

Advancing together

RULE OF LAW UPDATES AND PERSPECTIVES



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LexisNexis® Capital Monitor's editorial team prepares the Advancing Together, Rule of Law Updates and Perspectives from the Asia Pacific bulletin. The team is located in the Press Gallery of Parliament House, Canberra.

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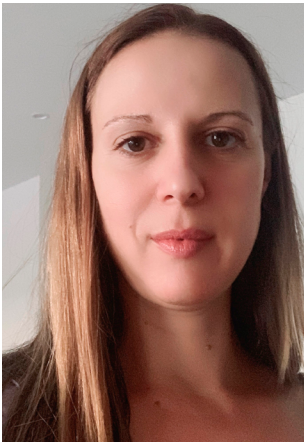
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Capital Monitor Editorial



ANTOANETA DIMITROVA
HEAD OF CURRENT AWARENESS
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A message from Antoaneta

Hello, and welcome to another edition of Advancing Together where we share updates and perspectives from professionals dedicated to advancing the rule of law in Asia Pacific and around the world.

Well into 2023, and less than a year since ChatGPT redefined artificial intelligence standards everywhere, the debate around understanding how technology continues to transform the world we experience shows no signs of abating. Multitude of questions continue to unpack the role that industry should play, in addition to how the government, organisations, and leaders can support, promote, and facilitate safe, ethical, and responsible use of new technologies such as AI.

In Australia, tech regulation has certainly bubbled up on top of government agendas. Industry and Science Minister Ed Husic, in charge of federal government AI regulation efforts, launched an eight-week consultation that closed on 26 July asking interested parties to share views on how the Australian Government could mitigate potential risks of AI and support safe and responsible AI practices. In our own circles, LexisNexis Vice President, Regulatory Compliance - Global, Myfanwy Wallwork, recently discussed in a podcast responsible AI and ethics with Linda Przhedetsky, an Associate Professor at the University of Technology Sydney's Human Technology Institute. See details on the government consultation and podcast further down.

In this edition, however, we have chosen to feature a social impact newsroom dedicated to challenging the underrepresentation of young women in news and media worldwide. [Missing Perspectives](#) writers will take us on a journey that spans the safety of women in one of the most surveilled cities in the world and the questions increased surveillance pose to their privacy; access to remote education in a post-pandemic world for those who cannot acquire digital devices to learn on; the rise of information chatbots in marginalised communities where women's sexual and reproductive health topics remain taboo; and a take on how to avoid perpetuating biases in AI tools if the data we use is prejudiced.

But first, let's look at the exceptional concept behind Missing Perspectives and the brilliant founders whose purpose is to advance underrepresented views from women around the globe.

Enjoy this read, it is well worth your time.

Antoaneta



The stories, perspectives, and lived experience of young women through powerful storytelling.

Advancing Together Interview Series with Phoebe Saintilan & Hannah Diviney



Phoebe Saintilan
Founder of Missing Perspectives



Hannah Diviney
Editor-in-Chief and Creative Lead at Missing Perspectives

Phoebe Saintilan is the Founder of Missing Perspectives. She was formerly a Policy Advisor at the Department of Prime Minister and Cabinet, the Australian Human Rights Commission, and the UN Secretariat.

Hannah Diviney is the Editor-in-Chief and Creative Lead at Missing Perspectives. She is also a leading disability advocate and author, and recently played the lead role in SBS series Latecomers.

Launch – when and how? What were you hoping for when you launched it? Is it living up to its inception goals / expectations?

Phoebe: Missing Perspectives is a global media company dedicated to platforming the stories, perspectives, and lived experience of young women through powerful storytelling.

The idea of Missing Perspectives came to me when I was living in Canberra with a young woman working as a journalist in the press gallery at Parliament House. We spoke often about how the news industry can be a challenging place for young women – and how we rarely see young women represented in the news, both as journalists and expert sources. Then I had the idea: how cool would it be to have a media company dedicated to young female storytelling – including current affairs?

One of our key goals is to tackle the continued underrepresentation of young women in the news industry. The current landscape that we are operating in is very dire. [Studies of news coverage](#) from around the world have consistently found more than 70% of people seen, quoted and heard in the news are men. When it comes to 'expert' sources, around 80% are men.

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The situation is even worse for young women under the age of 30. Young women are also becoming increasingly disengaged with the news, and that's also something we want to change.

“We’re constantly reporting on ugly stuff no one else wants to touch but unfortunately that’s the state of the world for women right now.”

What sets Missing Perspectives apart from others in the industry?

Hannah: For starters, we prioritise women’s stories on a global scale which no other media company is doing. We also place immeasurable value on lived experience which is not standard journalistic practice. When world events take place whether that be the fall of Kabul to the Taliban, or war erupting in Ukraine, we want to talk to the young people living it. The ones on the ground who have to be there when the news cameras stop rolling and move on.

Actually, to that point, we’re super excited about launching our new app in October, with the support of Google’s News Initiative. The Missing Perspectives Directory will be a first-of-its-kind database and app that connects young female reporters and experts aged 18-30 around the world with leading domestic and international newsrooms.

Phoebe: The Missing Perspectives team has spoken with newsrooms who have found it difficult to source young female talent and experts to both cover and comment on breaking news/current affairs. Our goal is to use the Directory as a tool to transform and restructure the news industry to represent the world we inhabit as young women more accurately — especially for those of us who live in marginalized communities.

The Directory will connect newsrooms with perspectives that are often overlooked or absent in mainstream media. Young

women who are registered in the Directory will be able to take on assignments from national and international newsrooms. Newsrooms and media companies will be able to register to access the database. When using the Directory, newsrooms will be able to filter for region, country, lived experience, and theme. It’s a super exciting project that we hope will change the way news is made here in Australia.

Has the industry reacted? How, when, why?

Hannah: We’ve made some small but noticeable waves in both the Australian and international industries namely through securing that Google funding we talked about earlier and a highly visible social media collaboration with Reese Witherspoon’s media company, Hello Sunshine.

Phoebe: Interestingly, we are also seeing mainstream media coming to us whenever they need to be connected with young female journalists or expert sources. It’s a really interesting trend. We seem to have developed a reputation as a media company working with the world’s best young female reporters — and mainstream media is keen to tap into our network (which we happily let them do!).

How do you think mainstream media can do better?

Phoebe: One thing that mainstream media can definitely do better is platforming local reporters rather than flying in a Western correspondent. Local reporters have a more nuanced knowledge of local and regional affairs — and should be the ones telling the stories. A classic example we always point to where mainstream media gets it wrong is when a leading progressive newsroom here in Australia covered the fall of Kabul to the Taliban. The newsroom’s panel covering the developments consisted entirely of white men.

What could’ve been more impactful and appropriate is a) having an Afghan panelist, and b) also a panelist who is a woman. The

“We’ve made some small but noticeable waves in both the Australian and international industries”

fall of Kabul is also something which was going to heavily impact women — so in times like these, it’s critical female reporters are platformed. This is where our app is going to fill a clear gap in the news industry: by curating a directory of the world’s top young female reporters, mainstream media will no longer have an excuse to not use these journalists in reporting and coverage.

What are some of the biggest highlights from inception to now?

Phoebe: It’s sometimes hard to believe that it hasn’t even been

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two years since we launched. Highlights have been receiving funding from Google and a US-based impact venture fund to build and scale our app; partnering with incredible brands such as MECCA to platform the stories of young women around the world; and the North America trip we are about to go on where we'll be meeting some incredible individuals and companies (watch this space!).

Another highlight is always when one of our articles leads to social impact or policy change. It's always exciting when this happens and proves that platforming young female stories and perspectives can help overlooked issues get on the radar of decision makers.

How does Missing Perspectives look now vs when it first launched? Where do you hope to take it from here? Long term goals?

Phoebe: Over the last two years, we have scaled Missing Perspectives from being a side hustle website, to a fully-fledged media company. We have branched out into consulting and advisory work with brands, in addition to exploring publishing and other forms of media. We feel as though our long-term vision has shifted from one focused on news, to a broader goal of platforming young female storytelling to drive gender equality and change.

Who are Phoebe and Hannah?

Phoebe: It's always funny telling people I work in media because I didn't study or work in media before. My background is in



human rights law and policy – which I still find to be relevant and useful when running Missing Perspectives.

One of the biggest challenges I have faced when running Missing Perspectives is being taken seriously as a team of young women with no commercial experience. We have really leant on a team of brilliant advisors, who are leaders across business, news, and philanthropy.

“The current landscape that we are operating in is very dire. Studies of news coverage from around the world have consistently found more than 70% of people seen, quoted and heard in the news are men.”

The thing that makes me get out of bed each morning is knowing that there'll be brilliant pitches sitting in my inbox from our writers all over the world. Stories and perspectives that I wasn't aware of, and that if platformed by our newsroom, could lead to a social impact or real-world policy change.

Hannah: My background is a little more conventional to what you might expect from Missing Perspectives. I have a double degree in Arts and International Studies, which I use every single day, so all that HECS was worth it! I also have significant experience with media as a result of my career in writing and advocacy. As a marginalised woman, whose experiences often exist as a 'missing perspective' themselves, this company is perfect for me in being a real vehicle for the change I want to see in the world.

That being said, running a company this ambitious with this hopeful a slate of storytelling change in every conceivable direction can be exhausting, especially when it's essentially just the two of us. On top of that, it's hard not to feel like sometimes we're the most depressing thing in your feed, because we're constantly reporting on ugly stuff no one else wants to touch but unfortunately that's the state of the world for women right now. It's rough in ways that it simply shouldn't be in 2023. But it's that passion for change and belief in something bigger than me that gets me out of bed and that's a common thread across all my work whether I'm wearing the Missing Perspectives hat or not.

Barack Obama has this quote from back in his community organiser days at a grassroots level in Chicago, "Do we settle for the world as it is, or do we fight for the world as it should be?" That's a question I answer every day and no matter how hard the slog may seem, as long as we're trying, the other stuff won't beat us. Women won't be silenced.

Trading privacy for safety? Being a woman in one of the world's most surveilled cities



Sarita Santoshini

Independent journalist based in India, reporting on gender, social justice, and global health and development. Read more [here](#).

A few years ago, Ananya Pattnaik moved from her hometown Cuttack to India's capital New Delhi to pursue a bachelor's degree. She immediately found that CCTV surveillance was everywhere: in accommodation facilities for female students and working women, public universities, and public spaces. The pervasive idea was that women needed to be watched and protected in order for them to be safe.

Analysis by UK-based Comparitech found Delhi to be the most surveilled city in the world in 2021, with 1,826 cameras per square mile. Delhi's Chief Minister, Arvind Kejriwal, [said](#) it helped improve security, especially for women, and has promised to up this number in the coming years. This will be achieved, at least

partly, through the [Safe City Project](#) which was launched in eight cities, including Delhi, in 2018 and included several tech measures such as "minimum desirable components" to ensure the safety of women in public spaces. The central government allocated more than 29 billion Indian rupees to the project from the Nirbhaya Fund which was set up in 2013 following the brutal rape and assault of a 23-year-old woman in Delhi to encourage projects for women's safety and security. In 2021, an [Oxfam report](#) concluded that the Nirbhaya Fund was being mainly allocated to services that don't specifically help women.

The Delhi Police is using the funds to add more cameras, integrate all the existing cameras in the city into a central system, and build a control centre "with the latest video analytics using artificial intelligence, machine learning, and predictive policing techniques". Other major cities like [Mumbai](#), [Bangalore](#), and [Lucknow](#) are using the funds similarly: to build or expand tech surveillance, including the use of drones for policing. The Nirbhaya Fund is being used to install facial recognition tech as part of other projects as well, like the one that covers [983 railway stations](#) across the country, again, for "ensuring better safety for women".

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Experts say that this push for increased surveillance to address violence against women is a protectionist approach that may produce evidence of crime but does not help prevent it.

“Tech surveillance is a typical response to this idea that the outside world is really dangerous. It doesn’t quite get to the root of gendered violence inside and outside the home,” Assistant Professor of Sociology at the National University of Singapore, Sneha Annavarapu, said.

While Indian women face widespread harassment in public spaces, the highest percentage of crimes against women is registered under “cruelty by husband and his relatives”. A [number of studies](#) have shown that most cases of violence against women, especially sexual assaults, go unreported, in part because women believe there is little gain in going to the police, as evidenced by [India’s low conviction rates](#). In 2019, more than a third of the 12,000 police personnel interviewed for a [study](#) were of the opinion that gender-based violence complaints are false and motivated.

Indian women’s agency on their own lives is already curtailed socially and culturally in the name of safety. Most women [do not have sole control](#) in choosing their husbands, [can’t freely](#) step out of their homes for work or pleasure, and [have limited access](#) to the internet and mobile phones. “CCTV cameras add an extra layer of surveillance to the one that women are already trying to escape, which is their family,” Ms Annavarapu said. Many women in India find freedom in anonymous public spaces outside their

homes, and without safeguards, tech surveillance risks how women experience this freedom, she added.

Ananya believes that this approach “gives the police and the state the same kind of power that the family already has. The same kind of logic of surveillance that exists within the family — that you have to preserve the honour of the family, the caste, the community — is transferred to the state. So, we are essentially trading our privacy for this kind of safety”.

“Experts say that this push for increased surveillance to address violence against women is a protectionist approach that may produce evidence of crime but does not help prevent it.”

This isn’t a widely held discussion in India yet, experts say, and Ananya understands why: in the absence of systemic change, CCTV cameras provided some form of assurance to many women that she knew. She, however,

felt wary and worried about the inclination to address crimes against women simply through evidence, as tech surveillance did. “Despite all the evidence, we know that the legal process is messy and we have no idea how the evidence will be interpreted.”

India does not have laws around the kind of wide-spread surveillance that exists in the country. The government released the latest draft of its data protection bill in November 2022 but experts [highlight](#) that it includes exemptions which “facilitate state surveillance” over citizens’ right to privacy. This leaves a lot of unanswered questions about who has access to the data, and how the data is stored, interpreted, and used. In 2013, for

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instance, more than 250 clips of couples captured on CCTV cameras in Delhi metro stations were found to be edited and uploaded on porn sites. In the southern state of Telengana, following the celebrated extra-judicial killing of four people accused in a high-profile case of rape and murder in 2019, a commission noted that the police had selectively collected and submitted CCTV footage, despite the presence of cameras, so as to deliberately suppress the truth.

There is no study or data to show that increasing the number of CCTVs over the years has correlated with a corresponding decrease in crimes against women in India or made women feel safer, noted Anushka Jain, Policy Counsel at the Internet Freedom Foundation. India has seen a consistent rise in crimes against women in the last eight years, except for 2020 when life and data collection were both impacted due to COVID-19 lockdowns. Instead, CCTVs and facial recognition tools are now being used widely to screen thousands of peaceful protestors and make arrests following communal riots in Delhi as well as to carry out arbitrary checks in Hyderabad. Marginalised communities that have been historically discriminated against are most likely to be impacted by this kind of mass surveillance, Ms Jain said. “Instead of actually increasing the safety or security of women, these are now being used to violate the fundamental rights of each and every citizen.” This surveillance-led idea of safety, experts believe, merely serves as a distraction from the real concerns. It also fails to take a rights-based approach. “The issue is that there is no radical imagination in urban planning,” Ms Annavarapu said, “but one that tries to ‘fix’ a deeply exclusionary city with tech surveillance.”

“Safety alone is a very myopic lens to understand how women access and navigate the city. It is an important and determining factor as to why women are not accessing public spaces, but not the only one,” Ms Ashali Bhandari, senior urban planner at Transitions Research, said. “In general, evidence shows that women feel more comfortable being in a public space when there are other women around”, Ms Bhandari added, “so the focus needs to be on inclusion.” Most Indian cities, she said, have not been designed to cater to the needs of women.

According to her, adding services and provisions like sidewalks, parks, well-lit roads, toilets, and resting spaces can make the city accessible for all women, including women who need to occupy the streets a lot more because of their work, like vendors and sanitation workers. Tech can’t be the solution, but it can be used as a tool to ensure this, experts say. Safetipin, an Indian social organisation, for instance, uses its app by the same name to collect visual and user generated data – like lighting, availability of public transport, and presence of women and children nearby – across cities. They analyse this information to make specific recommendations to government officials and city planners to help make it easier and safer for women to navigate public spaces. In Delhi, the government used their data to fix or install streetlights in more than 5,000 dark spots, improve last-mile connectivity around metro stations, and revise police patrolling routes.

The irony, Ms Annavarapu said, is that “state surveillance is all about data” but decision-makers have seldom made the effort to gather inputs from women and local communities about how they perceive safety, and what might make them feel safe in urban spaces. And that, experts emphasise, needs to change.



The great online school migration lands differently for rural Indian girls



Ritwika Mitra

Independent journalist
based in India

In India's West Bengal, 16-year-old Nargis Sheikh* spends her days helping her mother with tailoring work, and then completing the household chores at their village in South 24 Parganas district. In between her chores, she thinks about the time she used to attend school.

When the COVID-19 pandemic hit, Sheikh was a grade 8 student. As classes came to an abrupt halt due to the lockdown

imposed across India, she thought it was a temporary setback. Her optimism wore off when classes shifted online at the government school she attended – Sheikh and her two younger siblings had no access to a smartphone or computer at home. She was eventually promoted to the next grade, but Sheikh has never attended school since.

“We did not have any digital devices at home. How would I study? I still have the deep aspiration to study,” Sheikh said in a quiet voice.

In March 2021 [UNICEF](#) observed that schools for more than 169 million children had been closed completely for a year. In India alone, 247 million children enrolled in elementary and secondary schools were affected due to the closure of 1.5 million schools, [the report](#) said.

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As schools adapted online learning, its benefits remained **uneven** across different parts of the world. With the existing rural-urban divide, only **one in four children** have access to digital devices and internet connectivity in India. There is also an urgent need to address the issue through a gendered lens with girls having **less access** to technology compared to boys.

The non-profit **Internet Society** points out the digital divide is not a **binary** but a **multifaceted issue**, including access, affordability, quality and relevance.

“The use of technology in education often puts the onus on individuals to have the right devices and infrastructure to access education. As a result, women and girls risk falling behind because their access to technology is lower and more controlled compared to boys and men. An important guiding principle around the use of technology in education is ensuring that the government/schools provide the necessary tools and infrastructure to enable learning through technology,” independent education consultant Ankit Vyas said.

“There is also an urgent need to address the issue through a gendered lens with girls having less access to technology compared to boys.”

One of the ways ahead in overcoming this challenge is to make sure there was targeted support and funding to increase women and girls’ access and usage of technology, she added.

“However, it must be understood that the gender divide in use of technology is a part of the larger problem of patriarchy. Thus, a long-term improvement in access to devices and digital education for women and girls will only come about with an improvement in overall gender indicators related to freedom, autonomy and choice.”

Swati Bera, the mother of a 10-year-old girl, grew restless as her husband’s small-scale garment shop shut during the lockdown

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sending ripple effects across the finances of her household. She wondered what this would mean for her daughter's education. When schools resumed, and students returned to classrooms virtually, Bera's daughter found it difficult to negotiate the online classes. She's not alone — a 2020 [survey](#) showed one in three students found online classes difficult.

"We had a smartphone in our house, but we have never known what online classes are before the lockdown. My child found it difficult to navigate the classes," Ms Bera, whose daughter goes to school in the state of Odisha's Kendrapara district, said.

An [OXFAM study](#) showed that 82 percent of parents reported internet speed issues, data being too expensive, lack of devices, difficulty in negotiating software, and no internet connection as the major challenges when it came to supporting their children's digital education.

Itishree Bera, program lead at [ThinkZone](#), an Odisha-based social enterprise that works to improve the learning outcomes of children in low-resource settings, says the way forward

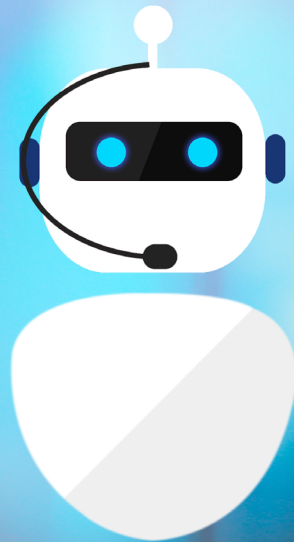
was integrating parents into a programme to overcome the digital divide.

"Initially, it was a big challenge to involve parents. We were overwhelmed with the response when we eventually managed to integrate parents into the programme during the pandemic. When schools shut, and the digital divide expanded due to online classes, we decided to give simple instructions to parents that could be sent on non-smartphones," Ms Bera said.

Parents who are not educated wondered how they could support their children in learning.

"We simplified learning for them based on the available household resources like used glasses to teach counting, calendars to teach them about dates. The idea was they would not have to buy anything but use the resources already available. We are still continuing with the home-based learning programme," she added.

*Name has been changed.



What can i help you with?

Chatbots are responding to young people's sexual and reproductive health needs



Mahima Jain

Independent editor and multimedia journalist reporting on socioeconomics of gender, environment and health. Passionate about writing deeply researched narrative pieces that shine a spotlight on systemic issues and the lives of those at the margins. In 2023, she will be working on stories supported by the IWMF's Kim Wall Memorial Fund and Pulitzer Center.

One of the most unusual questions that users ask Disha Didi, an AI-based chatbot for young women in central India is, "can papaya seeds be used to terminate pregnancies".

Thirty-one-year-old Kumari Kamala is a youth leader working for the international non-profit Ipas Development Foundation (IDF)

to create awareness about sexual and reproductive health and rights in the remote villages of West Singhbhum district in India's Jharkhand. For over a decade, she has met and interacted with young women living across several villages.

"Shame and diffidence are two of the biggest reasons why they aren't openly asking these questions in person," she said. Her community of more than 1,370 young girls and women spread across three village councils prefers Disha Didi.

In 2021, Ipas launched [Disha Didi](#) (in Hindi, didi is used to address an elder sister, and Disha is a name and means 'direction' or 'way') in Madhya Pradesh and Jharkhand. The WhatsApp-based chatbot looked like any other conversation on WhatsApp, and would recognize questions in Hindi, English, and Hinglish (a blend of Hindi and English). Kumari drew from years of on-the-ground experience and helped brainstorm the content for this user-centric chatbot.

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“Once the chatbot came, women and girls started asking it questions which they would never ask in a group,” Ms Kumari told Missing Perspectives in a phone interview. Their questions ranged from menstruation to abortion access and menstrual hygiene.

Sexual and reproductive health and rights (SRHR) is a key UN [Sustainable Development Goal](#) but systemic patriarchy, accessibility issues such as reaching vulnerable and marginalised groups, and differing learning needs of communities make it difficult to achieve. Can AI chatbots fill the information gap by understanding what young people want?

Apart from Disha Didi, [Bol Behen](#), and [SnehAI](#) are other chatbots offering SRHR information in India. In the US, Planned Parenthood has [Roo](#). There are several others across Asia, Africa, and the Americas. All these chatbots operate on WhatsApp or similar messaging platforms and differ from the old ways of disseminating information on sexual and reproductive health.

One key reason is, users prefer getting information based on their needs, rather than information overload which often happens at seminars, awareness programmes, and through brochures, explained Vinoj Manning, Chief Executive Officer

of the IDF. While there is an abundance of information on the Internet today, people turn to chatbots because they want it from credible sources.

“Identifying gaps and demand for information is crucial for AI-powered sex-ed chatbots.”

Youth leaders like Kumari helped co-create the chatbot by first understanding what their communities wanted to know.

Myths and misinformation were collected from the community before the app was developed. It was then respectfully debunked via the chatbot, explained Mr Manning.

Halfway across the world, like young Indians in rural areas, American teenagers too are turning to AI-based chatbots for sex education. Roo, by the Planned Parenthood Federation of America (PPFA), was one of the tools of its kind at the time of its launch in 2018. It was created as a response to a four-fold increase in the “Teen” section of the Planned Parenthood website.

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“Teens were increasingly looking up information on their sexual health online, and they were looking for outlets and ways to do it personally and anonymously,” PPFA National Director of Innovation, Ambreen Molitor, said.

Close to 60 percent of Roo’s users are Black, Indigenous, or People of Colour (BIPOC), and over 80 percent are under the age of 20, she added.

“In the hierarchy of needs, family planning is not at the top of the list for young girls.”

While IDF’s primary focus is family planning, contraception and abortion services, that wasn’t what young girls wanted to know about. They were interested to know about menstruation.

But young girls and women in the villages turn to Disha Didi because it can address their immediate concerns, Kumari explained.

Nearly **71 percent of young girls in India** are unaware of menstruation until menarche since there are several taboos around it. Disha Didi focuses on menstruation as well as abortion access. Its primary target audience is young women; since July 2021, the bot has reached over 20,000 users in two states.

Mr Manning said it was important to first understand what young women wanted to know about. In the hierarchy of needs, family planning is not at the top of the list for young girls. Sometimes, he said, “their needs are much more basic”.

Roo follows a similar philosophy of addressing the needs while keeping the language simple. Its replies are no longer than 240 characters. “We do this so that content is accessible, understandable, and not overly verbose or filled with medical vernacular so as not to confuse the user. We’ve found literacy to be the biggest barrier when it comes to health literacy,” Ms Molitor explained.



AI risks entrenching biases. Here's how companies can use it more ethically.



Rosalind Moran

Freelance journalist and a writer of short fiction, nonfiction, poetry, satire, and plays. Her work has appeared in The Guardian, Reader's Digest, and Prospect Magazine, among others.

Artificial Intelligence (AI) is developing fast - but how should it be used? Over the past month, the ethical use and development of AI has been heavily scrutinised as policy makers, intellectuals, and industry leaders debate whether a moratorium should be imposed on AI's development, or whether AI should be embraced in the name of economic growth.

At its best, AI offers greater processing power, insights into data, and in some instances, a perspective that does away with certain human biases.

Yet the reality of AI is that because it is trained on decisions previously made by humans - decisions that themselves embody prejudice - AI tools are biased. This means that companies and other entities seeking to use AI to achieve meaningful, non-discriminatory outcomes, need to approach doing so critically.

Enter: the movement for ethical AI.

Advocates for ethical AI, such as Australian research organisation the [Gradient Institute](#), argue that "with AI systems for automated decision-making proliferating rapidly [...] it is now important to

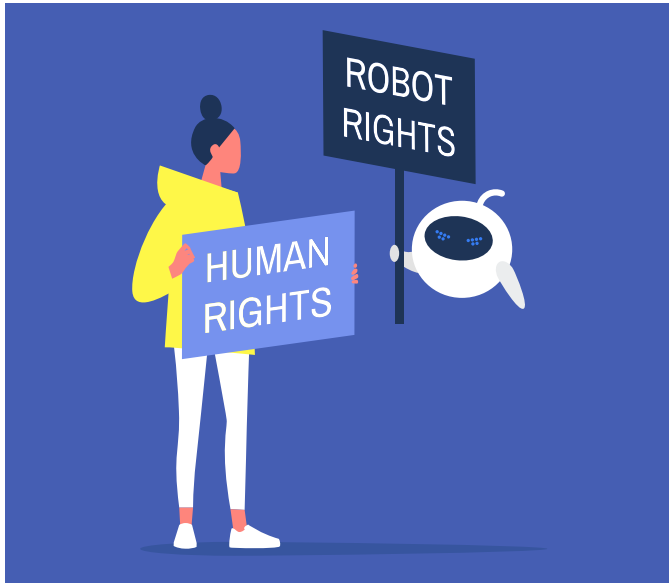
explore how to ensure such systems do not perpetuate systemic inequality or lead to significant harm to individuals, communities or society".

Governments and other regulators are lagging in their understanding of AI and their frameworks for governing it. Therefore, companies and businesses need to step up.

Recruitment is a good example of ethical AI's importance in business contexts. Classic recruitment methods can be biased - and, consequently, companies consider automating recruitment processes in a bid to reduce human bias. The problem is that given AI recruitment systems are trained on measures of existing employees, they incorporate many of the biases established through human-led hiring practices.

In practice this means that if an AI-powered recruitment tool is fed data that incorporates biases, it will recreate these. For example: a company might employ AI-powered software to read the CVs and cover letters of these applicants. To do this, they first train this AI tool lots of information about the company and who already works there. Then, based on this information, they will ask the AI tool to go and read CVs and cover letters and decide what candidates could be best suited for the role and the company. However, if the AI tool is judging candidates based on how similar they are to existing employees - who were originally chosen by humans with biases for candidates who graduated from a particular university, for example the AI tool may deem people with that particular educational background better suited for the role. The tool may incorporate such a metric into

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its decision-making through identifying demographic patterns among existing employees, even if present-day leaders of the company fed the tool employee data with the aim of the tool identifying commonalities across skills rather than demographics. In short: AI recruitment tools risk perceiving existing, flawed patterns in hiring practices and replicating these, because they lack the human judgement determining that these particular patterns are ones that companies wish to leave behind.

According to Edward Santow, Director of Policy and Governance at the Human Technology Institute, the challenge facing companies is how to integrate machine-led and human-led decision-making in recruitment. Algorithms excel at making quantitative decisions; humans tend to do better with discretionary ones. Socio-technical systems in recruitment may therefore be the best solution moving forward, tempering both machine and human weaknesses.

In practice, this might mean that AI tools are used in the initial candidate screening stage during recruitment. They might

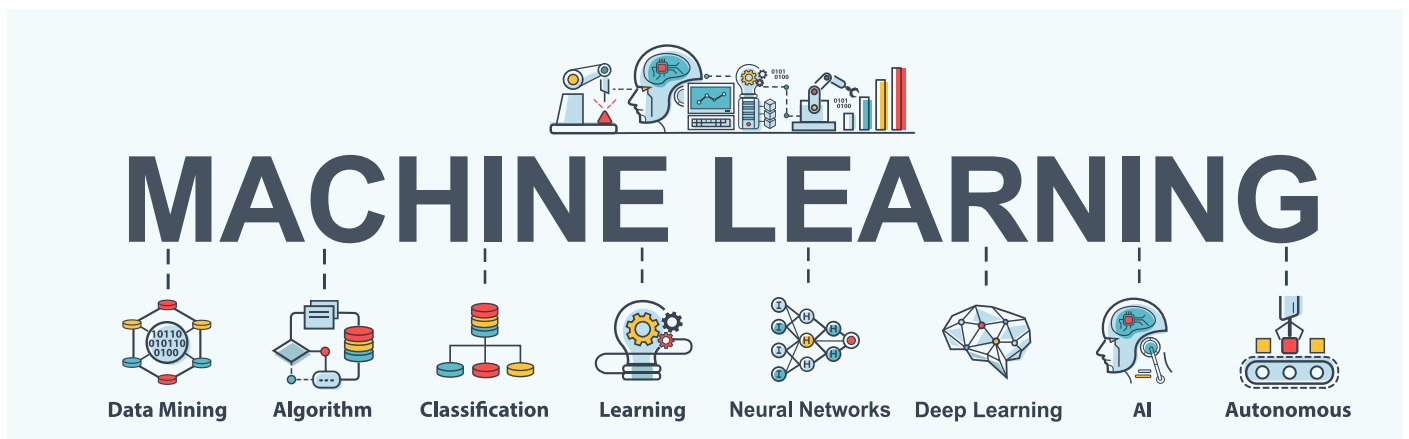
effectively scan CVs for essential technical skills, for example, or particular certificates or qualifications. AI could also be used in recruitment to offer feedback to more candidates, as it could provide feedback swiftly and effortlessly, whereas the same task is typically laborious and time-consuming for humans.

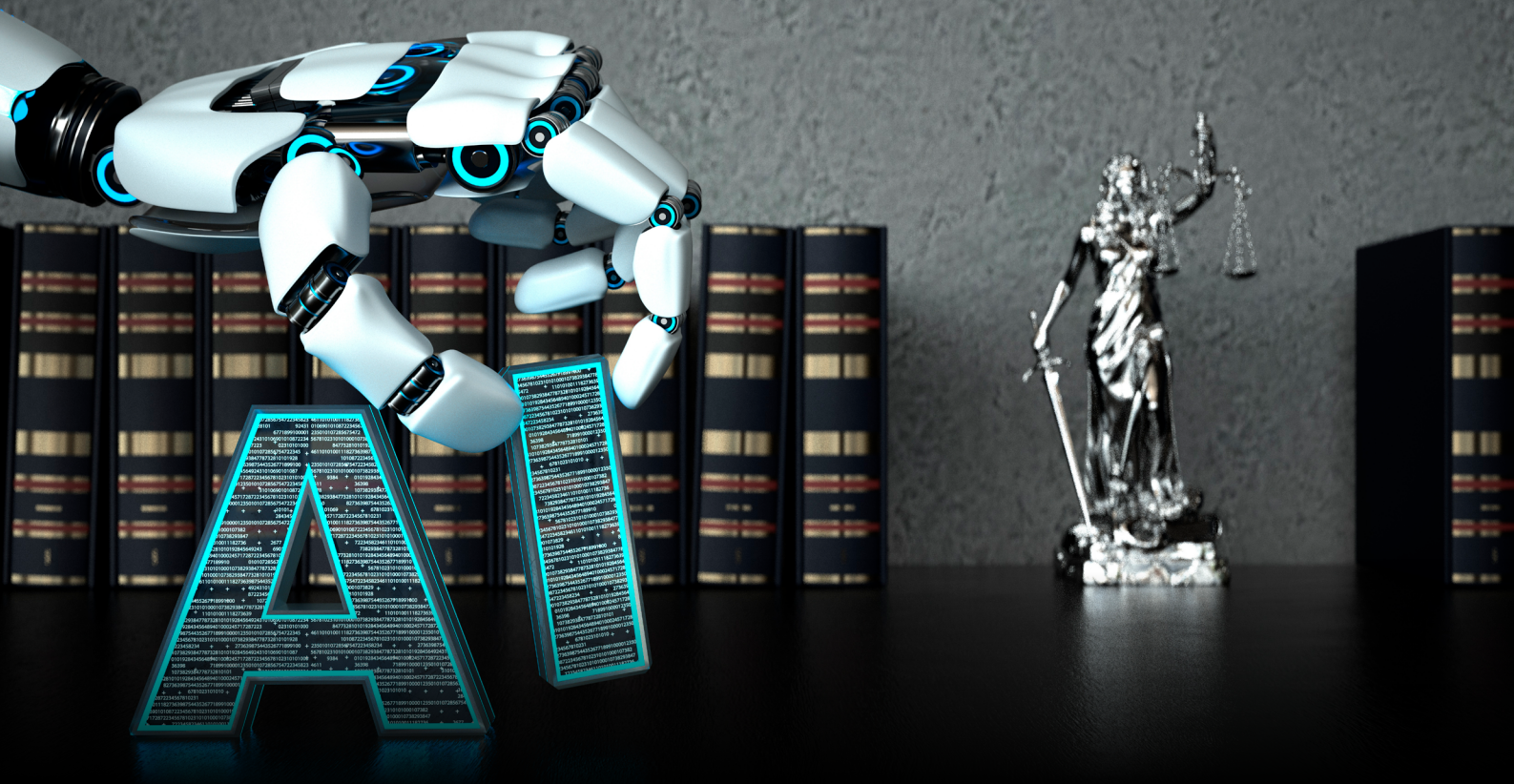
Past the initial screening stage, however, humans are likely best-placed to evaluate CVs and cover letters with the care and consideration they deserve. AI tools are not yet sophisticated enough to make decisions about whether a company would do better to hire a less experienced person with an outstanding attitude, a more experienced person who ticks all the conventional boxes and can hit the ground running, or a wild card who only meets half the candidate criteria but who could bring novel ideas and skills to the role. When evaluating such candidates, there is typically no easy way of comparing them. In the end, one of the most important facets of the decision is whether the humans doing the hiring wish to work with the candidate or not - and that element of recruitment is something that can never quite be automated away. This means that for all AI can help streamline some aspects of the recruitment process, humans remain important, especially where more complex decisions are involved.

Companies who want to use AI more ethically can also audit how much they already use AI including indirect use, for instance, how company job postings are algorithmically boosted onto certain user social media feeds and invisible to others.

Meanwhile, some AI tools simply aren't worth the bother at all. For example, on the more controversial side are tools that purport to read facial expressions: such tools are controversial as they rely on dominant cultural norms and risk enshrining biases towards marginalised groups including women and people of colour.

Well-intentioned employers wish to hire quality candidates. AI can help in this mission; however, for this to happen, it must remain a tool rather than arbiter. Human applicants of all stripes deserve this much.





Responsible AI in Australia: have you had your say



Capital Monitor Editorial

The growth of artificial intelligence technologies in Australia has recently come under the spotlight, as the Albanese Government looks to review existing regulatory and governance mechanisms and establish applicable safeguards that are fit for purpose in the current day and age.

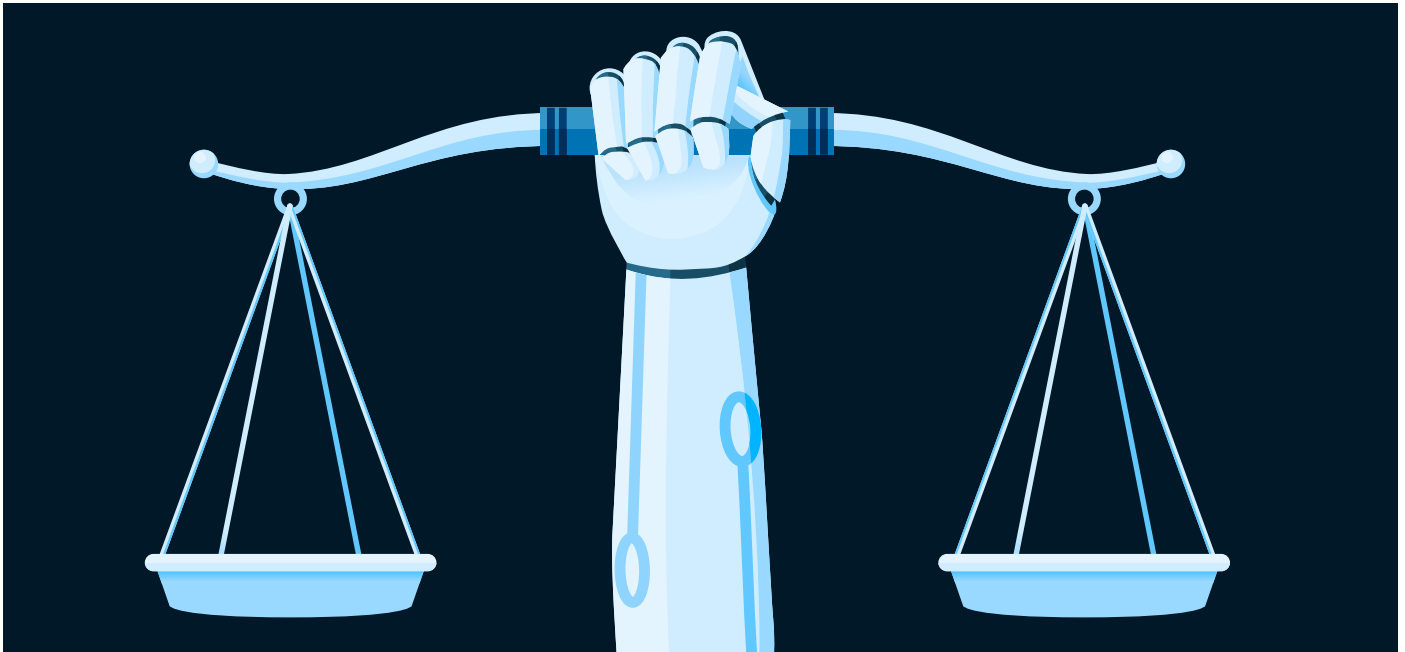
On the 1st of June, industry and science minister Ed Husic launched a new consultation with the release of [Supporting responsible AI: discussion paper](#) asking interested parties to share views on how the Australian Government can mitigate potential risks of AI and support safe and responsible AI practices. Submissions collected over eight weeks closed on 26 July 2023.

Supporting the consultation, the paper [Rapid Response Report: Generative AI](#) which was commissioned by Ed Husic in February to come up with a scientific basis for discussions about the way forward, was also released on Thursday 1 June.

“...we commissioned the Prime Minister’s National Science and Technology Council to look at the whole development of generative AI and large language models and to give advice to government on that,” Mr Husic said at a press conference in Australian Parliament House on release of the papers. “Then we also wanted to see what we could do in terms of modernisation of our legal frameworks to account for this, bearing in mind there’s probably a dozen different laws that currently exist that take into account the impact of AI and have some sort of response. But clearly, recent developments require us to think further.”

While Australia already has some safeguards in place, the speed of AI innovation seems to have set off a significant level of community concern and business anxiety prompting government action around the world.

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The latest consultation in Australia is an effort to build on the current government’s longstanding commitment to safe and responsible use of AI.

“Using AI safely and responsibly is a balancing act the whole world is grappling with at the moment,” Mr Husic said. “The upside is massive, whether it’s fighting superbugs with new AI-developed antibiotics or preventing online fraud.”

Shadow Communications Minister David Coleman thinks the Australian government is moving too slow.

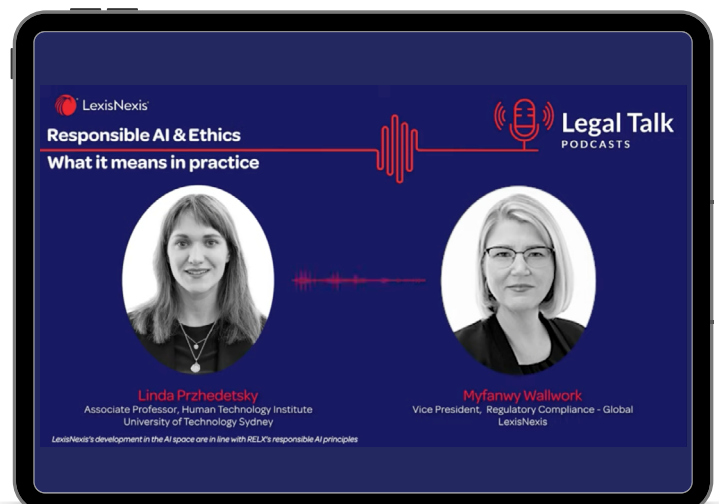
“It is the biggest technology development since the creation of the internet itself,” Mr Coleman said. “And it’s got lots of great opportunities, in terms of improved productivity, in terms of medical research, a whole lot of areas. But there are risks too and it’s appropriate to consider those risks. It’s appropriate for Government to be cognizant of those risks.”

Elements that require urgent attention according to the shadow minister include intellectual property and data collection & retention.

“This is a gargantuan issue where we’ll be talking about this for months and years and decades,” the minister added. “It’s a huge deal. And you’ve got obviously the generative AI, ChatGPT and so on. But also the broader issue of, I guess, what’s called artificial general intelligence, which is as technology gets smarter and smarter and better at doing more and more tasks. And that can have some positive implications, but can have some negative implications, too. So, I think we should be optimistic.

I think we should be positive, but we should also have the intellectual honesty to recognise that there are some risks here. And we want a government that doesn’t overregulate, that doesn’t step on the technology. But is also smart enough to be thinking about what’s coming down the track and ensuring that Australia retains control of its laws.”

With debate continuing across the legal and most other industries - about responsibly integrating AI into the future of work LexisNexis® Vice President, Regulatory Compliance- Global, Myfanwy Wallwork, recently sat down to discuss responsible AI and ethics with Linda Przhedetsky, an Associate Professor at the University of Technology Sydney’s Human Technology Institute. To listen to the conversation, go to the second episode of the *AI Decoded* podcast series [HERE](#).





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