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ITEM 3 – Interactive dialogue with the Special Rapporteur on the rights of persons with disabilities

Statement by International Lesbian and Gay Association¹

**Co-sponsored by: Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit
— COC Nederland**

Delivered by Margherita Coppolino

Mr. President,

We welcome the thematic report of the Special Rapporteur on the rights of persons with disabilities, drawing attention to the specific benefits and risks of the use of artificial intelligence (AI). We strongly support the intersectional approach of the report and its focus on inclusive equality. Moreover, we acknowledge that the mandate has been instrumental in recognizing and protecting the rights of LGBTI persons with disabilities. However, we are concerned by the lack of mentions of LGBTI in the current report, given that the impact of AI on these communities has particularities that should be addressed thoroughly.

Artificial intelligence has helped LGBTI persons with disabilities to live independent lives from potential homophobic and transphobic families and care providers. It has also increased their community participation, improved their access to educational resources and allowed them to navigate their workplace, homes, and cities without relying on human assistance.

Nevertheless, AI technologies have the potential to increase intersectional discrimination for LGBTI persons with disabilities². For instance, software and other AI systems often use biased algorithms to recruit candidates for job vacancies, reproducing discriminatory assessments and replicating the exclusion that has been commonly applied to both LGBTI groups and persons with disabilities in employment. Moreover, software with biased algorithms can affect the provision of services, like health insurance coverage, particularly when it is used to profile people with negative assumptions towards SOGIESC, disability, and other intersections³.

Similarly, the process of data collection by AI systems might be used for sexual orientation and gender identity recognition which could imply significant risks for LGBTI people regarding the invasion of their privacy and surveillance⁴. This aspect can have major consequences for LGBTI

¹ This statement was prepared in consultation with Matthew Bowden and ILGA Oceania.

² AI tools are fed with human biases (conscious or unconscious). If the design of AI systems lacks of diverse and inclusive perspectives such as SOGIESC and disability lens they will be discriminatory. For more information, see: Council of Europe (2018) [Safeguarding human rights in the era of artificial intelligence](#).

³ For instance, AI systems are often used to calculate the amount of sick leave that a person with a disability might need compared to non-disabled persons, which can have affect the increase of health insurance costs or directly denying the service. This profiling issue has more harmful effects when disability intersects with SOGIESC or HIV. E.g. Trans persons hormonal treatment coverage

⁴ Tomasev et al. (2021) [Fairness for Unobserved Characteristics: Insights from Technological Impacts on Queer Communities](#)

persons with disabilities, including denial of employment, education opportunities and surveillance exercised by their families and care providers.⁵

We would also like to draw attention to the potential dangers AI can entail for intersex people's right to bodily integrity. In alignment with article 17 of the Convention on the Rights of Persons with Disabilities, AI must be safeguarded from perpetrating forced surgeries and harmful medical interventions inflicted on people with sex characteristics variations.

Finally, States must include LGBTI persons with disabilities in their AI development, consulting and involving them as co-creators of the tools that are produced from these processes. It is crucial that LGBTI people with disabilities are considered at the core of AI development policies and laws. States must ensure that AI policies and regulations do not lead to discrimination, intrusion of privacy, and safety problems.

We call on policy makers and UN mechanisms such as the Special Rapporteur and the CRPD Committee to bring attention and monitor the implementation of AI tools and software taking into account SOGIESC perspectives and ensuring that AI systems are biased free.

I thank you Mr. President

⁵ For instance, AI tools have been deployed to elicit private information on dating apps, compromising users' device integrity and privacy. For more information, see Tomsev et al. (2021) Ibid.