THE EUROPEAN HUMAN RIGHTS AGENDA IN THE DIGITAL AGE

ARTIFICIAL INTELLIGENCE

The design, development, and deployment of AI systems in the EU must respect human rights

With the increasing investment in and proliferation of automation-based technologies, the EU must enforce and develop the highest human rights compliance standards for emerging technologies and AI systems that are designed, developed, or deployed in the European Union.

Access Now's Recommendations:

➔ **Develop** a set of **binding, horizontal criteria** for determining whether the use of an automated decision-making or AI system should be permitted and **create a framework for sector- and domain-specific application** of those criteria, including the further development of **mandatory human rights impact assessments** and due diligence processes.

➔ Develop stronger **limitations on the use of biometrics for facial recognition** and similar technologies. **Introduce a moratorium on the use of facial recognition technology that enables mass surveillance.**

➔ **Ban mass-scale citizen scoring and behavioural prediction technologies**, such as emotional recognition and AI-based lie detection, which have dubious scientific foundations and the potential for serious social harm.

➔ While there are areas where adequate personal data and privacy protections require further actions (such as the conclusion of the ePrivacy reform and potential additional rights in the specific context of ADM), the enforcement of the GDPR must remain a priority without opening any doors to weaken existing norms.

➔ Where forms of behavioral analysis and prediction do not involve personal identification, and thus arguably fall outside the scope of biometric data covered by the GDPR, we call for **additional data protection measures to prevent abuse and protect human rights**.

➔ **Do not apply the objective of "boosting AI uptake" indiscriminately to all areas of society.** Pursue this objective only **where there is clear evidence of benefit balanced against an assessment of potential harms.**

➔ **Require that all AI projects and initiatives** that are funded by the European Union or by public investment **conform to the standards of "Trustworthy AI", and are assessed** to ensure that they meet the criteria on legal compliance, ethics, and socio-technical robustness**.**

➔ **Clarify the legal component of "Trustworthy AI"** through a comprehensive mapping of existing legislation that applies to AI development and deployment, and the identification of legal uncertainties and gaps.

➔ Following the mapping, **update existing legislation or adoption of complementary framework, where needed,** particularly in the fields of safety, liability, and consumer protection.

➔ **Evaluate and update current enforcement mechanisms** with regard to human rights compliance in both public and private deployment of AI.

➔ **Build fundamental rights** considerations, alternative and parallel modelling, and testing **into** all phases of **public procurement** processes ("Preparation and Planning, Publication, Selection Evaluation and Award, Contract Implementation") and into technical specifications.

➔ **Create independent centres of expertise on AI** on a national level to monitor, assess, conduct research, report on, and provide advice to government and industry in coordination with regulators, civil society, and academia about the human rights and societal implications of the use of algorithms, automated decision-making systems, or AI.

Access Now's full the European Human Rights Agenda for the Digital Age is available here with recommendations on privacy and data protection, content governance, government surveillance, connectivity and artificial intelligence.

For more information please contact:
Fanny Hidvegi, Europe Policy Manager
fanny@accessnow.org
@infofannny