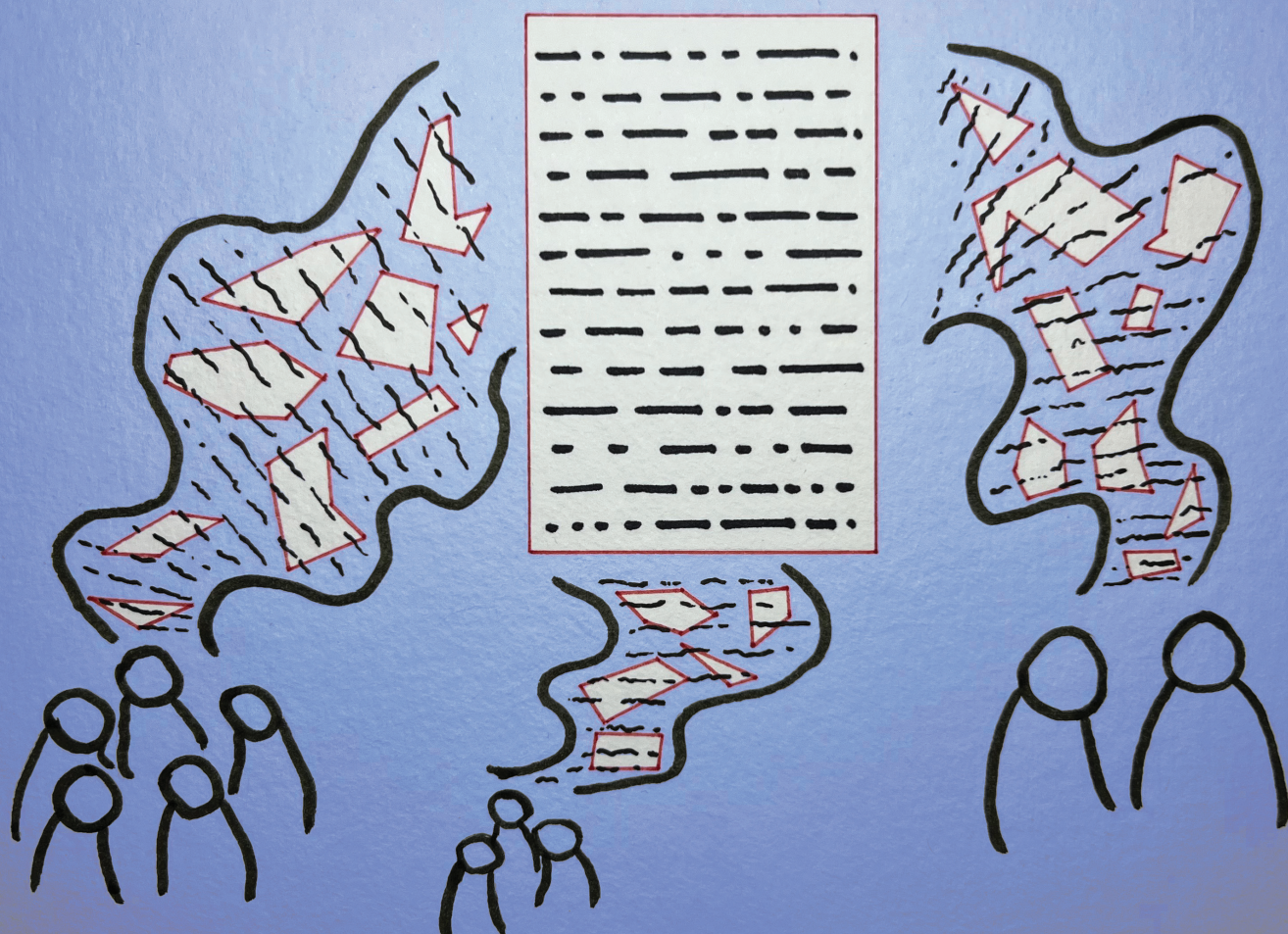




Te Kāhui Tika Tangata
Human Rights Commission



AI and Digital Technologies:

A Human Rights and
Te Tiriti o Waitangi Approach

Aotearoa New Zealand can be a society in which our governance of, access to, and use of digital technologies supports dignity, equality, and participation for all. Digital technologies, particularly artificial intelligence (AI), are rapidly reshaping how people live, work, and participate in society. These technologies are becoming increasingly embedded in everyday life — from public services and workplaces to education, health, and communication.

AI and digital technologies are often approached as discrete tools or market products. This report finds that AI and digital technology systems are better understood as infrastructure. Recognising AI and digital technologies as infrastructure has important implications. Infrastructure requires deliberate design, long-term planning, and public accountability. It should be governed in ways that are transparent, equitable, trusted and designed to enhance the public good.

Te Kāhui Tika Tangata Human Rights Commission (the commission) emphasises that realising this vision of society where technology enhances wellbeing requires governance that is firmly grounded in human rights and Te Tiriti o Waitangi. Our encounters with AI and digital technologies engage a wide range of human rights, including rights related to privacy, non-discrimination, access to information, work, health, and culture. The report recognises that human rights are both individual and collective. People's interactions with AI and digital technologies engage these rights at multiple levels, affecting individuals directly while also creating impacts for communities and groups, particularly in relation to data, culture, and decision-making. Whenever human rights are impacted, a methodology for understanding and managing that impact is required.

A human rights and Te Tiriti-based approach provides a framework to guide how these technologies are designed, deployed, and governed, so that their benefits are realised and their risks are addressed.

While the analysis in this report extends to all digital technology systems it has a specific focus on AI, reflecting that these tools are increasingly embedded in our daily lives and are current topics of public discussion and concern. This report adopts the OECD definition of AI:

An AI system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.¹

A human rights and Te Tiriti-based approach

Aotearoa New Zealand does not need to develop an entirely new framework for governing AI and other digital technologies. A comprehensive foundation already exists in international human rights law, domestic legislation and Te Tiriti o Waitangi, which together form a human rights framework for Aotearoa New Zealand.

Te Tiriti o Waitangi is central to the governance of AI and digital technologies as infrastructure in Aotearoa New Zealand as it affirms the partnership between Māori and the Crown, and requires the active protection of Māori rights and interests. This means, at a minimum, that Māori must have meaningful influence over how systems are governed and used, and Māori data sovereignty must be recognised as foundational to any national approach.

A human rights-based approach (HRBA) provides a practical, internationally-recognised method for applying this framework. It involves identifying the rights at stake, assessing impacts, and ensuring that decisions are lawful, proportionate, and accountable. It is operationalised through the following principles, which form the acronym:

- Participation
- Accountability and transparency
- Non-discrimination and equality
- Empowerment
- Legality.

In the context of digital infrastructure, taking a HRBA means embedding the principles into the design, development, deployment, and governance of systems, rather than applying them retrospectively.

Human rights risks and opportunities

AI and other digital technologies impose real risks on rights, including risks at scale. They also create real opportunities to advance human rights, including for people whose rights have historically been undermined. This report addresses both the risks and the opportunities — identifying what must be protected, what should be promoted, and what structural changes are needed to make both possible.

Key human rights risks include:

- privacy breaches, intrusive data collection, misuse, misappropriation and unconsented use of personal data,
- discrimination and bias in automated decision-making,
- digital exclusion limiting access to services and participation,
- lack of transparency, accountability, and access to remedy,
- job displacement and impacts on work,
- misuse of Māori data and risks to Māori rights and interests, and
- environmental impacts of digital infrastructure.

At the same time, the opportunities are significant. AI and digital technologies can potentially:

- improve access to healthcare, education, and public services,
- enhance accessibility for disabled people,
- strengthen transparency and access to information,
- enable community empowerment and participation,
- support the revitalisation of te reo Māori and indigenous knowledge, and
- expand access to the benefits of scientific and technological progress.

This report finds that these outcomes are not guaranteed, and highlights the importance of having governance approaches that reflect human rights and Te Tiriti o Waitangi.

Shared responsibility

The governance of digital infrastructure is a shared responsibility, reflecting both its system-wide impacts and its development across public and private domains.

- The **government** has primary responsibility to respect, protect, and fulfil human rights, and to give effect to Te Tiriti o Waitangi through law, policy, investment, and public service delivery.
- **Māori**, as Tiriti partners, in exercising their right to self-determination, must have meaningful and ongoing roles in shaping how digital infrastructure is designed, governed, and used, including in relation to data and decision-making systems.
- The **private sector** must undertake human rights due diligence and risk mitigation to ensure that the technologies it develops and deploys do not cause potential or actual human rights harms.
- **Communities and civil society** play a critical role in identifying impacts, informing design, and holding institutions to account.

This system-wide approach reflects that digital infrastructure is shaped by choices in its design and governance. Supporting inclusive, accountable, and Tiriti-consistent outcomes involves participation and leadership across government, Māori, the private sector, and communities.

Recommendations

To develop a more coordinated approach and place human rights and Te Tiriti o Waitangi at the centre of digital infrastructure, the commission makes two central recommendations to the Government:

Recommendation One: Develop a national digital infrastructure strategy anchored in human rights and Te Tiriti o Waitangi

The commission suggests the following key actions:

- Develop a whole-of-society national digital infrastructure strategy with explicit human rights and Te Tiriti foundations and that upholds Māori data sovereignty, on a long-term planning horizon that matches the country's other infrastructure planning, and enables our digital sovereignty.
- Establish one point of accountability to advance and coordinate the development of the strategy.

Recommendation Two: Develop a national approach to risk assessment and mitigation for AI and digital technologies, anchored in human rights and Te Tiriti o Waitangi

The commission suggests the following key actions:

- Adapt existing Aotearoa New Zealand frameworks and draw on international best practice in developing the national approach to human rights and Te Tiriti risk assessment and mitigation.
- Include both public and private sector entities in its scope.
- Adequately resource the commission, as Aotearoa New Zealand's independent national human rights institution, to play a leadership role in the development of a national human rights and Te Tiriti-based risk assessment for AI and digital technologies.
- Ensure this work is done in partnership with Māori and their representative organisations as Te Tiriti-rights holders, and with other relevant independent crown agencies.

System Enablers

In addition to the recommendations, the report identifies three system enablers to support the consistent application of a human rights and Te Tiriti-based approach to AI and digital technologies.

System Enabler One: Empower people and communities to shape how AI affects their lives

The report emphasises that a rights-based approach depends on people and communities being able to understand, engage with, and influence how AI and digital technologies affect their lives. Practical steps include:

- supporting iwi and hapū to exercise their self-determination, particularly in relation to **Māori data sovereignty**,

- advancing **digital inclusion**, including access, affordability, capability, and targeted support for underserved communities,
- ensuring **AI, and human rights and Te Tiriti o Waitangi literacy**, so people understand how systems affect them and what rights and choices they have,
- encouraging publication in **machine-readable formats** to support the use of digital systems, and to enhance accessibility for disabled people,
- supporting **equitable workforce transitions** including through research and by identifying impacts on workers and responding where appropriate,
- supporting a **rights-respecting technology sector**, including by incentivising AI development that benefits society,
- evaluating the role of Aotearoa New Zealand in promoting **Pacific data sovereignty**.

The report also highlights that meaningful engagement requires accessible information, real influence over decisions, and the capability to participate effectively, rather than consultation alone.

System Enabler Two: Government leadership and accountability

The public sector plays a critical role in shaping digital infrastructure through policy, regulation, procurement, and service delivery. Key areas for impact include embedding human rights and Te Tiriti o Waitangi in decision-making processes by:

- upholding **Māori data sovereignty**, including Māori involvement in governance and oversight,
- ensuring **non-digital channels for essential public services** to the extent possible,
- requiring **participatory engagement** in design, deployment and evaluation of digital systems,
- embedding **rights-based public procurement** of AI and digital technologies and using **procurement and investment as levers**, including requiring rights and Tiriti-based impact assessment for digital systems,
- ensuring accessible **individual and collective complaints and accountability mechanisms**,
- implementing a **national register of algorithms used in the public sector**,
- establishing an **AI harm reporting and monitoring system**, and
- establishing an **AI Safety Institute**, responsible for providing technical evaluation and oversight of AI systems, and connecting with the international network of safety institutes.

Strengthened leadership will help ensure that digital infrastructure reflects shared public values and supports equitable outcomes.

System Enabler Three: Addressing legislative and regulatory gaps

Existing legal and regulatory frameworks do not yet fully address the risks associated with AI and digital technologies. The report identifies the need for action by:

- enforcing **rights to accessibility of digital systems** to ensure AI and digital systems in the public service do not exclude disabled people,
- addressing **non-consensual sexual deepfakes** through urgent legislative action,
- strengthening **transparency and accountability in public service** including by clarifying how legal obligations apply to automated systems,
- addressing risks associated with digital technologies, including risks posed to critical **cyber infrastructure**, and those posed by **ambient surveillance devices** such as smart glasses,
- advancing a **graduated approach to regulating social media platforms**, grounded in human rights,
- considering the responsibilities and **liability of transnational technology providers**.

An invitation to shape the future

Digital infrastructure will play an increasingly significant role in shaping how people in Aotearoa New Zealand live, work, and participate in society. The values embedded in these systems will influence how opportunities, risks, and responsibilities are distributed.

This report highlights the importance of deliberate and coordinated action: to recognise AI and digital technologies as infrastructure, to ground their governance in human rights and Te Tiriti o Waitangi, and help ensure that technological change supports dignity, equity, and wellbeing for all.

¹ New Zealand Government Chief Digital Officer, “Glossary of AI Terms,” 2025, <https://www.digital.govt.nz/standards-and-guidance/technology-and-architecture/artificial-intelligence/responsible-ai-guidance-for-the-public-service-genai/glossary-of-ai-terms>, quoting and attributing to the OECD the definition: “An AI system is a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or isions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.”



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Scan the QR code to read the full report, AI and Digital Technologies:
A Human Rights and Te Tiriti o Waitangi Approach.