raising jurisdictional conflicts and uncertainty about applicable law. Finally, power asymmetries leave affected communities with limited resources to pursue justice, while novel harms like predictive profiling, reputational damage, or anticipatory surveillance often fall outside established legal categories.

Barriers to Effective Remedies in AI

- **Opacity:** black-box systems prevent individuals from contesting harms [168, 173].
- **Diffuse responsibility:** unclear accountability across many actors [41, 103, 36].
- **Collective and systemic harms:** group-level discrimination lacks clear remedies [43].
- **Jurisdictional complexity:** cross-border AI use blurs applicable law [103, 175].
- **Power asymmetries:** individuals lack resources to challenge powerful deployers [41, 106].
- **Novel harms and legal mismatch:** harms that fall outside traditional legal categories, can leave victims without clear redress [46, 135, 168].

These barriers underscore why remedies must evolve beyond compensation toward procedural safeguards, accountability measures, collective redress, and structural reforms that guarantee timely and effective justice [103].

3.3.2 Illustrative Examples

Examples from Asia and Europe highlight the urgent need for effective remedies. Some of the same cases discussed in Section 3.2.2 are revisited here, not to re-examine harms, but to show the remedial pathways pursued in practice, such as judicial annulments, disclosure rights, and regulatory enforcement. For further illustrative cases and detailed sources, see Appendix C.3.

Beyond the ASEM region, courts and regulators have also acted decisively. In Kenya, the High Court suspended the Huduma Namba biometric ID system until a proper data protection framework, including a DPIA, was in place (2021) [76]. In Canada, privacy commissioners required Clearview AI to stop collecting facial recognition data and delete existing databases (2021), followed by an Alberta court ordering the cessation of services and deletion of data in that province (2025) [123, 51]. These actions illustrate how preventive and enforcement remedies can operate both structurally and ex post.

Taken together, the cases show that remedies for AI-related harms are beginning to take shape across diverse legal systems. Courts have annulled unlawful systems, mandated disclosure, and embedded procedural safeguards, while regulators have imposed audits, transparency obligations, and structural reforms. Yet remedies remain uneven, often reactive, and dependent on litigation or regulatory discretion. For ASEM partners, the challenge is to move from ad hoc responses to coherent, proactive frameworks that ensure timely, accessible, and effective remedies for both individual and collective harms.

3.3.3 Emerging Mechanisms

Several legal and institutional mechanisms are beginning to address the need for remedies in AI-related harms. Their development is uneven across regions, but some common patterns are visible.

Europe. Existing frameworks such as the GDPR already provide enforceable rights to information, access, correction, deletion, and complaint to data protection authorities. Courts have enforced these rights in cases such as SyRI in the Netherlands and administrative disclosure rulings in France. More recently, the EU AI Act (2024) introduced ex ante safeguards, including mandatory Fundamental Rights Impact Assessments (FRIA) for high-risk systems. National data protection authorities, ombuds institutions, and national human rights institutions are gradually expanding their mandates to include algorithmic grievances. The Council of Europe's Framework Convention (2024) embeds binding obligations to provide remedies for rights violations linked to AI.

Asia. Emerging mechanisms are more fragmented. Some jurisdictions rely on binding laws: China's Personal Information Protection Law (2021) allows individuals to seek civil remedies for unlawful data use, and India's Digital Personal Data Protection Act provides access, correction, and erasure rights. Japan and South Korea employ a mix of soft law guidelines and constitutional protections, with courts increasingly scrutinising surveillance and data use. Regulatory authorities, such as the Philippines' National Privacy Commission, have begun imposing fairness audits or corrective measures in financial and education sectors. However, collective remedies remain rare, and access is often limited to administrative or sectoral channels. In the Philippines, Bill No. 7396 (2024) proposes the creation of the Artificial Intelligence Development Authority (AIDA), which would regulate AI and provide accessible complaint mechanisms for individuals affected by AI-related harms [66]. In South Korea, the AI Framework Act introduces incentives for developers to conduct voluntary Human Rights Impact Assessments (HRIAs), linking such practices to eligibility for public procurement processes [115].

Furthermore, at the international level, the OHCHR has stressed that access to remedies must explicitly cover AI-driven harms, urging states to strengthen institutional mandates to provide both individual and collective redress [163].

Convergence. ASEM regions are experimenting with algorithmic impact assessments, expanding regulator mandates, and strengthening ex ante oversight. Judicial willingness to intervene is also increasing, signalling a slow but notable recognition that effective remedies are essential to safeguarding rights in the AI era.

3.3.4 Comparative Analysis

The comparative analysis of Asia and Europe in Table 4 reveals convergences and divergences in how remedies are conceptualised and implemented.

Convergences. In both regions, opacity is the central barrier, and remedies increasingly focus on transparency obligations and disclosure rights. Regulators play a growing role, while courts are willing to strike down opaque or rights-infringing systems. There is also a gradual shift from purely compensatory remedies toward structural and procedural safeguards, such as impact assessments and audit requirements.

Divergences. Europe frames remedies through the lens of enforceable human rights- effective remedy, fair trial, and non-discrimination. Courts and regulators explicitly treat algorithmic harms as rights violations, enabling systemic remedies and collective redress in some instances. By contrast, Asian approaches often frame remedies as matters of consumer protection, administrative oversight, or technical compliance. Structural

or collective harms are less often recognised as rights violations, and remedies are typically limited to individual grievances.

Reflections. Despite progress, remedies remain reactive and uneven. The burden of proof continues to fall on individuals, even when harms are opaque and systemic. Ex ante tools such as FRIAs offer promise but depend on strong enforcement. Participation of affected communities in shaping remedial mechanisms is limited, while cross-border AI services highlight jurisdictional gaps that neither region has adequately addressed. For ASEM partners, the challenge is to move beyond fragmented, ad hoc remedies toward proactive, harmonised frameworks that guarantee timely, accessible, and enforceable redress for both individual and collective harms.

Table 4: Comparative Analysis of Remedies for AI-related Harms

Dimension	Europe	Asia	Global / International
Legal framing	Remedies framed as enforceable human rights (effective remedy, fair trial, non-discrimination). AI Act and Council of Europe Convention embed ex ante safeguards.	Remedies often framed as consumer protection, administrative oversight, or technical compliance. Fragmented laws (e.g. PIPL in China, DPDP in India, soft law in Japan).	OHCHR and UN bodies stress access to remedies as a human rights obligation, calling for both individual and collective redress. No binding global framework yet.
Institutions	Data protection authorities (DPAs), ombuds offices, national human rights institutions, courts. Strong ex ante powers in AI Act.	National DPAs and sectoral regulators (financial, telecom, education). Courts active in surveillance/privacy. NHRI involvement limited.	OHCHR, UN treaty bodies, UNESCO, OECD promote guidance and monitoring; no global enforcement body.
Types of remedies	Individual rights (access, correction, deletion), procedural safeguards (impact assessments, disclosure rights), collective redress in some contexts (class actions, public interest litigation).	Primarily individual remedies: access, erasure, correction. Emerging mechanisms include AI disclosure duties (China), proposed complaint authority (Philippines), and voluntary HRIAs (South Korea), but limited in scope and enforcement	Normative emphasis on both individual and collective remedies; structural remedies recommended (mandating disclosure, institutional strengthening) but remain aspirational.

Common gaps	Enforcement uneven across Member States; remedies often reactive; burden of proof still on individuals; cross-border enforcement weak.	Fragmented, uneven enforcement; limited recognition of systemic harms; heavy reliance on administrative or soft law solutions.	Lack of binding obligations; reliance on state cooperation; limited monitoring and no direct enforcement.
Emerging trends	Mandatory Fundamental Rights Impact Assessments (FRIAs), stronger regulator mandates, courts striking down unlawful AI systems.	Increasing judicial scrutiny (surveillance, welfare exclusion), stronger data protection laws in China and India, regulator-led audits.	Growing recognition of AI harms in UN forums; proposals for global AI governance and remedy standards; emphasis on transnational cooperation.

3.3.5 General Recommendations

In Europe, remedies for AI-related harms are increasingly embedded in binding legal frameworks, with the GDPR, national data protection laws, and the forthcoming AI Act providing enforceable rights and procedural safeguards, complemented by active judicial oversight. While some Asian states have begun to experiment with AI-specific remedies, such as disclosure requirements in litigation (China), proposed com-plaint mechanisms (Philippines), and incentives for voluntary Human Rights Impact Assessments (South Korea), these initiatives remain limited in scope and enforcement. Strengthening these efforts and ensuring their alignment with international human rights standards should be a priority for ASEM dialogue. Building on the comparative analysis in the previous section, several priority actions emerge for ASEM partners to ensure that remedies for AI-related harms are timely, accessible, and enforceable:

- **Transparency as a prerequisite:** Disclosure and explainability must be recognised as preconditions for access to remedies. The absence of explainability can itself constitute a violation of rights since it prevents contestation. Tools such as mandatory Fundamental Rights Impact Assessments (FRIAs) and a statutory right to explanation should be embedded in legal frameworks.
- **Clarifying accountability chains and lowering barriers:** Legal frameworks should clearly allocate responsibilities across developers, deployers, and regulators to avoid responsibility gaps. At the same time, burdens of proof and litigation costs must not fall disproportionately on affected individuals, particularly when harms are opaque and systemic.
- **Collective remedies:** Beyond individual claims, systemic harms require mechanisms such as group litigation, public interest actions, and systemic investigations by regulators or national human rights institutions.
- **Participation of affected communities:** Remedies should be designed with meaningful participation of those most affected. Mechanisms such as citizen juries, consultation processes, and design justice frameworks enhance legitimacy and ensure that technologies align with social values.

- **Institutional strengthening and cross-border cooperation:** Ombuds offices, data protection authorities, and national human rights institutions must be resourced and empowered to adjudicate AI grievances. Given the transnational nature of AI, cross-border cooperation among regulators is essential to prevent jurisdictional gaps.
- **AI literacy for justice:** Capacity-building for communities, lawyers, judges, and regulators is needed to ensure meaningful access to remedies. AI literacy programmes can help individuals detect harms, contest outcomes, and engage in systemic oversight.
- **State and global responsibilities:** National governments must guarantee effective remedies for inviolable rights, while international cooperation — guided by OHCHR and other bodies — is vital to ensure that cross-border algorithmic harms are not left without redress.

Ultimately, access to justice must be treated as a non-derogable right. Remedies cannot be optional or symbolic; they are the condition that makes all other human rights protections meaningful. By embedding transparency, accountability, and collective redress into legal and institutional frameworks, ASEM partners can ensure that rights remain not merely declaratory but practically enforceable in the age of AI.

4 The Way Forward

The rapid expansion of AI technologies presents both opportunities and risks for human rights across Asia and Europe. To ensure that AI development and deployment serve the public good, a coherent and inclusive governance approach is needed, embedding human rights protections into technical design, legal regulation, and institutional oversight.

4.1 Integrating Human Rights in AI Governance

A growing body of research highlights the need for AI governance to be grounded in shared ethical principles, supported by dynamic regulatory frameworks, and developed through inclusive, multistakeholder processes [70, 3]. Despite the proliferation of AI ethics guidelines, recent systematic reviews underscore that such guidelines remain fragmented in quality and enforceability [26]. Furthermore, a systematic literature review evaluated 61 AI governance studies and found that only a few comprehensively address who governs what, when, and how, underscoring need for integrated frameworks [13]. This gap between principle and practice is particularly relevant for regions like Asia and Europe, where diverse institutional approaches must converge to address transnational human rights risks.

These insights echo the dimensions framework proposed by Xanthopoulou et al. (2025), which underlines that meaningful AI governance requires attention to four key dimensions: the issuing body, scope, application conditions, and governance approach [172], which help differentiate between binding instruments and soft-law tools The study also reveals how impactful initiatives tend to blend legal enforceability with value-driven, participatory mechanisms.

Concrete tools, including algorithmic impact assessments, transparency standards (e.g. the UK's Algorithmic Transparency Recording Standard), and audit frameworks, are crucial for translating abstract commitments into actionable safeguards. These mechanisms, however, must be embedded within institutional structures that guarantee accountability, public oversight, and access to remedies [3].

Crucially, the false dichotomy between innovation and regulation must be rejected. As often argued [146, 3], well-designed governance mechanisms do not inhibit innovation but are core to create the trust and legitimacy necessary for sustainable adoption of AI technologies. As Virginia Dignum has argued, "*regulation is innovation,*" i.e. not an option, but a stepping stone that fosters public trust, societal acceptance, and responsible adoption of AI technologies [37].

In both Asia and Europe, multi-stakeholder initiatives are emerging as promising models for embedding human rights in AI governance. In Europe, the High-Level Expert Group on AI and national AI observatories (e.g. in France and Germany) have created structured channels for dialogue between policymakers, academia, industry, and civil society. In Asia, initiatives such as Japan's AI Governance Guidelines and Singapore's Model AI Governance Framework actively involve industry associations and civil society organisations in shaping standards. For ASEM partners, exchanging experiences from these multi-stakeholder processes can help identify best practices for inclusive participation, co-regulation, and the monitoring of human rights impacts across regions.

4.2 Future Directions for AI and Human Rights

The intersection of AI and human rights is evolving rapidly, driven by technological advancement, geopolitical shifts, and new legal frameworks. This section outlines key emerging trends, opportunities, and risks that will shape the future of rights-based AI governance.

Emerging Trends

- **Efforts in AI legislation:** Instruments such as the EU AI Act and the Council of Europe's Framework Convention are setting global benchmarks for rights-based regulation, potentially triggering normative diffusion across regions.
- **Integration of rights-based design:** Increasing incorporation of Fundamental Rights Impact Assessments (FRIAs) into high-risk AI systems reflects a shift toward embedding human rights from the outset.
- **AI for the public interest:** AI is being leveraged for social good in areas such as disaster response, climate monitoring, and public health, with potential to support the realisation of economic and social rights.
- **Participatory governance models:** There is growing recognition of the need for inclusive, multistakeholder approaches involving civil society, academia, and marginalised communities.
- **Convergence with environmental and intergenerational concerns:** New governance frameworks increasingly link human rights with sustainability and long-term societal resilience.

Opportunities

- Embedding enforceable human rights protections into the lifecycle of AI systems, including through public procurement and technical standards.
- Enhancing access to justice via AI tools for legal assistance, translation, and information, supported by transparency and human oversight.
- Fostering Asia-Europe leadership in collaborative, rights-based AI governance, informed by shared values and regulatory innovations.
- Strengthening capacity building and knowledge transfer between ASEM partners to support context-sensitive AI governance, especially in emerging economies.
- Establishing global benchmarks and interregional dialogues to promote human-centric AI development.

Risks

- **Opacity and lack of accountability:** Many AI systems remain non-transparent, limiting individuals' ability to understand or contest decisions that affect them.
- **Algorithmic discrimination:** Inadequate representation in data and design processes may reinforce existing inequalities, particularly against marginalised groups.
- **Surveillance overreach:** The unchecked use of AI in biometric identification, predictive policing, and profiling poses serious threats to privacy and civil liberties.
- **Technological dependency:** Reliance on foreign-developed AI systems risks exacerbating digital colonialism and undermining local autonomy.
- **Regulatory fragmentation:** Diverging national and regional approaches may weaken the enforceability and universality of human rights standards in AI governance.

Looking ahead, regional contexts shape both risks and opportunities. In Europe, the development of binding legal frameworks such as the AI Act reflects a rights-based approach anchored in the EU Charter of Fundamental Rights. In Asia, governance approaches are more diverse. Some countries (e.g. China, India, Korea) have introduced binding measures, while others rely primarily on soft-law guidelines. This divergence creates opportunities for cross-regional learning, as Europe can share lessons from rights-based regulation, while Asia's experiences with large-

scale deployment and rapid innovation highlight the importance of context-sensitive safeguards.

A persistent gap, however, concerns capacity. Several ASEM partner countries, particularly in the Global South, face resource and expertise constraints that hinder the enforcement of remedies or the integration of human rights into AI governance. Addressing this imbalance requires targeted investment in regulatory capacity, judicial training, and technical skills development, alongside mechanisms for peer learning and knowledge exchange across ASEM.

As AI-related harms increasingly cross borders, future governance must integrate not only preventive safeguards but also robust remedial mechanisms. Developing inter-operable standards for remedies, building judicial and regulatory capacity, and piloting cross-regional redress mechanisms are key areas where ASEM cooperation can add value.

4.3 Opportunities for Asia-Europe Collaboration

ASEM countries are well-positioned to foster a collaborative, rights-based AI governance model that includes:

- Harmonising normative standards while accommodating regional and cultural diversity, drawing from instruments such as the EU AI Act and regional Asian frameworks.
- Building institutional capacity for oversight, redress, and enforcement through joint training programmes, regulatory sandboxes, and public-private partnerships.
- Promoting meaningful engagement by civil society, academia, and marginalised groups, with an emphasis on inclusive governance and participatory mechanisms.
- Facilitating inter-regional exchanges on best practices, regulatory innovations, and rights-based tools via ASEM-led platforms, observatories, or annual forums on AI and human rights.
- Developing shared AI audit and assessment frameworks to support mutual accountability and enable cross-border trust in AI systems.
- Encouraging responsible innovation through co-investment in AI for public good projects (e.g. health, disaster response, climate action) that serve both development goals and human rights agendas.
- Supporting AI literacy and human rights education initiatives, especially in low-resource settings, through coordinated efforts in curriculum development, digital training, and knowledge hubs.
- Collaborating on standard-setting in multilateral forums (e.g. UNESCO, OECD, UN bodies) to advance a common ASEM voice on human rights in AI governance.

Such cooperation can help bridge normative, technical, and institutional divides across regions, reinforcing AI systems that are not only innovative but also legitimate, fair, and rights compliant.

Existing initiatives provide concrete entry points for collaboration. The EU–ASEAN Digital Partnership (2022), the EU–Japan Digital Partnership, and ASEM-wide digital literacy programmes demonstrate that cross-regional cooperation is already underway. These initiatives could be expanded to include explicit human rights benchmarks for AI, joint audit frameworks, and regular Asia-Europe policy dialogues on remedies and access to justice. Moreover, recent Asian frameworks, such as the Chongqing Consensus and China's AI Capacity-Building Action Plan, explicitly frame AI as an international public good and call for cross-regional cooperation [120].

In the future, the following are key areas where Asia and Europe can cooperate to align their efforts, bridge regulatory and developmental gaps, and ensure AI development does not come at the cost of fundamental rights and values:

- **Aligning Ethical and Governance Frameworks:** Asia and Europe share core principles in AI ethics — transparency, accountability, fairness, and human-centricity.

A key opportunity lies in aligning these values within inter-operable governance frameworks that facilitate innovation while preventing harm. As above mentioned, Europe's binding regulatory models set important legal precedents, while Asia's initiatives offer flexible, context-sensitive approaches. Harmonising these efforts through dialogue and mutual recognition can strengthen global standards for ethical AI.

- **Promoting Responsible and Inclusive AI Deployment:** Asia and Europe, with their complementary strengths in technology, innovation, and policymaking, have a unique opportunity to collaborate in ensuring that AI serves the common good. By pooling resources and knowledge, the two regions can leverage AI to address critical shared challenges, such as improving healthcare access, reducing educational inequality, enhancing labour rights, and advancing climate resilience.
- **Statement on Inclusive and Sustainable Artificial Intelligence for People and the Planet:** This affirmed six priorities in enabling AI to be human rights based and trust-worthy[1]. Through such cooperation, Europe's strong regulatory frameworks can complement Asia's rapid technological advancement, creating an AI-for-good application ecosystem that is diverse and inclusive.[2]
- **Fostering Multi-stakeholder Dialogues and Engagement:** Multi-stakeholder dialogues can foster knowledge exchange between regions and sectors, strengthening local capacities. By holding joint workshops, conferences, and collaborative research projects, Asia and Europe can share best practices on AI and human rights, such as how to handle algorithmic transparency, data privacy, or the social impact of automation. This capacity building can ensure equitable AI deployment and policy development globally.
- **Capacity-building and Skills Exchange:** Capacity-building should be the central pillar of cooperation. Joint training for businesses, public officer and civil society individuals should continue, but with a deeper focus on more niche areas of AI. For example, academic and civil society exchange programmes aimed at fostering knowledge transfer on algorithmic auditing and rights-based design. One step further would be for ASEM partners to establish a dedicated observatory on AI and human rights to facilitate ongoing exchange of practices, data and methodologies.

1 Statement on Inclusive and Sustainable Artificial Intelligence for People and the Planet, posted on 11 February 2025 in Paris at the AI Action Summit. https://www.elysee.fr/en/emmanuel-macron/2025/02/11/statement-on-inclusive-and-sustainable-artificial-intelligence-for-people-and-the-planet.

2 The 2025 World artificial intelligence (AI) Conference and High-Level Meeting on Global AI Gover- nance published Global AI Governance Action Plan on July 26: https://www.en84.com/16169.html

5 Conclusions and Recommendations

The analysis in this paper shows that while AI offers significant opportunities for both Asia and Europe, it also poses serious risks to the protection of human rights, particularly in the areas of privacy, non-discrimination, and access to remedies. ASEM partners therefore share a responsibility to ensure that AI is developed and deployed in ways that uphold international human rights standards.

In moving forward, it is important that ASEM does not only exchange experiences but also identifies concrete entry points for sustained cooperation. Building on existing EU–ASEAN and EU–Japan partnerships, ASEM could mainstream human rights benchmarks into ongoing digital cooperation frameworks. To operationalise this, several priority actions can be envisaged:

- Establishing an **ASEM Observatory on AI and Human Rights** to facilitate joint monitoring, data-sharing, and policy learning across member states.
- Launching j**oint training programmes** for regulators, judges, ombuds institutions, and civil society actors to strengthen capacity in assessing and remedying AI-related harms.
- Piloting **cross-border AI audits or certification schemes** that integrate human rights safeguards, enhancing trust and inter-operability of AI governance across regions.
- Supporting **multi-stakeholder dialogue platforms** under ASEM to ensure that voices from academia, industry, and civil society inform governance practices in both Asia and Europe.

These recommendations are intended to provide cross-cutting guidance for ASEM partners, directly addressing the three thematic areas of this paper: privacy and data protection, equality and non-discrimination, and remedies and access to justice; thereby supporting the discussions of the Working Groups.

In pursuing these actions, cooperation should be firmly anchored in existing international human rights obligations, including the ICCPR, the ICESCR, the UN Guiding Principles on Business and Human Rights, and the UNESCO Recommendation on the Ethics of Artificial Intelligence. This ensures that joint initiatives under ASEM reinforce, rather than duplicate, globally recognised standards.

Finally, capacity building should not only focus on institutional actors such as regulators, judges, and ombuds institutions, but also extend to affected communities and marginalised groups. Ensuring their meaningful participation in AI governance will help ASEM partners to design remedies and safeguards that are both inclusive and effective.

Such initiatives would enable ASEM partners to translate high-level commitments into practical cooperation, reinforcing their shared responsibility to ensure that AI serves as a driver of human rights protection and sustainable development.

In sum, the rapid spread of AI across Asia and Europe makes it imperative for ASEM partners to act jointly in embedding human rights into governance frameworks. By addressing risks to privacy, equality, and access to justice in a coherent and coordinated way, and by anchoring cooperation in international human rights standards, ASEM can ensure that AI development strengthens, rather than undermines, democratic values and human dignity.

The concrete steps outlined above — from observatories and training programmes to cross-border audits and inclusive dialogue platforms — provide an actionable path forward. Taken together, these initiatives offer ASEM the opportunity to demonstrate global leadership in aligning technological innovation with the protection and promotion of fundamental rights.

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A Appendix: International Frameworks – Extended Texts and Details

A.1 United Nations Special Rapporteurs

- **Special Rapporteur on Human Rights while Countering Terrorism** Report A/HRC/54/21 (July 2023) by Fionnuala Ní Aoláin raised concerns on AI-enabled surveillance of journalists and activists, urging a moratorium until adequate safeguards for data protection and freedom of expression are in place [8].
- **Special Rapporteur on the Right to Privacy** Report A/78/310 (August 2023) by Ana Brian Nougreres: *"Principles of Transparency and Explainability in the Processing of Personal Data in Artificial Intelligence"* [105]. Report A/HRC/55/41 (2025) addressed neurodata and neurotechnologies, reiterating risks of opaque AI decision-making.
- **Special Rapporteur on the Right to Education** Report A/79/520 (October 2024) by Farida Shaheed on AI in education highlighted opportunities (inclusion, disability support) but also risks (educational disparities, alienation of teachers) [131].

A.2 ICESCR – Article 15(b)

Full text extract: *"The States Parties to the present Covenant recognize the right of everyone to enjoy the benefits of scientific progress and its applications."* (ICESCR, Art. 15(b)) [74].

Commentary: - Interpreted as requiring states to remove barriers to access technological advances, including AI. - Imposes obligations of transparency, documentation, oversight, and remedies in AI deployment [119].

A.3 OHCHR Reports and Guidance

- OHCHR reports on biometric surveillance, facial recognition, and predictive policing: risks of racial/social bias, opacity, and black-box effects [3,20].
- 2024 interpretative guidance on UNGPs, applying due diligence to AI lifecycle, stressing discrimination and data protection risks [107].
- Global Digital Compact (draft, 2025): - Proposes **Independent International Scientific Panel on AI.** - Global Dialogue on AI Governance [55,78].

A.4 OECD AI Principles – Full List

Five Principles (2019):

1. Inclusive growth, sustainable development, and well-being.
2. Human-centred values and fairness.
3. Transparency and explainability.
4. Robustness, security, and safety.
5. Accountability.

Policy Recommendations:

1. Invest in trustworthy AI R&D.
2. Foster an enabling AI ecosystem.
3. Ensure a sound policy environment.
4. Build human capacity and labour market transition measures.
5. Foster international co-operation.

2024 Updates: - Added environmental sustainability. - Strengthened accountability to include bias, labour rights, intellectual property. - Transparency reframed as contestability of algorithmic decisions.

A.5 G20 AI Guidelines – Text Extract

Adopted at the Osaka Summit (2019): - Fairness, transparency, accountability, privacy, and rule of law. - High-level political declaration, without monitoring/enforcement [62,124]. Unlike OECD principles, lacks operational detail, functions as a diplomatic alignment tool.

A.6 Global Partnership on AI – Founding Details

Launch: June 2020 (proposed at 2018 G7, hosted by OECD).

Membership: 20+ states including EU members, Canada, Japan, Korea.

Focus areas: - Responsible AI, Data Governance, Future of Work, Innovation and Commercialization. - Multi-stakeholder structure (states, civil society, academia, industry).

Core normative base: OECD AI Principles, UNGPs.

A.7 G7 Hiroshima Process – Full List of Principles

1. Risk management across lifecycle.
2. Incident response mechanisms.
3. Transparency: public reporting of capabilities and limitations.
4. Information-sharing on incidents.
5. Risk-based governance.
6. Strengthened physical, cyber, and insider security.
7. Content authentication (traceability, provenance).
8. Research prioritisation on risk mitigation.
9. Address major challenges (climate, education, health).
10. Support international technical standards.
11. Strengthen personal data and IP protection.

These are voluntary but influential in shaping national codes of conduct.

A.8 UNESCO Recommendation on the Ethics of AI – Extracts

Adopted: November 2021, 194 Member States [139].

Key Principles:

- Human dignity at the centre [98].
- Inclusivity, gender equality, and diversity [103].
- Environmental sustainability [143].
- Education and training for responsible AI use.

Limitations: - Voluntary. - Preventive approach, limited to pre-deployment phases. - Challenges for adaptive/self-learning AI systems.

A.9 IEEE Ethically Aligned Design – Extended Details

The IEEE's Ethically Aligned Design (EAD) principles, developed through the Global Initiative on Ethics of Autonomous and Intelligent Systems, provide one of the most comprehensive voluntary frameworks for embedding ethics in AI systems.

Key principles:

- Promote and protect rights to life, safety, privacy, equality, and freedom of expression.
- Prevent discrimination based on race, gender, religion, disability, sexual orientation, or other characteristics.
- Ensure human oversight and agency, minimising risks of manipulation and coercion.
- Strengthen accountability by enabling outcomes to be traced back to responsible actors.
- Build public trust through transparency and verifiable accountability mechanisms.

Implementation challenges:

- Embedding ethical safeguards requires advanced tools such as algorithmic audits, adversarial testing, and ethical risk modelling, which remain difficult to operationalise at scale.
- Establishing diverse, interdisciplinary ethics review boards is resource-intensive and inconsistently adopted across organisations.
- Voluntary status means no enforcement; market and efficiency pressures often outweigh adoption.

The EAD initiative has nonetheless been influential in both industry and academic settings, serving as a reference point for operationalising human rights in technical design processes. It complements normative frameworks such as the OECD AI Principles and UNESCO Recommendation, by targeting developers and engineers as key implementers of ethical AI.

A.10 Raoul Wallenberg Institute – Extended Details

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is a multidisciplinary research and policy institute dedicated to advancing human rights. It conducts applied research, provides education, and engages in policy dialogue, including on the human rights impacts of emerging technologies.

Key focus areas in relation to AI:

- Investigating algorithmic bias and its consequences for equality and non-discrimination.
- Addressing accountability gaps in AI governance and promoting transparent design.
- Exploring AI's role in healthcare, justice, public safety, and social welfare, with a human dignity–centred approach.
- Promoting inclusive, multi-stakeholder participation in AI governance.

Contribution: RWI's work is advisory and educational rather than regulatory. It strengthens the conceptual foundations of rights-based AI governance and supports policymakers, civil society, and academia in understanding both risks and opportunities. Although not binding, its influence lies in building human rights capacity and shaping debates around ethical and inclusive AI development.

B Appendix: Human Rights and AI at the Regional Level: Asia – Extended Texts and Details

B.1 Approach to AI regulation in South Korea—Extended Details

South Korea is increasingly adopting AI across sectors like healthcare, education, and public administration. AI is used in predictive healthcare models, personalised learning, and smart city initiatives, aiming to improve services and quality of life. However, rapid AI development raises significant societal concerns. Key issues include algorithmic bias, especially in areas like recruitment and criminal justice, and the potential misuse of personal data in AI systems, raising privacy and transparency concerns. Additionally, there are fears of job displacement due to automation, leading to social instability. These concerns have sparked debates on the need for strong ethical guidelines to ensure AI respects human rights. South Korea's government and civil society are calling for greater transparency, accountability, and human rights impact assessments (HRIAs) to address the risks and build public trust in AI technologies.

Overall, South Korea's AI regulatory framework does not impose overly burdensome requirements on the industry, offering companies considerable flexibility in the development and deployment of AI technologies. The hard regulatory measures include: (a) existing legislative frameworks, such as the Framework Act on Informatisation and the Personal Information Protection Act ("PIPA"); (b) new legislation, notably the Act on the Development of Artificial Intelligence and Establishment of Trust (the "AI Basic Act"); (c) and the proposed Act on the Protection of Artificial Intelligence Service User [78].

B.2 Approach to AI regulation in Japan—Extended Details

Japan, as a nation at the forefront of addressing mature society challenges — including declining birthrate, ageing population, labour shortage, and rising fiscal spending — views AI as a core technology to tackle these issues, advance the UN's Sustainable Development Goals (SDGs), and underpin its "Society 5.0" initiative. While AI offers significant societal benefits, its profound impact requires prudent development; thus, Japan seeks to shift to an "AI-Ready Society" via comprehensive reforms to social systems, industrial structures, and governance. Though AI lacks a clear universal definition, there is broad consensus on identifying core AI technologies —often integrated into complex information systems—and principles for AI are tailored to such systems. Ultimately, successful AI governance and realization of Society 5.0 depend on close collaboration among all stakeholders [149].

B.3 Approach to AI regulation in China—Extended Details

At present, China is undergoing a crucial phase of digital transformation. The new wave of technological revolution and industrial transformation, represented by information technologies

such as artificial intelligence, block-chain, and big data, has become a significant driving force for China's economic and social development. Uniform legislation on artificial intelligence often requires a long period of time. In the current stage, China has adopted a decentralised legislative approach for different scenarios to meet the needs of rapid development of artificial intelligence. In the realm of artificial intelligence governance, the Ethical Guidelines for the New Generation of Artificial Intelligence (2021) [171] and the Opinions on Strengthening the Governance of Science and Technology Ethics (2022) [108] pioneered the establishment of a soft law framework characterised by an 'ethics-first' approach. Building upon this foundation, a series of departmental regulations—including the Provisions on the Administration of Algorithmic Recommendation in Internet Information Services (2021) [23], the Provisions on the Administration of Deep Synthesis in Internet Information Services (2022) [58], and the Interim Measures for the Administration of Generative Artificial Intelligence Services (2023) [57]. On May 29, 2025, the Artificial Intelligence Subcommittee of the National Committee on Science and Technology Ethics formally issued the Ethical Review Guidelines for Generative AI Algorithms. For the first time, this regulatory document requires enterprises to submit ethical impact assessment reports during the algorithm training phase. It specifically stipulates requirements regarding the legitimacy of data sources, mechanisms for bias mitigation, and the boundaries for applying deepfake technology. These departmental regulations translate ethical imperatives into binding compliance obligations, explicitly requiring enterprises to establish mechanisms for content generation labelling, lawful review of training data, algorithmic fairness assessment, and false information prevention. They are underpinned by a comprehensive liability framework spanning administrative penalties to criminal prosecution, systematically reinforcing enterprises' responsibility to respect human rights throughout technological development and operational processes. In specific risk domains, the Provisions on the Administration of Security Vulnerabilities in Network Products [56] in Network Products establish a dual-constraint mechanism comprising mandatory vulnerability reporting coupled with joint disciplinary measures for dishonest conduct, strictly prohibiting enterprises from exploiting security vulnerabilities for profit. With the acceleration of the algorithm era, the challenges of defining and assigning algorithmic responsibility have become increasingly prominent, raising public concerns about the implications of widespread algorithm use.

Furthermore, the Measures for the Review of Science and Technology Ethics (for Trial Implementation) (2023 Ethical Review Measures) issued on 7 September 2023 further clarified the ethical review mechanism for science and technology, encompassing risk assessment, prevention and control, follow-up monitoring, and remedial measures. In terms of content review, it focused on human rights risks in areas such as personal information protection, the right to know, and special safeguards for vulnerable groups. Recently, the Measures for the Management and Service of Artificial Intelligence Ethics (for Trial Implementation) (Public Consultation Draft) was released for public consultation from 22 August to 22 September. The draft inherits the four review procedures of 'general, simplified, expert review, and emergency' in 2023 Ethical Review Measures, ensuring the unity and connection with the national scientific and technological ethics governance system. Meanwhile, based on the uniqueness of artificial intelligence technology, AI Ethics Measures identifies specific ethical principles and compliance risks in the field of AI, specifically regulates exclusive ethical issues such as data, algorithms, and automated decision-making in the AI domain, and proposes the establishment of a service centre to provide supporting guidance and supervision for AI ethics compliance.

In summary, China's approach to AI governance prioritises both technological development and risk control. By adopting a strategy of 'decentralised legislation and scenario-specific regulation,' China has established a multi-layered governance framework. This framework is anchored by foundational laws and detailed through specialised regulations. However, the effectiveness of this governance faces challenges, including potential regulatory overlaps or gaps due to multi-agency oversight, difficulties in balancing transparency requirements in practice, and a still-underdeveloped attribution and remedy mechanism tailored to the unique characteristics of algorithmic technology. Collectively, these features and challenges shape China's distinctive model, which seeks to balance social stability, economic development, and human rights protection amidst its rapid advancement and application of AI technologies.

B.4 Developments in AI Governance Legislation in Other Asian Countries – Details

Table 5: National Level Progress on AI Governance and Human Rights in Asia

Category	Countries	Law/Policy	Key features
Human Rights Explicitly referenced	Thailand	Digital Thailand — AI Ethics Guideline	Emphasises alignment with laws, ethics, and human rights. Highlights six core principles, including transparency, accountability, and fairness.
	Vietnam	Decision No. 1290/QD-BKHCN	Prioritises human-centred AI development, stressing respect for human rights and dignity. Focuses on preventing bias and unfairness in AI systems.
	Indonesia	Circular Number 9 of 2023	Stresses ethical values in AI utilisation, including humanity, inclusivity, security, transparency, and accountability. The National Artificial Intelligence Strategy identifies priority sectors for AI application.
	Philippines	Joint Memorandum Circular of 18 April 2024, Bill No. 7396	Conforms to global AI standards ensuring alignment with human rights, well-being, and sustainable development
	Malaysia	National Guidelines on AI Governance & Ethics	Encourages voluntary adoption of 7 AI principles alongside existing laws, focusing on human benefit and happiness

	India	Responsible AI for All	Integrates fundamental constitutional rights into AI governance, enabling fundamental rights in AI system design
	Australia	AI Ethics Principles	Voluntary principles guiding ethical AI design, deployment, and operation with five 'cornerstones' for AI assurance in government
	New Zealand	Public Service AI Framework	Envisions responsible AI adoption to modernise services and enhance citizen outcomes, based on OECD AI principles
No Comprehensive Framework or Reference to Human Rights	Kazakhstan	Draft law on artificial intelligence	Built on fairness, legality, accountability, and human well — being principles, prohibiting unauthorised data collection
	Pakistan	Currently no specific law	Draft encourages AI adoption, addresses specific application risks, and urges digital technology evaluation and civil law framework drafting

Table 5: National Level Progress on AI Governance and Human Rights in Asia

Category	Countries	Law/Policy	Key features
No Comprehensive Framework or Reference to Human Rights	Brunei	Guide on Artificial Intelligence Governance and Ethics	Promotes ethical and responsible AI development and adoption with seven principles including transparency, security, and fairness
	Cambodia	Ethics of AI Readiness Assessment	Assesses Cambodia's ethical AI development and use preparedness to inform national AI policy formulation
	Bangladesh	National Artificial Intelligence Policy 2024	Addresses social, legal, and ethical issues related to AI implementation across sectors, though lacks comprehensive guidelines in some key areas

	Singapore	AI Verify	AI governance testing framework and software toolkit validating AI performance across multiple principles like transparency and safety
	Mongolia	Digital Nation programme	Signifies growing AI governance ambition via strategic initiatives with UNDP — supported AI readiness assessments
	Laos	Currently no specific law	Actively explores AI integration into governance, industry, and ethics sectors
	Myanmar	Currently no specific law	Focuses on broad technology and communication aspects, not specifically addressing AI issues

B.5 Developments in AI Governance Legislation at a Regional Level – Details

Table 6: Regional Level Progress on AI Governance and Human Rights

Initiative/Treaty	**Key Features**
ASEAN Digital Masterplan 2025 (ADM 2025)	Aims to drive digital transformation in the ASEAN region and has taken steps to integrate AI governance.
ASEAN Guide on AI Governance and Ethics	Non-binding guide emphasising core principles such as transparency, fairness, security, reliability, privacy, accountability, and human centricity. It stresses the need for countries to retain agency over AI-driven outcomes and to design and use AI systems to promote human well-being and protect individuals from harm.
ASEAN Responsible AI Roadmap (2025–2030)	Introduces a Readiness Assessment Framework to categorise countries based on their stage of AI governance development, allowing for differentiated support and benchmarking. It encourages governments to tailor strategies according to their institutional maturity and includes a direct question about national human rights protections in AI policies.

Chongqing Consensus	Adopted at the 2025 Asian Forum on Human Rights, it provides a regional perspective on aligning technological progress with human rights protection. It calls for regional leadership in shaping ethical responses to generative AI and other emerging technologies and encourages cooperation on equitable governance structures and cross-border capacity-building.

C Appendix: Full Illustrative Cases by Thematic Focus

C.1 Privacy and Data Protection—Expanded Cases

- **DeepSeek Case:** In Germany, the data protection commissioner ordered the removal of the Chinese chatbot DeepSeek from Google and Apple's app stores, due to what was considered unlawful transfers of users' data in China [101]. Italy blocked the access to this service, due to the lack in China of GDPR equivalents safeguards for individuals' personal data and the Netherlands restricted the general use of the chatbot, specifically prohibiting its government use. This app has also been banned in Korea by the Personal Information Protection Commission, with its unblocking subject to the provider's ability to guarantee privacy compliance.
- **Predictive Travel Surveillance Case:** The EU Court of Justice expressed its negative opinion on the use of fully automated traveller risk assessment systems. The decision was made based on the case of a passenger who was blocked at Amsterdam airport by a predictive AI system based on PNR data. The Court emphasises the high risk to privacy and data protection posed by such profiling systems, which were used without any form of human oversight [48].
- **Generative AI Models Case:** The EU Data Protection Authorities have opened investigations into Open AI's generative models, raising doubts about their compliance with the GDPR. In particular, a negative opinion has been expressed towards providers and businesses that use these models, due to the inadequacy of the profiling system and the scraping of public data.
- **Meta Cases:** The Irish Data Protection Commission fined Meta C1.2 billion in 2023 for transferring user data from Europe to the United States, without ensuring the necessary safeguards for such cases, thereby violating the GDPR [44]. The case caused such a stir that it has set a precedent which could be used in the future against other big tech companies operating globally.
- **Amazon Case:** The National Commission for Data Protection fined Amazon a total of C746 million for tracking its users without their informed consent and without complying with the transparency requirements of the GDPR [29].
- **LinkedIn Case:** In 2024, Ireland issued a C310 million fine against LinkedIn for breaching its obligations of transparency and lawful justification in processing its users' data for behavioural advertising purposes [145].
- **Alibaba Cloud Case:** Alibaba Cloud was fined in China for failing to disclose a concerning cybersecurity vulnerability that revealed a related infringement of privacy and security obligations [87].
- **LINE Corporation Case:** The LINE messaging app was subjected to a thorough investigation after the Japanese competent authorities noticed a data leak to Chinese engineers, in total breach of the Japanese Act on the Protection of Personal Information [72].
- **Kominfo:** In 2023, the Indonesia Ministry of Communication and Information issued ethical guidelines requiring that AI use respect human values and include safeguards for personal data protection. However, as a non-binding instrument, the circular lacks enforcement mechanisms, raising concerns about its effectiveness in mitigating privacy risks from AI deployment [9].

C.2 Equality and Non-Discrimination—Expanded Cases

- **The Netherlands:** The child benefits scandal has become a landmark case of algorithmic governance risks, showing how opaque profiling in public administration can lead to systemic discrimination, lack of accountability, and severe social harm [131]. Similarly, the SyRI system for fraud detection was ruled unlawful by a Dutch court in 2020 for violating the right to privacy and the principle of non-discrimination, highlighting how algorithmic risk scoring without transparency and safeguards undermines human rights, raising questions of legality and proportionality under the European Convention on Human Rights (ECHR) [14].
- **France:** Predictive policing initiatives such as PAVED (used by the Gendarmerie Nationale) have been criticised for opacity and lack of transparency, with concerns that data-driven feedback loops may reinforce discriminatory policing, prompting calls for a complete ban on human rights grounds. [114]. In the absence of proper safeguards and oversight, these algorithms may entrench rather than reduce bias (Mavis¸ 2023).
- **Germany:** The Federal Employment Agency's 'Arbeitsmarktchancen-Index' profiles job seekers into categories of high, medium, or low employment prospects, determining the support they receive. The system has been criticised for opacity and reliance on sensitive variables such as age, health, and migration background, raising concerns of indirect discrimination and unequal access to social rights [74].
- **United Kingdom:** The 2020 Ofqual grading algorithm, used to assign A-level results during the COVID-19 pandemic, disproportionately downgraded students from disadvantaged schools, prompting public outcry and highlighting risks of systemic discrimination, lack of transparency, and denial of equal access to education [159].
- **China:** Pilot projects for social credit and credit-scoring systems have raised concerns of indirect discrimination, as proxies such as geographic location, social networks, or socio-economic markers can systematically disadvantage certain groups [89].
- **India:** The Aadhaar biometric identification system, when used for welfare authentication, has resulted in the exclusion of vulnerable groups such as the rural poor, women, and the elderly from essential entitlements, highlighting how large-scale digital infrastructures can reinforce structural inequalities [138].
- **South Korea:** AI-based hiring tools have been criticised for opacity and discriminatory outcomes, while the AI chatbot Lee Luda drew attention for biased and offensive speech. Ride-hailing platforms have been investigated for algorithmic manipulation disadvantaging certain drivers, and immigration systems faced scrutiny for unauthorised sharing of facial data for AI training [47].
- **Indonesia:** Job-matching platforms using AI have been found to disadvantage female applicants due to historical data bias, reflecting systemic occupational segregation in training datasets [132].
- **Philippines (Credit Scoring):** AI-based financial services for credit evaluation risk excluding vulnerable groups, as models trained on Western-centric datasets fail to capture local demographic and linguistic realities [104].
- **Philippines (Education):** Learning analytics systems deployed in higher education (e.g. Canvas LMS) have been studied for bias in predicting student performance. While one major audit found no group bias, the case illustrates the need for fairness audits in educational AI [178].

C.3 Remedies and Access to Justice—Expanded Cases

- **Netherlands – SyRI case (2020):** The District Court of The Hague annulled the System Risk Indication welfare fraud detection tool (SyRI), not only due to its discriminatory effects but because individuals had no way to challenge opaque algorithmic risk scores. The judgment foregrounded contestability and transparency as procedural remedies [14, 8].
- **France – Conseil d'État (2018):** France's highest administrative court ruled that individuals affected by algorithmic decision-making in public administration have a right to access the 'rules and characteristics' of the algorithm. This decision established an important precedent in judicially enforced procedural remedy by ensuring transparency and contestability [33].
- **United Kingdom – ICO enforcement actions (2019–2021):** The UK Information Commissioner's Office has used its regulatory powers to impose corrective measures on companies deploying opaque or unfair AI-driven credit scoring systems. This demonstrates how administrative enforcement can function as a structural remedy to protect rights [170].
- **India – Aadhaar litigation (2018, Puttaswamy v. Union of India):** The Supreme Court curtailed the mandatory use of Aadhaar biometric authentication in certain welfare contexts, citing the need to safeguard due process and ensure that individuals have access to redress when excluded from essential services [152].
- **South Korea – Constitutional Court on communications surveillance (2018):** The Court restricted government bulk metadata collection, finding that the absence of transparency and avenues for individual redress violated constitutional rights. This decision reinforced judicial remedies against opaque state surveillance practices [77].
- **Japan – Supreme Court on GPS surveillance (2017):** The Court ruled that warrantless GPS tracking by police infringed the right to privacy. The judgment underscored the need for clear procedural safeguards and judicial oversight as remedies in cases involving new technologies [160].
- **China – Personal Information Protection Law enforcement (2021):** Chinese courts have begun hearing civil claims against companies for unlawful AI-driven data processing, such as facial recognition cases against shopping malls. These early rulings illustrate how statutory remedies and private enforcement mechanisms are emerging in the AI context [45].
- **Indonesia – Job-matching platforms (2023):** Following complaints of gender bias in AI-driven recruitment, regulators required corrective audits and transparency reporting. This shows how administrative oversight can provide sector-specific remedies in employment contexts [132]. Civil society and media advocacy played an important role in pressuring for these interventions, reflecting the broader role of algorithmic politics in Southeast Asia [90].
- **Philippines – Credit scoring oversight (2024):** The National Privacy Commission intervened against AI-based financial scoring models that excluded low-income groups, mandating fairness audits and redress procedures. This illustrates the role of regulators in creating collective remedies in financial services [104].
- **Xiamen Court Ruling (2025):** The Xiamen Maritime Court in China issued a precedent-setting judgment requiring litigation agents to disclose comprehensively any use of AI tools in judicial proceedings, including their scope, purpose, and data sources. This measure aims to safeguard transparency, accountability, and procedural fairness in trials in- volving automated systems [179]

PROGRAMME

29 - 31 OCTOBER 2025

Day 0
Tuesday, 28 October

Arrival of participants in Wakeup Copenhagen Borgergade

Day 1
Wednesday, 29 October

Venue: University of Copenhagen
Faculty of Humanities, Auditorium 23.0.50, South Campus

TIME	SESSION	SPEAKER(S)
12:50	Gathering at the hotel lobby. Bus departs to the University of Copenhagen.	
13:30	REGISTRATION OF PARTICIPANTS AND COFFEE	
14:00	**OFFICIAL OPENING**	
	Welcome remarks	*Chair:* ***Armi AARNI****, Asia-Europe Foundation (ASEF)* • **Lone MOUYAL**, Vice-Dean for Research, Faculty of Law, University of Copenhagen • **Amb Beata STOCZYŃSKA**, Executive Director, Asia-Europe Foundation
	Keynote Session	*Chair:* ***Rolf RING****, Raoul Wallenberg Institute (RWI)* • **Representative from the Ministry of Foreign Affairs of Denmark** (TBA) • **Kajsa OLLONGREN**, EU Special Representative (EUSR) for Human Rights • **TANG Yingxia, PhD**, Deputy Director of Human Rights Research Center, Nankai University • **Prof Dr Virginia DIGNUM**, Member of the UN High Level Advisory Body on AI
15:00	FORMAL GROUP PHOTO AND COFFEE BREAK	
15:30	**Presentation of the Background Paper**	*Chair:* ***Mrs Indah SAVITRI****, Director for Human Rights and Migration, Ministry of Foreign Affairs of Indonesia* Presenters: • **Prof Dr Virginia DIGNUM**, Professor in Responsible Artificial Intelligence and the Director of the AI Policy Lab, Umeå University • **Dr Rachele CARLI**, Postdoctoral Researcher in the Responsible AI Group, Umeå University • **TANG Yingxia, PhD**, Deputy Director of Human Rights Research Center of Nankai University

PROGRAMME

29 - 31 OCTOBER 2025

TIME	SESSION	SPEAKER(S)
15:50	**Opening Plenary Discussion**	
16:30-17:45	**PANEL** ***AI in the Public Sector: Delivering Services or Compromising Rights?***	• **Aysel KUCUKSU**, Assistant Professor, Faculty of Law University of Copenhagen • **Karolina IWANSKA**, Digital Advisor, European Center for Not-for-Profit Law • **Hafiz NOER**, Head of Research, Center for Digital Society • **Michaela SULLIVAN-PAU**L, Senior Research Officer, European Institute of Public Administration *Moderator:* ***Rikke Frank JØRGENSEN**, Acting Head of Research, Danish Institute for Human Rights*
18:00	Bus departs from the University of Copenhagen to the hotel	
19:00	Welcome dinner hosted by co-organisers Venue: Madklubben Restaurant Store Kongensgade 66 1264 København K, Danmark	

Day 2
Thursday, 30 October

Venue: University of Copenhagen
Faculty of Law, South Campus

FOR INVITED PARTICIPANTS ONLY

TIME	SESSION
09:00	Bus departs from the hotel to the University of Copenhagen
09:20	REGISTRATION OF PARTICIPANTS AND COFFEE Venue: Common area
09:30	**Simultaneous Working Groups** **WORKING GROUP 1: PRIVACY AND DATA PROTECTION** Room: 4A.0.56 (South Campus) *Moderator:* ***Dr Anja Møller PEDERSEN**, Assistant Professor of Human Rights, Technology & Data Protection, University of Copenhagen* *Rapporteur:* ***Smitra MITRA**, Managing Director, LifeFutureSkills*

PROGRAMME

29 - 31 OCTOBER 2025

TIME	SESSION
09:30	**Simultaneous Working Groups** **WORKING GROUP 2: EQUALITY AND NON-DISCRIMINATION** Room: 4A.0.68 (South Campus) *Moderator:* ***Dr Sue-Anne TEO**, Researcher, Raoul Wallenberg Institute* *Rapporteur:* ***Prof Dr Virginia DIGNUM**, Professor in Responsible Artificial Intelligence and the Director of the AI Policy Lab, Umeå University* **WORKING GROUP 3: REMEDIES AND ACCESS TO JUSTICE** Room: 4A.1.46 (South Campus) *Moderator:* ***Caleen OBIAS**, Senior Program Officer for Law and Human Rights, The Asia Foundation* *Rapporteur:* ***Nele ROEKENS**, Legal Advisor, European Network of National Human Rights Institutions (ENNHRI)*
12:30-14:00	LUNCH AND NETWORKING Venue: Canteen, South Campus
14:00	**Simultaneous working groups continue**
15:00	COFFEE BREAK Venue: Common area
16:30	End of the programme
17:00	Bus departs to Tivoli Gardens visit (visit followed by dinner) **HOSTED BY THE MINISTRY OF FOREIGN AFFAIRS OF DENMARK**
21:00	Bus departs from Tivoli Gardens to the hotel

PROGRAMME

29 - 31 OCTOBER 2025

Day 3
Friday, 31 October

Venue: University of Copenhagen
Faculty of Humanities, Auditorium 23.0.50, South Campus

TIME	SESSION	SPEAKER(S)
08:40	Bus departs to the University of Copenhagen	
09:00	Registration of Participants COFFEE & NETWORKING Venue: Outside the auditorium	
09:30	**Welcome**	• **Line Gamrath RASMUSSEN**, Chief Adviser on Human Rights and Technology, Danish Institute for Human Rights
09:35	**PANEL** ***Shaping the Future of AI: A Human Rights View from Asia and Europe***	• **Dr David REICHEL**, Head of Data and Digital Sector, Justice, Digital and Migration Unit, European Union Agency for Fundamental Rights (FRA) • **Dr Stanati NETIPATALACHOOCHOTE**, Lecturer, Global Academy, Siam University, Thailand • **Barani MAUNG MAUNG**, Tech Safety Expert, Oxford Internet Institute *Moderator:* ***Dr Gry HASSELBALCH**, Academic Director, DataEthics.eu*
10:45	COFFEE BREAK	
11:00	**CLOSING PLENARY** ***Rapporteurs' Summary of Each Workshop***	*Chair:* ***Rolf RING**, Raoul Wallenberg Institute (RWI)* *Rapporteur:* ***Prof Dr Virginia DIGNUM**, Umeå University* • *Theme: Equality and Non-Discrimination* *Rapporteur:* ***Smitra MITRA**, LifeFutureSkills* • *Theme: Privacy and Data Protection* *Rapporteur:* ***Nele ROEKENS**, European Network of* • *Theme: Remedies and Access to Justice*

PROGRAMME

29 - 31 OCTOBER 2025

12:00	**Open Plenary Discussion**	
12:45	**Official Closing Session**	*Chair:* ***Rolf RING****, Raoul Wallenberg Institute (RWI)* • ***Closing remarks on behalf of the host: Lone THORUP****, Chief Advisor, Department for Asia, Latin America, Oceania & the Caribbean (ASILAC), Ministry of Foreign Affairs of Denmark* • ***Closing speaker: Farah Gul RAHUJA****, AI innovator, human rights advocate, and global youth leader*
13:15	End of the Programme	
14:30	Bus departs to the hotel	

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ANNEX 3 CONCEPT AND WORKING GROUP QUESTIONS

Artificial intelligence (AI)[i] now affects nearly almost all aspects of our lives. It shapes how people access information, interact with devices and share personal information, but AI also affects as fundamental aspects of our lives such employment, education, housing and credit. While AI offers significant opportunities for development and innovation, it also has wide-ranging impacts on society and poses serious potential risks for human rights, rule of law and democracy. Such risks associated with AI have already begun to compound on top of existing inequalities, resulting in further harm to already marginalised groups [ii] and vulnerable persons.[iii]

The AI used tools and instrument can interfere with fundamental rights such as privacy, equality, non-discrimination and freedom of expression, but with its rapid expansion, AI may have adverse effects on other human rights too. AI tools are increasingly used in child protection situations, making sentencing recommendations in criminal cases, and assessing asylum applications, which can have significant implications on other freedoms and rights established under the international human rights framework. Meanwhile, AI raises a wide range of legal, ethical, and technical issues that cross jurisdictional lines, making them challenging to address and regulate. Additionally, given the complexity of artificial intelligence-based decision-making, the provision of remedy has not been sufficiently established and clarified in situations when AI systems cause harm, losses and injustices.

Concerns about the human rights implications of AI have led to calls for more multistakeholder approach to AI regulation that will apply to both the government and private sectors to govern the application and design of AI technologies.

The United Nations (UN) has been at the forefront of *addressing the complex interplay between AI and Human Rights and has, for example, laid a foundational framework for the ethical governance of AI with the* **UNESCO Recommendation on the Ethics of Artificial Intelligence** adopted unanimously by all UNESCO member states in 2021. Furthermore, the recent establishment of the **UN High-Level Advisory Body on Artificial Intelligence** marks a significant step forward in the global AI policy that that requires a holistic approach including ethical considerations and human rights. As a further step in protecting human rights in digital age, it has also been proposed to establish a **UN Special Rapporteur on AI and Human Rights** to complement existing efforts and to provide the 'agility, authority and competence required to address emerging challenges.[iv]

In response to the rapid evolution of artificial intelligence, initiatives have also been taken at the national and regional level to address the ethical implications of the use of AI. Several countries are looking into passing national regulations on AI, or setting up specialised agencies to help ensure the development of fair, inclusive, non-discriminatory, safe, secure and trustworthy AI[v] while regionally and at the European Union and Council of Europe levels, binding instruments have been set forth, including **Regulation EU 2024/1689 of the European Parliament and of the Council** of 13 June 2024 laying down harmonised rules on AI and the **Council of Europe's Convention on AI, Human Rights, Democracy and Rule of Law** (2024).

While the new regulatory instruments have the potential to enhance the AI governance and go someway to protecting people from the harms of AI, more could be done to, for example, improve **private sector**

accountability[vi] and to strengthen the application of the **UN Guiding Principles on Business and Human Rights** in areas relating to the digital space and new technologies. This is also the case in Asia where governments have hesitated to pursue regionwide rules for AI. For example, at the ASEAN level, the recently agreed **ASEAN Guide on AI Governance and Ethics** (2024) emphasise values and principles for governments and businesses rather than mandating binding measures.[vii] At the same time, however, some of the AI regulation in Asia is exploring new areas of AI policy not yet included in the global discourse, such as indigenous peoples' data sovereignty[viii].

By bringing together key stakeholders from the ASEM Partner countries, academic, civil society, and national human rights institutes, the **23rd Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights** will provide a multistakeholder platform to discuss the challenges and opportunities associated with the interaction of human rights and AI and provide insights into how legal and human rights issues related to AI are being addressed in the Asia-Europe context, focusing notably on privacy, equality, and remedies for harm. It will further aim to identify areas for capacity-building and alliances between different stakeholders working on AI governance and human rights across Asia and Europe and develop recommendations for actions that governments, civil society organisations, national human rights institutes and the private sector can take to ensure that human rights are the foundation for AI governance in future. As an aspiring world leader in responsible and ethical use of AI, Denmark will provide a fitting location for regional discussions on this important and timely topic.

Expected Outcomes

- Increased awareness and understanding of the human rights implications of AI technologies.
- Identification of policy and regulatory gaps and recommendations for an AI governance framework that advances the respect, protection and fulfilment of all human rights.
- Strengthened collaboration between stakeholders to develop inclusive, rights-respecting AI policies and practices.

Target Audience

- Government representatives, policymakers, and regulators.
- Civil society organisations and human rights practitioners.
- Academics, researchers, and AI practitioners.
- Representatives of national human rights institutes and ombudsmen offices.
- Private sector representatives developing and deploying AI technologies.

About the Organisers

The Informal Asia-Europe Meeting (ASEM) Seminar on Human Rights series was launched in 1997 to strengthen relations between civil society actors and governments in Asia and Europe on human rights issues. The Seminar series is co-organised by the Asia-Europe Foundation (ASEF), the Raoul Wallenberg Institute (nominated by the Swedish Ministry of Foreign Affairs), the Philippine Department

of Foreign Affairs, the Swiss Federal Department of Foreign Affairs, and the Ministry of Foreign Affairs of the People's Republic of China, with support of the European Union.

The 23rd Informal ASEM Seminar on Human Rights (ASEMHRS23) is hosted and supported by the Ministry of Foreign Affairs of Denmark.

Working Groups and Cross-Cutting Questions

Participation in the 23rd Informal ASEM Seminar on Human Rights will take place in 3 simultaneous working group discussions (on Day 2) on the following sub-themes:

1. Privacy and Data Protection:

This working group of the Seminar addressing the growing impact of Artificial Intelligence (AI) on privacy and data protection. With AI systems becoming more reliant on vast amounts of data, they are accumulating sensitive personal information, raising significant concerns about privacy breaches and misuse. AI may be used to collect data, including sensitive, personal data, yet it may also be used to create profiles of people based on which decisions can be made regarding issues essential to their lives, such as healthcare, employment, social benefits, and access to justice. By analysing extensive datasets of user information, such as browsing history, social media interactions, AI algorithms[ix] can also generate highly targeted advertising and political messaging that can manipulate and exploit individual vulnerabilities.

While AI holds the potential to revolutionise many sectors by automating tasks and improving decision-making, ensuring a balance between protecting national security and public interest and the safeguarding of privacy is an urgent challenge. It is equally important to recognise that different people may face different privacy concerns when it comes to AI, for instance, people from racially marginalised backgrounds may have heightened human rights concerns when it comes to the right of privacy. Privacy violations can put those groups at risk of ostracisation, discrimination or physical danger.[x]

The right to privacy is a fundamental human right, recognised in Article 12 of the **Universal Declaration of Human Rights,** Article 17 of the **International Covenant on Civil and Political Rights**, and other human rights frameworks[xi]. This right is critical for ensuring a balance of power between the state and the individual and is regarded as one of the cornerstones of democratic societies.[xii] Moreover, as the world becomes increasingly data-driven, the right to privacy is crucial in ensuring that both online and offline human rights are respected and upheld.

The human right to privacy, which applies to all individuals, mandates that personal data be processed in a fair, lawful, and transparent manner, with the consent of individuals or other legitimate legal bases.[xiii] Data should be kept for specific purposes, securely, and retained only for a limited time, with heightened protection for sensitive data. Individuals must know when their data is being processed and have rights to correct, erase, or limit its use.[xiv] Privacy should be protected by the law against arbitrary and disproportionate surveillance and unlimited profiling, and data should not be transferred internationally unless equivalent privacy standards are upheld.

In practice, however, AI systems and businesses often depend on large-scale data collection, including personal data, to optimise services and maximise profits. Companies, particularly in the tech sector, gather vast amounts of information, often through the so-called Internet of Things (IoT)[xv], in both public and private spaces. Data brokers acquire, merge, and sell this data, frequently without full transparency and putting privacy at risk. Despite some existing legal frameworks,[xvi] these data undertakings remain largely unregulated, leaving individuals vulnerable to privacy violations. A notable example is the Facebook and Cambridge Analytica scandal, where 87 million personal Facebook profiles were collected and used for political advertising without consent between 2013 and 2018. However, this is just one of many privacy breaches that have occurred over the years.

States, as part of their human rights obligation, must refrain from violating the right to privacy and to take active measures to safeguard its enjoyment. This duty is also reflected in the **Guiding Principles on Business and Human Rights**, which emphasise the duty of States to protect against adverse human rights impacts involving private companies.[xvii] However, with the rapid development and adoption of AI tools, keeping track of companies' compliance with human rights is becoming increasingly challenging. The AI regulations are also struggling to keep pace with the rapid changes in technology.

Working group questions:

1. What are the primary **human rights risks** associated with the collection, use, and sharing of personal data by AI systems?
2. Do you think **privacy laws** are currently keeping up with the pace of technological innovation? Why or why not?
3. Are there effective **legal and regulatory frameworks** to protect individual privacy in AI deployment, and where are the gaps?
4. How **transparent** are AI-driven decision-making processes, and how can transparency be improved?
5. Should the **right to have full control over one's own data** be a human right?
6. How can a State balance safeguarding **national security and public interest** with the protection of individual rights, particularly privacy?

2. Equality and Non-Discrimination:

AI typically functions by applying standardised rules to categorise or treat individuals, rather than evaluating each person based on their unique qualities or circumstances. Numerous studies have highlighted the risks that AI and automated decision-making systems[xviii] pose to the principles of equality and non-discrimination - whether in employment[xix], access to goods or services across public and private sectors[xx], public security policies [xxi] or even in prediction the likelihood of individuals committing benefit or tax fraud[xxii]. Furthermore, though technologies such as facial recognition[xxiii] and language modelling[xxiv], AI systems tend to exacerbate existing social inequalities by targeting already vulnerable groups[xxv] , exhibiting prejudice against racial and ethnic minorities, and showing bias toward a Western male-dominant perspective.[xxvi] For example, the study by the Berkeley Haas Center for Equity, Gender and Leadership analysed 133 AI systems across different industries and found that about 44 per cent

of them showed gender bias, and 25 per cent exhibited both gender and racial bias.[xxvii] Significant gender bias was also reported in the study by UN Women and UNU Macau in 2024 , which explored the connections between AI, digital security and the women, peace and security agenda in South-East Asia.[xxviii]

AI makes it difficult to assess whether discrimination has occurred. Compared to traditional forms of discrimination, automated discrimination is more abstract and unintuitive, subtle, intangible, and difficult to detect.[xxix] An individual usually becomes aware of discrimination by comparing their treatment, or its outcome, with that of other people. Furthermore, individuals may not have any accessible way of finding out whether they have been disadvantaged by AI, or how.

Several features of AI systems may cause them to make biased decisions. First, AI systems rely on training data to develop the decision-making algorithm. This is an iterative process, and its success relies on the quality and depth of the input dates, as well on the trainers' ability to identify and address any deficiencies. Consequently, if the training data are insufficient, the algorithms may make predictions that are systematically discriminatory for groups that are unrepresented or underrepresented in the data.[xxx]

Secondly, a common form of bias in artificial intelligence tools arises from the way in which algorithms are designed. If bias is ingrained in design choices, an algorithm can lead to biased outcomes, even if the data fed into the algorithm are perfectly representative. Sometimes, the backgrounds or perspectives of algorithm designers may lead them to incorporate unconscious biases, including racial or sexist biases, in their algorithm designs. [xxxi]

Thirdly, AI systems function within a specific context: if deployed in social conditions that hinder the enjoyment of rights by certain groups, an AI system can perpetuate bias.[xxxii] Without human oversight, AI is currently incapable of replicating contextual concepts of fairness.[xxxiii]

The digital technology sectors have been criticised for their lack of diversity, a problem further compounded by the absence of inclusive consultation in the development of artificial intelligence systems, which contributes to challenges in algorithmic design.[xxxiv] Currently, women make up approximately 30% of the AI workforce[xxxv], while the representation of other diverse groups is even lower.[xxxvi] According to Stinson and Vlaad (2024), "the culture of AI lionizes lone genius figures, devalues nontechnical expertise, and has earned a reputation for being unsafe for both women and racial minorities".[xxxvii]

Human rights law, grounded in the **International Covenant on Civil and Political Rights**, offers a framework of equality and non-discrimination standards for evaluating the use of AI. It requires that all individuals' rights be respected and ensured 'without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status'.[xxxviii] The law entails prohibitions against not just direct discrimination, but indirect and structural discrimination too. The obligation to ensure non-discrimination applies across areas of government policy and influence, including the development and application of artificial intelligence technologies. However, enforcing this principle has proven challenging in practice.

CONCEPT AND WORKING GROUP QUESTIONS

This working group will explore the challenges AI poses to equality and non-discrimination from a human rights perspective and discuss ways to uphold these principles in practice. Below are guiding questions to explore in this working group:

Working group questions:

1. How do AI systems contribute to or help reduce **discrimination** in areas such as **criminal justice, healthcare, and employment**? Can you provide any examples from your country?
2. How can AI systems be designed to minimise **biases** that reinforce **systemic inequalities**, and are states playing their part in ensuring **accountability** for AI-driven systemic bias?
3. To what extent are **human rights assessment frameworks** effective in guiding companies and states to identify, prevent, and mitigate discriminatory impacts of AI technologies?
4. What strategies can enhance the representation and **inclusion of marginalised groups, particularly women, in AI development and deployment?**
5. What steps should a State take to ensure equality and non-discrimination in AI-related benefits and risks, particularly so that **marginalised groups** are not treated unfairly?
6. What are some good practices for ensuring **Indigenous participation** in the development of AI tools to prevent systemic biases and reduce harm in sectors like healthcare, education, and the justice system?
7. How can **AI literacy** be improved for both users and developers to better recognise and address discrimination in AI systems?

3. Remedies and Reparation of Harms (Access to Justice):

The right to remedy is a core tenet of the international human rights system, and the need for victims to have access to an effective remedy is recognised in international human rights instruments like the **Universal Declaration of Human Rights (UDHR)** and the **International Covenant on Civil and Political Rights (ICCPR)**. International human rights law requires both governments and companies to provide an 'effective remedy' in the event of breach of their obligations and responsibilities. This comprises effective reparation, appropriate accountability for those responsible, as well as measures to prevent recurrences.

The availability of remedies is essential for ensuring that human rights and ethical principles have meaningful impact, particularly in the face of competing commercial interests. Yet, little attention has been given on establishing effective mechanisms to address harms caused by AI. At present, **there is no clear or consistent pathway for individuals to seek redress when their human rights are violated by AI systems**[xxxix] Moreover, for judicial and non-judicial bodies – as well as individuals pursuing claims – to fully assess the human rights impacts of AI, they must have access to relevant and sufficient information. However, AI developers and deployers often withhold such information under claims of confidentiality or proprietary protection, creating significant barriers to accountability and undermining access to effective remedies.[xl]

CONCEPT AND WORKING GROUP QUESTIONS

Cases concerning the human rights impacts of AI systems brought before both judicial and non-judicial bodies have highlighted the urgent need for redress and remedies, while also revealing the inadequacy of existing legal frameworks to fully address such harms. Many of the cases pursued have relied on data protection laws, suggesting that a broader range of human rights violations linked to AI may go underreported.[xli] This underreporting highlights the critical need for greater access to information and expertise and awareness to better identify and respond to AI -related human rights harms. For individuals to effectively file complaints, they must have sufficient information to understand how decisions affecting them were made and the role AI played in that process. This includes access to data on how the AI was designed, tested and intended to function, as well as how it performed in the specific case. Furthermore, transparency around involvement of human decision-making or oversight is essential to ensure accountability and uphold the right to remedy.[xlii]

The availability of remedies for AI-related human rights violations differs considerably across regions and countries. In Europe, established regulatory frameworks – such as the recently adopted **EU AI Act** and **Council of Europe Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law**, provide individuals with more defined legal pathways to seek redress for issues such as data misuse and discriminatory impacts.[xliii] In contrast, in many parts of Asia, legal and institutional responses to the human rights implications of AI are still evolving, with fewer established accountability mechanisms and limited avenues for individuals to pursue remedies when their rights are affected.

In both region, there remains a general hesitance to impose strong regulatory obligations on the private sector[xliv], reflecting a broader challenge in aligning technological innovation with human rights protections.

Nonetheless, international human rights law, which most ASEM member countries have ratified, continues to apply across Asia and Europe and provides a common normative framework for assessing and addressing the impacts of AI on fundamental rights. However, enforcement of these standards is often lacking. Thus, to make this framework effective in practice, it is essential to raise awareness, enhance its usability, to invest in building literacy and providing training on human rights for all actors involved in the development, deployment, regulation and oversight of AI systems.

Working group questions:

1. Can **existing human rights instruments**—like the right to a fair trial or the right to an effective remedy—adequately address harms from AI systems, or are new legal tools needed?
2. What mechanisms currently exist for **holding AI developers and deployers accountable** for rights violations, and how effective are they?
3. How should remedies be designed to address not only individual harms, but also **systemic or collective impacts** caused by AI systems?
4. What role should **transparency and explainability** play in enabling individuals to seek redress? Is a lack of explainability itself a violation of rights?
5. How can **affected communities** participate in the development and deployment of AI to ensure fairer outcomes and that technology aligns with the values and needs of the people it serves?
6. What role can **ombuds institutions**, **data protection authorities**, or **national human rights institutions** play in providing or facilitating remedies for AI-related harms?

7. How can member states effectively invest in **AI literacy** among the general public—especially in schools and marginalised communities—to ensure a well-rounded understanding of both the functioning of AI and its potential human rights impacts?

Guiding questions

In addition to the sub-theme-specific questions, the following cross-cutting questions will guide discussions across all working groups:

1. What are the main **human rights risks** linked to the deployment of AI systems by both state and private actors?
2. How can AI systems be made more transparent to ensure **accountability** and **trust** among users? Are there **positive practices** in policies, regulations, or business practices that can be modelled to protect human rights in AI deployment?
3. How effective are **ethical guidelines** in preventing human rights violations caused by AI, considering the lack of legal binding and oversight, allowing companies to choose whether or not to adhere to them?
4. How can stakeholders, including **marginalised and vulnerable communities**, be meaningfully included in AI governance discussions and decision-making processes?
5. Are **civil society organisations and NGOs** sufficiently equipped to address the human rights implications of AI, and what support do they need to strengthen their role in this space?
6. How can **NHRIs**, as a bridge between government and civil society and with the ability to collaborate with other institutions and organisations, play a key role in addressing the diverse human rights impacts of AI development and deployment? Can you share any examples of good practices from NHRIs working on AI?
7. What approaches have proven successful in integrating **human rights education** into the AI development process?
8. How can **international, regional, and national regulatory frameworks** work together to address the cross-border implications of AI technologies?
9. How do approaches to **AI governance** in Asia and Europe differ, and what can be learned from these regional experiences to develop more effective, inclusive policies? What are some practical avenues for collaboration between the two regions to promote responsible and globally coherent AI governance?
10. Would the establishment of an Office for the **Special Rapporteur on Human Rights and AI** be an effective way to enhance oversight and accountability in addressing AI-related human rights violations?
11. How might the **future of human rights** be shaped by the evolving capabilities and deployment of AI technologies, and what proactive measures should be taken to safeguard these rights?

Endnotes

i. Referring to a variety of techniques that vary in complexity and share a common outcome: the imitation of human cognition or decision-making. UNESCO TVETipedia Glossary.
ii. https://www.unesco.org/en/artificial-intelligence/recommendation-ethics
iii. For example, against persons with disabilities. See e.g. https://documents.un.org/doc/undoc/gen/g21/397/00/pdf/g2139700.pdf
iv. https://aire.lexxion.eu/article/aire/2024/1/13
v. Including Australia, UK, China and India.
vi. See e.g. ENNHRI-statement-of-concern-on-AI-Convention-at-CAI-plenary.pdf
vii. See https://asean.org/book/asean-guide-on-ai-governance-and-ethics/
viii. See e.g. Australia's Voluntary AI Safety Standard: https://www.industry.gov.au/publications/voluntary-ai-safety-standard/10-guardrails
ix. Understood as a set of instructions or rules that enable machines to learn, analyze data and make decisions based on that knowledge.
x. See Office of the United Nations High Commissioner for Human Rights, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN Doc A/HRC/56/68 (2024), para 16
xi. Including article 16 of the Convention on the Rights of the Child, article 22 of the Convention on the Rights of Persons with Disabilities, and article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights)
xii. A/HRC/39/29, para. 11.
xiii. See Simple Guide on the International Covenant on Civil and Political Rights (ICCPR) – an overview of Articles 1 – 27., p. 30. Centre for Civil and Political Rights (CCPR Centre) Available here: ICCPR_easy_to_read_commentary_WEB.pdf
xiv. See Office of the United Nations High Commissioner for Human Rights, The Right to Privacy in the Digital Age, UN Doc A/HRC/27/37 (2014), para 20
xv. System of interrelated computing devices, mechanical and digital machines, objects, animals or people that are provided with unique identifiers and the ability to transfer data over a network without requiring human-to-human or human-to-computer interaction (UNESCO TVETipedia Glossary)
xvi. The General Data Protection Regulation (GDPR) sets guidelines for the collection and processing of personal information from individuals residing in the EU and also applies to organisations outside the EU that target or collect data related to EU citizens. In Asia, e.g. China and Singapore have developed regulations regarding data collection by IoT.
xvii. A/HRC/48/31, para. 10
xviii. Automated decision-making (ADM) refers to processes where decisions are made solely by automated systems, without significant human intervention
xix. Allhutter, D. et al. (2020), 'Algorithmic profiling of job seekers in Austria: how austerity politics are made effective', Frontiers in Big Data, 21 February 2020, https://www.frontiersin.org/journals/big-data/articles/10.3389/fdata.2020.00005/full (accessed 5 April 2025) ; see also https://www.reuters.com/article/us-amazon-com-jobs-automation-insight-idUSKCN1MK08G/ (Accessed 5 April 2025)

xx. In 2017, the Finnish Non-Discrimination Ombudsman took a case to the National Non-Discrimination and Equality Tribunal against a bank concerning use of automated decision-making in granting loans. The automation was based on a system in which loan applicants were scored on the basis of their place of residence, gender, mother tongue and age was ruled to be discriminatory. See https://yhdenvertaisuusvaltuutettu.fi/en/artificial-intelligence-and-equality

xxi. Bonnett, G. (2018), 'Immigration NZ using data system to predict likely troublemakers', RNZ News, 5 April 2018, https://www.rnz.co.nz/news/national/354135/immigration-nz-using-data-system-to-predict-likely-troublemakers (Accessed on 5 April 2025)

xxii. This was the case with the Dutch government's use of System Risk Indication (SyRI)—an algorithm designed to identify potential social welfare fraud, which in 2020 was ruled by the Hague's District Court to be in violation of of the European Convention on Human Rights (ECHR)2 for an interference with the exercise of the right to private life to be necessary and proportionate. The court also found the system was discriminatory and only used in so-called 'problem neighbourhoods'. See e.g. Adamantia Rachovitsa, Niclas Johann, The Human Rights Implications of the Use of AI in the Digital Welfare State: Lessons Learned from the Dutch SyRI Case, Human Rights Law Review, Volume 22, Issue 2, June 2022, ngac010, https://doi.org/10.1093/hrlr/ngac010

xxiii. According to Cambridge dictionary, technology that makes it possible for a computer to recognise a digital image of someone's face.

xxiv. Language modeling, or LM, is the use of various statistical and probabilistic techniques to determine the probability of a given sequence of words occurring in a sentence. Language models analyze bodies of text data to provide a basis for their word predictions. (What Is Language Modeling? | Definition from TechTarget). AI-based language technology—large language models, machine translation systems, multilingual dictionaries, and corpora—is currently limited to three percent of the world's most widely spoken, financially and politically backed languages, favoring certain languages or dialects over others. See e.g. Helm, P., Bella, G., Koch, G. et al. Diversity and language technology: how language modeling bias causes epistemic injustice. Ethics Inf Technol 26, 8 (2024). https://doi.org/10.1007/s10676-023-09742-6

xxv. See https://unu.edu/macau/news/new-un-research-reveals-impact-ai-and-cybersecurity-women-peace-and-security-south-east (accessed 5 April 2025)

xxvi. Global Civil Society Launches Manifesto For Ethical AI. Press Release.December 4, 2023. Available at https://aippnet.org/wp-content/uploads/2023/12/Global-civil-society-launches-manifesto-for-ethical-AI.pdf (Accessed on 11 April 2025)

xxvii. https://ssir.org/articles/entry/when_good_algorithms_go_sexist_why_and_how_to_advance_ai_gender_equity

xxviii. https://unu.edu/sites/default/files/2024-05/Artificial%20Intelligence%20and%20the%20Women%2C%20Peace%20and%20Security%20Agenda%20in%20South-East%20Asia.pdf

xxix. Wachter, S., Mittelstadt, B. and Russell, C. (2020), 'Why Fairness Cannot be Automated: Bridging the Gap between EU Non-Discrimination Law and AI', Computer Law & Security Review, 41(2021): 105567, https://www.sciencedirect.com/science/article/abs/pii/S0267364921000406

xxx. See Office of the United Nations High Commissioner for Human Rights, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN Doc A/HRC/56/68 (2024), para 14

xxxi. Ibid; See also https://www.unwomen.org/en/articles/explainer/artificial-intelligence-and-gender-equality

xxxii. As was the case e.g. in a landmark ruling in a case brought by Ed Bridges who challenged South Wales Police's use of live facial recognition in public in 2020. Civil liberties groups raised concerns that facial recognition technology is less accurate for people of color and women. See https://www.libertyhumanrights.org.uk/issue/legal-challenge-ed-bridges-v-south-wales-police/

xxxiii. Kate Jones: AI governance and human rights. Resetting the relationship. Research paper. Chatham House. Published 10 January 2023. Updated 19 January 2023. Available here: AI governance and human rights | 06 Remedies in AI governance: the contribution of human rights

xxxiv. Office of the United Nations High Commissioner for Human Rights, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN Doc A/HRC/56/68 (2024), para 14.

xxxv. https://www3.weforum.org/docs/WEF_GGGR_2023.pdf, page 7 (accessed on 11 April 2025)

xxxvi. According to New York University study in 2019, only 2.5% of Google's workforce is black, while Facebook and Microsoft are each at 4%. Only a little data exists on trans workers or other gender minorities in the AI field.

xxxvii. Stinson, C., & Vlaad, S. (2024). A feeling for the algorithm: Diversity, expertise, and artificial intelligence. Big Data & Society, 11(1). https://doi.org/10.1177/20539517231224247 (Original work published 2024)

xxxviii. International Covenant on Civil and Political Rights, Article 2(1)

xxxix. Kate Jones: AI governance and human rights. Resetting the relationship. Research paper. Chatham House. Published 10 January 2023. Updated 19 January 2023. Available here: AI governance and human rights | 06 Remedies in AI governance: the contribution of human rights

xl. Prof. Frederik Zuiderveen Borgesius (2018) *Discrimination, Artificial Intelligence, and Algorithmic Decision-Making*; Directorate General of Democracy, Council of Europe. Report available here: Discrimination, artificial intelligence, and algorithmic decision-making

xli. Council of Europe Commissioner for Human Rights (May 2023): Human rights by design future-proofing human rights protection in the era of AI, page 29. Available here: https://rm.coe.int/follow-up-recommendation-on-the-2019-report-human-rights-by-design-fut/1680ab2279

xlii. Kate Jones: AI governance and human rights. Resetting the relationship. Research paper. Chatham House. Published 10 January 2023. Updated 19 January 2023. Available here: AI governance and human rights | 06 Remedies in AI governance: the contribution of human rights

xliii. Although these come with limitations too. E.g. The CoE convention has been criticised for its vague implementation guidelines concerning redress and remedy (see e.g. https://www.amnesty.eu/wp-content/uploads/2024/04/Amnesty-International-Recs-draft-CoECAI-11042024.pdf) while for the EU AI Act, it remains unclear how effectively it will enable authorities to enforce compliance and hold violators accountable (see e.g. EU's AI Act fails to set gold standard for human rights - European Disability Forum).There is also growing concern that these recently introduced regulations may exclude the private sector from meaningful accountability and oversight.

xliv. For example, the recently introduced Convention on Artificial Intelligence and human rights, democracy and the rule of law by the Council of Europe does not oblige parties to the Convention to apply the provisions of the treaty to the private sector.

ANNEX 4

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Launched in 1997 during the 1st ASEM Foreign Ministers' Meeting (ASEM FMM1), the Informal ASEM Seminar on Human Rights serves as a unique platform for open, balanced, and non-confrontational dialogue between civil society and government representatives from ASEM partner countries.

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