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Excellencies, distinguished delegates, esteemed colleagues,

It is an honor to be here today to present my latest report, "Foundations and Principles for the Regulation of Neurotechnologies and the Processing of Neurodata from a Privacy Perspective".

As neurotechnologies evolve, so do the ethical and legal challenges they pose to fundamental human rights, particularly the right to privacy. These technologies, which can record, decode, and even modify brain activity, have extraordinary potential in medicine, communication, and research. However, they also introduce unprecedented risks, including the unauthorized access, manipulation, and misuse of what should remain our most private domain: our thoughts and mental processes.

Background and Framework

The rapid advancement of neurotechnologies necessitates an urgent regulatory response. International human rights bodies, including the UN Human Rights Council, have recognized both the opportunities and threats posed by these innovations.

My report builds upon existing international efforts, addressing the specific risks posed by neurotechnologies and proposing key regulatory principles to safeguard fundamental rights.

At the core of these concerns is the recognition that **neurodata** - information derived directly from the nervous system—constitutes highly sensitive personal data. Unlike other forms of personal information, neurodata can reveal not only an individual's identity but also their thoughts, emotions, and cognitive patterns. This unique sensitivity requires enhanced legal and ethical protections.

Key Findings

My report highlights both the benefits and risks of neurotechnologies. On the one hand, they offer groundbreaking solutions for treating neurological disorders, improving cognitive functions, and expanding human capabilities. On the other hand, they raise serious concerns, including (the following):

- **Mental privacy violations**:

  Neurotechnologies have the capacity to decode brain activity, allowing access to an individual's most intimate thoughts and emotions.

  Without proper safeguards, this could lead to unauthorized monitoring or even coercion. Governments, corporations, or malicious actors could exploit this access to influence personal decisions, behaviors, and ideologies, fundamentally eroding personal autonomy and mental integrity.

- **Manipulation and autonomy concerns**:

  The ability to directly alter neural activity introduces the risk of cognitive manipulation.

Technologies capable of stimulating certain neural patterns might be used to artificially shape opinions, emotions, or even memories, raising profound ethical concerns. If left unregulated, individuals could lose the ability to make independent decisions, undermining the core principle of free will.

- **Discrimination risks**:

  The processing of neurodata opens the door to a new form of discrimination-neurodiscrimination. Employers, insurers, and institutions may misuse neurodata to assess cognitive abilities, emotional states, or predispositions, leading to biased hiring processes, unequal access to services, or unjustified exclusion from opportunities. This could deepen existing social inequalities and create a new class of marginalized individuals based on their neural characteristics.

- **Security vulnerabilities**:

  Neurotechnologies that connect brain activity to digital networks pose significant cybersecurity risks. If hacked, such technologies could enable unauthorized access to private thoughts, expose individuals to identity theft, or even allow external actors to influence neural activity remotely. This makes neurotechnologies a potential target for cyberattacks that could compromise both individual privacy and public security.

  Given these challenges, it is imperative to establish **neuro-rights**, a new category of human rights aimed at protecting the **dignity and autonomy** of individuals in the face of these emerging technologies.

My report proposes five fundamental neuro-rights:

1. **Mental privacy** – Protection against unauthorized access to neural data.
2. **Personal identity** – Safeguarding the integrity of an individual's cognitive and emotional self.
3. **Free will** – Ensuring that individuals remain in full control of their thoughts and decisions.
4. **Non-discrimination** – Preventing biases in access to and use of neurotechnologies.
5. **Equitable access** – Guaranteeing that all individuals, regardless of socioeconomic status, benefit from neurotechnological advancements.

Recommendations

To address these concerns, my report urges States to:

1. **Develop regulatory frameworks**:

   National and international laws must govern the use of neurotechnologies to ensure they respect human rights. This includes defining clear guidelines on how neurodata should be collected, processed, and stored.

   It is essential that legal instruments explicitly prohibit the unauthorized use of neurotechnologies for surveillance, coercion, or any activity that compromises mental privacy and individual autonomy.

2. **Incorporate core privacy principles**:

   Legal instruments should include protections for mental privacy, informed consent, and the ethical use of neurodata. A key component of this is requiring explicit, informed, and revocable consent for the collection and use of neurodata.

   Additionally, neurotechnologies must be developed with a privacy-by-design approach to ensure data protection is integrated from the outset, rather than being an afterthought.

3. **Enhance oversight and accountability**:

   Governments and regulatory bodies must monitor the **development and deployment** of neurotechnologies to prevent abuses.

   Independent supervisory authorities should be established to review neurotechnology applications, ensuring compliance with human rights principles.

   Mechanisms for redress and accountability must be accessible to individuals whose neurodata has been misused, including legal pathways for addressing violations.

4. **Promote public awareness and ethical discourse**:

   Education and transparent discussions about neurotechnologies will empower individuals to make informed decisions about their use.

   Raising awareness about the risks and benefits of neurotechnologies should be a priority, ensuring that both policymakers and the public understand the implications of these advancements.

   Ethical discussions should also include multidisciplinary input, drawing from neuroscience, law, ethics, and human rights to create comprehensive and balanced regulatory frameworks.

Conclusion and Call to Action

The regulation of neurotechnologies is not just a legal imperative - it is a moral one. We must act now to establish safeguards that will ensure these powerful technologies serve humanity rather than exploit it.

As we stand at the crossroads of scientific innovation and human rights protection, we must choose a path that prioritizes dignity, privacy, and autonomy.

I call upon all Member States, international organizations, and stakeholders to work together in adopting regulatory measures that uphold these principles.

Let us ensure that, in the pursuit of technological progress, we do not compromise the very essence of what makes us human: our thoughts, our identity, and our free will.

Country Visits

I conducted my second official country visit to **Mauritius** from 27 November to 4 December 2023.

Mauritius was the first African country to ratify Convention 108+ of the Council of Europe and has a strict data protection system (Data Protection Act 2017). The challenge for Mauritius is *not* in the legal framework but in the *implementation* of its security procedures in the information systems of both the private and public sectors, especially regarding sensitive health data.

Public concern about safety and crime has risen in recent years which has resulted in a demand for increased security. Tourism is one of the major pillars of the economy and the Government implemented the "Safe City Project" and installed 4,000 high-functioning CCTV surveillance cameras in major tourist zones with plans to extend the network to other urban and high-risk areas. As unregulated mobile phones can facilitate drug trafficking offences, the Government has rolled out a mandatory SIM registration for all citizens and storage of biometrics. With these measures there is a need to balance innovation, security and privacy by strengthening and coordinating oversight powers.

Regarding the privacy of vulnerable groups, I noted additional steps should be taken to further strengthen efforts to promote sensitivity and respect for personal dignity to ensure the right to privacy, online and offline, for older persons, persons with disabilities, persons on lower incomes, children, LGBTIQ+, to combat intolerance, prejudice, bullying and discrimination among the public.

Overall, Mauritius is strategically located at the crossroads of Asia and Africa and has positioned itself as a bridge to use emerging technologies along with a strong commitment to privacy to further elevate its economic and social development.

My third official country visit was to **Australia** from 8 to 19 August 2024.

Australia's efforts to update its privacy framework for personal data has been a prolonged process, but if key recommendations from the Privacy Act Review process are prioritized and implemented, the federal privacy law will be strengthened to align the right to privacy at the national level with the robust framework of privacy principles that exist at the international level. Further, if the Government can exert the political will and resources, it could also focus on
cross-jurisdictional harmonization of federal and state/territory levels privacy laws and an example for other Federalist states.

Since my visit, an initial tranche of reforms were announced in November 2024. I am hopeful that, with the necessary political will and resources, the Government will continue to implement the recommended reforms to align the right to privacy at the national level with the robust framework of principles that exist at the international level.

I also encourage the introduction of a federal Human Rights Act to strengthen Australia's link to the international legal framework to increase awareness, strengthen protection measures and ensure citizens can challenge alleged violations, including to the right to privacy, by

taking remedial action through the Australian Human Rights Commission and, if necessary, the courts.

There is an urgent need to better understand the intersectionality of personal dignity with gender, indigenous, children, disability, and the elderly as these vulnerable groups have a heightened risk of privacy violations, online and offline, which can reveal alarming trends of discrimination, violence, sexual exploitation, cyberbullying and financial manipulation.

In November 2024, Parliament voted on an Online Safety Bill to impose a minimum age (16 years) for social media use. I encourage the Government to find solutions to ensure there is a balance between monitoring social media use and protecting the safety and mental health of children.

I thank the Governments of Mauritius and Australia for inviting my mandate and for their cooperation during my respective visit. I look forward to my next country visit, Mongolia from 8 to 14 April 2025, at the invitation of the Government.

Thank you for your attention.

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