EUROPE'S APPROACH TO ARTIFICIAL INTELLIGENCE: HOW AI STRATEGY IS EVOLVING

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Deeply flawed facial recognition software [used to identify protesters](#) or [put innocent people in jail](#). Government systems designed to root out welfare fraud that instead [punish the poor](#). A search engine that shows ads for high-paying positions [more often to men than women](#). And the list goes on. Today it is clear that some applications of automation and artificial intelligence can threaten our rights. We have seen how even simple algorithms, such as that used in the [UK's A-Level grading fiasco](#), can result in unfair and discriminatory outcomes, pushing people to mobilise and demand justice — including chants of "Fuck the algorithm!"

As individuals, communities, and civil society organisations increasingly take action to defend their rights — signing petitions, protesting, and filing lawsuits — governments around the world have begun to craft regulatory responses. In the context of a [global movement to ban some applications of AI](#), how is the European Union responding to these challenges?

Our latest report, *[Europe's approach to artificial intelligence: how AI strategy is evolving](#)*, explores that question. We look at the actions EU governments are taking to promote what the EU calls [Trustworthy AI](#), what this approach means for human rights, and how European AI strategy is changing, both for EU institutions and national governments.

The report, published in partnership with the Vodafone Institute, is a follow-up to our [2018 report that mapped AI strategies across the EU](#) and covers policy developments in the past two years. It presents data we gathered through a series of roundtable discussions and interviews with key stakeholders — including **government representatives**, **representatives of the private sector**, **civil society organisations**, and **academics** — conducted under *Chatham House* rule.

The following is a brief overview of some of the key findings:

Governments around the world are adopting "Trustworthy AI"

Development of AI is often framed as a battle or race. Both the United States and China have tried to assure their dominance in AI development and deployment: the former by allowing its

market-driven, venture capitalist culture to flourish relatively uninhibited, and the latter in a more top-down, statist fashion as part of its overall industrial strategy. The European Union is pursuing a different path, as it seeks to promote AI development and deployment while **taking leadership in the governance of artificial intelligence**, aiming to "define its own way, **based on European values**, to promote the development and deployment of AI" under the "Trustworthy AI" framing.

We found that a number of governments, both in the EU and around the world, have been formulating AI governance strategies, and that **the EU approach has had a significant impact on many of those strategies**. It has also influenced the various guidelines and sets of principles put out by companies, standards bodies, and international institutions. While governments are embracing the idea that AI needs to be "trustworthy", however, debate remains about what that means in practice.

Discussion on AI governance is moving from ethics to human rights, with growing calls to ban facial recognition

The past two years have brought a growing recognition among stakeholders that **voluntary ethical principles won't be enough to protect people from the impact of AI systems**. This has led to increased advocacy for **adoption of the international human rights framework in AI governance**, and to **increased calls to prohibit or ban certain applications of AI**, such as remote biometric identification, which are deemed to be incompatible with the exercise and protection of fundamental rights.

The use of facial recognition technology is inherently dangerous for human rights. Yet as we highlight in our report, some national and local authorities are nevertheless taking an *act now, ask questions later* approach to developing and deploying these systems, launching pilot projects and **testing these systems on the public** in the absence of public debate, and **without guarantees of legality, transparency, safeguards, or accountability**. In some instances, such as when authorities [implemented facial recognition systems in schools in France and Sweden](#), or when the private company [PimEyes developed a searchable database of 900 million faces](#), journalists have been quick to draw attention to the threats the systems pose, and authorities have intervened. But what if they had not?

This pattern has only served to underscore the need for the EU to implement an effective rights-based approach to AI governance, especially given the freedom EU member states and local authorities have in funding, developing, and deploying such systems. Accordingly, the stakeholders in our roundtable discussions generally acknowledged that **taking an "ethics"-based approach** to facial recognition and other dangerous applications of AI — allowing individual states to interpret and implement ethical principles as they see fit — **would leave millions exposed to potential human rights violations, and with little to no recourse**.

Notably, some participants also **highlighted the danger of "ethics-washing" AI policy**. They voiced concern that ethics-based regulations, or self-regulation, would lead to the EU fostering development of dangerous applications of AI under the cover of an ethical or trustworthy approach.

EU stakeholders have not yet reached consensus on how to regulate AI

While there is growing anticipation of a long-awaited AI regulation in the EU, we found there was significant divergence regarding what stakeholders want to see in it. Although some participants in our roundtable discussions **voiced fear of over-regulation**, the **majority of the regional stakeholders embraced and advocated for some EU intervention on AI**. What they differed on was the appropriate **scope of such an intervention** and its potential feasibility and success.

While **some EU governments have explicitly called for a "light-touch" regulation** to avoid hampering innovation, other stakeholders, especially from civil society, **want to see the European Commission take the lead in imposing legal restrictions and obligations,** including **introducing an EU-wide ban of certain applications of AI**.

Business representatives, meanwhile, **expressed support for the risk-based approach** in the European Commission's *White Paper on artificial intelligence* — the EU's latest policy document to prepare for the upcoming legislative proposal — maintaining the categories of low- and high-risk applications but with no ex-ante regulatory obligations, enough support for self-assessment, business incentives, and investment and innovation orientation.

Stakeholders agree: transparency is a minimum requirement

We found that the most significant area of agreement among participants in our roundtables and consultations was on the **need for transparency as a way to attain Trustworthy AI or to allow oversight and monitoring**. Transparency is a necessary first step to evaluating the legitimacy and the discrimination potential of automated decision-making systems.

A wide range of stakeholders explained that **increased transparency in the training, deployment, and procurement process of AI would be beneficial for them in their work**. Increasing transparency is a concern not only for the people affected by AI systems, but also for the creators, sellers, and distributors of AI products, as well as those involved in oversight.

Most stakeholders supported the idea of establishing public AI registers to provide transparency for public projects, as Access Now and AlgorithmWatch advocate. However, some participants questioned the usefulness of transparency and whether it would actually lead to trust.

Conclusion: regulatory action is necessary for AI to protect rights and deliver benefits

While acknowledgment of the risks AI systems pose has become mainstream, discussion with stakeholders suggests that **the political will is still lacking to take the necessary measures to prevent human rights violations**. As AI-powered surveillance tools and other harmful applications of AI and automated decision-making continue to proliferate, people will continue to demand an appropriate regulatory response.

While AI has the potential to deliver benefits to society, EU policy and strategy choices must show that the government will put people and their rights ahead of innovation at any and all cost. At Access Now, we hope to see the EU continue its efforts as a global leader in protecting and promoting human rights, and to see the European Commission live up to this legacy as it develops the upcoming proposal on AI in 2021.

For further details, see the [full report](). For questions or media inquiries, please contact:

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