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SPECIAL RAPPORTEUR ON THE RIGHT TO PRIVACY

Statement of Dr. Ana Brian Nougrères

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Mr. President, Distinguished Representatives of Member States,Excellencies, Observers, and Colleagues,

It is an honour to address the General Assembly in my capacity as the United Nations Special Rapporteur on the right to privacy, to present the key findings and recommendations of my latest report on neurotechnologies, neurodata, and human rights.

The report's central purpose is clear: to lay the foundations for a model law on neurotechnologies from the perspective of the right to privacy, so that States can act now to protect human dignity in the age of brain-interfacing technologies.

Why is this important now?

Neurotechnologies hold an extraordinary promise for health, research and inclusion. But their capacity to capture and infer aspects of neural activity also creates unprecedented risks for mental privacy, cerebral identity, autonomy, and ultimately for human dignity itself.

The United Nations standards already urge States to ensure that scientific and technological progress promote human rights and to prevent its detrimental use.

Our report translates these UN standards to the neurotechnology context and proposes practical regulatory pillars to guide a swift, rights-based action.

What are our principal observations?

1. Human dignity is the cornerstone.
2. Neurorights capture the essence of what is at stake.
3. Neurodata are a special, highly sensitive category of personal data.
4. Ethics and human-rights are to be protected by design and by default.
5. The precautionary principle should apply, as it strengthens the preventive approach to serious and irreversible risks to fundamental rights.
6. Demonstrated accountability and enhanced security are vital.
7. Contexts of heightened risk are at stake.

What are our concrete recommendations to States?

The report transforms these pillars into immediate, actionable steps:

- **Legislate now, coherently:**

Develop or update national laws on neurotechnologies and neurodata anchored in human dignity, mental privacy and consent, with clear definitions; lawful bases; individual rights; duties of controllers and processors; impact assessments; enhanced security; accountability; sanctions; and rules for international transfers.

- **Constitutionalize mental privacy and cerebral integrity:**

Where possible, enshrine these rights explicitly to guide courts, regulators and innovators.

- **Guard high-risk contexts:**

Prohibit non-consensual or coercive uses in employment and education; forbid marketing or use of neurodata without consent; and recognize the right to disconnect from neuro-monitoring.

- **Adopt preventive governance:**

Require ethics-by-design, human-rights impact assessments and continuous oversight before and during any neurotechnology project; apply the precautionary principle where risks to dignity and mental privacy cannot be ruled out.

- **Invest in secure research infrastructures:**

Support repositories and data-sharing arrangements that meet stringent cybersecurity, privacy and ethical standards; reduce obstacles to cross-border, rights-respecting scientific collaboration.

- **Ensure equality and access:**

Build safeguards against discriminatory profiling or exclusion and promote equitable access to therapeutic applications.

- **<u>Use regulatory sandboxes</u>:**

Pilot adaptive rules with multi-stakeholder participation to calibrate protections and innovation together. Because neurotechnologies transcend borders in design, in manufacture and in use, international harmonization is not optional, it is indispensable.

Fragmented rules will expose people to forum-shopping and erode protection where it is needed most: at the boundaries between the brain and the world.

Closing

Honourable Delegates,

Neurotechnology is opening extraordinary avenues for healing and inclusion. But it also reaches the most intimate frontier of personhood.

The choice before us is whether we allow markets to operate without regulations, or whether we uphold, through law and cooperation, the freedom of the mind and the dignity of the person.

My report offers a rights-centered, preventive, and interoperable path forward.

I respectfully urge Member States to draw on these findings and recommendations to legislate without delay, to safeguard mental privacy, and to ensure that neurotechnological progress serves, rather than undermines, human rights for all.

Thank you for your attention.

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