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AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)

**Compilation of responses to
the Multi-Stakeholder Consultation
(F to M)**

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Federal State Budgetary Educational Institution of Higher Education «Saratov State Law Academy»

State (where your institution is based)	Russia
Institution: Name of the institution/body/company	Federal State Budgetary Educational Institution of Higher Education «Saratov State Law Academy»
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	My choice is determined by the desire to find the maximum benefit, while allowing extremely levels of risk in the implementation of the received opportunities
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Welfare;• Employment;National security and counter-terrorism;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);• AI applications to promote gender equality (e.g. analytical tools);• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Defining in the hierarchy of human rights values is the right to life. The right to life is proposed to be considered in the aspect of ensuring the standard of living
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	The use of AI to prevention a corruption
8. Please select the areas in which the deployment of AI systems poses the highest risk of	• Justice;• Law enforcement;• National security and counter-terrorism;

violating human rights, democracy and the rule of law 8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	There are serious risks of overuse of authority and abuse its
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • AI applications to prevent the commission of a criminal offence;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	There are serious risks of overuse of authority and abuse its
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	The use of AI in the organization of the electoral process
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Not banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	None of the above
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Political pluralism; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Non-discrimination;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I fully agree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>I think they don't exist</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>potential for abuse</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>Indifferent/no opinion</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I rather agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making</p>	<p>I rather agree</p>

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I rather agree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Rather useful Rather useful Not useful Rather useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	Continuous automated monitoring; • Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Non-binding instrument No opinion Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/23/21 14:11:02</p>

State (where your institution is based)	France
Institution: Name of the institution/body/company	FIAPA
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	l'IA est une technique au service des citoyens. Il s'agit d'un outil qui doit s'inscrire dans un espace relationnel en respectant ce qui le gère déjà à savoir le droit
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; Welfare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Eviter les fraudes en tous genres, lutter contre le blanchiment d'argent, obtenir des informations statistiques destinées à augmenter le bien-être des citoyens...etc.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Tous les domaines où l'outil peut contribuer sur le plan quantitatif à apporter une dimension qualitative supplémentaire
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Justice; • Education; • Employment;
8bis. Other	
9. Please briefly explain how such applications might violate	Un traitement statistique de ce qui relève surtout de la relation humaine

human rights, democracy and the rule of law.	
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • AI applications for personalised media content (recommender systems); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	introduire des éléments de statistique là où la relation et d'autres paramètres de prise en compte priment
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	je ne sais pas
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Political pluralism; • Social security; Freedom of expression, assembly and association; • Non-discrimination;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Education; • Healthcare;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations	I rather disagree

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	convention d'Oviedo, convention de Budapest, convention 108...
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;There are too many and they are difficult to interpret and apply in the context of AI;• They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>responsabilité morale et juridique</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Highly useful Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/30/21 12:52:15</p>

State (where your institution is based)	POLAND
Institution: Name of the institution/body/company	FOLWARK ZDROWIA
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Generic ethical rules should apply and the rest sciences will decide
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Education; • Public administration;
4bis. If other, which areas and why?	the rollout should be less economy driven, rather human friendly and as a saving tool for a transparent public administration and health services
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of social services; • AI applications determining the allocation of educational services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The old system of education was built for the Industry 3.0 - producing soldiers and workers. It is time to custom tailor health and brain power development in new frameworks - giving more time for family and human to human interactions instead of fast pace of industrial competition in consumerism. The Information Age has only touched the surface of human mental capabilities.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	More freedom and simpler rules, less government, less heavy technology in every day dealings
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Banking, finance and insurance; • Justice; • Law enforcement;
8bis. Other	
9. Please briefly explain how such applications might violate	Building trust in new tools should start in areas of clear visibility not covered behind hidden rules and secret systems. It would be nice

<p>human rights, democracy and the rule of law.</p>	<p>to eliminate world espionage by setting up eg. a UN Law "The Act for the World without Espionage". Opening borders after Covid between countries could be based on the ratification of such act.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The space in which above applications may cause problems should be addressed. Only "friendly" applications should be considered first, later as the economics allow and AI platforms become trustworthy AI can expand. It will be worthwhile to produce AI development road map for short and long term applications.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>all secret applications determined by the rule of law for the sake of greater good.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>monitored and penalized</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Equality;Freedom of expression, assembly and association;• Transparency;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Customs and border control;Law enforcement;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather agree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>ISO/IEC 25010:2011(en) Systems and software engineering — Systems and software Quality Requirements and Evaluation (SQuaRE) — System and software quality models</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>less government the better - let member countries to decide what is good for them initially, when there are common issues in advanced stages this may be put on the roda map</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should	I fully agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling; • Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Rather useful Highly useful Highly useful Rather useful
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	invasion of privacy, AI terrorism, autonomous weapons etc
Date of submission	5/6/21 3:16:52

Fondazione Marco Vigorelli

State (where your institution is based)	Italy
Institution: Name of the institution/body/company	Fondazione Marco Vigorelli
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	AI must not be taken as a “new” subject of responsibility/rights
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Environment and climate;• Healthcare;• Election monitoring;
4bis. If other, which areas and why?	Transports, Space
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Smart personal assistants (connected devices);• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);• AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	in this cases only the predictivity of AI seems not to manipulate human rights and democracy. In the other cases, it does!
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	In discovering new sources of energy, in order to become sustainable.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Banking, finance and insurance;• Justice;• Law enforcement;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Predictivity fails freedom
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Smart personal assistants (connected devices); Scoring / scoring of individuals by public entities;• AI applications for personalised media content (recommender systems);• Recruiting software/ AI applications used for assessing work performance ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	A society of control fails democracy and singularity. The value of the human being is in its not predictability. A predictable person is usually sick.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	All applications may become discriminant or manipulating, all depends on which epistemology we are going to use, and what purpose we are to pursue.
13. In your opinion, should the development, deployment and use of AI systems that have been	Banned

<p>proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	Respect for human dignity; Political pluralism; • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Non-discrimination; • Legal certainty;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	Education; • Social networks/media, internet intermediaries; Banking, finance and insurance;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I completely disagree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I completely disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Voluntary certification
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	I rather disagree

<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Gdpr in Europe</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or</p>	<p>I fully agree</p>

opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	Yes

regime in relation to AI applications?	
44. If yes, what aspects should be covered?	Risks against human rights, among them the right to be unpredictable.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Highly useful Not useful Indifferent/no opinion Not useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;•
47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law. <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Binding instrument Binding instrument No opinion No opinion No opinion
47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and 	Highly useful Highly useful Highly useful Highly useful

<p>implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	5/3/21 17:13:04

French Government

State (where your institution is based)	France
Institution: Name of the institution/body/company	Gouvernement Français
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Propos liminaire du Gouvernement français : Cette définition concerne un aspect très limité de l'IA qui a des objectifs qui vont bien au-delà de la reproduction des capacités cognitives. D'ailleurs sur ce volet, l'IA ne cherche pas à reproduire les capacités cognitives mais à les dépasser (ce qui est déjà le cas sur un certain nombre de domaines). En outre, aucune mention du domaine militaire n'étant mentionnée dans le questionnaire, l'on estime qu'il

	<p>est exclu de l'intégralité des réponses ci-après.</p> <p>Définition conceptuelle pour déterminer le champ d'application précis du cadre juridique ; neutre et consensuelle, qui permet d'embrasser l'ensemble des systèmes IA, impliquant ou non de l'apprentissage machine, et d'embrasser également les technologies futures.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Other;
<p>4bis. If other, which areas and why?</p>	<p>L'IA est l'une des technologies les plus structurantes de notre avenir industriel, économique et social. Elle suscitera un important flux d'innovation, pourra permettre de renforcer notre compétitivité et de résoudre certains des problèmes les plus urgents de notre époque. Elle offre de nombreuses possibilités en matière d'optimisation, de sécurisation, de puissance des processus. Elle peut permettre de réduire le temps humain passé sur de nombreuses tâches. Toutefois le développement de ces possibilités doit également s'inscrire dans un cadre responsable, respectueux des droits fondamentaux et de la vie privée des citoyens de la démocratie et de l'Etat de droit. Ainsi il nous semble erroné de dire que l'IA offre intrinsèquement des possibilités en matière de droits de l'homme, de démocratie et d'Etat de droit. : l'IA est une technologie qui n'est pas en elle-même porteuse de normes.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Il nous semble que ces applications peuvent être bénéfiques pour l'Etat, pour l'efficacité des services publics (protection des intérêts communs vertueux) et peuvent concourir à la préservation pour les droits de l'homme, la démocratie et l'Etat de droit à la condition qu'ils soient suffisamment encadrés. Par ailleurs, pour les raisons exposées à la réponse n°5, des usages risqués ou irresponsables des applications d'intelligence artificielle sont également concevables dans ces domaines. Il convient de noter également qu'outre générer des biais, l'IA permet également de les mettre en évidence et de les combattre.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Amélioration de l'IA pour favoriser l'autonomie des personnes dépendantes</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law</p> <p>8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • National security and counter-terrorism; <p>Il est regrettable dans cette rubrique de ne pas pouvoir cocher jusqu'à 4 ou 5 choix : en effet le domaine du contrôle aux frontières nous apparaît également comme risqué. Outre les propositions ci-contre, le champ politique même hors contexte électoral pourrait également être cité. ;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Des applications contenant des biais (par exemple de discrimination raciale favorisant la stigmatisation) pourraient entraîner des risques majeurs pour les droits de l'homme, la démocratie et l'Etat de droit.</p> <p>Par ailleurs, l'utilisation de certaines techniques de surveillance risquent de porter atteinte au droit à la vie privée et à la protection</p>

	des données personnelles. Ainsi, en l'absence des garanties appropriées, ces applications pourraient porter atteinte aux articles 8 (droit à la vie privée), 10 (liberté d'expression) et à l'article 14 (interdiction des discriminations) de la CEDH, ainsi qu'à l'article 8.1 (droit à la protection des données à caractère personnel) de la Charte des droits fondamentaux.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; • Recruiting software/ AI applications used for assessing work performance ; Scoring / scoring of individuals by public entities; AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>Reproduction ou création de discriminations par la stigmatisation des personnes visées par les systèmes d'IA, absence de contrôle humain : violation de la vie privée ; utilisation sans consentement des données à caractère personnel.</p> <p>Par ailleurs, en l'absence de garanties appropriées, ces applications pourraient porter atteinte à l'art.8 de la CEDH et à l'art. 8§1 de la Charte des Droits Fondamentaux.</p> <p>Le Gouvernement français précise que la « reconnaissance faciale au service du maintien de l'ordre » est un domaine qui recouvre plusieurs aspects qui ne présentent pas le même niveau de risque. A ce titre, il est important de distinguer :</p> <ul style="list-style-type: none"> - L'identification biométrique à distance en temps réel dans l'espace public, qui peut être considérée comme un système à haut risque (l'utilisation d'autres modalités biométriques que l'image faciale, comme la démarche ou la silhouette, est possible). Ceci n'implique cependant pas nécessairement une forte probabilité de survenance, qui devra faire l'objet d'une évaluation au cas par cas. - Les autres usages de la biométrie, qui n'impliquent pas la même sensibilité et ne doivent pas être considérés à haut risque. Ceux-ci incluent notamment l'identification biométrique à distance en temps différé, par exemple au moyen d'enregistrements de caméras de vidéoprotection à des fins de prévention et détection d'infractions pénales et des enquêtes en la matière. Il s'agit d'un élément important pour les services enquêteurs, utilisé dans le cadre des garanties offertes par les procédures mise en oeuvre.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Toutes les applications attribuant des droits ou des sanctions sur la base d'un mécanisme automatisé qui ne serait pas vérifié et vérifiable, ouvert et contestable par la personne concernée. Toute application ayant pour effet de contribuer à la désinformation des citoyens.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Subject to moratorium
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human	Regulated (binding law)

rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Non-discrimination; Privacy and data protection; • Transparency; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Customs and border control; • Social networks/media, internet intermediaries ; Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Si le RGPD constitue instrument juridique essentiel s'agissant de la protection des personnes qui voient leurs données à caractère personnel faire l'objet d'un traitement et qui pose un certain de principes (ex: protection des données dès la conception/ par défaut, profilage), il apparaît néanmoins insuffisant pour répondre à l'ensemble des problématiques posées par l'IA. La future réglementation européenne, dont le projet a été publié le 21 avril, répondra en partie à ces insuffisances.
24. If you responded disagree/completely disagree to question 22, please indicate why	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They do not provide enough

existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	guidance to the designers, developers and deployers of AI systems;• They lack specific principles for the design, development and application of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Amélioration de l'information du citoyen relativement aux droits dont il dispose en matière d'IA
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a "human" judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree

<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I fully agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>Indifferent/no opinion</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No</p>
<p>44. If yes, what aspects should be covered?</p>	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Highly useful Highly useful Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling;• Audits and intersectional audits;• Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument No opinion</p>
<p>47.bis. Other</p>	<p>N/A</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Rather useful Indifferent/no opinion Rather useful Rather not useful</p>

<p>developments related to AI systems Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Mise en oeuvre de contrôles périodiques</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Recours dont disposent les citoyens en cas de système d'IA défaillant Articulation avec les cadres et instruments (y compris sectoriels) à l'étude Si le recours à l'IA est utile pour lutter contre la désinformation, pour autant que les droits en matière de protection des données et la liberté d'expression soient correctement protégés, il doit être vu avant tout comme un soutien à la modération humaine.</p> <p>question 19: Remarque de la France importante : ce type d'interdiction ne doit s'entendre que des applications d'IA portant une atteinte irréversible et intolérable aux valeurs fondamentales de la démocratie et de l'Etat de droit de par leur essence même de sorte qu'il est impossible de les corriger. Toutes les autres seront soumises à un moratoire ou à une approche graduée comme suit :</p> <ol style="list-style-type: none"> 1) Le déploiement et l'utilisation de systèmes d'IA violant des droits de l'homme par finalité (par exemple un dispositif de notation sociale) doivent être interdits par principe 2) Une approche graduée peut-être envisagée s'agissant de systèmes d'IA conduisant – indirectement ou de manière non prévue lors de la conception – au viol des droits de l'homme : lors du développement, ou a posteriori, les algorithmes dont il a été prouvé qu'ils violent ces principes doivent être corrigés. Retrait en cas d'échec ou en l'absence d'obtempérance. Des mécanismes d'urgence et de recours doivent également être prévus pour faire cesser l'atteinte aux droits de l'homme en attendant la correction du défaut observé. 3) Des exceptions à l'interdiction de principe doivent être prévues pour certaines utilisations ou certains motifs impérieux. <p>Cette approche vaut également pour les questions 20 à 22.</p> <p>question 24: Il s'agit d'un point qui demandera un approfondissement du travail d'analyse. Il importe également, sur les aspects sectoriels, que le futur cadre législatif européen préserve la répartition de compétences prévue par les traités et les prérogatives spécifiques des États membres en matière de sécurité nationale.</p> <p>Question 32: Remarque du gouvernement français : les questions 2 et 3 (27 et 28 Action Plan) sont délicates. Les notions de contenu de l'information et du domaine de l'application mériteraient d'être approfondies, car les réponses peuvent être très différentes (ex : santé par opposition à vie courante). La question 36 (Action Plan): Remarque de la France: La « transparence » ne doit pas exclure d'éventuels besoins de confidentialité (secret de l'instruction, protection du renseignement, ...). question 37 (Action Plan): Remarque de la France : L'accès à un recours effectif présente une</p>

	<p>gravité particulière dans le domaine de la justice. Une approche proportionnée aux enjeux spécifiques des secteurs considérés doit être privilégiée. C'est dans le domaine régalien et notamment sur celui de la justice que le droit au recours doit être absolument garanti, ce qui ne préjuge pas des efforts à accomplir afin de la garantir le plus largement selon la sensibilité des secteurs et les risques inhérents au secteur concerné. question 40 (Action Plan): Remarque de la France : il est délicat de répondre à cette question sans davantage de précision quant au domaine de cette utilisation (identification? vérification ?) et ses modalités (instantané, différé) etc</p> <p>Question 33: Cette question mérite une analyse complémentaire. En effet, il semble assez difficile de prévoir un régime de responsabilité unique dans un texte transversal qui couvrirait des domaines divers. En revanche, certaines questions peuvent effectivement se poser quant à la responsabilité du producteur et utilisateur du système d'intelligence artificielle.</p> <p>Question 35 : Remarque de la France : nous ne savons pas exactement ce que recouvre le terme "audits intersectionnels"</p>
Date of submission	5/18/21 17:28:33

Fundació Actuatech - Andorra Innovation Hub

State (where your institution is based)	Andorra
Institution: Name of the institution/body/company	Fundació Actuatech - Andorra Innovation Hub
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as "a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being" (See the CAHAI feasibility study, §5)
2bis. If "other" please explain below	
3. What are the reasons for your preference?	I believe is good to have a common definition to shape the discussion and the application of regulation related to that

<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Public administration; Social networks/media, internet intermediaries ; • Election monitoring;
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Deep fakes and cheap fakes; • AI applications determining the allocation of educational services; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>These applications can increase human capabilities to enrich decision making by offering more correlated information when huge amount of data is present and also giving better insights from different perspectives</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Election monitoring, AI transparency applications, compliance applications</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • National security and counter-terrorism; • Banking, finance and insurance; • Law enforcement;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>These applications, when biased and not monitored, can cause serious harm to people, either physically, economically, reputational and so on, and there are "protected" to various secrecy mechanisms that make them difficult to be audited</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • AI applications to prevent the commission of a criminal offence; Scoring / scoring of individuals by public entities; Smart personal assistants (connected devices);
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The problem is always the level of detail that this applications can gather from individuals and the datasets and bias that these details can infer into the system due to the current asymmetries of our society</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Opinion systems, qualification systems, traceability applications, over-the-law (i.e national security) applications</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Thoroughly scrutinized</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Non-discrimination;• Transparency;• Explainability;• Personal integrity ;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement;Public administration;• Healthcare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>GDPR, even though is not specific to AI, is effective to do so. OCDE and EU Commission guidelines are also interesting The Declaration of Montréal is also a good framework to help in that</p>

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I rather agree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I fully agree
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	I fully agree
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	I rather disagree
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	I fully agree
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	I rather disagree
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	I completely disagree
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	I rather disagree
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	I rather disagree
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	I rather agree

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>developments related to AI systems</p> <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/6/21 17:56:38</p>

Fundación de la Inteligencia Artificial Legal (FIAL)

<p>State (where your institution is based)</p>	<p>Spain</p>
<p>Institution: Name of the institution/body/company</p>	<p>Fundación de la Inteligencia Artificial Legal (FIAL)</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Civil society</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A definition focusing on machine learning systems</p>
<p>2bis. If "other" please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>Not every AI legally relevant system leads to automated decision-making. The ability to produce answers that go beyond specific previous programming is critical to the definition of AI systems.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	<p>Law enforcement; Customs and border control; Welfare;</p>

protection of human rights, democracy and the rule of law	
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Some AI applications (such as banking, insurance, finance) are widely used, and efficient, but have no special relationship with human rights, democracy and the rule of law. Regarding that field, the most important applications are the ones that enhance the efficiency and availability of public services such as education or health care (they contribute to welfare, equality and social human rights) and the ones that help detect crimes (without being invasive, such as facial recognition)
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Applications that enhance transparency, helping to analyse public information and to assess the efficacy of public policies or statutes and rationally decide over their reform
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Welfare;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	These systems deal with those State actions that can affect most intensely the freedom of citizens (Justice, Law enforcement) or have to do with work, which is also very important for the citizen's dignity and personal autonomy
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ; • AI applications determining the allocation of educational services;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	These applications might have a chilling effect to the behaviour of citizens, preventing them from doing things that are not forbidden but could be detrimental for their scoring or the allocation of public services. These AI systems could reduce the sphere of private life or even have a discriminatory effect regarding prison, sentencing for criminal offences, etc.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Every AI application that allows businesses to apply different conditions to their customers, where this is impossible in a physical environment and the customers are not aware of it.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	In practice, most systems have not been made proven to violate human rights, but simply pose risks

<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Non-discrimination;Privacy and data protection;• Transparency;• Explainability;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement;Public administration;Employment;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Responsible declarations, compliance</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding</p>	<p>I only know draft regulations. At present AI systems and applications are theoretically subject to an ex post control through tort and criminal law</p>

and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	An effort to enact more specific rules should be made
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I completely disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that	I rather agree

respect applicable environmental protection standards.	
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	This regime should enhance the application of tort law and liability in the context of AI applications, but without creating a liability free zone.

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling;• Regulatory sandboxes;Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Highly useful Rather useful Highly useful Highly useful</p>

developments related to AI systems Establishing a centre of expertise on AI and human rights	
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	When drafting the rules about AI systems, attention should be paid to their specific effects over citizens and to the contexts in which they operate. Public administrations (that have to account for every decision within a legal framework) are not the same as businesses.
Date of submission	5/9/21 16:20:00

Gazi University

State (where your institution is based)	ANKARA/TÜRKİYE
Institution: Name of the institution/body/company	Gazi University
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Teaching the machine using various techniques for the various tasks that human beings can do.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Healthcare;Justice;• Education;

<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Artificial intelligence will benefit in every field if it is shown in the society in a correct and useful way.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>A unified fair practice of artificial intelligence that will promote the prevention of racism and advocate for equality.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Banking, finance and insurance; • Healthcare; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>By artificial intelligence; It can be said that a wrong decision to be made in the field of health will affect human life and that a wrong decision to be made in the field of finance can cause huge financial losses.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>---</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Data privacy, protection of personal data</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>

<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Equality;• Non-discrimination;• Explainability;• Transparency;Privacy and data protection;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Education;• Healthcare;Banking, finance and insurance;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>Indifferent/no opinion</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>---</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are</p>	

not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	Indifferent/no opinion
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree

<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I rather agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I rather agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>Indifferent/no opinion</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>Indifferent/no opinion</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling 	<p>Rather useful Rather useful Rather useful Indifferent/no opinion Rather useful</p>

<ul style="list-style-type: none"> - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p> <p>47.bis. Other</p>	<p>Binding instrument No opinion No opinion No opinion Binding instrument</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather not useful Rather useful Indifferent/no opinion</p>

49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	Hoping that all artificial intelligence systems developed and to be developed will be transparent and explainable.
Date of submission	4/30/21 15:48:46

General Secretariat for Demography and Family Policy and Gender Equality (Greece)

State (where your institution is based)	Greece
Institution: Name of the institution/body/company	General Secretariat for Demography and Family Policy and Gender Equality
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	We agree on a neutral and simplified definition as this choice does not exclude future developments on the field .
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Public administration;• Education;• Other;
4bis. If other, which areas and why?	AI systems offer a unique opportunity for upgrading and supporting women entrepreneurship and thus promoting gender equality
5. Please indicate which of the following AI system applications in your view have the greatest potential to	• Scoring of individuals by public and private entities;• AI applications to promote gender equality (e.g. analytical tools);• Smart personal assistants (connected devices);Emotional analysis in the workplace to measure employees' level of engagement;

enhance/protect human rights, democracy and the rule of law?	
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI apps could be used to report or detect incidents of sexual or non sexual harassment at the work environment
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	n/o
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	No opinion;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	n/o
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Deep fakes and cheap fakes;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	AI apps should be very carefully designed
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	n/o
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)

<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Equality;Privacy and data protection;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Banking, finance and insurance;Justice;• Healthcare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>n/o</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;</p>
<p>25. Please indicate other specific legal gaps that in your</p>	<p>n/o</p>

view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather disagree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field	I rather disagree

of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	Rather not useful Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion

<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Certification and quality labelling;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/7/21 12:20:57</p>

General Secretariat for Industry (Greece)

State (where your institution is based)	Athens, Greece
Institution: Name of the institution/body/company	General Secretariat for Industry
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	The most fundamental principle we should maintain is that all effects of AI systems, applications etc are primarily designed, developed and guarded to be Human-Centered. That should apply both for individuals and populations. Hence forth AI systems should always be designed to serve and protect humans and humanity. Secondly AI systems and applications should be designed to always operate under human supervision. Prudence for conflicts resolution should be received in early design stages.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Environment and climate; • Public administration; • Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to predict the possible evolution of climate change and/or natural disasters;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Smart Personal Assistants will promote and enhance productivity, ensure jobs sustainability and accelerate the transition to the 5th Industrial revolution.</p> <p>Medical applications for both diagnostics and treatment are already in place with spectacular results.</p> <p>Climate change / natural disasters prediction is a domain full of "Heavy Duty" big data calculation and estimation needs - hence AI can significantly contribute, and automated fraud detection is a field where AI is already employed with very promising results.</p>

<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Indicatively : Man to Machine and Machine to Man applications, stationary and mobile robotics, advanced and smart manufacturing technologies, industrial technologies with respect to environmental and productivity issues.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>• Education;• Justice;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The selected fields are the most prominent with respect to shaping and affecting human emotions and the human psyche. With respect to Justice AI should never substitute humans - only asses them.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement;• AI applications to prevent the commission of a criminal offence;• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Emotional Analysis in the workplace : Subjected to circumstantial conditions Pupil and Student behavior can be very volatile for multiple reasons - not safe to be modeled Prevention of criminal offence: Very Vague - is it for individuals or for populations ?</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Combinations of the above without strict human supervision and well defined aim and purpose.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development,</p>	<p>Respect for human dignity;Freedom of expression, assembly and association;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Non-discrimination;Privacy and data protection;</p>

deployment and use of AI systems?	
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Education;Law enforcement;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	Indifferent/no opinion
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	Indifferent/no opinion
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Not able to provide an educated opinion on this
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Not authorized to comment on this at the present time,
26. Individuals should always be informed when they interact	I fully agree

with an AI system in any circumstances.	
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree

<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently</p>	<p>• Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ; • Audits and intersectional audits;</p>

<p>protect human rights, democracy and the rule of law 46bis. Other</p>	
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring 47.bis. Other</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/4/21 22:42:10</p>

State (where your institution is based)	Athens, Greece
Institution: Name of the institution/body/company	General Secretariat for Research and Innovation
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Based on the effect that AI is expected to have on various aspects of economic and social life, a definition should be simplified and not technology dependent.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Public administration; • Healthcare; Justice;
4bis. If other, which areas and why?	Research-AI systems trained in various sources of scientific knowledge, like scientific papers and research databases, could boost research towards new horizons for the benefit of society and economy
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • Smart personal assistants (connected devices); • Deep fakes and cheap fakes;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The ability of AI systems to make proposals based on previous human knowledge data, can support humans in various domains like health and security where humans have limited capacity to information at a specific moment when a decision is asked of them in a limited time of time.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Open, semantically structured, data
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Employment; • Banking, finance and insurance; • Education;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>A person presented with the decision of an AI system regarding his/her educational-employment-financial situation, will have limited or no means of defending himself/herself. On the other side, institutions employing such systems can invest significant amount of funds for these systems and this would assume trustworthiness of the systems.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; • AI applications determining the allocation of social services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; AI applications aimed at predicting recidivism ; Scoring / scoring of individuals by public entities;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>A person presented with the decision of an AI system regarding his/her educational-employment-financial situation, will have limited or no means of defending himself/herself. On the other side, institutions employing such systems can invest significant amount of funds for these systems and this would assume trustworthiness of the systems.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Fake news Cyberattacks</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Improved in terms of reasoning</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Explainability; • Transparency; • Legal certainty; • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Non-discrimination;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Banking, finance and insurance; Law enforcement; Justice;</p>

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>No opinion</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Not my field of expertise</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They lack specific principles for the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making</p>	<p>I fully agree</p>

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I fully agree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Indifferent/no opinion Rather useful Highly useful Rather useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Certification and quality labelling;• Audits and intersectional audits;• Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>No opinion Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/21/21 17:20:16</p>

State (where your institution is based)	Switzerland
Institution: Name of the institution/body/company	Geneva Macro Labs
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on machine learning systems
2bis. If "other" please explain below	
3. What are the reasons for your preference?	You cannot regulate cars, ships and planes with the same instruments. Machine Learning has very different properties than programmed algorithms.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Education; • Healthcare; • Environment and climate;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • Facial recognition supporting law enforcement ;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Most of the listed fields of application rather have a huge potential to endanger human rights, democracy and the rule of law.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	When control is not handed over, but AI is used as a tool for searching information, to identify keywords etc. it can strengthen human rights, democracy and the rule of law. If it used for surveillance or automated decision making, Machine Learning is creating very relevant risks to human rights, democracy and the rule of law. These risks do not exist or are much smaller with programmed algorithms that do not rely on training techniques that do not produce predictable results.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Banking, finance and insurance; • Justice; • Law enforcement;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Machine Learning does not produce predictable results. Currently we only look at some minor discrimination and bias artifacts. But they are only the tip of the iceberg. The basic problem is much bigger. Machine Learning results cannot be explained nor reasoned.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;• AI applications determining the allocation of social services;• AI applications to promote gender equality (e.g. analytical tools);</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Whenever Machine Learning is used to allocate resources or apply sentences, individual rights are highly threatened. This should be completely outlawed.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Machine Learning should not be used in law enforcement when it comes to sentencing or release on bail because this risks to increase the existing discrimination based on sex (men receive considerably higher sentences than women).</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Law enforcement and public administration should not use machine learning where this can create a considerable risk. Development is fine, but deployment should be banned.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Explainability; • Transparency; • Legal certainty; Freedom of expression, assembly and association;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Public administration;Law enforcement;Justice;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations</p>	<p>Indifferent/no opinion</p>

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Employment of international standards
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Art 22 GDPR provides some guideline, but does not distinguish between different type of decisions. Do you just implement a set of rules in a computer program or do you actually set new rules that might not even be transparent (in the case of Machine Learning)
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	While regulation currently fails to address some important risks, there is already a substantial amount of over-regulation that risks to severely impacts our basic rights of freedom of expression and freedom of information. A regulation therefore needs to also offer guarantees on these rights.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	Indifferent/no opinion

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>There should be strict liability of the users of Machine Learning. If the users use a system manufactured by a third party, there might be the possibility to refer or extend the liability to the manufacturer.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather useful Not useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>Continuous automated monitoring; • Regulatory sandboxes; • Certification and quality labelling;</p>

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>There first need to be a proper understanding in the technology used. Machine learning is not programmed and does not include code at the relevant places. So it does not make sense to talk about "The code behind AI systems".</p> <p>A proper understanding of Machine Learning will lead to a regulation that will lead to 3 areas</p> <ul style="list-style-type: none"> a) The area where Machine Learning is off-limits, like the justice system when it comes to sentencing, etc. b) The area where Machine Learning can be employed with proper safeguards like providing human review. c) The area where Machine Learning can be applied like conventional software. <p>A regulation that does not distinguish between Machine Learning and programmed conventional software or does not distinguish between the different areas of application, risks to fail to properly address the risks of AI and at the same time risks to severely impact information freedom.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Making sure that all participants involved in the regulation process have a proper understanding of the technology. Regulating technology without the proper knowledge is like trying to shoot an attacker blindfolded. The probability to prevent the existing threats is low and the risk to create collateral damage to our basic rights is high.</p>

<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Correct the question above, because it exposes a lack of understanding of technology by the designers of this questionnaire: "The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit"</p> <p>There is no relevant code behind Machine Learning.</p> <p>There rather should be the possibility to download the entire system and expose it to massive simulation analysis. When deep learning technology is used, this will expose that all system have severe failures that will exclude any usage in critical environments.</p>
<p>Date of submission</p>	<p>3/30/21 12:19:53</p>

Global Partners Digital

<p>State (where your institution is based)</p>	<p>United Kingdom</p>
<p>Institution: Name of the institution/body/company</p>	<p>Global Partners Digital</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Civil society</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A definition focusing on automated decision-making</p>
<p>2bis. If "other" please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>There is currently no universally agreed definition of AI, but it is important to have some definition when developing a legal framework, even if non-exhaustive, in order to ensure as great a degree of legal clarity and certainty as possible. The first option would therefore be inappropriate, since it focuses solely on the effect of AI systems, leaving an unacceptable absence of clarity and certainty over which technologies fell within the scope of the instrument. The absence of a definition could also lead to very different applications of the instrument at the national level, resulting in a fragmented application of a legal framework.</p> <p>The second option is helpful in that it proposes a technologically neutral definition, but it is constructed in a vague and perhaps overly broad manner, again, failing to meet the need for legal clarity and certainty. Similarly to the first option, such a definition could lead to very different applications of the instrument at the national level, resulting in a fragmented application of a legal framework.</p>

	<p>The third option, in contrast to the second one, is too narrow in scope. It focuses solely on machine learning systems, a subset of AI, which might limit the effect and impact of a legal framework.</p> <p>The fourth option, “a definition focusing on automated decision-making”, strikes the best balance, capturing a broad range of AI systems and ensuring some degree of legal clarity and certainty. This option is preferable as it would most effectively cover practices or applications of AI systems, their impacts on human rights, and account for the broader socio-technical context.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Education; • Healthcare; • Environment and climate;
<p>4bis. If other, which areas and why?</p>	<p>There are a number of areas in which AI systems offer promising opportunities for the protection of human rights, democracy, and the rule of law. However, it is difficult to specify which three areas offer the “most promising” opportunities in such a binary manner. AI systems have the potential to lead to positive impacts upon human rights in far more than three of the options presented, and the prioritisation of certain areas above others risks minimising the potential impact that a legal instrument could have. At the same time, the use of AI may both provide opportunities to human rights, but also create risks, depending on the development and deployment of different AI technologies in that area. Even where the specific AI technology deployed is beneficial, if those benefits are only felt by certain groups, the technology can still result in increased inequalities within societies, thus creating risks to the rights to equality and non-discrimination. As such, each application of an AI technology requires a careful consideration of the specific context, safeguards and objectives of its development and deployment. To try and prioritise broad areas, with no ability for respondents to provide more nuanced analysis, minimises the usefulness of this question and the results obtained.</p> <p>With that caveat, we provide an explanation on three areas - education, healthcare, and environment and climate - which we have selected.</p> <p>Education: AI systems have the potential to greatly enhance enjoyment of the right to education, providing educational services or access on a broader scale, and enabling more personalised approaches which cater to the unique needs of individuals. AI systems offer promising opportunities for educational efficiency - for example, streamlining administrative tasks and reallocating resources towards higher quality education. These opportunities would directly support the right to education under international law, which is reflected in Article 26 of the Universal Declaration of Human Rights (UDHR), Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and Article 2 of the First Protocol to the European Convention on Human Rights (ECHR).</p> <p>Healthcare: There are a number of promising health-focused applications of AI, including medical applications for faster and more accurate diagnoses, discussed in more detail below. Moreover, there are additional opportunities for the sector at large, with AI applications directly supporting efficiency for triage and</p>

	<p>treatment. These opportunities would directly support the right to health under international human rights law, which is reflected in Article 25 of the UDHR and Article 12 of the ICESCR.</p> <p>Environment and climate: Advancements may enable detection of pending environmental crises, and potential mitigation of climate change. These opportunities will support a broad range of human rights and will align with case-law from the European Court of Human Rights which has recognised how environmental risks may undermine human rights provided for under ECHR.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>As noted above in our response to question 10, there is great potential for AI medical applications to support the right to health, particularly through faster and more accurate diagnoses. Whether states pursue public or private healthcare, these applications can provide an opportunity for states to pursue a higher degree of healthcare for their citizens, including those marginalised or otherwise unable to receive such care. AI applications providing support to the healthcare system (triage, treatment delivery), may further support public health through increased efficiency, providing more streamlined means of treating those most in need of care.</p> <p>AI applications to predict the possible evolution of climate change and/or natural disasters may also have a direct impact on a number of rights. These AI applications may be particularly helpful in assisting states mitigate harms to at risk communities through better decision-making and resource allocation.</p> <p>AI applications to promote gender equality (e.g. analytical tools) may support the right to non-discrimination and associated rights, negating biased outcomes or risks to marginalised groups including women, LGBTQI persons, etc. If AI systems are developed and deployed to consider the specific needs and data of these groups, they may safeguard against existing human biases and provide for more equitable outcomes.</p> <p>At the same time, we repeat our point made in response to question 10 that even where the development and deployment of certain AI technologies and applications are beneficial to human rights, if those benefits are only felt by certain groups, the technologies and applications can still result in increased inequalities within societies, thus creating risks to the rights to equality and non-discrimination.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>In addition to those referenced in question 12, there are a range of AI applications which might contribute significantly to strengthening human rights, democracy and the rule of law. For example, AI applications may be used to address barriers faced by disabled persons. AI applications, including AI-based translation and interpretation may further enable persons speaking different or minority languages to more actively participate in public spaces or decisionmaking.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • National security and counter-terrorism;

<p>violating human rights, democracy and the rule of law 8bis. Other</p>	
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Our concerns about the framing of question 10 applies equally to question 14. There are a number of areas or sectors in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law. However, it is difficult to specify which three areas pose the “highest risks” in such a binary manner. AI systems have the potential to result in harmful impacts upon human rights in far more than three of the options presented, and the prioritisation of certain areas or sectors above others risks minimising the potential impact that a legal instrument could have on addressing risks to human rights. At the same time, the use of AI may both provide opportunities and risks to human rights in the same area or sector, depending on the development and deployment of the specific AI technologies. As such, each application of an AI technology requires a careful consideration of the specific context, safeguards and objectives of its development and deployment. To try and prioritise broad issues or sectors, with no ability for respondents to provide more nuanced analysis, minimises the usefulness of this question and the results obtained.</p> <p>With that caveat, we believe that there are clear risks to human rights as a result of the deployment of AI systems in the three sectors selected in the previous question.</p> <p>Justice, particularly to those who already face discrimination at the hands of justice systems. AI systems are already used in the justice systems of certain countries for pretrial risk assessments, and this may extend to other aspects such as sentencing determinations. While the use of AI in these contexts is defended by asserting the impartial nature of AI systems in comparison to human bias, AI systems could potentially undermine the right to a fair trial and the autonomous decision-making of judges. This is because AI systems make determinations based on existing data sets, which are themselves flawed and allow for historical patterns of discrimination to continue. Safeguards are necessary to ensure that AI systems do not undermine the presumption of innocence or present other risks to due process.</p> <p>Law enforcement, particularly for marginalised groups that may already face discrimination or disproportionate harms at the hands of law enforcement. The use of AI systems in law enforcement, including facial recognition technology, or predictive police tools, have proven to be flawed and biased against people of colour, and such errors reflect existing discriminatory practices and ensure their continuation. Moreover, AI systems may be used to conduct mass surveillance using biometrics, which poses direct risks to individuals' right to privacy, freedom of expression, assembly and other associated rights.</p> <p>National security - AI systems are increasingly used in the name of national security and may pose heightened risks for individuals' human rights both on and offline. The ability for AI systems to process large amounts of data or track individuals may negatively affect human rights in the name of national security, and must be accompanied by due diligence assessments, oversight, safeguards and broader considerations on the use of such high-risk technologies. As with justice and law enforcement, AI has the</p>

	potential to deepen existing inequalities or discriminatory practices for national security purposes.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;• AI applications determining the allocation of social services;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>Facial recognition supporting law enforcement may pose heightened risks for human rights, democracy and the rule of law without adequate safeguards and oversight. Facial recognition uses people's personal data - images of their faces - which are relatively easy to capture in public places. Existing concerns over mass surveillance, coupled with high error rates for these technologies (particularly for minority groups) may lead to biased results or broader violations of privacy, freedom of assembly or other associated rights.</p> <p>The scoring of individuals by public entities may exacerbate existing inequalities and have a detrimental impact on individuals' social and economic rights. AI applications are increasingly being tested and relied on for making determinations around the allocation of social services, welfare, education, and other areas of public administration. Social scoring poses risks to human dignity and should not be used to promote or discredit a particular way of life or opinion.</p> <p>AI applications to prevent the commission of a criminal offence or to predict recidivism pose clear risks to individuals' liberty, security, right to fair trial, due process and right to effective remedy. These AI applications use personal, and often sensitive forms of data, on suspects or potential repeat offenders to make determinations, which may reinforce existing biases and result in discriminatory outcomes. The accuracy, fairness and outcomes of these AI applications is unsettled and could have negative impacts on human rights and the rule of law.</p>
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	There are a vast number of AI applications which might represent significant risks to human rights, democracy and the rule of law. AI is not, in and of itself, a risk to human rights and may have both positive and negative impacts on all areas of public and private life. All AI systems referenced in the question above may pose a significant risk to human rights in a particular context, in addition to those not included, such as autonomous weapons systems or emotional analysis systems used outside of the workplace.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	This question is difficult to answer as regulatory requirements made during the development stage may mitigate the risks to human rights from occurring, depending on the particular AI system.
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks	Regulated (binding law)

with high probability to human rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	We believe that many of the best instruments of self-regulation are those set out under the “Respect” pillar of the United Nations Guiding Principles on Business and Human Rights which outlines how companies should implement the framework and take action to mitigate adverse impacts on human rights as a result of their products or services. These include: • A policy commitment to meet their responsibility to respect human rights (Principle 16); • A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights, including human rights impact assessments (Principles 17 to 21); and • Processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute (Principle 22). While not all companies have taken such measures, particularly in relation to AI applications, the UNGPs are a critical framework for companies to guide self regulation and should be considered.
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in	The existing international and regional human rights frameworks, including the European Convention on Human Rights, are already applicable and extend to the development and use of AI systems. While they do not always account for the intricate features and

<p>your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>challenges posed by AI, they should serve as the starting point to guide the regulation of AI at the Council of Europe level.</p> <p>As noted above, the UNGPs is a useful instrument to guide the design, development and use of AI systems to ensure compatibility with the standards for human rights, especially in relation to corporate responsibility.</p> <p>The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has commented on AI in various reports, including in 2018 (UN Doc. A/73/348) where the implications of AI technologies for human rights in the information environment were addressed, focusing in particular on the rights to freedom of opinion and expression, privacy and non-discrimination. In 2020, the Office of the United Nations High Commissioner for Human Rights organised an expert seminar to discuss how AI, including profiling, automated decision-making and machine-learning technologies may, without proper safeguards, affect the enjoyment of the right to privacy. The report of this seminar may also be useful in guiding and regulating the design, development and use of AI in a rights-respecting manner.</p> <p>While still in development, there are also a number of other instruments and initiatives being considered at the international, regional and national levels, including UNESCO's Recommendation on the Ethics of AI and the European Union's proposed Regulation on Artificial Intelligence. These may, once finalised, contain elements which are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law, and so may be worth considering as CAHA's work progresses.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They do not provide enough guidance to the designers, developers and deployers of AI systems;• They lack specific principles for the design, development and application of AI systems;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>This question needs consideration in two parts. The first is to identify the legal gaps that need to be addressed. And, indeed, there are a number of legal gaps within the existing international, regional and national frameworks which may warrant the development of new instruments on AI. These include how to ensure meaningful consent is provided by individuals whose data is used in AI technologies, including the ability to withhold consent; how to ensure useful and meaningful transparency in the development and deployment of AI technologies, suitable for audiences including users and regulatory bodies; how to ensure effective remedies from both the public and private sector when human rights are adversely impacted by AI technologies; and effective mechanisms which restrict certain AI applications in circumstances where risks to human rights cannot be sufficiently mitigated.</p> <p>The second part of the question is who is best placed to develop such instruments. The Council of Europe is certainly an appropriate forum when it comes</p>

	<p>to addressing many of them within Europe. It has a clear, broad human rights mandate and expertise, a strong existing regional human rights framework, enforcement mechanisms and a significant influence on its member states. The European Convention Human Rights is one of the most effective international human rights treaties in the world, and the European Court of Human Rights has already produced case law on the impacts of emerging technologies, including the consequences of algorithmic mechanisms, on human rights protected under the regional framework. The Council of Europe also has a history of success in creating new legal frameworks, such as the Budapest Convention, to tackle emerging technology issues.</p> <p>At the same time, it is important to remember that the standards developed by the Council of Europe will not be global instruments, even if open to endorsement or application by non-members. The limited ability of non-members to influence the development of any legal instrument means that the risk of alternative frameworks and instruments being developed in other forums which are open to all states. From a human rights perspective, fragmented and inconsistent approaches to the protection of human rights in different regions, and the standards that should be adopted, would be unhelpful.</p> <p>We therefore strongly believe that the undoubted expertise that exists within the Council of Europe on this issue needs to be reinforced by a greater ability for states outside of the Council of Europe - as well as other non-governmental stakeholders - to be able to participate in the development of that legal instrument, to ensure a sufficient degree of global legitimacy and applicability.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I rather agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the</p>	<p>I rather agree</p>

public sector and private companies.	
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather disagree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather disagree
42. The use of AI systems in democratic processes (e.g.	I fully agree

elections) should be strictly regulated.	
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	<p>While it may be appropriate for a future legal framework at the Council of Europe level to include a specific liability regime in relation to AI applications, the development of any liability regime must consider existing frameworks and liability regimes. For example, data protection and non-discrimination frameworks at the international, regional and national levels. Any specific liability regime at the Council of Europe level must address the gaps left by these frameworks as they relate to AI applications, particularly where additional clarification on the interpretation of existing frameworks is insufficient to provide accountability for harms, or unable to safeguard substantive or procedural rights of individuals.</p> <p>One specific aspect that should be covered by a specific liability regime is that of access to effective remedy. Any potential regime must ensure that remedies are provided for and redress is available. While the specific forms of redress, such as criminal sanctions, merits further consideration, this liability regime must still ensure that trans-border harms are addressed and deter future violations.</p> <p>Moreover, a specific liability regime must be proportionate and provide legal clarity for users, designers, developers and deployers of AI applications. The threat of liability should in no way stifle the development of AI or pose risks to human rights.</p>
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Rather useful Highly useful</p>
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument No opinion Binding instrument</p>
<p>47.bis. Other</p>	<p>In addition to the above mechanisms, any binding or non-binding instrument would benefit from some form of oversight mechanism. This could include, for example, a convention committee that would evaluate implementation.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>While the above mechanisms would be useful, to varying degrees, these mechanisms should not focus solely on states, policies and stakeholders in member states. It would be beneficial to include stakeholders from the Global South or under-represented groups due to the potential global reach and impact of a new legal framework.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>We would like to stress that AI systems will present both opportunities and risks for human rights, and that any regulation of AI should acknowledge the nuanced and non-binary nature of AI systems and applications in varying contexts. It is imperative that any legal framework does not exacerbate or produce further risks for human rights in the name of closing legal gaps or protecting other rights which may be negatively affected by AI.</p>
<p>Date of submission</p>	<p>4/28/21 18:08:45</p>

Greek Exporters' Association

State (where your institution is based)	Greece
Institution: Name of the institution/body/company	Greek Exporters' Association
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	There are several definitions of AI which focus on the technological-oriented aspects of AI. However, the definition used by CAHAI should focus mainly on human rights, democracy and the rule of law.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance; National security and counter-terrorism; Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • Smart personal assistants (connected devices); • AI applications aimed at predicting recidivism ;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	There are several critical applications of artificial intelligence which can enhance justice and benefit democracy, the rule of law and human rights. The applications selected above are based on very important aspects of our daily life, in which humanity faces many challenges. At first, facial recognition should be developed because of its implication in many aspects of life and the rule of law specifically. The judicial system will be much more efficient with AI-based facial recognition systems. The automated fraud detection and AI applications used to prevent the commission of criminal offenses are critically important in order to stop crime in the whole world and especially in the EU. The banking sector without smart automated systems of AI cannot easily detect such frauds. Smart personal assistants will help people on a daily basis and how they should handle several occasions, resulting in the enhancement of

	the law enforcement and democracy. At last, AI applications for the prediction of recidivism should be enhanced in order to benefit human rights and support vulnerable people.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	All AI applications should act as an assistant to humans and whereupon the humans should take critical decisions based on the AI results. Thus, it is highly important to set up applications in the fields of law, banking and fraud detection, social services and to make good use of AI in predicting human behavior.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Social networks/media, internet intermediaries ; • Election monitoring; • Employment;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	As mentioned before, AI applications should assist humans in order for them to take the right decisions in the right time. Automated systems should not take matters into their own hands and decide whether an employment is efficient or not and if he/she should be discharged. Plus, the data collected by social network companies should be controlled and supervised.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; • AI applications to promote gender equality (e.g. analytical tools);
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	AI applications should not determine or take any decisions. On the contrary, AI apps should assist humans in every aspect of their life in order to eliminate mistakes, frauds and enhance the democracy level. By giving AI apps the power of determining the allocation of educational or social services, you create a data-based system which doesn't have the ability to take into account other important indirect and unstated factors.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	AI applications that are given the power to decide on human issues, represent a significant risk to human rights, democracy and rule of law.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	used within a framework
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human	Regulated (binding law)

rights, democracy and the rule of law be:	
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Equality;Freedom of expression, assembly and association;Privacy and data protection;• Transparency;Respect for human dignity;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Election monitoring;Education;• Social networks/media, internet intermediaries ;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	The existing international, regional and national binding and non binding instruments are permanent, whereas AI applications have been developed and improved on a daily basis. Plus, the AI legal framework in each country of the world differ substantially and this creates gaps that companies take advantage of.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;There are too many and they are difficult to interpret and apply in the context of AI; • They lack specific principles for the design, development and application of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;

25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather disagree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and	I rather disagree

made by an AI system in the field of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Rather useful Indifferent/no opinion Rather useful Rather useful

<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument No opinion Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/1/21 11:00:47</p>

Greek National Infrastructures for Research and Technology

State (where your institution is based)	Greece
Institution: Name of the institution/body/company	Greek National Infrastructures for Research and Technology
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	It technically describe in a correct way what AI stands for
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;• Education;• Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications in the field of banking and insurance;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	By analyzing aggregated big data and providing predictions of future developments, attitudes, disease diagnosis, acting as persons' assistant.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	upskilling in the private and public domain, providing trustworthiness and explainability of decision making.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Employment;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>In case equality of access and ability to use AI and ML tools and systems is not ensured, then the knowledge gap among different communities will become larger.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Applications that can automatically extract and use personal data, or automatically split persons, or generate and provide fake information can violate human rights.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any application that does not respect ethical and privacy issues.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>delayed until their legal framework be fully set up</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Equality;• Non-discrimination;Privacy and data protection;• Explainability;• Transparency;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Election monitoring;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Unbiasness, considering equal numbers of different user categories - for example, men and women, different races, ethnicities, ages, etc</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should	I fully agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits;• Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Highly useful Rather useful Highly useful Rather useful
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/29/21 17:24:37

Hellenic Armed Forces

State (where your institution is based)	Athens, Greece
Institution: Name of the institution/body/company	Hellenic Armed Forces
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	A definition focusing on automated decision-making

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	<p>The definition needs to serve as an instrument for the judicial system, which will refer to it as a basis to allocate responsibilities. In that respect, an appropriate definition:</p> <ol style="list-style-type: none"> a. Needs to focus on decision-making and to highlight the criteria applied in due process. b. Cannot rely on vague or over-simplified terms, nor can it include concepts, such as “democracy” or “rule of law”. These concepts may set the framework under which AI can be lawfully used, but definition-wise they are irrelevant (regardless of intentions).
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	National security and counter-terrorism; Social networks/media, internet intermediaries ;• Employment;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Policy decisions on matters related to public welfare are essential to the respect and promotion of human rights and the rule of law, more in terms of timely applying necessary principles “in the field” rather than suppressing their breaches. To that end, AI and the evaluation of big data can provide public authorities with deeper information and input and, therefore, with a more accurate picture in terms of applicable measures, assessing the impact of those taken and selection target groups.</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	City planning, in order to restrict segregated districts, improve employment opportunities and access to education, reduce environmental pollution etc. These factors form the ground on which human rights and the rule of law can be efficiently respected.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Employment; • Social networks/media, internet intermediaries ; • Banking, finance and insurance;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>AI per se cannot pose risks of violating the law. Such danger is rather based on poor quality AI or its misuse. Having that in mind, misusing AI for financial or employment purposes can result to actual exclusion of financial or social life. The same applies to information technologies and social networks. Financial freedom and the freedom of speech are fundamental to dignity and the rule of law; abuse of AI capabilities can mislead human decision makers towards the general welfare of the community at the expense of respect of human rights of certain individuals, that is failing to take into account key legal principles of any liberal democracy.</p>

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>AI applications aimed at predicting recidivism ;• AI applications providing support to the healthcare system (triage, treatment delivery);• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;• AI applications determining the allocation of educational services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>As mentioned above, AI per se cannot pose risks of violating the law. Such danger is rather based on poor quality AI or its misuse. Therefore, for any technology to pose a threat to human rights and the rule of law, it needs to be misused. Even in matters such as analysing the performance of pupils, AI may well technically take into consideration any relevant aspect, in order to ensure that a lawful result is produced. If it cannot meet this requirement, then the human factor in the decision making process should be aware of the AI system's limits and act accordingly.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>-</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Improved, so that they serve a lawful purpose without undermining human rights or the rule of law. If this is not possible, they should be banned.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>• Personal integrity ;• Legal certainty;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;Respect for human dignity;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Banking, finance and insurance;• Social networks/media, internet intermediaries ;Welfare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent</p>	<p>I rather disagree</p>

and mitigate the risk of violations of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather agree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	International and national judicial authorities (United Nations Commission on Human Rights, Council of Europe, European Court of Human Rights, European Union Directorate General for Justice and Consumers), independent regional or national authorities (on human rights, data protection, ombudsman), academia, public organisations with expert legal corps (armed forces, law enforcement, civil protection)
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	The Council of Europe can provide guidelines on the use of AI in Lethal Autonomous Weapons Systems development. Such guidelines should be based equally on ethics and objective goals. The latter should include: a. The need to reduce the number of casualties and unnecessary suffering in armed conflicts. b. Non-revocation of humans' legal responsibility, which today is adequately ensured. c. The need to invest in new weapon technologies, which will use AI.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather disagree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Ensure that there is no stage of the decision making circle that may exclude humans from full responsibility (on such stage).
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Rather useful Highly useful Rather useful Highly useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Highly useful Indifferent/no opinion</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/12/21 12:23:22</p>

State (where your institution is based)	Russian Federation
Institution: Name of the institution/body/company	Higher School of Economics (HSE)
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	Other
2bis. If "other" please explain below	A definition should be rather simple, but include specific features of AI which distinguish it from other type of technologies. Both ability to self-learning and automated decision making should be mentioned.
3. What are the reasons for your preference?	A definition of artificial intelligence is a prerequisite for the elaboration of the intended legal framework. It should be simple yet at the same time informative.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Environment and climate; Banking, finance and insurance; • Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI tools could also be used to predict natural disasters and to make the today's healthcare system much more effective and affordable. The AI applications of this kind can contribute a lot to the protection of the right to life and health. Automated fraud detection on the other hand could identify suspicious transactions or behavior and in this way help protect people's money and savings. The support of citizens' welfare contributes to the protection of the right to social security and promotes equality.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Each AI application could be used both for strengthening of human rights of for abusing them. That is why it is worth noting that the function of any AI application should be double-checked to avoid possible mistakes and their negative implications.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Employment; • Social networks/media, internet intermediaries ; • Banking, finance and insurance;

8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	In the spheres of banking, employment and social networking business interests always (more or less) prevail over the interests of customers and employees. That means that in these fields AI systems are more prone to algorithmic bias which could result in the violation of human rights, democracy and rule of law.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; • AI applications to promote gender equality (e.g. analytical tools); • AI applications in the field of banking and insurance; • AI applications aimed at predicting recidivism ; • Recruiting software/ AI applications used for assessing work performance ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	AI software in the field of recruitment and banking as well as in the field of education and gender equality build always a reductionist picture of the targeted person. One could say that AI in its current state has many limitations and the biggest among them is undermining of specific, individual features of human personality. The areas of education and employment are especially sensitive to this kind of biases. The same is true about AI applications designed to promote gender equality.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	The problems listed above are typical for many AI applications. In fact any application that could have a substantial impact on human reputation, social status or development should be double-checked both on the stage of development (design criteria and control of algorithms) and on the stage of implementation (human intervention for the verification of results).
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Subject to moratorium
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development,	Respect for human dignity;• Transparency;• Explainability;Privacy and data protection;Political pluralism;

<p>deployment and use of AI systems?</p>	
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<ul style="list-style-type: none"> • Social networks/media, internet intermediaries ;Public administration;Education;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>The conceptual framework for development of regulation in the field of artificial intelligence technologies and robotics for the period up to 2024 (Order of the Government of the Russian Federation of August 19, 2020 No. 2129-p). The conceptual framework includes a list of basic well-balanced principles of regulation. The recent initiative by EU - Proposal for a Regulation laying down harmonized rules on AI.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>The absence of specific principles for the design, development and use of AI systems that could serve as a guidance and standard for states and business. The lack of positive specific rights for persons affected by AI. The introduction of such positive rights on the international level could be a milestone in the development of new legal framework.</p>

26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree

<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I rather agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Highly useful Rather useful Rather useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Regulatory sandboxes;Continuous automated monitoring;

<p>protect human rights, democracy and the rule of law 46bis. Other</p>	
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Non-binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>There are no additional suggestions.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Set up working parties on specific issues of AI regulation, in which different countries and different stakeholders are represented, including business, customers and academics.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>No additional suggestions.</p>
<p>Date of submission</p>	<p>4/27/21 13:18:06</p>

Hivos

State (where your institution is based)	Netherlands
Institution: Name of the institution/body/company	Hivos
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If “other” please explain below	
3. What are the reasons for your preference?	At present and in the near future, automated decision-making systems (ADM systems) developed and deployed by private and public actors are likely to cause the greatest risks for human rights. Regulation should first and foremost focus on ADM systems, with ongoing monitoring of trends to increase scope of regulation over time to other emerging AI systems and technologies. Following the definition by Algorithm Watch https://algorithmwatch.org/en/automating-society-2019/ we understand an ADM system to be a ‘a socio-technological framework that encompasses a decision-making model, an algorithm that translates this model into computable code, the data this code uses as an input—either to ‘learn’ from it or to analyze it by applying the model—and the entire political and economic environment surrounding its use. This means that the decision itself to apply an ADM system for a certain purpose—as well as the way it is developed (i.e. by a public sector entity or a commercial company), procured and finally deployed—are parts of this framework.’
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Healthcare;• Environment and climate;• Other;
4bis. If other, which areas and why?	In principle, automated analytical and sorting models can serve to increase access to relevant information to inform human rights and democracy strengthening work, e.g. to highlight under-represented voices and high quality journalistic content in online search queries or social media platforms, flag disinformation and misinformation as well as to develop early warning system on human rights violations and on other issues. However, at present, e.g. search engines and social media platforms are optimized for commercial purposes and

	for the sharing of high engagement content, which can often be divisive and harmful.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications for personalised media content (recommender systems); • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Any AI applications would carry risks as well as opportunities. It is therefore essential that the design, development, deployment and monitoring is based on an analysis of power and impact in particular on vulnerable groups, such as young people, women, LGBTIQ+, ethnic minorities, indigenous and other groups. In other words, any decision to use automated decision-making systems (or other types of Artificial Intelligence technologies) needs to be explicitly based on a transparent and participatory analysis of who will benefit and who will (potentially) be harmed. No deployment of technology should perpetuate or deepen existing power imbalances or inequalities.</p> <p>If sufficient and relevant data inputs on vulnerable or traditionally marginalized groups are used, medical analyses could be made more accurate and quicker. Where the political will exists, AI systems could also contribute to objectives of increasing coverage and access to quality health services.</p> <p>Similarly, automated analysis could deliver faster and more granular analysis for decision-making to mitigate or adapt to climate change, including with a view to ensuring justice for groups that are disproportionately affected.</p> <p>With regard to access to information and freedom of expression, automated recommendation systems are, for better or worse, a key feature of social media platforms that dominate much of our information sphere. Due to their optimization for increased online engagement they currently often prioritize divisive and even harmful content. Privately managed, automated detection/content moderation systems raise their own human rights concerns (esp with regard to freedom of expression) and systems are so far not good enough and/or receive too little resources to address risks from e.g. harmful speech in many local contexts and languages. On these issues see e.g. UN Special Rapporteur David Kaye's 2018 report https://www.undocs.org/A/73/348.</p> <p>That said, in principle, recommendation systems could be designed to prioritize and promote quality, diverse sources of information to audiences, while also providing greater transparency to individuals to understand and influence algorithmic content recommendations.</p> <p>In all these cases, safeguards need to be in place to prevent harm and to avoid perpetuating bias through under- or over-inclusion of traditionally under-represented people and their lived realities in the data that drives AI systems. In particular, this requires effective (non-technical) transparency, participation and accountability mechanisms to ensure that individuals and communities can influence the design of technological systems, monitor their implementation and get redress for errors or harms caused.</p>
7. What other applications might contribute significantly to strengthening human rights,	n.a.

<p>democracy and the rule of law?</p>	
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Customs and border control;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Due to under-representation and bias (especially concerning traditionally marginalized groups) in the data and the political norms that are reflected in emerging ADM/AI systems, all application areas can create significant human rights risks.</p> <p>The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the EU Fundamental Rights Agency have pointed to the grave risk of discrimination of vulnerable groups through automated decision-making systems, highlighting the role of unrepresentative and incomplete data as well as the amplification of existing (socio-political) discrimination through emerging technologies. See: UN Special Rapporteur (2020) https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session44/Documents/A_HRC_44_57_AdvanceEditedVersion.docx and EU FRA (2018) https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-focus-big-data_en.pdf</p> <p>Some of the most urgent concerns relate to Justice, Law Enforcement, Customs and border control and Welfare.</p> <p>There has been ample reporting of evidence that shows how the application of automated analysis and decision-making in the justice sector (e.g. to decide sentencing or release conditions) has harmed traditionally marginalized communities such as minority and low-income groups by relying on data that carries the bias of historical over-policing of these communities. See e.g. Hao 2019 https://www.technologyreview.com/2019/01/21/137783/algorithms-criminal-justice-ai/. For example, evidence shows that existing prediction systems in the justice sector systematically score black, brown and female defendants at higher risk of reoffending. See e.g. EDRI 2020 https://edri.org/wp-content/uploads/2020/06/AI_EDRIExplainer.pdf. Major challenges also exist with regard to the transparency of such systems, including to judges and lawyers and the ability to challenge 'black box' decisions. See e.g. Završnik 2020 https://link.springer.com/article/10.1007/s12027-020-00602-0.</p> <p>With regard to law enforcement, the use of predictive policing systems has proven to result in serious human rights risks. For example, analyzing a case of a predictive policing system targeting Eastern Europeans in the Netherlands, Amnesty International finds that it violates the right to privacy, the right to data protection and the right to non-discrimination. https://www.amnesty.nl/content/uploads/2020/09/Report-Predictive-Policing-RM-7.0-FINAL-TEXT_CK-2.pdf?x81110 Concerns of a similar nature apply to law enforcement in relation to border and immigration management, see e.g. https://www.aljazeera.com/opinions/2020/11/23/technology-is-the-new-border-enforcer-and-it-discriminates There is a particular</p>

	<p>danger of putting already vulnerable communities further at risk in particular as in this area policy goals of minimizing migration, widespread data collection and combination, the use of technologies such as automated lie detection and non-respect for privacy rights combine. See e.g. EDRI 2020 https://edri.org/wp-content/uploads/2020/06/AI_EDRIExplainer.pdf.</p> <p>With regard to welfare, UN Special Rapporteur Philip Alston's 2019 report https://www.ohchr.org/Documents/Issues/Poverty/A_74_48037_AdvanceUneditedVersion.docx has pointed to serious human rights risks arising from automated risk scoring and classification. Key problems include the categorization of individuals based on historical data about population groups, the lack of transparency surrounding the analytical models and the potential for these models to reinforce existing discrimination and inequalities. While in principle AI/ADM technologies could be employed to improve coverage and accessibility of welfare services, the report notes 'Digital technologies are employed in the welfare state to surveil, target, harass and punish beneficiaries, especially the poorest and most vulnerable among them.'</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ; • AI applications determining the allocation of social services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Facial recognition supporting law enforcement can enable mass surveillance and discrimination, especially for women, gender non-conforming people, LGBTIQ+ and ethnic minorities. Biometric mass surveillance undermines and restricts rights to privacy, free expression, and non-discrimination.</p> <p>Scoring of individuals by public entities can entrench and deepen inequality in access to and enjoyment of basic social and economic rights, such as access to education or social security (through automated allocation/cancellation of services and benefits), and the right to work (e.g. through discriminatory algorithmic hiring or performance assessment tools). People with lower incomes and from traditionally under-represented and/or marginalized groups are at particular risk from algorithmically encoded bias arising from system design and data sources.</p> <p>AI applications to prevent the commission of a criminal offence such as predictive policing or applications predicting recidivism can lead to incarceration and limit people's freedom. The use of algorithmic tools in the context of criminal justice risks perpetuating disproportionate harm to those suffering from structural racial discrimination and other vulnerable groups.</p> <p>AI applications determining the allocation of social services without proper human oversight can lead to misjudgments of individual circumstances. Such errors are likely to impact particularly already marginalized individuals and groups, such as people in lower income households, migrants and others. Intersecting vulnerabilities may increase risks of discrimination especially for those most in need of access to social services.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any application that combines data on protected categories (e.g. sexual or religious orientation, political opinions, ethnicity) with law enforcement objectives; the use of biometric data to infer other characteristics about people (e.g. automated gender recognition);</p>

	automated (mass) surveillance and content removal, e.g. of online speech; autonomous weapons.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Freedom of expression, assembly and association;• Non-discrimination; Privacy and data protection;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	inclusive human rights due diligence that is continuously monitored and transparent/can be independently assessed
22. Existing international, regional and/or national binding and/or non-binding legal	I rather disagree

<p>instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>n.a.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<ul style="list-style-type: none"> - Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities. - Establishing rigorous transparency requirements for AI designers, developers and end-users. - Banning facial recognition and other indiscriminate or arbitrarily-targeted uses of biometrics, which can lead to unlawful mass surveillance; risk assessment tools for criminal justice and autonomous weapons. - Providing a right to refusal of being subjected to an AI system (including the right to opt-out and to have alternative means to access or achieve a given objective). - Requiring that private sector companies take measures to respect human rights (e.g. mandatory human rights due diligence laws). - Establishing mechanisms for citizens/ civil society to effectively participate in the governance of AI applications in the public sector from planning/design, to implementation and social oversight
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should	I fully agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<ul style="list-style-type: none"> - To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system. - Provide monetary compensation to victims harmed by AI systems. - Establish sanctions of AI designers/developers/deployers for the harm caused by using the AI system. Sanctions should include the prohibition of further deploying the AI system unless significant changes are made to ensure that the design and/or use of the AI system is rights-respecting. - Establish sanctions of AI designers/developers/deployers for the failure to conduct thorough human rights due diligence before and during the use of an AI system, or for failure to effectively monitor the use of the AI system. - Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Indifferent/no opinion Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Establish a mechanism to systematically engage civil society, in particular organizations and individuals from traditionally under-represented, vulnerable or excluded groups in AI governance discussions. This should include training, learning, resource mobilization and information for civil society to meaningfully engage in AI policy development and monitoring.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>It is critical to ensure proactive inclusion of civil society, especially under-represented groups including those with so far limited resources and experience with AI governance and accountability) in policy processes at local, national and international levels. This will require transparency, participation and accountability mechanisms and resources to strengthen civil society capacity.</p> <p>Two further issues warrant specific attention from our point of view:</p> <p>The rights of LGBTIQ+ individuals and communities are at particular risk where public and private actors deploy AI/ADM systems. Especially in contexts where discriminatory norms prevail and where LGBTIQ+ communities are criminalized, the combination of data on protected categories in automated analysis</p>

and decision-making threatens the right to privacy and non-discrimination (e.g. in access to public services) and can increase the risk of persecution (through increased surveillance capabilities). Additionally concerning are technologies such as automated gender recognition (through analysis of e.g. facial recognition). At present these technologies are highly prone to error and misidentification in particular of non-binary and trans individuals. However, greater accuracy of such technologies is not enough - as more fundamentally, they threaten to encode binary gender norms and undermine the dignity and self-expression of people's identity. See e.g. Leufer 2021 <https://www.accessnow.org/how-ai-systems-undermine-lgbtq-identity/>

Public procurement. Government spending on technology systems is significant and growing. At the same time, procurement is an area of considerable risk for (public) financial losses through corruption, mismanagement and waste (see OECD <https://www.oecd.org/gov/public-procurement/integrity/>). Government technology procurement is a high risk area, due to limited capacity for technical oversight of providers, conflicts of interest between procurers and providers, undue urgency, planning failures (market analysis, strategy options, risks), see e.g. CCC Queensland 2018 [https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CC C/Prevention-in-Focus-ICT-procurement-2018.pdf](https://www.ccc.qld.gov.au/sites/default/files/Docs/Publications/CC%20C/Prevention-in-Focus-ICT-procurement-2018.pdf) At the same time, planning and deployment of technology systems, including AI in the public sector, is strongly influenced by private actors who design and market these systems (see e.g. Redden 2018 <https://journals.sagepub.com/doi/full/10.1177/2053951718809145>)

There is already mounting body of evidence that points to the lack of transparency around the contracting process, contract provisions and financial flows through which public entities procure data and technology systems, see e.g. Foxglove's work on UK NHS data contracts <https://www.foxglove.org.uk/news/tag/NHS>. Globally, major government ICT projects with human rights implications have been beset with opaque tender practices, such as NIIMS in Kenya <https://nation.africa/kenya/news/revealed-sh3bn-top-secret-tender-for-identity-data-73534> and Aadhaar in India <https://www.deccanherald.com/content/501800/aadhaar-contracts-issued-tender-rti.html>

In addition to the need for transparency and oversight of the public spending on these systems, it is critical that key design decisions, data governance and usage rights can be scrutinized by independent actors in order to prevent and mitigate human rights risks.

This makes transparency and accountability of all phases of the procurement process (from planning, tendering, contracts and monitoring) for AI/ADM systems one important lever to ensure democratic control over the use of emerging technologies- see e.g. Alishani, Arsovski, Izdebski, Orsolya and Škop 2021 https://epf.org.pl/en/wp-content/uploads/sites/3/2021/03/ENG_alGOVrithms-2-0_report-2021_1.pdf . We encourage CAHAI to include relevant research, guidance and capacity development efforts on public technology procurement in future efforts to regulate the use of AI/ADM systems by public authorities.

Date of submission	5/6/21 17:04:20
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Homo Digitalis

State (where your institution is based)	Greece
Institution: Name of the institution/body/company	Homo Digitalis
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	It will be important to build bridges between existing technologically-neutral definitions published by Member States, and the EU on this matter in order to boost the definition's acceptance by different stakeholders. The provided working definition is in the right direction.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Other;
4bis. If other, which areas and why?	We believe that it is challenging to select an entire area. The term AI encompasses a wide range of technological applications, that could certainly provide positive outcomes in a large number of areas, including many of the above mentioned. However, by selecting one area as a “green light” area, in which AI could offer the most promising results for the protection of human rights, democracy and the law, we are probably not acknowledging the challenges and risks that accompany the potential benefits. Thus, Homo Digitalis expresses its reservations as regards the distinction between “green and red areas” of artificial intelligence applications from a human rights, the rule of law and democracy perspective. The development and use of AI systems has a dynamic nature, and therefore such an approach may not take into consideration in the long run the benefits and challenges that may arise.
5. Please indicate which of the following AI system applications in your view have the	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the

greatest potential to enhance/protect human rights, democracy and the rule of law?	healthcare system (triage, treatment delivery);• AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	We attempted to select options that presumably (but not necessarily definitely) pose lower risks for negative interferences with human rights, the rule of law and democracy
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	n/a
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Justice;• Law enforcement;• Election monitoring;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	To begin with, the max 3 options is limiting our answers. Thus, this does not mean that in any way we endorse the use of AI in the other areas. AI applications in specific contexts could already be considered to pose important risks to human rights, the rule of law, and democracy, and thus be considered as red areas. More precisely, Homo Digitalis strongly holds that the processing of biometric information (such as facial images) in public and publicly accessible spaces, wherever has the potential to establish mass surveillance, shall be considered as a red area. Such biometric processing is incompatible with the Council of Europe human rights framework, and the principles of necessity and proportionality. Homo Digitalis also firmly believes that another red area for AI deployment is the use of risk assessment tools for offenders' classification in a criminal justice context. These tools base their assessments on a vast collection of personal data that are unrelated to the defendants' alleged misconduct, for which they stand before the court. This personal data does not always have a link, or at least a direct one, to the crimes the defendants are accused to have committed. Thus, this collection of a vast amount of personal data cannot be perceived as adequate, relevant, and not excessive in relation to the purpose of predicting recidivism. Consequently, such interference with the right to respect for one's personal and private life in order to assess the risk of recidivism could not be perceived as necessary in a democratic society or as proportionate to the pursuit of that aim.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;Scoring / scoring of individuals by public entities;• Recruiting software/ AI applications used for assessing work performance ;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Again, the max 5 options are limiting our input. In general, such AI systems could have a significant potential to manipulate persons through subliminal techniques beyond their consciousness or exploit vulnerabilities of specific vulnerable groups to materially distort their behaviour in a manner that is likely to cause them or another person psychological or physical harm. Moreover, the biggest issue with current AI systems, is the flawed tendency of the people/orgs using them to interpret or describe the patterns captured in the AI models as causative rather than correlations of unknown veracity, accuracy or impact. As experts have put it simple into words, correlation does not imply causation. This could have negative effects in an attempt to use AI for fighting crime and

	diseases or in general for finding solutions in complex problems. AI cannot be a solution, it can only serve as a tool with very limited usefulness that demands always human oversight.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	The development and use of AI systems has a dynamic nature, and therefore such an approach may not take into consideration in the long run the risks that may arise.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Banned
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;Freedom of expression, assembly and association;Privacy and data protection;Political pluralism;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient?	No opinion

21bis. Other	
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I fully agree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	-Convention 108+ -GDPR -Directive 2016/680
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	<p>Homo Digitalis view is that it will be important to create a new set of rights in order to deal with the use of AI systems in our societies. One of these rights should be the right to reasoning/explainability of AI systems when the latter are used by public authorities to assist the decision making process (via risk assessment scores etc) or to take decisions by themselves without human intervention. Probably, essential elements of this right could already be found in the right to good administration, i.e. amongst others the duty of a public authority to provide reasoning for its decision making processes. The right to good administration is part of the EU Charter of fundamental rights (Art. 41). However, it is not considered to be a right under the European Convention of Human Rights. That we need to take into consideration the difference of EU and Council of Europe. Nevertheless, the European Court of Human rights has recognized the principle of good governance in its set case law, most notably in the Moskal case of 2009 et seq, where the Court has spelt out an increasing number of requirements that national administrations have to respect when acting under their duties.</p> <p>So, our idea is to open a debate and ask CAHAI members whether do we need a right to good administration that fits the digital age at Council of Europe level. Such a right could create legal clarity, and build trust to the citizens. Also, it would boost innovation, because it would open the door for the responsible use of AI tools in the decision making process of public authorities.</p>
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I fully agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>-Joint liability schemes when more actors are involved. -Burden of proof to the developers/ deployers side and not the user/victim side.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Audits and intersectional audits;• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;</p>

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/23/21 12:34:00</p>

Huawei EU

<p>State (where your institution is based)</p>	<p>Belgium</p>
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Institution: Name of the institution/body/company	Huawei EU
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	A broader definition will ensure that future techniques and technologies are encompassed. Ideally, it should be broad enough to include most automated decision-making but narrow enough to exclude statistics. We could support the OECD definition which is also included in the AI Proposal.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Education; • Healthcare; • Environment and climate;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>We believe that AI can bring vast benefits in healthcare, climate change and gender equality. These are crucial requirements for a healthy and sustainable democracy, and as such we believe these areas have a lot of potential to help safeguard and realize human rights.</p> <p>Healthcare</p> <p>Health is a basic human right. Our shared goal is to make healthcare easier to access for more people, so that diseases can be prevented and treated early on, and all of humankind can enjoy the benefits of good health. AI is transforming patient care. It is not intended to replace humans but it can be used to assist them in tasks that were time-consuming and extremely costly, delivering faster and more accurate analysis. The use of AI in healthcare can:</p> <ul style="list-style-type: none"> • help improve and accelerate the development of safe and effective medicines and vaccines • enhance the information available for screening and treatment decisions, and; • provide continuous monitoring tools, supporting diagnosis or

	<p>tracking disease progression.</p> <p>Climate change</p> <p>AI systems can help us measuring, monitoring and predicting the climate change and can provide relevant input to policy makers to better manage or prevent the disasters related to climate change. Artificial Intelligence is capable of strengthening Europe's energy security by increasing power grid resilience and reducing the likelihood of blackouts caused by energy surges and shortages. The data collected should be representative and must include also vulnerable and marginalized communities, particularly from the Global South, who might be at a higher risk of suffering climate-related harms. There are numerous examples of AI being used for environmental purposes. This is also an area where global cooperation will allow governments to demonstrate positive applications of AI.</p> <p>Gender equality</p> <p>The development and application of AI must be diverse and inclusive, as it must ensure specific individuals or minority groups are not subject to unfair bias, stigmatization, or discrimination. AI practitioners should strive to minimize the introduction of bias when developing and deploying AI. Such harms can be mitigated through both technical tools and organizational changes; for example through de-biasing, compliance with diversity and discrimination legislation, and training of employees. It is important to note that there is no panacea and there are no one-off technical fixes.</p> <p>AI must not be deployed in ways that will compound the disadvantages of already vulnerable populations. In order to achieve that, AI practitioners should use algorithms and data models that eliminate bias, use training datasets that meet diversity requirements and perform extensive validation of AI systems. Moreover, AI practitioners can ensure they detect problems promptly and initiate effective remedial measures with regard to algorithmic bias and discrimination, and when datasets deviate from personal or organizational preferences. Dataset has to be fair to promote diversity and inclusion and to prevent discrimination to avoid that inequalities are coded into the algorithm and into the decisions proposed or taken by these automatic systems.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI can be used to sift through large sets of data, both structured and unstructured. As a result it could be used to prevent and identify a number of online harms and crimes, from child exploitation to fake news. Effectively doing so will help promote trust in AI systems and technology more broadly.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Social networks/media, internet intermediaries ;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>We believe that only certain AI applications could pose high risk of violation human rights, democracy and the rule of law; indeed many (and perhaps most) AI applications are likely benign. A binary classification of high risk or low risk is also difficult to justify in some instances.</p> <p>Social media and internet intermediaries are another area worth</p>

	keeping an eye on, given potential risks of polarization, misleading news, and on human rights.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement;• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	For reasons elaborated above, we believe AI systems used to prevent the commission of offences or predicting recidivism can often be fraught with difficulties. For example, using arrests data can in some instances predict future arrests but not necessarily future crime. Social scoring is particularly sensitive as the concept itself can be incompatible with principles of equality. Facial recognition technology remains inconsistent in its accuracy and has so far led to false arrests already. Emotional recognition is a technology useful in some limited instances but which is frequently misused, due to both a lack of scientific evidence in the field, the high risk of bias and cultural mismatches. There are also increased risks of unjustified surveillances and second-guessing of employees' 'internal states'.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	n/a
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	temporarily banned. There is a need to properly test those AI systems and ensure that do not violate human rights or undermine democracy or the rule of law.
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Subject to moratorium
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Non-discrimination;Privacy and data protection;• Legal certainty;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect	Justice;Law enforcement;• Social networks/media, internet intermediaries ;

<p>human rights, democracy and the rule of law? 18bis. Other</p>	
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I rather agree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I rather disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Voluntary certification
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	I rather disagree
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> -GDPR -UNESCO's recommendation on AI Ethics -Singapore's Model AI Governance Framework
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<ul style="list-style-type: none"> -Transparency requirements for AI designers, developers, deployers and end users. -Human oversight in high risks areas
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I rather agree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I rather agree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I rather agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	a sort of compensation for the harm caused by the AI system. Maybe a European fund could be created for these victims.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Indifferent/no opinion Highly useful Highly useful Rather useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument Binding instrument No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Since the digital economy driven by AI typically involves an international value chain, a fragmented governance framework may lead to regulatory arbitrage and vicious competition across different regions. Establishment of a multilateral AI governance mechanism consisting of members from governments, civil society and private-sector would be essential to promote a basic consensus of trusted AI across the world and avoid fragmentation of responsibilities globally.</p> <p>We may learn from the practical experience of such multilateral governance mechanisms in the ICT industry, especially the success story of the 3rd Generation Partnership Project (3GPP). Although the nature of telecommunications technology is different from AI, it could be worthwhile analysing the multilateral collaboration mechanism formed in the ICT industry, as part of the efforts to drive a world-wide consensus on AI governance frameworks.</p> <p>The 3GPP is a collaborative project initiated by multiple partners/members to promote the standards development and adoption of emerging telecommunications technologies. Thanks to the open multilateral governance mechanism of the 3GPP, 5G has</p>

	<p>seen the industry converge on a universal set of standards, avoiding the fragmentation of standards in 2G, 3G, and 4G. The coordination of standards have benefited all stakeholders across the value chain. This will also further incentivize investment in 5G and accelerate commercial deployment.</p> <p>The success of 3GPP has shown that a multilateral international mechanism could be an effective approach to coordinate the global governance landscape of emerging technologies like AI, where a specialized, permanent international governance organization or a non-permanent international mechanism is essential.</p> <p>Furthermore, developing a platform (such as AI Alliance) to engage all the stakeholders in the definition of AI governance will be valuable.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>The principles of privacy by default and privacy by design, should be focal in any future legal framework, along with safeguards to respect a subjects' privacy and personal data. These elements should be embedded as part of the design, development and operations of any artificial intelligence system.</p> <p>AI and machine learning technologies should be proactively developed and designed but also used, with due regard to fundamental human rights, but also the acquis communautaire related to the protection of privacy, processing of personal data and security of information.</p> <p>A future legal framework must deliver legal certainty to the citizens, ensuring that AI systems maintain the purpose stated, in terms of intended use, throughout their life cycle, and that the data collected and processed keep the original purpose in full compatibility with the GDPR and e-privacy regulations.</p> <p>In addition, the assessed impact of an AI system, must take under consideration the impact to the society as a whole and not just to the individual subject, ensuring that AI systems respect the universally protected right to life.</p>
<p>Date of submission</p>	<p>5/9/21 17:21:31</p>

Huawei Technologies SA

<p>State (where your institution is based)</p>	<p>Athens, Greece</p>
<p>Institution: Name of the institution/body/company</p>	<p>Huawei Technologies SA</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Private business sector</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights,</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>

democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Since is based on the standards of the Council of Europe on human rights, democracy and the rule of law.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Customs and border control;• Education;• Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Medical applications for faster and more accurate diagnoses;• Automated fraud detection (banking, insurance);• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	More accurate data processing reports, better and faster predictions of various models, online systems' reactions.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Any type of predictions based on patterns, historical and live data.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Banking, finance and insurance;• Justice;• Law enforcement;•
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Violation of privacy and free-will.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities;• Recruiting software/ AI applications used for assessing work performance ;• AI applications determining the allocation of educational services;• AI applications determining the allocation of social services;•
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Losing personality characteristics and unique identity that are based on personality/gender/nation etc.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	All applications that use personal space and privacy.
13. In your opinion, should the development, deployment and use of AI systems that have been	Banned

<p>proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	Equality;• Social security;• Non-discrimination;Privacy and data protection;• Personal integrity ;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	Justice;Law enforcement;Public administration;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I completely disagree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I completely disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Voluntary certification
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	I rather disagree

<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>n/a</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;• They create barriers to the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>n/a</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or</p>	<p>I fully agree</p>

opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	No opinion

<p>regime in relation to AI applications?</p>	
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Indifferent/no opinion Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/15/21 18:07:15

Human Rights Directorate, Ministry for Justice, Equality & Governance (Malta)

State (where your institution is based)	Malta
Institution: Name of the institution/body/company	Human Rights Directorate, Ministry for Justice, Equality & Governance
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	<ul style="list-style-type: none"> - Definitions are crucial to avoid ambiguity in interpretation and correctly applying the spirit of the law. - The definition chosen is quite comprehensive and wide, ensuring that CoE standards can be applied to a wide array of AI methods.

	This also ensures that the legal definition is not lagging behind the rapid technological development and innovation.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Education; • Healthcare; • Public administration;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Such applications would provide a standardised decision making approach and a more transparent one. Such application can eliminate human intervention and possible corruption or favouritism practices.</p> <p>Efficiency and accuracy is also increased in such decision-making.</p> <p>AI applications can also make certain human rights and services such as medical services, educational services and social services more accessible. For example in a pandemic where travel was very limited, AI applications can help provide individuals with medical services and assistance.</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	<p>AI systems that:</p> <ul style="list-style-type: none"> - identify corrupt practices within public entities; - detect and defend against cyberattacks; - enhance accountability, responsiveness and efficiency of public institutions.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Social networks/media, internet intermediaries • National security and counter-terrorism;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>In truth, any form of AI can prejudice human rights, democracy, and rule of law if applied in bad faith.</p> <p>In particular, however, certain algorithms increase the possibility of bias and stereotyping against already vulnerable social groups.</p> <p>Facial recognition systems can also create a chilling effect on civil society and activism.</p>
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<p>Facial recognition supporting law enforcement ;</p> <ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>Facial recognition: potentially creates a chilling effect on civil society and activism, enabling authoritarianism. A loss of privacy is directly correlated to the loss of the freedoms of association and expression.</p> <p>Emotional analysis: emotional AI is particularly prone to bias and</p>

	<p>can have severe ramifications in the workplace.</p> <p>Social credit scoring applications create unfair treatment since low scoring individuals can be denied access to essential services as a result of the low score, despite possibly being most in need. There is also the risk that the public entity does not possess accurate or all of the data on the individual which would lead to misinformation and/or decisions taken without having the full picture or through misleading information. Such applications also can possess dictatorial elements which undermine democracy.</p> <p>Deep fakes enable the spread of misinformation, putting the press and democracy at risk.</p> <p>Prevention of crime, recidivism: the risk of bias creates victims of AI (e.g. racial or class bias).</p>
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	/
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Risks evaluated and banned/regulated as required
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Banned
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Banned
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; Privacy and data protection; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>The ECHR provides binding standards with effective remedies that also apply to AI.</p> <p>Recommendations such as on “Technology, convergence, artificial intelligence and human rights, adopted by the Parliamentary Assembly of the Council of Europe adopted in 2017; “unboxing artificial intelligence: 10 measures to protect human rights”, issued by the Commissioner for Human Rights in May 2019; and a European Ethical Charter for the use of artificial intelligence in judicial systems adopted by the European Commission for the Efficiency of Justice adopted in December 2018.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>There is no binding legal instrument that directly tackles challenges being posed by AI. In particular, ECHR and other human rights instruments rely heavily on interpretation in case-law. Mainly since they were created before the technological advances in AI and thus might not necessarily be capable of tackling all the challenges.</p> <p>The instruments are fragmented, in that they are sector-specific e.g. focusing on cybercrime, access to justice. Might be more crucial to create certain principles that apply across the board.</p> <p>There is a great need to address liability for harms caused by AI applications.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	Indifferent/no opinion
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I fully agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Such legal framework should extend traditional tort and contract law to cover damages caused by AI applications, but also ensure that data protection and human rights issues are covered.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Rather useful Highly useful Highly useful Rather not useful Rather not useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>N/A</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather not useful Rather useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>N/A</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>It is important to ensure that instruments cover liability with regards to AI application especially in cases of any damage.</p>
<p>Date of submission</p>	<p>4/29/21 13:09:22</p>

State (where your institution is based)	Hungary
Institution: Name of the institution/body/company	Hungarian Central Statistical Office
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	Definition is a must but it depends on for future interpretation if AI systems. It should not be in the registration.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Public administration; • Healthcare; • Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications determining the allocation of social services; • AI applications determining the allocation of educational services; • AI applications in the field of banking and insurance;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	support in decision making in this fields and help to the citizens to receive better services from the state.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	filtering statistical information from various data sources to enable better understanding of society, environment and economy by the citizens.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Social networks/media, internet intermediaries ; • Justice;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	based on human ethical decision more important and cannot replace with an algorithm.

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>if uncontrolled, misuse of basic human rights.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>no specific comment.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>thorough decision needed based on case by case analysis</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>None of the above</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Privacy and data protection; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Non-discrimination; • Legal certainty;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice; Law enforcement; Banking, finance and insurance;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations</p>	<p>Indifferent/no opinion</p>

of human rights, democracy and the rule of law	
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	no specific examples
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They create barriers to the design, development and application of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should	I rather disagree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Rather useful Highly useful Rather useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling;• Regulatory sandboxes;Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument No opinion</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Indifferent/no opinion Rather useful Indifferent/no opinion Rather useful
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	28/04/2021 18:20:24

Ibex Medical Analytics

State (where your institution is based)	Israel
Institution: Name of the institution/body/company	Ibex Medical Analytics
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Systems that attempt to solve complex problems that are associated with human intelligence (as opposed to other problems, like weather simulations or solving equations) have specific features, which may influence the way we'd like to test them and check their influence on human rights etc. For example, these systems are typically trained and tested on datasets labelled by humans, rather than on some mathematical ground truth or physical measurements. Moreover, these systems don't necessarily follow a hard-coded algorithm (eg, mathematical formula) and it's often difficult to analyze how and why they reached a certain output.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;• Education;• Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications in the field of banking and insurance; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI offers the opportunity to provide education, healthcare and other services in a more equal way, regardless of gender, social/economic status, religion etc. For example, students can have access to education according to their capabilities and preferences, without influence of irrelevant parameters, such as their birth place or gender. AI will also make these services more personalized, efficient, accessible and accurate - and by promoting better education, healthcare etc for all, we can also improve the basic pillars of a democratic, liberal society.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Perhaps AI applications in the fields of transportation and press/media.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Election monitoring;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The two main risks in my opinion are: (1) An application that has been deliberately developed to give special/incorrect results for certain inputs - because AI systems don't typically have a hard-coded set of rules or formulas, it is more difficult to detect such malicious code; (2) An application that has been trained on a biased dataset (eg, data with under-representation of certain

	demographic groups), which might lead to biased/incorrect results in some cases.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Facial recognition supporting law enforcement ; • AI applications to prevent the commission of a criminal offence;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Same as my answer to question 15.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	AI systems for controlling or automatically creating/translating media/press content.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Fixed/retrained if violation was not deliberate and can be fixed, otherwise banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; • Non-discrimination; Freedom of expression, assembly and association; Equality; Political pluralism;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather agree

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>Indifferent/no opinion</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Healthcare regulations that ensure the AI systems are trained and validated on datasets that represent the population, including small groups and uncommon medical conditions.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I rather agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>Indifferent/no opinion</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather disagree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I completely disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	Indifferent/no opinion
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should	I rather agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Indifferent/no opinion Rather useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling;• Regulatory sandboxes;• Audits and intersectional audits;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>No opinion Binding instrument Binding instrument No opinion No opinion</p>

47.bis. Other	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Rather useful Rather useful</p>
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	In order to promote innovation, R&D of AI systems (and any other system) should have the minimal possible regulation and limitations. Only when these system are deployed and used should more restrictive rules be applied - according to the type of application, the risk associated with it to human rights, the likelihood of the risk, etc.
Date of submission	5/6/21 7:44:00

iCON NGO

State (where your institution is based)	Switzerland
Institution: Name of the institution/body/company	iCON NGO
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	<p>This definition will allow people at the legal level to better understand the impact of the decisions that will have been taken during the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law.</p> <p>Indeed, one of the major problems today is that basic research</p>

<p>what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>does not take into account in a serious way in the design phase the "security by design" integrating human rights and not only the technique applied to human rights.</p> <p>Here, if we wish to reproduce human behavior, we are targeting the wrong target. AI as such in 2021 is not technically advanced enough and does not reproduce human behavior. A definition could be proposed with a right of revision in a time frame to be defined.</p>
<p>2bis. If "other" please explain below</p>	<p>N/A</p>
<p>3. What are the reasons for your preference?</p>	<p>Overall, AI systems are changing all sectors, and human rights will undoubtedly be modified. A new point is that man will have to prove his innocence with technical biases not known and not treated for the moment (similar to the asbestos cases: to prove between the toxic technical matter and the harm for humanity). So there are just currently sectors ahead or behind the others.</p> <p>Related to this case: https://twitter.com/ICON_ONG/status/1386217778110255104?s=20</p> <p>Bad software sent workers to jail. Excellent case of punitive decision making by #algorithm: absolute TRUST in the algo, reversal of burden of proof, immunity of those who set up the software. Following a massive revolt, justice FINALLY takes over the case.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>N/A</p>
<p>4bis. If other, which areas and why?</p>	<p>Same comment as above. It is not the most important application area since all will be impacted. It is the way in which digital self-determination will be thought of and implemented globally in AI that will be most important for human rights.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<p>All over the Health and human security by design.</p>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>concrete exemple here</p> <p>Bad software sent workers to jail</p> <p>Excellent case of punitive decision making by #algorithm: absolute TRUST in the algo, reversal of burden of proof, immunity of those who set up the software. Following a massive revolt, justice FINALLY takes over the case https://twitter.com/ICON_ONG/status/1386217778110255104?s=20</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law</p>	<p>N/A</p>

8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Predicting recidivism (minority report = case of UK police)
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	N/A
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	N/A
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	N/A
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	N/A
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	N/A
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	N/A
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	N/A
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	N/A
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	N/A
19. Self-regulation by companies is more efficient than government regulation to prevent	N/A

and mitigate the risk of violations of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	N/A
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	N/A
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	They must rely on case law that is still in its initial stages. Therefore, legal instruments are to be taken with great caution at this time. AI Should Augment Human Intelligence, Not Replace It https://hbr.org/2021/03/ai-should-augment-human-intelligence-not-replace-it
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	N/A
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	Define AI as an additional tool to help decision making, to increase performance and not as a tool capable of replacing humans. Concretely, the CoE should put into context the subject of AI, which is still seen in the collective imagination as robots capable of consciousness. Today, in no field is cybersecurity seen as an opportunity for development and a possible gain in digital confidence. Cybersecurity is too much related to technology alone. The CoE has the opportunity to consider in this new framework the digital trust as a constitutive element of a good AI and thus to consider the DIGITAL IDENTITY as part of the human rights. It is essential to not underestimate the biases linked to unknown hacks (AI 0Day) that will inexorably occur in the years to come.
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	N/A
26. Individuals should always be informed when they interact with an AI system in any circumstances.	N/A

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	N/A
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	N/A
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	N/A
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	N/A
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	N/A
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	N/A
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	N/A
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	N/A
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	N/A
36. There should be higher transparency standards for public entities using AI than for private entities.	N/A
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	N/A
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	N/A

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	N/A
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	N/A
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	N/A
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	N/A
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	N/A
<p>44. If yes, what aspects should be covered?</p>	N/A
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	N/A
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	N/A
47.bis. Other	N/A
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	N/A N/A N/A N/A
49. What other mechanisms, if any, should be considered?	N/A
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	N/A
Date of submission	10/05/21

IEEE SA

State (where your institution is based)	United States
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Institution: Name of the institution/body/company	IEEE SA
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If "other" please explain below	
3. What are the reasons for your preference?	A definition that (a) is accessible by the ordinary citizen, (b) applies to current and future innovation, and (c) reduces opportunities for definitional gamesmanship for purposes of evading regulation.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;• Education;• Public administration;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • AI applications to promote gender equality (e.g. analytical tools); • AI applications determining the allocation of social services; • AI applications determining the allocation of educational services; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications in the field of banking and insurance;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Among the choices provided, the choices above combine to (a) enhance equality of treatment by the public and private institutions of society, (b) protected and deliver healthcare, and (c) enhance the right to opportunity through education and non-discriminatory access to financial resources.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Those that advance and secure prompt and equal access to justice
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement; • National security and counter-terrorism;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The applications are those most likely to create systemic, discrimination and unequal treatment in front of the law within the essential institutions of state. (In many instances, they already do.)

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• AI applications for personalised media content (recommender systems);• Recruiting software/ AI applications used for assessing work performance ;• AI applications in the field of banking and insurance;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The choices above combine to emphasize the risks of fragmentation of societies through (a) individualized political targeting by extremist groups and/or adverse powers; (b) institutionalized discrimination by the institutions of society in the protection of citizens' rights in front of the law; (c) institutionalized discrimination in citizens' right to opportunity (in particular in lending practices); (d) the excessive intrusion in and control of public and private entities of citizen's private sphere.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Those that are deployed in the administration of civil and criminal justice.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>They should be allowed subject to transparent and scientifically sound benchmarking and certifications that ensure that they are fit for purpose, including protecting and advancing human rights as codified in the ECHR and Convention 108+</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Equality;• Legal certainty;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;• Social networks/media, internet intermediaries ;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations</p>	<p>I rather disagree</p>

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Sound third-party standards and certifications designed to ensure that AI applications are fit for purpose and designed to protect and advance the fundamental rights enshrined in ECHR and Convention108+
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	None, at present, offers a sufficiently comprehensive and effective approach in ensuring fitness for purpose of AI applications and conformance with fundamental human rights enshrined in ECHR and Convention 108+
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	They systematically lack specific requirements for (a) the sound determination of the real-world effectiveness (fitness for purposes) of AI systems at meeting desirable objectives (i.e.: by analogy, no equivalent to clinical trials) and (b) sound instruments to ensure the professional competencies and certifications required by those who procure, operate, and measure the effectiveness of AI in the vital institutions of society (including the law, financial services, and many others), relying instead on general references to “humans in the loop” or “human oversight”. Without such requirements, it will not be possible to provide a well-informed basis for the public’s trust (or distrust) of the systems and the institutions they serve.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Liability should extend not just to designers and developers of AI, but also to those who procure and operate AI, in particular in vital societal institutions such as the law, financial services, and many others.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Highly useful Highly useful Highly useful Highly useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;• Certification and quality labelling;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Assessment/accreditation of AI standards and certifications to ensure that they are, in fact, effective at determining the real-world fitness for purpose of AI systems and their operators, with an emphasis on the vital institutions of state (the law, financial services, public services, etc.)</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>The need, in order to empower the ordinary citizen and to promote beneficial innovation, for sound, open benchmarking programs of AI systems, designed to assess the fitness for purpose of such systems and to report findings in terms accessible to both experts and the ordinary citizen.</p> <p>On the question 21, our preferable choice would have been both “Regulated (binding law)” an “self-regulated (ethics guidelines, voluntary certification). By choosing both, our intent was to reflect a gradation as both, in our view, might be applicable and complementary in different circumstances.</p>
<p>Date of submission</p>	<p>5/11/21 14:56:31</p>

State (where your institution is based)	Belgium
Institution: Name of the institution/body/company	Ifori
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	We do believe that a "fonctionnal" apprehension of AI is more suited to grasp the full extend of AI. Due to it is constantly evolving nature AI cannot properly be defined by "what" it is. Further a definition based on the effects shall be to vague and encompass elements that are not AI per se. We are however concerned by the terms "sciences" as AI is not a scientific discipline per se. It bases itself on sciences to predict or foresee results. But it cannot be compared to a scientific truth. For this reason we would rather refer to AI as a set of "algorithms and techniques whose purpose... "
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance; Law enforcement; • Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Automated fraud detection (banking, insurance); • Deep fakes and cheap fakes; • AI applications to predict the possible evolution of climate change and/or natural disasters;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	We choose those factors because they are, in our opinion, the less invasive and detterend for other Human Rights. AI is proven usefull to assess objective factors and situations. Prior to be considered as "safe" when it comes to assess "human" situation, AI should first be subject to guarantee in terms of ethical development.
7. What other applications might contribute significantly to strengthening human rights,	AI can be used to spot "echo chambers in media" or to dedcted financial misconduct or fiscal avoidance

democracy and the rule of law?	
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Social networks/media, internet intermediaries ; • Election monitoring;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	algorithms are currently written purely aiming efficiency. They are trained on cheap/easily accessible data sets. As such, they will draw patterns that will unavoidably hurt minorities and institutionalize latent discrimination. As such, regal prerogatives such as criminal law or election, should remain AI-free for the time being. As such, AI is also a threat for the plurality of media.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	see comment supra
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	The impact of AI on the labour market embed also a serious threat for several human rights. Further, it is also the convergence of power (media, data, AI, finance,...) between the hands of a few oligarchs that represents the biggest issue.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	remedied. Banning is not an option since another AI system will be used/detoured to perform the same job. Remedies and safeguards should be taken into account
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Non-discrimination; Privacy and data protection; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy;

<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement;Election monitoring;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>TO our knowlegde, we have found a text with provided enough guidances.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>Fundemental rights when it comes to interaction with robots and machines with self decision power Fundemental righs when int comes to interaction with AI in the media sector</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather disagree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I fully agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I rather agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather disagree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>the allocation of responsibility between the several stakeholders, a uniformity of legal remedies across the members states of the council, minimal safeguards and financial warranties (within the territory of the members states) to assure that claims are enforceable</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Indifferent/no opinion Rather not useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently</p>	<ul style="list-style-type: none"> • Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ;external challenging by the subjects of decisions;

<p>protect human rights, democracy and the rule of law 46bis. Other</p>	
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument No opinion Non-binding instrument</p>
<p>47.bis. Other</p>	<p>As for data subject rights, external public bodies should be authorized to audit and review the working of AI tools (regardless whether a claim has been introduced by a private person). Sanctions should also be taken against illegal/non compliant solutions.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather not useful Rather not useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/22/21 14:51:49</p>

Information Commissioner's Office (UK)

State (where your institution is based)	UK
Institution: Name of the institution/body/company	Information Commissioner's Office
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	We welcome the Feasibility Study’s conclusion that a consensus appeared to arise on the need “to approach AI systems in a technologically neutral way, comprising all the various automated decision-making technologies that fall under this umbrella term, including their broader socio-technical context”. Given the speed of AI development it is important for regulatory frameworks to avoid being too specific or risk becoming obsolete as the technology evolves. We believe a practical definition of Artificial Intelligence that covers a wider range of technologies rather than a more prescriptive one will be able to remain current as the technology progresses. A definition focusing on machine learning systems for instance, could leave a substantial portion of applications out of scope.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	No opinion;
4bis. If other, which areas and why?	<p>We agree with the Feasibility Study’s suggestion that a risk-based approach should target “the specific application context”. AI can be applied in various different contexts in each of the domains listed here. Therefore it is difficult for the ICO to put forward a broad statement in relation to each of those domains without taking into account the specific context and the problem the deployment of AI seeks to tackle.</p> <p>As part of its Regulatory Sandbox service, the ICO has worked with a number of organisations across different sectors that are using AI to deliver promising products whilst ensuring people’s privacy and data rights are protected. Furthermore, we are launching an AI Risk Toolkit which will supplement our guidance on AI and data protection, and provide risk practitioners with practical support in</p>

	<p>assessing AI systems' risk. We believe a practical orientated approach to assessing risk and harm supports developers of AI systems in ensuring human rights and freedoms are protected and respected throughout the lifecycle of AI development and use.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Even though various applications mentioned above could benefit human rights, democracy and the rule of law, we felt AI applications promoting gender equality fall closer to our remit, in the context of data protection's fairness principle. Bias and discrimination is an issue of increasing importance in the AI space and one the ICO is engaging with.</p> <p>We agree with the Feasibility Study in that "the positive or negative consequences of AI systems depend also on the values and behaviour of the human beings that develop and deploy them", so it is important to focus on human responsibility as much as the computational/machine processes themselves.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>We believe applications that foster citizen engagement and support digital, data and AI literacy could contribute towards those goals.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>No opinion;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Mirroring our response to question 10, we believe AI applications can pose risks or create benefits in these sectors, depending on the specific context, the stated goal of the deployment and the governance structures that surround it. Given the multitude of possible contexts within each of these domains, it is difficult to give a definitive answer to this question.</p> <p>Nevertheless, it is worth noting that the ICO's guidance on AI and Data Protection explains how AI systems can lead to discrimination and impact individuals' right to privacy. Furthermore, we believe that infringements to rights are exacerbated where there is a lack of transparency and accountability for the affected citizen. Our guidance on explainability of AI, co-developed with The Alan Turing Institute, sets out the types of explanations that help improve transparency.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Mirroring our response to question 12, we believe AI applications can pose risks or create benefits in these sectors. The governance and accountability structures, the context and the goal of the deployment, rather than just the technology itself will determine the level and nature of risk. With that in mind, applications that were not selected in question 16 may present risks but without additional contextual information it is not possible to estimate their risks. On the other hand, there is a growing consensus around the risks of public entities engaging in social scoring.</p>

	<p>It is worth noting that the ICO has recently published the draft version of a data protection risk toolkit in the context of AI development and deployment. We will be further developing this toolkit and aim to release a beta version later this year after consulting with stakeholders. Separately, we have noted that most AI deployments will need a Data Protection Impact Assessment (DPIA) to identify, record and mitigate risks and adverse effects on individuals. Article 35(3) of the UK GDPR sets out three types of processing that trigger the need to conduct an DPIA: the systematic and extensive profiling with significant effects, large scale use of sensitive data and public monitoring. At least one of these processes takes place in many AI systems.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>No opinion</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Non-discrimination; Privacy and data protection; • Transparency; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>No opinion;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations</p>	<p>I rather disagree</p>

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	No opinion
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	<p>The ICO believes current binding instruments such as Convention 108, GDPR or in the UK the DPA 2018 can address the DP risks posed by AI systems but there are risks to other human rights mentioned in this questionnaire that will profit from a more comprehensive legal framework and enhanced cooperation to regulate the technology.</p> <p>The ICO along with the FCA (the financial services regulator), the CMA (the competition regulator) and Ofcom (the communications regulator), have created the Digital Regulation Cooperation Forum (DRCF), in the context of which we are collaborating to assess and address AI harms by building common capacity and sharing knowledge.</p>
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	No opinion
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	Indifferent/no opinion

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>Indifferent/no opinion</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument No opinion</p>
<p>47.bis. Other</p>	<p>No opinion</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>No opinion for Q37.</p> <p>[Beginning of Answer to next Question, Question 40 (due to issue with form):]</p> <p>"The ICO welcomes the opportunity to offer our views on this consultation. The ICO has been active in AI policy discussions, offering our expertise on data protection (DP) and the right to privacy. DP lies at the heart of the AI regulation debate and some of the principles and rights in point 23 of this questionnaire are at the centre of DP law. Transparency, explainability, non-discrimination and the ability to challenge a decision made by an automated decision-making system (ADMS) are supported by the UK GDPR, UK's Data Protection Act 2018 and the Convention 108. We welcome the CAHAI's mapping of ethical AI guidelines that identified justice, privacy and fairness as the principles with most cross-geographical and cross-cultural congruence. Privacy and DP are fundamental rights protected under GDPR while fairness is one of its key principles. The commonalities in the debate over AI and DP regulation indicate data protection authorities, such as the ICO, have a vital role to play in the AI space by providing guidance,</p>

	<p>sharing best practice and testing new technologies in safe environments. We believe any new framework should not confuse or dilute DP law, and its existing principles, concepts and tools (eg DPIAs) can be enhanced or augmented (eg with human rights impact assessments) but should not be replaced or duplicated."</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>[Please see also relevant introduction for this question indicated in the previous textbox]</p> <p>The ICO was one of the first organisations to launch a Regulatory Sandbox to test new technologies for DP compliance and is already building capacity in AI system auditing. Onfido and Novartis were some of the first companies building AI-driven products to go through the ICO's Sandbox.</p> <p>The ICO has published guidance on Explaining Decisions Made with AI (ExplAIIn) and AI and Data Protection. Our guidance states that most AI systems will require a Data Protection Impact Assessment (DPIA). Adaptive AI systems may require regular DPIAs to avoid the adverse impacts of any concept drift.</p> <p>We have recently released our AI Risk Toolkit for consultation, and we are enhancing our capacity to audit AI systems for DP compliance. We believe supporting those developing and deploying AI systems in assessing the risks to the rights and freedoms of citizens is critical to ensuring AI systems are used to benefit humanity.</p> <p>If CoE's future legal framework encourages soft-law instruments such as codes of conduct, guidelines or certification mechanisms the ICO will welcome the opportunity to share its insights. We are in the process of collating views from industry about the operationalisation of our ExplAIIn framework that could be informative for CoE.</p> <p>The ICO is currently scoping work on the principle of fairness in the context of AI systems. It is important to note that DP law relates not just to DP but is also engaged in the protection of other fundamental rights such as the right to non-discrimination.</p> <p>Bias and discrimination are increasingly important issues in the context of AI. As the Feasibility Study suggested, even when the statistical error rate of a system is close to zero, because of the scale of AI systems thousands of people may still be adversely impacted. It is therefore imperative to ensure any risks are minimised. We believe documentation requirements throughout the AI lifecycle will be crucial in that process, in the interests of both transparency and accountability.</p> <p>In regards to the main questionnaire we aimed to only respond to questions within the limits of our regulatory remit where we have specific policy positions. For question 23 we would like to note that the principles of transparency, explainability and non-discrimination are encompassed in DP. These principles and rights could be enhanced by strengthening or extending the current DP regime. The scope of the sub-questions of point 32 was at times too broad for the ICO to provide an opinion. For instance, it may be impractical for individuals to always be informed when they interact with an AI system, in "any circumstances". A decision or a decision-making process may affect them "personally" but may, depending on the context, be trivial. The ICO supports responsible innovation and wants to continue to ensure any enhanced or new regulatory</p>

	<p>regime is not an end in itself, and instead enables innovative use of data in technologies like AI by fostering the trust necessary for their use. We also welcome the approach taken by the AI Guidelines of the Committee of Convention C108 and call for the principles contained in these Guidelines to be reflected in a future instrument. We finally refer the CAHAI to the 2021 Profiling Recommendation of the Committee of Convention C108.</p> <p>[We will also send you a document with a longer response to this question by e-mail. This is not reproduced here du to wordcount.]</p>
Date of submission	4/28/21 20:33:51

Information Technologies (Turkey)

State (where your institution is based)	Turkey
Institution: Name of the institution/body/company	Information Technologies
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	This definition explains the goals of ai.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;Justice;Law enforcement
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Smart personal assistants (connected devices); Medical applications for faster and more accurate diagnoses; Automated fraud detection (banking, insurance); AI applications to predict the possible evolution of climate change and/or naturaldisasters; AI applications to prevent the commission of a criminal offence (e.g. anti-moneylaundry AI appli-cations)

<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>A better informed individual is more likely to take the best decisions regarding his own life. This is also true for persons who are given the responsibility to make decisions on behalf or in favor of other individuals. (eg: a teacher determining the right curriculum for a student, a police officer performing the appropriate set of actions for protecting civilians.)</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>All above mentioned applications will be able to serve the goals mentioned in the question. Surely per expertise area applications can be added on. But I must explicitly and urgently put forth the proposition to have a national committee per country who oversees and has insights to the working (from data acquisition to expressed recommendation) of each application because the level of influence in a persons life is greater then never before. An certain degree of policing/regulating at this level is required in order to prevent misuse of AI, which is done very easily.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Employment; • Social networks/media, internet intermediaries ; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Cognitive replication of a human is acceptable for task performance and some degree of decision making based on data. But when it comes to using intuition, good will or misreading of facts that can only be recognized by human-expert instinct while performing duties in these areas, one has to be extra careful.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • Recruiting software/ AI applications used for assessing work performance ; • AI applications to promote gender equality (e.g. analytical tools);
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Cognitive replication of a human is acceptable for task performance and some degree of decision making based on data. But when it comes to using intuition, good will or misreading of facts that can only be recognized by human-expert instinct while performing duties in these areas, one has to be extra careful.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any application that is labeling or categorizing individuals without sharing with person itself. Such as being labeled as "Big Spender in case of Discount" by a sales-application in order to make up fake discounts for that user in order to lure him/her into buying. It's not the application that poses the threat but way of its workings.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>They should be regulated.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Political pluralism;Equality;•</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Banking, finance and insurance;Justice;Law enforcement;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>There is none because the possible profits suppress any kind of morality.</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>There are none. (Far as I know.)</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are</p>	<p>• They lack specific principles for the design, development and application of AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They provide a basis but fail to provide an effective substantive protection of</p>

not sufficient to regulate AI systems (select all you agree with):	human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	I'm not a legal expert thus can't give specifics. I can point out the need for auditing the actions of AI applications.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a "human" judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree

<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I completely disagree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling 	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>

<ul style="list-style-type: none"> - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p> <p>47.bis. Other</p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>

49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/28/21 13:45:12

Innopolis University

State (where your institution is based)	Russian Federation
Institution: Name of the institution/body/company	Innopolis University
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	All definitions are aimed at substantiating the technical component, but there are no definitions describing the impact of artificial intelligence systems on human rights, democracy
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;Law enforcement;National security and counter-terrorism;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • Deep fakes and cheap fakes;

<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>1. Smart Personal Assistants Provide Equal Opportunity for People with Disabilities 2. Medical applications for faster and more accurate diagnosis provide high social impact 3. Recognizing deepfakes and chipfakes will help protect people from defamation and help preserve their dignity</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>The use of AI to analyze different points of view and issue an independent, objective point of view on information in the media</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>• Justice;• Law enforcement;• National security and counter-terrorism;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Human rights about privacy, personal and family secrets will be violated</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement;Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Human rights about privacy, personal and family secrets will be violated</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>The use of AI to predict a person's predisposition to one type of activity and the permission to engage only in this type of activity for the rest of his life</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Transparency;• Personal integrity ;Privacy and data protection;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Election monitoring;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>SB-1121 California Consumer Privacy Act of 2018. https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1121</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They create barriers to the design, development and application of AI systems;
<p>25. Please indicate other specific legal gaps that in your</p>	

view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field	I fully agree

of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	Rather useful Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion

<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/28/21 12:28:24</p>

Institute for Development of Freedom of Information (IDFI)

State (where your institution is based)	Georgia
Institution: Name of the institution/body/company	Institute for Development of Freedom of Information (IDFI)
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If “other” please explain below	
3. What are the reasons for your preference?	While there is no unified definition of AI Systems, Institute for Development of Freedom of Information (IDFI) has been focused on the one containing elements of automated decision-making process, as not every use of AI contains risks of discrimination and other types of negative effects of human rights and general well-being of citizens. Back in 2019, IDFI participated in the regional study together with its partner civil society organizations from Czech Republic, Hungary, Poland, Serbia and Slovakia (with the coordination of the Polish non-governmental organization ePanstwo Foundation) prepared the first analysis (https://idfi.ge/en/governmental_algorithms) of the use of automated decision making in public administration in the respective Eastern and Central European countries. This study defined such technologies as “Automated processes, used by government authorities in decision making directly or indirectly, whose output directly influences the citizens’ well-being” (so called, alGOVrithms). After the first attempts to study the use of such systems in the public sector in Georgia, IDFI decided to expand the scope of the study and examine the use of AI systems by other public institutions, especially by law enforcement agencies as well as add new aspects of AI (e.g. use of facial recognition system). To this end, IDFI used the same definition: Artificial Intelligence System (algorithms used in automated decision-making in management) used to optimize the business process and modules which use artificial intelligence-based algorithms.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;• Environment and climate;• Public administration;
4bis. If other, which areas and why?	

<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications determining the allocation of social services; • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>With the consideration of IDFI background, which among other issues works on the importance of access to and use of open data for public good, we acknowledge the importance of AI systems in big data analysis. However, the risk of discrimination should be avoided in any case and human centric approach should be applied. We think that the above ticked options have lower risks of having negative impacts on citizens and their wellbeing. Instead, these systems might have the potential of generating new opportunities and benefits coming from fast and accurate data and pattern analysis.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>It is difficult to name other circumstances when AI applications might contribute to strengthening human rights, democracy and the rule of law. In contrast, we believe that there is a strong imbalance of power between those that develop these systems and the people that are subject to these systems. Therefore, there is a need for strong accountability and transparency mechanisms to ensure that such systems do not harm disproportionately/especially the most marginalized groups. Also, the use of artificial intelligence is linked to challenges in terms of freedom of expression, and the right to privacy. At the same time, in countries such as Georgia, where oversight mechanisms for law enforcement agencies are relatively weak and there are questions about the independence of the judiciary branch, the problem of balancing the risks associated with artificial intelligence is becoming increasingly critical to address.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Law enforcement; • National security and counter-terrorism; • Social networks/media, internet intermediaries ;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Despite the short history of the use of artificial intelligence systems, there have been numerous cases of its abuse and incompatibility with the principles of a democratic state across global practice. With the consideration of significant impacts that law enforcement and welfare systems have on human rights and discrimination, AI systems developed in these sectors have the potential of cause severe implications in the future. Particular attention should be paid to the risks of processing databases existing with the law enforcement and security sector by artificial intelligence. From Georgia's experience, a striking example of this is the constant increase in the analytical capabilities of the Ministry of Internal Affairs and State Security Service based on artificial intelligence, in the absence of the necessary mechanisms to balance the risks that arise from reliance on these processes. To illustrate the risks more clearly - the LEPL - Operational Technical Agency of the State Security Service was authorized to establish a central data bank. In accordance with Article 11 of the Law of Georgia "On Legal Entity of Public Law - Operational-Technical Agency of Georgia", the Agency shall establish a central bank of identification data. To this purpose, it is authorized to "have remote</p>

	<p>access to the electronic communications identification databases of the electronic communications company and to copy and store them." It should be noted that this database contains data identifying the Internet or telephone communication through the infrastructure of all electronic communications companies operating in Georgia. The Central Data Bank of Georgia stores the identifying data of any telephone or internet communication carried out throughout Georgia. It should be noted that the constitutionality of the existence of the Central Data Bank has been appealed in the Constitutional Court of Georgia twice already. The Court has yet to issue a final decision in this case, although it is noteworthy that the representative of the Operational Technical Agency of Georgia, at one of the essential hearings for the case, identified the technical possibility of using automatic management tools (algorithms) in it as one of the reasons for the necessity of the existence of the Central Data Bank.</p> <p>Moreover, as AI provides the capacity to process and analyze multiple data streams in real time, it is already being used to enable mass surveillance around the world. The most pervasive and dangerous example of this is use of AI in facial recognition software. Facial recognition and other indiscriminate biometric surveillance tools are believed to be fundamentally incompatible with human rights and require stronger accountability mechanisms. As our recent analysis showed, the number of surveillance cameras installed across the country reaches 5,000 and increases from year to year, although the normative basis governing facial recognition technologies is still scarce and too general in nature. In relation to the processing of data obtained by smart cameras, only general acts exist. As a result of the inspection, in terms of personal data protection, violations were detected at virtually every stage of data processing by the system. More details: https://bit.ly/3rDY0iv</p> <p>Another issue worth considering is the dissemination of propaganda and hate speech on social media. With regard to Georgia, as Freedom House Freedom on the Net report on Georgia argued, progovernment and other domestic political actors have attempted to manipulate online content to influence public opinion, especially during political crises. As a result, Facebook removed hundreds of Facebook and Instagram accounts, groups, and pages that appeared to be affiliated with various political parties and external groups attempting to affect on ongoing political developments and discourses.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>To add arguments mentioned above, under question 15, there are many documented cases of AI gone wrong in the criminal justice system. The use of AI in this context often occurs in two different areas: risk scoring—evaluating whether or not a defendant is likely to reoffend in order to recommend sentencing and set bail—or so-called “predictive policing,” using insights from various data points to predict where or when crime will occur and direct law enforcement action accordingly. It can be argued that AI applications aiming at predicting recidivism may lead to incarceration and limit people’s freedom.</p> <p>Also, distribution and allocation of social services without proper human engagement and oversight can cause discrimination and mismanagement of public funds, which have the potential of further harming vulnerable groups and communities.</p>

<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Autonomous weapons, algorithmic-driven risk assessment tools for criminal justice</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Strict control and limitations</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Freedom of expression, assembly and association;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>

<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>No such examples reported as of now</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They lack specific principles for the design, development and application of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<ul style="list-style-type: none"> - Public registry of AI systems used by public institutions - Ethical guidelines, transparency and accountability mechanisms/requirements for AI developers and users - Legal frameworks for private companies to follow when using AI solutions - Restricting facial recognition and other indiscriminate biometric surveillance
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I rather agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I rather agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I rather agree</p>

31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an	I rather disagree

<p>airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>As discussed in our regional study and elaborated recommendations, public administration should guarantee that in the case of any mistakes or other irregularities connected with the operation of the AI systems the review (audit) and remedy systems are in place. It shall also contain the precise information as to who at the specific public office is responsible for the accuracy and fairness of the algorithm. It is also advised to consider changes in criminal law to include sanctions for implementation of algorithms that violate privacy, fair and equal treatment of citizens. We also see the need for regular inspections into specific algorithms' operation. Inspections should be conducted by a group of external experts who will check the fairness and accuracy of a tool. The results of the inspection should be published on the website of the relevant public institution. In addition, provision of monetary compensation for people negatively affected by the application of AI systems can be considered another solution.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Establish a platform or any other venue where different stakeholders (including government, CSO, academia and media representatives) will share best practices, emerging issues, contemporary tendencies regarding AI governance and accountability. This platform could also have an educational function of all relevant stakeholders.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>It is important to have a permanent feedback mechanism which ensures that all relevant stakeholders are informed and engaged in the process of elaborating accountability mechanisms for application of AI systems.</p>
<p>Date of submission</p>	<p>5/8/21 22:07:50</p>

Institute for Technology Law & Policy, UCLA Law School

State (where your institution is based)	USA
Institution: Name of the institution/body/company	Institute for Technology Law & Policy, UCLA Law School
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If "other" please explain below	
3. What are the reasons for your preference?	Technologically neutral definitions, while often preferable, are not necessarily the way to go in this instance, as my concern is that they would be over-inclusive. Automated decision-making is the crux of it, in my opinion, since the decision-making by a non-human is where the boosted need for accountability and transparency should kick in.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Other;
4bis. If other, which areas and why?	It's sort of a loaded question, since while there are important opportunities (and, in some cases, like with social networks, automated systems are necessary to deal with the scale of decision-making), it's a one-to-one relationship where the scale of the opportunity is directly proportional to the scale of the human rights risk... which makes it possible to identify "promising opportunities" as such.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	See above. I see risks in all of these applications, which at the very least make me hesitate to classify any applications as providing unrestricted potential to support human rights and democracy... I chose environment because it seems to be the only option that doesn't have a risk of returning discriminatory or biased results.
7. What other applications might contribute significantly to strengthening human rights,	Strong oversight over these technologies, including but not limited to transparency, regular audits and peer reviews, and avenues for

democracy and the rule of law?	community and stakeholder feedback on potential discriminatory impacts.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Healthcare; • National security and counter-terrorism;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The three I selected are not as a result of the fact that AI in these cases is riskier, but that the potential adverse human rights impacts in these three areas are potentially the most severe, since they could lead to people's lives being upended (or, in the case of healthcare delivery, ended).
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;AI applications aimed at predicting recidivism ;• AI applications providing support to the healthcare system (triage, treatment delivery);• Deep fakes and cheap fakes;• AI applications determining the allocation of social services;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The risk of bias is manifest across all applications of AI, but I also selected deepfakes, due to the potential to erode our shared understanding of truth.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Virtually as instances where automated systems are handed an influential role in a public decision-making process pose some risk, though the scale and scope varies enormously.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	I think a lot depends on what "proven" means. How do you prove something like that?
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Subject to moratorium
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Explainability; • Transparency; • Non-discrimination; • Possibility to challenge a decision made by an AI system and access to an effective remedy; Freedom of expression, assembly and association;

<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement;Justice;• Healthcare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Nobody is doing this very well, I don't think. Canada's AI Directive is reasonably strong on the auditing/transparency/risk assessment side, though it requires better avenues for community and stakeholder feedback into how these systems are operating: https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32592</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I fully agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ;Community and Stakeholder feedback avenues;</p>

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/19/21 23:22:28</p>

Institute of Information Theory and Automation of the Czech Academy of Sciences

State (where your institution is based)	Czech Republic
Institution: Name of the institution/body/company	Institute of Information Theory and Automation of the Czech Academy of Sciences
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	It should try to define the object in question (so the first is out) and AI is not only about decisions or machine learning systems. The chosen definition is trying to specify the area from where the technology was designed.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	National security and counter-terrorism;• Healthcare;Customs and border control;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses;Facial recognition supporting law enforcement ; • AI applications providing support to the healthcare system (triage, treatment delivery); • Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	In the medical area - everybody should have access to medical care and AI apps can increase the availability of such care to more people even in economically disadvantaged areas or distant areas. AI is very good in big data analysis which would be appreciated in banking/insurance. The ability to process large datasets from disasters/surveillance systems will help to LEAs.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Applications educating people about AI - to spread the awareness of what AI is capable of and what could happen when it is misused.

<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Social networks/media, internet intermediaries ; • Public administration; non IT educated people will be left out;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>AI systems in a way generalize previous data sets they have access to, so there is a high risk of falling in some "local maxima" and thus not including the whole context for judging people/events/actions. In media, AI can produce great damage to human perception of the surrounding world when people are not aware of AI capabilities.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>People have to be aware they are interacting with AI (social media). AI SoA is not yet able to cover all aspects of scoring and emotional analysis so the outcome can be misleading.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>AI apps trying to secretly influence behavior of people (in all possible application areas).</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>The AI system can be used in a good or bad way, so a general ban is not an appropriate solution.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Possibility to challenge a decision made by an AI system and access to an effective remedy; Respect for human dignity; • Non-discrimination; Privacy and data protection;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect</p>	<p>Law enforcement; Election monitoring; Justice;</p>

<p>human rights, democracy and the rule of law? 18bis. Other</p>	
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I rather agree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I rather disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Voluntary certification
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	I rather disagree
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	-
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	-
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I rather disagree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I rather disagree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather disagree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I completely disagree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I rather disagree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Indifferent/no opinion Rather useful Rather useful Rather useful Indifferent/no opinion
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Certification and quality labelling;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>-</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Indifferent/no opinion</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/9/21 11:50:58</p>

State (where your institution is based)	Berlin, Germany
Institution: Name of the institution/body/company	Institute of Internet and Just Society
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Artificial intelligence is constantly evolving. Throughout the last 50 years, what we have considered to be AI has progressively changed. Legal scholarship has described this as the AI effect. A legal framework’s definition of AI needs to encompass this ever-growing discipline if it intends to be enforceable over time. Hence, a technologically-neutral and simplified definition is preferred over a more technical one.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Public administration; Law enforcement;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Deep fakes and cheap fakes; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	If deep fakes continue to evolve, they could have devastating effects during elections. Most democracies have already suffered the vestiges of misinformation in social media during election periods. If deep fakes are not identified, the voters could be led to believe that the messages spread through deep fakes are true. Potentially, deep fakes could have the same effect as electoral misinformation in social media platforms. This could swing elections one way or another.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	AI can be used as a tool to improve the timeframes in which judicial decisions are rendered. There are numerous AI systems that can help judges and courts’ staff become more efficient in the decision-making process. It should be emphasized that these tools should be assistive only, given that the judicial decision-making process is far too complex for the grasp of the current AI systems.

<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Election monitoring;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>We have already experienced the negative effects that the improper use of AI systems in law enforcement and justice can have in human rights, democracy and the rule of law. On one hand, police departments around the world are using facial recognition software without the consent of the citizenry. This facial recognition software collects biometric information which pursuant to most privacy laws requires the authorization (consent) of the data subject. In other words, the police breaks the law to control the citizenry. On the other hand, the application of AI systems in justice seems to pose an additional threat to human rights, democracy and the rule of law. This was epitomized when a Wisconsin court ruled that Erick Loomis was more likely to commit another crime and therefore, should receive a higher sentence by relying on an algorithm. The defendant and his attorney did not have access to the information that the algorithm processed to arrive to its conclusion. This definitely creates an uneven playing field for any person prosecuted.</p> <p>Furthermore, while we have not experienced scandals related to the application of AI systems in elections monitoring, the Cambridge Analytica scandal reflects the potential harms that AI could have over elections.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; AI applications aimed at predicting recidivism ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Facial recognition systems, if placed in public spaces, generally collect biometric information without the data subject's consent. Furthermore, if the algorithms are not trained correctly, the output is usually not accurate when analyzing the biometric information of non-Caucasian data subjects. This could lead to unnecessary arrests and systemic discrimination.</p> <p>Predictive recidivism systems analyze a series of information such as ethnicity, zip code, academic degrees, credit score and similar information to predict the likelihood of that person committing another crime again. This means that if a person does not meet certain thresholds in terms of race, wealth and education, they will be considered more prone to committing a crime.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any AI system without the proper human supervision could represent a significant risk to human rights, democracy and the rule of law. Perhaps those that have applications in very routine tasks could be deployed unsupervised, if there is someone that is willing to take full accountability in case something happens.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human</p>	<p>Regulated (binding law)</p>

rights, democracy and the rule of law be:	
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Non-discrimination; Privacy and data protection; • Transparency; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement; Election monitoring; Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility	The Montreal Declaration of Responsible AI is a good reference of an existing international instrument that is effective in guiding and regulation the design, development and use of AI systems is a responsible way. It aims to provide a flexible framework and promote the respect of human rights and the rule of law. Its biggest problem is that there is no enforcement mechanism. Therefore, if a party or state is to be found to be in breach of the Declaration there are no consequences.

<p>with the standards for human rights, democracy and the rule of law</p>	<p>The OECD Principles on AI are also a good reference. They are broad enough to be applicable in the future and adaptable to different situations. However, just like the Montreal Declaration there is no compliance mechanism.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>While the use of AI in decision-making has been covered by the GDPR, there seems to be in a gap in terms of the use of these technologies in the judiciary. This should be addressed by the Council of Europe given that the judiciary is the cornerstone to every democracy. If our courts begin to deploy AI without the adequate safeguards, the reputational blow that our courts could experience could be devastating for our democracies.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I fully agree</p>

34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes

<p>44. If yes, what aspects should be covered?</p>	<p>There should an ombudsman or commissioner in charge of supervising the use of AI systems, consulting with stakeholders and performing investigations, similar to the role that the Data Protection Authorities play with regards to the GDPR. There should be fines and sanctions, but also ways in which the developers can bring in supervisors to design and training processes to find solutions to the compliance with the legal standards.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>facilitate ratification and implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Public consultations and bringing in all the different digital rights watch organizations that are closely monitoring the use and deployment of AI systems. It's also important to integrate universities and other institutions to create a network of key stakeholders that can engage in a collective process of supervising AI systems.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>More efforts should be made to inform the general population about the possible risks of deploying and using AI. Awareness campaigns should be launched starting at an early stage (similar to those of climate change) to prepare the future generations.</p>
<p>Date of submission</p>	<p>4/27/21 23:28:38</p>

Intellectual Labs AS

<p>State (where your institution is based)</p>	<p>Norway</p>
<p>Institution: Name of the institution/body/company</p>	<p>Intellectual Labs AS</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Private business sector</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>AI systems may be limited today to entail only decision making or "machine learning ". However the field wil undergo a wide and vast scope in the future and mimicking the human brain and our ability</p>

	<p>to reason, create, learn from subconscious datapoints (intuition), collaborate and behave in good as well as evil manners, will always be the ambitions of the AI research field.</p> <p>So if we want to govern this we need to capture the future breath of the field.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Environment and climate;Justice;• Law enforcement;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<p>• Medical applications for faster and more accurate diagnoses;• AI applications providing support to the healthcare system (triage, treatment delivery);• AI applications to promote gender equality (e.g. analytical tools);• Deep fakes and cheap fakes;</p>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI services to support the fight against other AI systems infringing on Human Rights and democracy, as well as AI systems helping and augmenting public servants in their processing and delivery of public services - would have the most significant impact on enhancing our civil society.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Truly objective, and unbiased search engine for looking up information online. The biased nature of this is a major threat today.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law</p> <p>8bis. Other</p>	<p>• Banking, finance and insurance;• Healthcare;• Welfare;•</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Unfortunately the answer alternatives only include two purely private sectors and a whole range of public or semi-public sector. The largest threat from AI comes from almost any private sector, where AI will be used with conscious bias to enhance profits, by manipulation of individuals and infringing on their rights.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;Smart personal assistants (connected devices);• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;• Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>If AI systems in these areas were to be widely accepted there is a significant risk of negative impact from the bias in the decisions, and in the limitation of the technology, resulting in in-humane decisions and recommendations.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>AI systems used to understand, single out and reach narrowly defined groups of people, susceptible to a certain, twisted, direct or indirect political messaging. These have been shown to influence democratic processes and amplify un-informed, discards and animosities among human groups.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or</p>	<p>Banned</p>

undermine democracy or the rule of law be 13bis. Other	
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; Freedom of expression, assembly and association; • Legal certainty; Privacy and data protection;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; • Social networks/media, internet intermediaries ; Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree

<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>No opinion</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; There are too many and they are difficult to interpret and apply in the context of AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I rather agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I rather disagree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I rather disagree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or</p>	<p>I fully agree</p>

opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	No opinion

<p>regime in relation to AI applications?</p>	
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Indifferent/no opinion Rather useful Highly useful Indifferent/no opinion Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; • Audits and intersectional audits;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and 	<p>Rather useful Not useful Rather useful Not useful</p>

<p>implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/7/21 23:54:14

International Bar Association (Business Human Rights Committee; Technology Law Committee; Legal Policy and Research Unit; Working Group on Human Rights and Artificial Intelligence)

State (where your institution is based)	United Kingdom
Institution: Name of the institution/body/company	International Bar Association (Business Human Rights Committee; Technology Law Committee; Legal Policy and Research Unit; Working Group on Human Rights and Artificial Intelligence)
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	

<p>3. What are the reasons for your preference?</p>	<p>The IBA Working Group wishes to state that there is no single universally accepted definition of the term Artificial Intelligence (AI). However, the Working Group believes that to regulate AI and address its effects, there should be a definition of AI. A definition is also required for reasons of legal certainty about the applicable scope of a legal framework and should be simple and inclusive to encompass evolving innovative AI developments and overcome technological advancements.</p> <p>The IBA Working Group's contribution in 2020 to the CAHAI Draft Feasibility refers to the definition provided by the European Commission High-Level Expert Group on Artificial Intelligence in 2019 which states as follows:</p> <p>"Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a complex goal, act in the physical or digital dimension by perceiving their environment through data acquisition, interpreting the collected structured or unstructured data, reasoning on the knowledge, or processing the information, derived from this data and deciding the best action(s) to take to achieve the given goal. AI systems can either use symbolic rules or learn a numeric model, and they can also adapt their behaviour by analysing how the environment is affected by their previous actions."</p> <p>Therefore, we believe that a technologically neutral and a broad definition will be consistent and in alignment with the definitions provided by the European Commission publications including by the recent European Commission Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) of 2021.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Banking, finance and insurance;• Healthcare;• Employment;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>The IBA Working Group considers that in most circumstances AI can achieve positive social and economic objectives and there is a well-established link between digital technologies and the achievement of Sustainable Developments Goals (SDGs). AI applications may also lead to faster and more objective decisions, both in private and public sector, by providing more accurate and processed information.</p> <p>However, the Working Group believes that technology is dynamic and therefore the assessment of the impact of technology has to also take a dynamic approach and perspective. In the health and environment sectors there can certainly have a very positive impact as highlighted in the current EU Commission legislation. But it can still be challenging to identify categories to comparatively assess other potential positive impact areas since AI is still new and</p>

	<p>evolving. It is essential to have a risk assessment perspective on a continuous basis for an effective due diligence of the AI applications.</p> <p>There are certain areas where AI system applications have the greatest potential to enhance and protect human rights. A key area is that of healthcare diagnostics where the use of AI has the potential to improve living standards and quality of life, by detecting diseases earlier and more accurately. To elaborate further on this, we would like to refer to the Harvard University research study.. Please feel free to go through the following publication:</p> <p>"Raso, Filippo, Hannah Hilligoss, Vivek Krishnamurthy, Christopher Bavitz, and Kim Levin. 2018. Artificial Intelligence & Human Rights: Opportunities & Risks. Berkman Klein Center for Internet & Society Research Publication", available at the following link:</p> <p>https://dash.harvard.edu/bitstream/handle/1/38021439/2018-09_AIHumanRights.pdf?sequence=1&isAllowed=y</p> <p>1) Use of AI in Healthcare Diagnostics (Pages 32-36):</p> <ul style="list-style-type: none"> - Right to Life, Liberty, and Security of Person: AI-based diagnostic systems enhance the enjoyment of the right to life by making accurate, high-quality diagnostic services more widely available. - Right to Desirable Work: The improved health outcomes that AI-based diagnostic systems are likely to produce will reduce the number of people who are excluded from the dignity of work for medical reasons. - Right to Adequate Standard of Living: By detecting diseases earlier and more accurately, AI-based diagnostic systems will improve living standards and quality of life. - Right to Education: Should AI-based diagnostic systems deliver on their promise, fewer people will be excluded from the enjoyment of the right to the education for reasons of ill-health.
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI applications for election monitoring;</p> <p>AI in food and farming industry;</p> <p>AI in commercial transportation and logistics for facilitation of digital trade;</p> <p>The EU Proposal for a Regulation on Artificial Intelligence also lists the following areas as potentially benefiting from the use of artificial intelligence:</p> <p>Healthcare, farming, education and training, infrastructure management, energy, transport and logistics, public services, security, justice, resource and energy efficiency, and climate change mitigation and adaptation.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Employment;

<p>violating human rights, democracy and the rule of law 8bis. Other</p>	
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>As discussed above, AI may have a negative and positive impact on nearly all areas listed under question 15. The ambivalent effect of AI on human rights has also been recently discussed by the UN OHCHR, in the context of their UN B-Tech project (https://www.ohchr.org/EN/Issues/Business/Pages/B-TechProject.aspx).</p> <p>For example, the use of AI in the administration of justice may have a significant impact on the rule of law, individual freedoms, the right to an effective remedy and to a fair trial, when considering potential biases, errors and opacity. However, positive effects may also be associated with the use of AI as a professional tool by the legal profession, as highlighted in the report "Guidelines and Regulations to Provide Insights on Public Policies to Ensure AI's Beneficial Use as a Professional Tool", recently published by the IBA (available at: https://www.ibanet.org/PPID/Constituent/Multi-displry_Pract/anlbs-ai-report.aspx).</p> <p>In addition, the use of AI in the healthcare sector may also be associated with risks for privacy and other fundamental rights. An example is represented by the use of contact tracing apps in the context of COVID-19 pandemic, whose implications for human rights are explored in a paper published by the Working Group and available online at: https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=4b11819d-c580-47fe-b680-19bdbc201328.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Recruiting software/ AI applications used for assessing work performance ; • AI applications determining the allocation of social services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Consistently with what is discussed in our answers to questions 15 and 16 above, it is difficult to identify the specific types of AI systems that represent the greatest risks to human rights, democracy and the rule of law. This assessment may depend on endogenous as well as exogenous factors, which may vary over time, depending on specific circumstances.</p> <p>AI systems for facial recognition in publicly accessible spaces for the purpose of law enforcement may be associated with the risks of biases and discrimination. Moreover, when these tools are adopted by repressive governments in an effort to silence dissidents, freedom of association and freedom of expression may be unduly restricted. Such applications may, even be deployed to identify and repress minorities (see the use of AI for the Uyghurs – AI analyses images with facial recognition and marks the faces as non-Chinese, or Uyghurs: Asher-Schapiro, A., Chinese tech patents tools that can detect, track Uyghurs, Reuters January 12, 2021, available at: https://www.reuters.com/article/us-china-tech-uyghurs-idUSKBN29I300</p> <p>AI systems used for the emotional analysis in the workplace may significantly impact future career prospects and livelihoods of affected persons, and evoke a feeling of constant surveillance. For instance, an algorithm that identifies a person as expressing constantly negative emotions may negatively impact this person's</p>

	<p>career progress, while disregarding cultural differences of facial expressions and discriminating persons with a different cultural background, available at: https://hbr.org/2019/11/the-risks-of-using-ai-to-interpret-human-emotions</p> <p>AI systems providing social scoring of natural persons may lead to discriminatory outcomes and the exclusion of certain groups. Particularly with regard to ‘Digital Welfare States’, the District Court of the Hague ordered the immediate halt of the Dutch government’s risk indication system (SyRI) whose aim was to predict the likelihood of a person committing benefit or tax fraud, or violating labour laws. The court criticized that the SyRI legislation demonstrated a ‘serious lack of transparency’ about how it worked. In the absence of more information, the system may, in targeting poor neighbourhoods, have led to discrimination on the basis of socioeconomic or migrant status.</p> <p>Available at: https://uitspraken.rechtspraak.nl/inziendocument?id=ECLI:NL:RBDHA:2020:1878 ; https://www.theguardian.com/technology/2020/feb/05/welfare-surveillance-system-violates-human-rights-dutch-court-rules</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>As highlighted by the OHCHR (https://www.ohchr.org/Documents/Issues/Business/B-Tech/B_Tech_Project_revised_scoping_final.pdf), the following activities may be regarded as presenting higher risks of having adverse impacts on human rights:</p> <ul style="list-style-type: none"> • Gathering of large volumes of data (either to train algorithms or to sell insights to third parties); • Selling products to, or partnering with, governments seeking to use new technologies for State functions or public service delivery that could disproportionately put vulnerable populations at risks; • The promise of hyper-personalization in human resources or marketing decisions, which could lead to discrimination; • Using “algorithmic bosses” to mediate the relationship between workers and firms that generate business value from the offline work being done, while limiting labour protections for those workers; and • Models that are informed by, or inform, the personal choices and behaviours of populations without their knowledge and consent. <p>Generally, it may not be the specific application which creates the risks, but rather the absence of proper legal frameworks for the protection of human rights, democracy and respect for the rule of law.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>It depends on the nature of these violations. As discussed above, with few exceptions (e.g. autonomous weapons), most uses of AI cannot be identified as inherently bad or good for human rights. For this reason, we believe that technology should be regulated rather than banned. See on this, IBA response on CAHAI Draft Feasibility Study: https://www.ibanet.org/Document/Default.aspx?DocumentUid=a1bdeb6e-6e38-4156-8416-e71a1abf038d.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Privacy and data protection; • Legal certainty; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Considering that the positive and negative impact associated with AI may change depending on different factors (e.g. the context in which the technology is deployed, its purpose, nature of end users), we believe that AI should be regulated with a binding legal instrument, irrespective of the sectors in which a specific technology is being deployed. See also our responses to questions 15 and 16 above.;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>We believe that the most efficient instrument of self-regulation is represented by human rights due diligence. This instrument is described in the UN Guiding Principles on Business and Human Rights (“UNGPs”), the OECD Guidelines for Multinational Enterprises (OECD Guidelines) and the OECD Due Diligence Guidelines for Responsible Business Conduct (OECD Due Diligence Guidelines). Even though these standards are non-binding for the private sector, they clarify steps companies should take in order to prevent, mitigate and address the risks of adverse human rights impacts associated with their activities. This activity should focus on the risks to human rights, rather than to business activities and should be conducted on an ongoing basis, since “the human rights risks may change over time as the business enterprise’s operations and operating context evolve ” (UNGP 17 c). Risk management and remedial processes (judicial and non-judicial complaint mechanisms) are relevant to AI as well.</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human</p>	<p>I completely disagree</p>

<p>rights, democracy and the rule of law.</p>	
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>The European Union’s General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679) has proven to be a useful tool to align data protection policies with the online transition of our lives and work. However, while the regulation follows clear principles (‘lawfulness, fairness and transparency’, ‘purpose limitation’, ‘data minimisation’, ‘accuracy’, ‘storage limitation’ and ‘integrity and confidentiality’), coupled with the risk-based decision making (supported by the accountability requirement), its scope is limited to privacy and data protection.</p> <p>The EU Cybersecurity Act (Regulation (EU) 2019/881) sets out a voluntary cybersecurity certification framework (based on assurance levels) aiming to increase trust and security for ICT products, services and processes. Managing threats and containing risks requires a comprehensively evolved framework to shape policies that can broadly secure the interface of AI products, services and processes with best practices of conformance. Establishing cybersecurity standards is crucial for any enterprise to thrive.</p> <p>Drawing parallel comparison to the legal sector, the International Bar Association (IBA), for instance, has recommended a list of best practices to help law firms safeguard against cybersecurity threats and secure access to legal services by establishing dialogue between multiple stakeholders in the legal profession. Practitioners, legal experts, IT professionals and cybersecurity consultants were all engaged to craft the cybersecurity guidelines on strengthening the law firms’ technology infrastructure, organisational processes and policies on staff training. The IBA Cybersecurity Guidelines are available here: https://www.ibanet.org/LPRU/cybersecurity-guidelines.aspx.</p> <p>The UN Guiding Principles on Business and Human Rights (“UNGPs”), the OECD Guidelines for Multinational Enterprises (OECD Guidelines) and the OECD Due Diligence Guidelines for Responsible Business Conduct (OECD Due Diligence Guidelines). (see our response to question 28 above)</p> <p>The EU Commission’s ‘Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (artificial intelligence act) and amending certain union legislative acts as of 21/04/2021.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;• They lack specific principles for the design, development and application of AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>There is still a lack of regulation on the certification process which may lead to a race to the bottom in the provision of social auditing services. This situation has been exacerbated by the fact that certification bodies are often remunerated by the same entities subject to verification, with clear consequences for the independence of this process. Further guidance on the</p>

	independence of certification bodies and social auditors would be desirable. See on this, IBA response on CAHAI Draft Feasibility Study, available at: https://www.ibanet.org/Document/Default.aspx?DocumentUid=a1bdeb6e-6e38-4156-8416-e71a1abf038d
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in	Indifferent/no opinion

relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes 	Highly useful Rather useful Rather useful Highly useful Rather useful

<p>Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>As a general principles, we consider there should be binding legal instruments and/or mechanisms, integrated by non binding measures. Non binding instruments are, in fact, often insufficient to take care of all the challenges associated with digital technologies. In addition, these instruments should, not only, provide for due diligence obligations but should also include judicial and non-judicial grievance mechanisms. It is important that remedy ecosystems provide a solution for the regularly opaque nature of technology in the sense that it may be unclear who has played which role in a human rights harm. Therefore, it is necessary to establish remedy ecosystems (either consisting of a combination of mechanisms or a single mechanism) which are able to involve all relevant actors and to provide solutions which may include all relevant actors. Ideally such mechanism includes an external and independent dialogue-based mechanism with an option of a binding escalation mechanism. It also requires expertise of those managing and facilitating such ecosystems. For example, the current systems such as the OECD National Contact Points (NCPs) may not have sufficient knowledge to deal with these issues. When designing company-based grievance mechanisms companies should engage with civil society organizations and with public regulatory bodies to explore ways in which they can embed human rights in the technology they are developing. It is also important to clarify that company-based grievance mechanisms should complement State-based judicial and non-judicial mechanisms. It is</p>

	necessary that companies adopt the contractual and technical features necessary to identify a cohesive remedy ecosystem in which access to company-based grievance mechanisms does not preclude access to other remedies, especially for more severe harms.
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Additional mechanisms have been listed by the High-Level Expert Group on Artificial Intelligence (European Commission), Ethics Guidelines for Trustworthy AI: Technical methods for Trustworthy AI (https://ec.europa.eu/newsroom/dae/document.cfm?doc_id=60419) :</p> <ul style="list-style-type: none"> - Resilience mechanisms against hacking and data poisoning (robust AI security) including periodic reviews of resilience against attacks throughout entire lifecycle of the product; - A fallback plan in case of problems: AI systems can switch from a statistical to rule-based procedure, or that they ask for a human operator before continuing their action; - (AI results are reproducible: produces same results over and over during experiments to ensure reliability of data; - AI should have an ingrained "white list" of procedures it should always follow, and "black list" of restrictions on behaviours; - Companies should implement a mechanism for fail-safe shutdown and enable resumed operation after a forced shut-down)
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Developers should have the competencies and professional qualifications to effectiveness of AI systems with respect to human rights, democracy and rule of law.</p>
<p>Date of submission</p>	<p>5/8/21 15:27:33</p>

International Committee on the Rights of Sex Workers in Europe (ICRSE)

State (where your institution is based)	The Netherlands
Institution: Name of the institution/body/company	International Committee on the Rights of Sex Workers in Europe (ICRSE)
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Automated decision-making would be comprehensive enough for many AI technologies.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Environment and climate; • Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Medical applications: Provided that the datasets on which these are based include sufficient relevant information on vulnerable and marginalised groups and are not based on a homogeneous group, AI systems can potentially enable faster and more accurate diagnoses. This could in turn allow for more timely and cost-effective access and possible remedy for a wider group of people, thereby increasing access to healthcare. This would not only strengthen the right to health(care) but also democracy, as it could allow for broader access in society. Keeping in mind that those who have the least access to healthcare today are the communities that are already most vulnerable and marginalised, it is important to ensure that these systems equally benefit everyone. Effective public health policies must be implemented alongside any deployment of AI systems in healthcare must not unduly remove</p>

	<p>funding and resources from other health-related budgets.</p> <p>Climate: AI systems could potentially help better understand the effects of current policies on the climate and/or ecosystem. As such, they could potentially contribute to better decision-making related to protecting the climate and mitigating the effects of natural disasters. Keeping in mind that those affected mostly today are the communities that are already most vulnerable and marginalised, it is important to ensure that these systems equally benefit everyone and do not perpetuate or exacerbate inequality.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Any applications are welcome where;</p> <ol style="list-style-type: none"> 1) there are strong regulations and safeguards in place 2) it is not in an area where human contact is desired and necessary 3) it is not in an area where the human rights of marginalised communities can be affected
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Customs and border control; •
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The use of AI systems risks further exacerbate existing racial and ethnic, gender, and social and economic inequalities (among others). Given the severe impacts that judicial systems, law enforcement (including national security and counter-terrorism) and customs and border control have on human rights institutional discrimination, any AI systems deployed in these sectors have the potential to cause great harm. This is especially worrisome given the institutional racism and other forms of discrimination that shape our social and political systems. Many of the policies and practices that are already entrenched with racial biases and often target already vulnerable and marginalised groups, especially black, indigenous and people of colour (BIPOC), will be coded into AI systems. This will make processes and the outcomes even more opaque, while falsely appearing to be 'objective'. Mass surveillance systems, such as facial recognition and other indiscriminate biometric surveillance tools, are fundamentally incompatible with human rights. These symptoms severely impact people's right to privacy, non-discrimination, freedom of expression, assembly and association, human dignity and life, liberty and security, among others. Human rights defenders, activists, journalists and political dissidents are, particularly at risk. AI-driven surveillance technologies have also been used to track, surveil and at times arrest, detail and deport refugees and migrants. Algorithmic risk assessment tools or predictive policing, which are also biased against racial and ethnic minorities, leading to increased incarceration of BIPOC. Having no red lines and/or binding regulation and meaningful oversight of these applications will most likely result in further deterioration of human rights, putting individuals (especially BIPOC) at risk of significant harm thus eroding the core principles of democracy and rule of law. Yet these systems are often developed and deployed without including BIPOC and other marginalised groups in the process.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; AI applications aimed at predicting recidivism ; • AI applications determining the allocation of social services; • AI applications to prevent the commission of a criminal offence;</p>

<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>As mentioned under question 7, the use of AI systems risks further exacerbate existing racial and ethnic, gender, and social and economic inequalities (among others). When considering potential risks that can arise from AI systems, it is important, to begin with, power analysis and focus the risks of AI systems to the most marginalised communities, as they are often disproportionately harmed. AI-driven surveillance technologies in the hands of powerful actors such as judicial bodies or law enforcement officials have the potential to do great harm, with minorities and marginalised groups, human rights defenders, activists and journalists bearing the most significant risk. Besides justice, law enforcement, and border control, there are many more than the three areas prioritized below by can adversely impact human rights, democracy and rule of law. The use of AI systems in welfare systems, for examples, is particularly problematic as it can lock out the most vulnerable people from accessing social care. These systems have often been used to criminalize poor et lower socio-economic people (disproportionately impacting BIPOC and other minorities), by surveilling, targeting, harassing, and punishing beneficiaries. Promoted as tools to fight against fraud testing or to optimise distribution, there are many examples where AI systems have instead exacerbated socio-economic inequalities and impacted people’s right to housing, food, employment, education, social security and even life.</p> <p>1. Facial recognition supporting law enforcement – Allows for mass surveillance, has highly discriminatory outcomes (especially for women and gender non-conforming persons and BIPOC) and is fundamentally incompatible with human rights. Evidence shows that uses of biometric mass surveillance in Europe have resulted in violations of EU data protection law and unduly restricted people’s rights including their privacy, right to free speech, right to protest and not to be discriminated against. The widespread use of biometric surveillance, profiling and prediction is a threat to the rule of law and our most basic freedoms.</p> <p>2. AI applications to prevent the commission of a criminal offence and AI applications aimed at predicting recidivism can lead to incarceration and limit people’s freedom. Given institutional racism and biased AI systems, the use of algorithmic tools in the context of criminal justice risks perpetuating disproportionate harm to BIPOC and other vulnerable groups.</p> <p>3. AI applications determining the allocation of social services – Allocating social services without proper human oversight that looks at particular circumstances of each case can lead to misjudging a person’s situation. Such error disproportionately impacts already marginalised persons, especially those of lower socioeconomic class, as access to social services is often necessary for their survival.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>

<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Equality; Privacy and data protection; • Possibility to challenge a decision made by an AI system and access to an effective remedy; • Non-discrimination;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice; Law enforcement; Customs and border control;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Continuous, inclusive, and transparent human rights due diligence</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding</p>	<p>Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities. Establishing rigorous transparency requirements for AI designers, developers and end-users.</p>

<p>and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Banning facial recognition and other indiscriminate or arbitrarily-targeted uses of biometrics, which can lead to unlawful mass surveillance; risk assessment tools for criminal justice and autonomous weapons.</p> <p>Providing a right to refusal of being subjected to an AI system (including the right to opt-out and to have alternative means to access or achieve a given objective).</p> <p>Requiring that private sector companies take measures to respect human rights (e.g. mandatory human rights due diligence laws). This is especially important for AI systems as they are mainly designed, developed (and often deployed by private sector companies).</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I fully agree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I fully agree
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	I fully agree
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	I fully agree
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	I fully agree
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	I fully agree
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	I fully agree

33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system. Provide monetary compensation to victims harmed by AI systems. Establish sanctions of AI designers/developers/deployers for the harm caused by using the AI system. Sanctions should include the prohibition of further deploying the AI system unless significant changes are made to ensure that the design and/or use of the AI system is rights-respecting. Establish sanctions of AI designers/developers/deployers for the failure to conduct thorough human rights due diligence before and during the use of an AI system, or for failure to effectively monitor the use of the AI system. Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Highly useful Highly useful Rather useful Highly useful
49. What other mechanisms, if any, should be considered?	Create a platform or forum providing the opportunity to effectively engage external stakeholders, especially civil society organisations and marginalised groups. Importantly, provide them with the tools, training, resources, and information necessary to meaningfully participate in AI governance and AI accountability.
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/13/21 14:30:18

International Research Center in Artificial Intelligence under the auspices of UNESCO (IRCAI)

State (where your institution is based)	Slovenia
Institution: Name of the institution/body/company	International Research Center in Artificial Intelligence under the auspices of UNESCO (IRCAI)
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community

<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>The definition should stem from the definition adopted by OECD and be specific in its details but not to the extent that could limit the development of AI technologies, as well as broad and aligned with a multitude of sciences and theories.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Justice;• Public administration;Law enforcement;</p>
<p>4bis. If other, which areas and why?</p>	<p>More than 3 areas apply to the protection of human rights, democracy, and the rule of law. Namely, we add Employment as one of the core areas, based on evidence of AI use in the job market.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • AI applications determining the allocation of social services; • AI applications determining the allocation of educational services; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to promote gender equality (e.g. analytical tools); • AI applications in the field of banking and insurance;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>The selected AI system applications are core services within a democratic society and can improve equal access to social and government services. These general high-level applications are not exclusively based on personal data and therefore have the potential to improve access and equality and thus the protection of human dignity and democratic principles. However, when these move into any form of assisted decision-making regarding an individual, special care must be taken to avoid any bias.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Complementing the above 5, we see the potential of AI in medical applications, especially given the experience in times of the Covid 19 pandemic and its impact on citizens, education, industry, and overall protection of health.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Social networks/media, internet intermediaries ; • National security and counter-terrorism; • Law enforcement;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Law enforcement affects investigative processes and police officer fieldwork related to facial recognition technologies (racial discrimination), national security, and counterterrorism measures are at particularly high risk of bias when matching citizens' identities with potential or perceived security threats. Social networks/media, internet intermediaries can influence the outcomes of political campaigns and undermine democratic processes on a larger scale.</p>

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The categories chosen refer to predictions that have the potential to influence individuals. In this category, the rights of individuals listed in Article 41 of the EU Charter of Fundamental Rights could be at risk.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>The Facial recognition supporting law enforcement and Emotional analysis in the workplace to measure employees' level of engagement AI systems pose a significant risk to the protection of human rights.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Further tested and upgraded for other possible areas of applications and use cases</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>• Transparency;Respect for human dignity;• Non-discrimination;Privacy and data protection;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Public administration;• Social networks/media, internet intermediaries ;Law enforcement;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations</p>	<p>I completely disagree</p>

of human rights, democracy and the rule of law	
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Clearinghouse for validation and certification by design
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	<ul style="list-style-type: none"> - Communication from the Commission to the European Parliament, The European Council, The Council, The European Economic and Social Committee and the Committee of the Regions, Coordinated Plan on Artificial Intelligence - Directive 2007/2/EC of the European Parliament and of the Council, of 14 March 2007, establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) - UNESCO's First Draft Recommendation on the Ethics of AI, - A comprehensive European industrial policy on artificial intelligence and robotics, European Parliament resolution of 12 February 2019 on a comprehensive European industrial policy on artificial intelligence and robotics (2018/2088(INI)) - Convention 108: GUIDELINES ON ARTIFICIAL INTELLIGENCE AND DATA PROTECTION - Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No.108) - Proposal for a Regulation laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) - The Federal Trade Commission (FTC) Act
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They create barriers to the design, development and application of AI systems; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making	I fully agree

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I completely disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I fully agree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Member states should have the basic infrastructure in place to enable the sustainable use of AI. It should not only be adaptable or expandable to systemic changes, such as new technological solutions, but also adaptable to new and changing societal norms, including the implementation of new research from the social sciences.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Rather useful Highly useful Rather useful Highly useful Indifferent/no opinion
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;• Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Support of a multidisciplinary global research network in AI such as the one that IRCAI is building, which provides solutions and innovations to AI systems in implementing the technical and research-driven mechanisms.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>CAHAI might want to take into consideration the uses of AI in the 6 regions of the United Nations (in particular in Sub-Saharan Africa as well as in Asia and the US) to maximize the impact of the legal framework beyond Europe and provide a basis for sustainable development of AI systems in relation to global challenges that are inclusive, ethical and rights-based.</p>
<p>Date of submission</p>	<p>4/26/21 17:16:12</p>

State (where your institution is based)	Belgium
Institution: Name of the institution/body/company	Internet Corporation for Assigned Names and Numbers (ICANN)
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Internet technical community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A definition focusing on automated decision-making
2bis. If "other" please explain below	
3. What are the reasons for your preference?	In my humble opinion an AI system is nothing other than a trained system to make decisions automatically. Obviously the initial training could be done by human investigated data (ground truth) as opposed to machine generated data. Nonetheless, the system is general makes automated decision based on a set of inputs and rules that are put in place for it.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance; Customs and border control; • Election monitoring;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes; • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	I selected options that are less likely to create other issues and biases due to their underlying data
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	I think AI should be used in areas where privacy of human beings are not endangered as well as areas where they will be of actual contribution rather than creating new problems. Good use cases are distinguishing deep fakes as well Internet security for example.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	Law enforcement; • Education; • Justice;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>They would make distinctions that are based on biased data, due to the nature of biased input. They will make social profiles and rankings and will block people's right to privacy.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; Smart personal assistants (connected devices); Scoring / scoring of individuals by public entities; • AI applications for personalised media content (recommender systems)</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>explained above</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any application that uses human specific characteristics and use it in any system or predictive model. Also any application that would create a big life impact for individuals based on AI, personal ranking is an example of that.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>I think it should be locally regulated</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Equality; Freedom of expression, assembly and association; Privacy and data protection; • Personal integrity ;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice; Law enforcement; Education;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations</p>	<p>Indifferent/no opinion</p>

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Standards
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	I have no opinion here since I do not think any law so far that I know of is specific enough
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I completely disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I completely disagree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I completely disagree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I completely disagree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I completely disagree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I completely disagree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I completely disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I completely disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I completely disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I completely disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I completely disagree

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I completely disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I completely disagree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I completely disagree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>Continuous automated monitoring; • Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ;</p>

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument No opinion No opinion Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/23/21 9:17:37</p>

State (where your institution is based)	Russia
Institution: Name of the institution/body/company	Internet Research Institute
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	The technologically neutral definition is better to use in regulations
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Welfare;• Healthcare;• Environment and climate;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);• AI applications determining the allocation of social services;• AI applications determining the allocation of educational services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI can help marginalized groups in these areas.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Managing Smart cities
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Law enforcement;• National security and counter-terrorism;• Justice;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	High risk of government overreach, lack of transparency, and public control.

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ; Scoring / scoring of individuals by public entities;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>High risk of government overreach, lack of transparency, and public control.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Automated court verdicts.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Not banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Freedom of expression, assembly and association; • Non-discrimination; Privacy and data protection; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Probably in every single one, but with a risk-oriented approach. ;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations</p>	<p>I rather agree</p>

of human rights, democracy and the rule of law	
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	None so far.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They create barriers to the design, development and application of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather disagree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	Indifferent/no opinion
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should	I fully agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Rather useful Rather not useful Rather not useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Regulatory sandboxes; • Human rights, democracy and rule of law impact assessments ;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Non-binding instrument Non-binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Highly useful Rather useful Highly useful Indifferent/no opinion
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/22/21 13:35:13

Intesa Sanpaolo Goup

State (where your institution is based)	Italy
Institution: Name of the institution/body/company	Intesa Sanpaolo Goup
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	The chosen definition embraces the most recognized characteristics of what an AI system is and likely will be in the next future, being sufficiently broad and technology-neutral. However, this definition doesn't consider the ability of the machine to perform operations at high speed on a huge volume of data beyond human capacity.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Other;
4bis. If other, which areas and why?	Potentially AI could have a positive impact on all areas, due to its ability to extract meaningful information from a huge and heterogenous set of data after an appropriate training. Moreover, AI systems can help to identify biases in our Society, the kind of biases that undermine fairness towards human beings due to human behaviours.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI systems can be effectively applied in situation where the experience, knowledge and human ability to act is beyond the capacity of a single or a small group of human beings. For example, in the healthcare system AI can help in the ability to gather patterns from previously collected and classified data (raw records, images,...). In the field of banking AI could be used to promote credit fairness and financial inclusion. AI applications could render AML and CTF controls more efficient and effective. AI promises to allow institutions to do more while spending less, with concomitant benefits for the availability and accessibility of all kinds of services.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	AI applications could improve protection and knowledge of clients/customers. AI applications for automatic evaluation of service quality. In medical development, algorithms learn to make increasingly accurate predictions to prevent outbreaks or diagnose tumors or rare diseases in an accurate and timely manner. A security program has the ability to report the existence of the possibility of a cyberattack simply on the basis of sequences of unusual data access requests, managing to accomplish this task within a few seconds. Furthermore, currently, governments use video surveillance and biometric techniques combined with AI to track and monitor terrorists.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Social networks/media, internet intermediaries ;
9. Please briefly explain how such applications might violate	There are a few general categories of risks that are common to many applications: (i) the safety of critical AI applications, (ii) the

<p>human rights, democracy and the rule of law.</p>	<p>security and privacy for individual users, and (iii) the social risks. One of the major risks of AI system is the application of models that are incorrect or that potentially could amplify the bias underlying unfair human decisions. Moreover, it could lead to privacy, identity theft and reputational issues in the social network field, as well as to biased judicial statements and job-candidate screening algorithms.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The machine learning system creates a model of the world based on the set of data that has been provided by designers and therefore subject to human misuse. Face recognition could affect more some sensitive groups, identified by features like ethnicity or gender, with a very severe impact on innocent people belonging to these groups. One of the major risk is the abuse of the recognition ability performed by governments or small group of influential companies. In addition to the possibility of control over people, social scoring has in principle an high impact on people's lives, thus any form of error made or amplified by an AI system could have severe consequences. Deep fakes, with their high resemblance to reality, can deceive a lot of people and thus could be exploited to manipulate the public opinion; moreover, an inefficient algorithm could learn from fake videos/images/documents, or could interpret as fake real documents and vice versa. An AI software employed for recruiting purposes, without a proper human oversight may unfairly discriminate some applicant with respect to others, Similarly, the decisions on how to allocate educational and social services could have severe and bad impacts on individuals and on the society if the AI system supporting them is trained on poorly representative data or without a proper human assessment and oversight. Recommender systems and fake news could lead to violation in the Social Network and Media area.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>In the purely procedural field, both civil and criminal, artificial intelligence is designed to support judicial decisions. At the moment many systems to identify possible judicial solutions in even very complex legal patterns are being tested but, to date, the results are not optimal. In this field the risks may be very high. AI applications could be used for mass manipulation, especially during public election, political advertising, voters profiling, economic systems. The oligopoly created by few private global subjects – as BigTech companies – with their ability to search and select information to anybody, anytime and for free is not balanced by anyone as there are no standardized international frameworks and regulations.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned only if it is not possible to be regulated and monitored,</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Non-discrimination;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Election monitoring;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines together with a regulatory agency which audits the implementation of these principles (including sanctions and conduct agreements)</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>GDPR, EU Charter of Fundamental Rights</p>

24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent	Indifferent/no opinion

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	In the event that AI applications have defects, pre-existing to the entering into circulation, it is possible to apply the legislation currently in force on the subject of "defective product". However, since the AI applications are open and in continuous development, any defect can emerge at a later time after being put into circulation. Therefore, it is necessary to establish criteria that determine to whom the responsibility for a specific defect must be attributed according to whether it is attributable to the phase preceding or following the putting into circulation of the AI applications. Therefore, in case of a wrong decision made by an AI

	<p>system it should be always clear who is responsible for the decision taken. Guidelines for measuring the extent of the violation, liabilities and sanctions proportional to its extent and possibility to impose or require effective remediation plans to be implemented by the parts involved.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Highly useful Highly useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring <p>47.bis. Other</p>	<p>Binding instrument No opinion Binding instrument Non-binding instrument No opinion</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and 	<p>Highly useful Rather useful Highly useful Highly useful</p>

<p>implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>It could be useful to issue a framework for regulating and monitoring the design and applications of AI. Artificial intelligence systems should not become tools for the few in view of costs, which only large companies can afford. In fact, adoption and deployment of AI technologies require specialists like data scientists, data engineer and other subject matter experts. These experts are expensive and rare in the current marketplace.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>AI applications in business domains require mathematical and statistical skills that must be developed in a structured manner. The main factor on which all the AI and machine learning models are based on is the availability of data and resources to train them. But one of the main barriers to implementing AI is the availability of data. Data is often siloed or inconsistent and of poor quality, all of which presents challenges for businesses looking to create value from AI at scale. To overcome this, it occurs a clear strategy from the outset for sourcing the data that your AI will require. Furthermore, The use of AI applications if they are developed and trained with incomplete data sets or distorted can lead to the creation of discriminatory behavior. In addition, automation e machine learning could reinforce prejudices exist because, unlike humans, algorithms may not be able to consciously counter any prejudices that may have been learned.</p>
<p>Date of submission</p>	<p>4/29/21 15:36:40</p>

Irish Council for Civil Liberties (ICCL)

<p>State (where your institution is based)</p>	<p>Ireland</p>
<p>Institution: Name of the institution/body/company</p>	<p>Irish Council for Civil Liberties (ICCL)</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Civil society</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial</p>	<p>A definition focusing on automated decision-making</p>

intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	A definition focusing on automated decision-making would provide regulation for the AI systems that have the most significant human rights impacts/harms today and in the future.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Other;
4bis. If other, which areas and why?	It cannot be said there are AI systems which only present promising opportunities for the protection of human rights, democracy and the rule of law. Systems will provide different opportunities or risks depending on the targeted population, context and situation in which they are deployed. They will also depend on the safeguards put in place.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes; • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Provided that appropriate safeguards are taken, and that these systems are developed by putting human rights above profit (which is rarely the case today), the four areas selected appear to have a lower risk of exacerbating existing power imbalances in our societies that result in, among others, growing economic and social inequalities. The use of AI systems in a few limited sectors can arguably contribute to closing or limiting these imbalances. That being said, there are no systems that only present opportunities or risks from a binary perspective, but instead systems that provide different opportunities or risks depending on the targeted population, context and situation in which they are deployed. As such, it's important to consider first who will benefit from these systems (specifically, which demographic groups and/or sectors) and who will be harmed? Second, is the root cause of a (social, economic, political or other) issue effectively being addressed by deploying the AI system, or are we merely offering performative and superficial solutions? In reality,</p> <p>1) Medical applications for faster and more accurate diagnoses: Provided that the datasets on which these are based include sufficient relevant information on vulnerable and marginalised groups and are not based on a homogeneous group, AI systems can potentially enable faster and more accurate diagnoses. This could in turn allow for more timely and cost-effective access and possible remedy for a wider group of people, thereby increasing access to healthcare. This would not only strengthen the right to health(care) but also democracy, as it could allow for broader access in society. Keeping in mind that those who have the least access to healthcare today are the communities that are already most vulnerable and marginalised, it is important to ensure that these systems equally benefit everyone. Effective public health policies must be implemented alongside any deployment of AI systems in healthcare must not unduly remove funding and resources from other health-related budgets.</p>

	<p>2) AI applications to predict the possible evolution of climate change and/or natural disasters: AI systems could potentially help better understand the effects of current policies on the climate and/or ecosystem. As such, they could potentially contribute to better decision-making related to protecting the climate and mitigating the effects of natural disasters. Keeping in mind that those affected mostly today are the communities that are already most vulnerable and marginalised, it is important to ensure that these systems equally benefit everyone and do not perpetuate or exacerbate inequality.</p> <p>3) Deep fakes and cheap fakes: Automatic verification of media could prevent unwarranted panics and division. If this technology is practical, it could make a big contribution to informed democratic politics.</p> <p>4) AI applications to promote gender equality (e.g. analytical tools): Provided that safeguards are taken to prevent discriminatory outcomes and that gender is seen as non-binary to include transpersons and gender non-conforming persons, AI applications could potentially promote gender equality via affirmative action in a few narrowly-scoped situations. Data is rarely collected about women and gender nonconforming persons – especially women who are BIPOC (black, indigenous and people of colour).</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>N/A</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Welfare;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The use of AI systems risks further exacerbate existing racial and ethnic, gender, and social and economic inequalities (among others). Given the severe impacts that judicial systems, law enforcement (including national security and counter-terrorism**) and welfare have on human rights institutional discrimination, any AI systems deployed in these sectors have the potential to cause great harm. This is especially worrisome given the institutional racism and other forms of discrimination that shape our social and political systems. Many of the policies and practices that are already entrenched with racial biases and often target already vulnerable and marginalised groups, especially black, indigenous and people of colour (BIPOC), will be coded into AI systems. This will make processes and the outcomes even more opaque, while falsely appearing to be 'objective'. The use of AI systems in welfare systems, for example, is particularly problematic as it can lock out the most vulnerable people from accessing social care. These systems have often been used to criminalise poor et lower socio-economic people (disproportionately impacting BIPOC and other minorities), by surveilling, targeting, harassing, and punishing beneficiaries. Promoted as tools to fight against fraud testing or to optimise distribution, there are many examples where AI systems have instead exacerbated socio-economic inequalities and impacted people's right to housing, food, employment, education, social security and even life.</p>

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;• Deep fakes and cheap fakes;• Recruiting software/ AI applications used for assessing work performance ;• AI applications to prevent the commission of a criminal offence;• AI applications determining the allocation of social services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>1. Facial recognition supporting law enforcement – Allows for mass surveillance, has highly discriminatory outcomes (especially for women and gender non-conforming persons and BIPOC) and is fundamentally incompatible with human rights. Evidence shows that uses of biometric mass surveillance in Europe have resulted in violations of EU data protection law and unduly restricted people’s rights including their privacy, right to free speech, right to protest and not to be discriminated against. The widespread use of biometric surveillance, profiling and prediction is a threat to the rule of law and our most basic freedoms.</p> <p>2. Deep fakes and cheap fakes - Such material can lead to emotional manipulation and trigger substantial panic, and unwarranted response and division.</p> <p>3. Recruiting software/AI applications used for assessing work performance - Such applications are deeply troubling as they could lead to extreme Taylorism.</p> <p>4. AI applications to prevent the commission of a criminal offence - Such applications can lead to incarceration and limit people’s freedom. Given institutional racism and biased AI systems, the use of algorithmic tools in the context of criminal justice risks perpetuating disproportionate harm to BIPOC and other vulnerable groups.</p> <p>5. AI applications determining the allocation of social services - Allocating social services without proper human oversight that looks at particular circumstances of each case can lead to misjudge a person’s situation. Such error disproportionately impacts already marginalised persons, especially those of lower socioeconomic class, as access to social services is often necessary for their survival.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks</p>	<p>Subject to moratorium</p>

with low probability to human rights, democracy and the rule of law be:	
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Non-discrimination;Freedom of expression, assembly and association;Privacy and data protection;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Continuous, inclusive and transparent human rights due diligence, and proactive regulatory scrutiny by a well-resourced and adversarial enforcer
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	N/A
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;

<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>a) Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities. b) Establishing rigorous transparency requirements for AI designers, developers and end-users. c) Banning facial recognition and other indiscriminate or arbitrarily-targeted uses of biometrics, which can lead to unlawful mass surveillance; risk assessment tools for criminal justice and autonomous weapons. d) Providing a right to refusal of being subjected to an AI system (including the right to opt-out and to have alternative means to access or achieve a given objective). e) Requiring that private sector companies take measures to respect human rights (e.g. mandatory human rights due diligence laws). This is especially important for AI systems as they are mainly designed, developed and often deployed by private sector companies.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I fully agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I fully agree</p>

<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I fully agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I fully agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I fully agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>a) To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system. b) Provide monetary compensation to victims harmed by AI systems. c) Establish sanctions of AI designers/developers/deployers for the harm caused by using the AI system. Sanctions should include the prohibition of further deploying the AI system unless significant</p>

	<p>changes are made to ensure that the design and/or use of the AI system is rights-respecting.</p> <p>d) Establish sanctions of AI designers/developers/deployers for the failure to conduct thorough human rights due diligence before and during the use of an AI system, or for failure to effectively monitor the use of the AI system.</p> <p>e) Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits;Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>1. Create a platform or forum providing the opportunity to effectively engage external stakeholders, especially civil society organisations and marginalised groups. Importantly, provide them with the tools, training, resources and information necessary to meaningfully participate in AI governance and AI accountability.</p> <p>2. A European enforcement college and expert unit to i) train enforcers, and ii) support complex investigations where necessary.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Proactively ensure inclusion of civil society (especially under-represented groups) throughout the process cycle. Establish feedback mechanisms and shared decision-making processes to ensure participatory mechanisms. This should be a (binding) legal obligation.</p>
<p>Date of submission</p>	<p>5/11/21 9:47:25</p>

Istanbul Bar Association

<p>State (where your institution is based)</p>	<p>Turkey/Istanbul</p>
<p>Institution: Name of the institution/body/company</p>	<p>Istanbul Bar Association</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Civil society</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights,</p>	<p>Other</p>

<p>democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	
<p>2bis. If “other” please explain below</p>	<p>- (Question is answered in Question 9)</p>
<p>3. What are the reasons for your preference?</p>	<p>We are mostly supporting a technologically-neutral and simplified definition, similar to the one provided by CAHAI in §5 of the Feasibility Study. However, we have some concerns on specific points. Thus, we would like to make the following reservations:</p> <p>Firstly, the common reference made to the reproduction of the cognitive abilities of a human being in various AI definitions might be confusing since AI applications do not reproduce any type of human ability and particularly not the cognitive ones. These applications, in most cases, produce outputs that have been traditionally produced by a human being or that have been considered “intelligent” if they had been produced by a human being. However, the underlying process is not cognitive but fully mathematical and statistical. Furthermore, even though the initial starting point of the development of the current state-of-the-art techniques is based on the functioning of the human brain, we are witnessing new techniques developed frequently, even the ones that adopt different approaches than mimicking the brain. Thus, a reference to cognitive abilities might also fasten the process of such definition becoming obsolete.</p> <p>Secondly, a reference to autonomy, which is AI’s distinguishing feature compared to traditional computer programs, would also be helpful to clarify the distinction for the existing provisions that are applicable to computer programs on the one hand and AI applications on the other. The existence of such a reference would prove useful, especially for the discussions of accountability, transparency, and liability of AI, considering that the amount of control that can be exercised by developers on the outputs of an AI program would be decisive as to whether existing regimes and notions, such as intent or link of causality, would apply.</p> <p>Thirdly, definitions not distinguishing science, system, software, or hardware from one another may be resistant to the passing of time thanks to their great flexibility. But this flexibility also risks the certainty arguably to the level where having such a definition does not make any difference. This might render a given definition impractical and futile and, in most cases, cause problems in practice with respect to scope as well as interpretation. The profound technical differences among these components would justify at least an identification of the component in a definition for the sake of legal certainty and enforceability. Among these components, we consider defining AI with reference to “software” would be the most appropriate as the main innovative and influential feature of AI is closely intertwined with its software.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Banking, finance and insurance;• Education;• Healthcare;</p>
<p>4bis. If other, which areas and why?</p>	

<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications to promote gender equality (e.g. analytical tools);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI applications may be used to allocate resources and services in order to overcome inequality and to reduce racial, ethnical, gender-based discrimination in the allocation of such services. Thus, particularly its use for achieving equality of opportunity in education may be beneficial to promote the right not to be subject to discrimination. Access to quality education is one of the most problematic areas in contemporary societies due to gaps among genders, social classes, ethnicities and races. These gaps ultimately harm the democratic culture and feed harmful prejudices. As such, the deployment of AI-based algorithms to provide high quality education to masses may be beneficial to democracy. A more widespread use of e-education techniques utilizing AI systems may be used to provide personalized education for all students, particularly children with special needs or the detection of gifted or talented students. These applications may particularly facilitate children from underprivileged backgrounds to achieve high quality education.</p> <p>AI may also be extremely useful in achieving faster and more accurate diagnoses and treatment. Additionally, AI may be used in the development and experimentation of new drugs and vaccines. AI is also used in healthcare services for advanced imaging techniques and analyses. While these aspects can be considered as beneficial for the right to health by making healthcare services more affordable and widespread, AI may also be used to reduce the gap between social classes of higher and lower income.</p> <p>However, another important use of AI in healthcare comprises the allocation of medical supplies and services, including vaccines. The Covid-19 pandemic has demonstrated the need for a speedy, efficient and fair deployment of a massive number of vaccines throughout the world. The use of a highly developed AI during the crisis might have protected the world population against an unfair or discriminate deployment and helped to achieve a lower rate of mortality through predictive algorithms for the eventual shortages in medical supplies or hospital beds.</p> <p>While presently AI and machine learning algorithms suffer from inherent biases and might cause discrimination, they can also be used to reduce it, particularly in racial or gender-based settings. Achieving gender equality in all aspects of social life is a difficult task that requires highly sophisticated analytical tools. AI may be used to utilize gender-neutral language in employment, to analyze participation of different genders in politics and decision-making processes, to eliminate gender-based violence, to create financial inclusion for all genders.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI applications are successful at automation, monitoring and pattern detection on huge datasets. Despite the fact that these features are closely intertwined with the very reason why AI poses significant risks to human rights and the rule of law in general, they can also be used as regulatory enforcement tools in some other fields of law and we would like to refer to three specific fields.</p> <p>Digital IP rights infringements, mainly the ones related to online</p>

	<p>copying and transfer of copyrighted works, are almost impossible to track on an individual basis in today's digitally connected life from the perspective of vaguely drafted copyright provisions that are subject to relatively broad exceptions. AI applications' ability to analyze huge data flows, and, while doing so, to "recognize" copyrighted images, sounds, videos or other digital content, makes them suitable and functional tools not only to track infringing actions but also to embed copyright rules in a flexible and evolving manner.</p> <p>Additionally, similar tools can also be used to control and prevent other problematic content such as the ones involving hate speech, misinformation, disinformation, market manipulation, terrorist propaganda or violence; which have strong human rights implications.</p> <p>AI's role in creating new cybersecurity threats is undeniable. European Union Agency for Cybersecurity (ENISA) has recently published one general report on "AI Cybersecurity Challenges" in 15.12.2020 and a specific one on "Cybersecurity Challenges in the Uptake of Artificial Intelligence in Autonomous Driving" in 11.02.2021. Apart from the traditional cybersecurity threats for digital technologies, the characteristics and the ecosystem of AI may open new ways in manipulation and attack methods. Since the technical aspects of AI, especially ML techniques, must be carefully addressed to be prepared for these new kinds of attacks, this will also require finding new methods, tools, and techniques for detecting these threats and for challenging them. In other words, since the social and economic lives of societies are increasingly integrated into developing technology and artificial intelligence systems, it is not enough to combat artificial intelligence applications that pose a threat to human rights and democracy with manual means. Therefore, we will need new AI applications, techniques and designs to encounter the threats arising from AI. On this ground, the cybersecurity threats and benefits of AI systems will need to be addressed together with a holistic approach. Consequently, the need for AI cybersecurity systems to contribute to strengthening human rights, democracy and the rule of law is a must.</p> <p>On the other hand, it must also be emphasized that AI applications are, by their technical nature, prone to err especially when they are trained with existing faulty data. Thus, AI applications aimed at automated monitoring of actions such as IP rights infringements or cybersecurity may create false positive or false negative results. A complaint or settlement mechanisms, ideally agile and online for a widespread access, should also be established in these cases.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The members of our Bar Association, by an overwhelming majority, have selected these three areas: Justice, law enforcement and national security/counter-terrorism.</p> <p>First of all, we have integrity and security concerns for AI systems in the same way as any information system. All kinds of tricking/hacking activities in AI systems can tremendously be harmful in these areas and cause irreversible damages. While it is</p>

crucial to ensure high-level security, it may not always be clear when an AI system is 'hacked'.

Secondly, we have concerns regarding the use of AI in the justice system. AI systems do not have the conscience of human beings. Especially in judgments requiring appreciation/discretion, AI systems carry the risk of disregarding minor elements, which may be significant for human understanding. It may cause issues such as providing adequate justice and fairness while making decisions. Considering the significance and sensitivity of the selected areas towards fundamental rights; we sincerely doubt whether any AI system would have "personal conviction" and lawfully use a discretionary power like natural persons, especially by sentencing.

Thirdly, bias is a well-known issue for AI systems. In that sense, data input proceedings must be monitored closely by natural persons. However, due to the nature of AI, even with human monitoring, bias may always occur in AI systems. Moreover, this may reflect the prejudices/ideologies of the persons or institutions that provide monitoring. Considering that bias can sometimes show up after a long period and the explainability of AI is a serious matter today (due to the BlackBox effect and so forth.), questioning AI systems' decisions will be difficult for the people who are subject to it and therefore, it may cause severe risks of human rights violations.

Intelligence activities rely on unverified information by their very nature. Considering that the balance of freedom and security has changed in favor of security in the last two decades, the bias of AI systems in national security and law-enforcement may hinder the fundamental rights and the rule of law. Since these activities are carried out in most legal systems, the administrative authorities use AI in these areas poses the risk of a closed control/supervision system in practice. Besides, our concerns regarding bias in AI systems also include discrimination of people: Use of AI systems in these areas may discriminate people as "acceptable" and "not acceptable" by promoting the average qualifications of people. It may eventually lead to criminalizing all kinds of diverse and marginal opinions and hinder the right to personal integrity and self-development. Here, our main concern is that these issues may not show up and be identified for many years, therefore remain uncorrected.

Even with cautious human control, current counter-terrorism and law enforcement activities face specific problems caused mainly by false information and the misuse of powers by executors.

Therefore, the integrity and accuracy of the data (information) required for making a decision are paramount. However, even with close monitoring, the people who are subject to the decisions taken by AI systems may not understand the reasons behind that decision. Although citizens who know the law and aware of their rights may object to these decisions by sensing "something wrong"; the questionability of the decisions may become more complicated and mysterious for people such as immigrants, who do not even speak the language and it may cause irreversible damages.

Finally, we are concerned that the use of AI in law enforcement and national security may lead to an expansion in states' powers for obtaining data. Many states (in particular authoritarian ones), arguing that the data is pseudonymized or anonymized, may desire to enhance their powers to obtain data, which may hinder privacy.

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The development, deployment and use of AI systems impact a wide range of human rights. In particular, selected usages of AI systems above directly affect "freedom of expression; equality and non-discrimination; social and economic rights; fair trial; right to privacy; physical, psychological and moral integrity".</p> <p>AI applications can be used in the media space with high efficiency, especially on social media platforms. By using AI systems, it is trying to keep people on the platforms as long as possible. Though they have created 'echo chambers' and 'filter bubbles', people spend a long time online. Moreover, to increase and facilitate this, AI systems are routinely used to select and prioritize content that keeps people on the platform. When AI systems are used irrespective of whether the content is objective, accurate, diverse, or relevant, the risk of hate speech, misinformation and disinformation quickly increases. "Deep fakes" which have become the most popular technique in recent years, are used for creating fake real people's mimics or voices. Although deep fake could be used for beneficial purposes such as data processing in autonomous vehicles to protect natural persons' face data, malicious uses on online platforms directly affect freedom of expression negatively. Since it makes it easier to spread disinformation, it causes an erosion of reaching objective and accurate information. It affects the capacity of individuals to form and develop opinions freely.</p> <p>We have witnessed AI systems making biased decisions many times in the past, and unfortunately, it continues. For example, in England, AI systems were used for scoring exam results, but the algorithm placed high importance on a school's historical performance, which caused biased results for high-performing students at underperforming schools. We have faced many similar examples for a long time. It could consist of sexism, racism, ageism and other unjust discrimination and so on. Therefore, it creates a new challenge to non-discrimination and equal treatment.</p> <p>The use of AI systems is increasing in workplaces. Employers mostly prefer to use AI systems to assess and predict employers' potential and performance in hiring and firing situations and monitoring and tracking. These applications include the risks of violating the right to just, safe and healthy working conditions. It causes new risks to social and economic rights. As mentioned above, the biased decision generated by AI could increase the risks of violation in the workplace. Moreover, when scoring individuals by public entities, including the social security decision, it could significantly impact individuals' lives.</p> <p>AI systems directly affect the judicial systems as well. As mentioned by the report 2018 of the CEPEJ, "it stresses the potential of AI developments to improve the predictability of the judicial process and to ensure the transparency of judges' work and the consistency of case law but also notes that such processes cannot be limited to algorithms and must take into particular account circumstances and ensure respect for fundamental rights." Indeed, it can make essential contributions to judicial systems,</p>

	<p>especially procedural economics. However, it should not be forgotten that the AI system's opacity could contradict the principle of accountability and transparency. For the efficiency of justice and its quality, accountable systems should be used, and human oversight should be ensured. (We give more details about this topic in question 19).</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Although the applications mentioned above are very detailed, it would be appropriate to mention two more issues in particular.</p> <p>The first of these are the tools used during intelligence gathering. Although intelligence is considered among the areas where using AI may be inconvenient in another question, the applications used to obtain intelligence should also be mentioned here. The very first example that can come to mind here is data mining. In particular, the data mining method is preferred in collecting big data and transforming them into intelligence information. In the process of making sense of the big data obtained here, the use of artificial intelligence may come to the fore. At this point, artificial intelligence may create risks in terms of human rights, democracy and the rule of law.</p> <p>The second issue is the elections. Using artificial intelligence in all kinds of local or general elections can create risks. An example of this is the Facebook-Cambridge Analytica data scandal. Here, significant risks may arise, especially in terms of democracy and the rule of law. Using the data obtained to direct the voters will prevent healthy elections, which is an indispensable condition for democracy.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>As a result of our discussions, the majority chose “banning”, yet we wanted to explain our concerns briefly. Experiences show that no matter how harmful the consequences of technological advances are, prohibiting them does not completely prevent their development entirely. Especially those who promise financial benefits in return continue to be developed illegally by private enterprises and tend to be gone underground. Considering that the main need to develop AI systems is data, it can be easily achieved even by small groups. Therefore, we believe that strong governmental monitoring that will prohibit and prevent such attempts is essential. Additionally, in our opinion these malicious systems should be approached with extreme caution and no exceptions should be permitted, because derogations recognised in good faith always have the risk of being abused and become widespread.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;• Legal certainty;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>It is obvious that the regulation of AI is in its early stages both in international, regional and national scale. However, there are some steps that can be mentioned below this question.</p> <p>Firstly, after the rise of AI technology, there are certain developments regarding the International Convention on Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects - (CCW) which was adopted in 1980 and entered in force in 1982. Over the last few years, CCW Meeting of High Contracting Parties has held meetings to discuss the legal aspects of the current state of AI technology compliance with existing international law and human rights. Three informal meetings helped raise awareness and understanding of the ethical and human rights challenges posed by the use of AI in conventional weapons.</p> <p>Apart from this Convention, the United Nations Interregional Crime and Justice Research Institute (UNICRI) established a center for AI and robotics to help focus expertise on AI across the UN as a single agency. Thus, Center for Artificial Intelligence and Robotics in The Hague, The Netherlands opened in September 2017. This Centre is focused on “understanding and addressing the risks and benefits of AI and robotics from the perspective of crime and</p>

	<p>security through awareness-raising, education, exchange of information, and harmonization of stakeholders”. UNICRI has developed a “large international network of stakeholders with whom it collaborates, including the International Criminal Police Organization (INTERPOL), the International Telecommunications Union (ITU), the Institute of Electrical and Electronics Engineers (IEEE), the Foundation for Responsible Robotics, the World Economic Forum, Centre for Future Intelligence, and other stakeholders.</p> <p>Again in 2017, two reports discussing the implications of AI technologies on human rights were submitted to the UN Human Rights Council (UNHRC). On May 5, 2017, the report from the Office of the High Commissioner for Human Rights on the topic of “ways to bridge the gender digital divide from a human rights perspective” made reference to “algorithmic discrimination and bias, and the potential for AI to drive improvements in women’s health.[1]” Another report from the Independent Expert on the rights of older persons “addressed the opportunities and challenges of robotics, artificial intelligence, and automation in the care of older persons.[2]”</p> <p>The amendments regarding the use of AI in vehicles should also be mentioned. The 1968 Vienna convention on Road Traffic is an international agreement currently with seventy-eight contracting parties, among them the major car-manufacturing countries and on 23 March 2016 amendments entered into force that removed legal obstacles for the contracting parties to allow transferring driving tasks to the vehicle itself, provided that the technologies used are in compliance with UN vehicle regulations or are overridden or switched off by the driver. In addition, on 9 October 2018, the UN Economic Commission for Europe’s Global Forum on Road Traffic Safety adopted a non-binding legal resolution serving as a guide for the contracting parties to the 1949 and 1968 Conventions on Road Traffic in relation to the safe deployment of highly and fully automated vehicles in road traffic. Thus, a new era has begun on the international regulation of the legal (civil/criminal) responsibility arising from the use of AI technology in vehicles.</p> <p>With regard to the national situation in Turkey, there is no binding or non-binding rule, standard, provision, or guideline specific to govern AI. Some reports have been issued by sectoral actors such as the Bars. National AI strategy is currently being prepared by the Digital Transformation Office, a specialized office working as a part of the Presidency of Republic of Turkey. A dedicated branch has been established under the Ministry of Justice.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They do not provide enough guidance to the designers, developers and deployers of AI systems;• They lack specific principles for the design, development and application of AI systems;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;There are too many and they are difficult to interpret and apply in the context of AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>The question of whether a specific topic should be discussed and governed on the Council of Europe level through a binding instrument must be approached meticulously as this might have additional implications that are difficult to forecast at this point. Thus, we do not have a specific addition to this question. Still, we</p>

	would like to emphasize the importance of constant monitoring of developments and reevaluation of the issue.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field	I rather agree

of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	- (Further explanations are made in Question 42)
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	Highly useful Rather useful Highly useful Rather useful Highly useful

<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>Regulatory mechanisms proposed for governance of AI have broad words and meaning which may be justified by the fact that it is not conceivable to come up with a single, “one that fits all” scheme that would work on flexible and various AI applications deployed in different sectors. However, one thing appears to be common in almost all of them: They are addressed either to the AI application itself or to the people who are directly involved in the development or deployment of such applications. Moreover, for AI applications that do not provide transparency or explainability, hard restrictions such as ban or moratorium are brought forward. At this point, it must be noted that AI applications do not function in isolation but rather they engage with other people or structures either digitally or physically. Risks that cannot be governed via direct actors may be mitigated, at least to some extent, through surrounding actors in order to create AI-friendly environments. For an efficient risk-based assessment, instruments addressing to such surrounding actors and systems may also be taken into account. By doing so, rather than directly restricting risky AI applications, it may be possible to reduce the occurrences of risky situations. Instead of banning AI applications on hiring decisions in general due to the fear of discrimination against protected groups, such groups may be manually excluded beforehand or such algorithms may be supported by additional rounds of interviews. Privacy concerns arising from smart devices or home appliances may be addressed by technical shutdowns that would make it impossible to transmit any sound, image or any other data once activated by users. Similarly, in self-driving cars, the risk of accidents may be further reduced via technical sensors that would override the AI algorithms in cases of obstructed vision. On a more practical level, education of risky AI applications must be informed or even trained before usage, which, again, would not reduce risks themselves but the likelihood of realization of these risks. On the other hand, as these measures would be extremely diverse depending on the application, development and deployment of such measures might be left to sectoral authorities rather than international or national instruments.</p>

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Forming national and transnational level dispute resolution mechanisms: When the answers to the questions above are sought holistically, it is seen that the common denominator of the studies is how the issues related to artificial intelligence can be governed by means of regulations. It is important to form the main principles of AI, but the dispute resolution mechanisms are also as important as these matters. Because in the end, even the best-formed and detailed regulations are bound to remain on paper unless they are applied fairly and properly, and cannot be more than a desirable wish.</p> <p>Considering the history of the establishment of mechanisms for the protection of human rights, it is seen that in general, major violations of rights occurred first and then national and international mechanisms were established to combat these violations. The speech of Pierre-Henri Teitgen which is still up-to-date, in the Parliamentary Assembly of the Council of Europe in 1949, can be given as an example to this:</p> <p>"No one can look into the future years ahead and claim that his/her own civilization will not turn into totalitarianism and dictatorship and that his/her country is free from such risks. That is why we must act first and create a consciousness and conscience that will ring alarm bells when the time comes. This special conscience is only a special European Supreme Court. can be created through."</p> <p>In this context, the concepts that mentioned in the previous answers above shouldn't be the only focuses of AI regulations, and the dispute resolution should not be placed behind them and seen as a later issue to handle. Before the irremediable wounds occur which the Second World War caused, it is necessary and important to take a proactive approach in parallel with the development of artificial intelligence, not only the regulation activities, but also the establishment of national and transnational dispute resolution mechanisms, such as specialized courts or arbitration or mediation centers, without any delay.</p> <p>The establishment of such mechanisms with specialized personnel will make a significant contribution to the adoption of a common</p>

	<p>understanding in an area such as artificial intelligence, which has a predominant technical aspect and is easily affected by cultural differences. We believe the realization that the existing legal regulations are insufficient to handle the issues which are and will be arised from developing, deploying and using artificial intelligence technologies, and the existence of the need for a separate regulation, supports our view that the resolution of disputes arising from artificial intelligence should be evaluated in separate mechanisms from the existing legal mechanisms.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>An efficient legal and ethical regime regarding AI systems can only be complete through the creation of practical and precise principles of liability in order to prevent impunity and overlaps in responsibility that may result from their design, development or operation.</p> <p>The inherent opacity, volatility and rapid scientific development of AI systems requires a re-evaluation of criminal and civil liability. Different actors in the design, development and operation of AI carry out various tasks and affect the acceptable risk area around AI applications. Acceptable standards for handling the risk in form of ethical and/or legal provisions have to be developed to establish the limits of liability for each of such actors.</p> <p>In the field of civil law, liability for endangerment and/or strict liability regimes should be considered in case of high-risk AI applications that may interfere with human rights. The opacity of machine learning algorithms make it hard to predict the outcomes for designers and developers in specific circumstances. Thus, while the main responsibility for damage or harm should remain with the operator, a general duty of information or education may be imposed on the developers of the applications in case of complex AI systems. Additionally, in relation to a point made previously under Question 37, the creation of AI-friendly environments and raising of awareness in the general society should be the duty of large-scale private operators and/or the state. Legal and ethical standards are needed to ensure that neither actor would have to be held liable for behaviour outside their area of due-diligence.</p> <p>In the area of criminal law, the main problem regarding liability is the allocation of individual responsibility and culpability within corporations. The risk source may be controlled by different actors within a single legal entity or pertaining to different entities. The allocation of responsibility requires a precise limitation of standards to be expected from each actor.</p> <p>Additionally, effective and deterrent sanctions should be imposed on legal entities involved in the design, development and operation of AI systems for the violation of standards resulting in a human rights violation or a clear and present danger towards a human right in case of high-risk operations. Such sanctions may be designated as criminal or administrative in nature, but should be designed to prevent any breach of human rights and to ensure MLA procedures.</p> <p>While the exact liability regime would fall beyond the scope of the CAHAI, it could be considered to include principles regarding liability and their importance in a legal framework.</p> <p>It is also essential to note that, while introduction of a liability/responsibility regime from both civil and criminal law perspective is advisable, such mechanisms should maintain a balance between the protection of human rights as well as other</p>

	protected legal interests on the one hand, and the general interest at allowing innovation on the other.
Date of submission	4/28/21 17:28:55

Istanbul Technical University

State (where your institution is based)	Turkey
Institution: Name of the institution/body/company	Istanbul Technical University
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	To define a legal framework, a technologically-neutral definition must be provided in advance to clarify the context and boundaries of the issue.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Healthcare;• Environment and climate;Welfare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);• Smart personal assistants (connected devices);• AI applications determining the allocation of educational services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Healthcare, education, and environmental protection constitute the basis of human rights.
7. What other applications might contribute significantly to strengthening human rights,	AI applications used to enhance teaching abilities at all levels of education can be considered as part of these contributions.

democracy and the rule of law?	
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Any failure of AI systems may cause irreversible consequences in such applications.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; <ul style="list-style-type: none"> • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	As AI systems learn from data, exceptional cases may be misjudged.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Data collection methods and the sources of data must be considered comprehensively in all applications.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; Freedom of expression, assembly and association; <ul style="list-style-type: none"> • Non-discrimination; • Privacy and data protection;

<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>There are various articles in the laws to regulate data collection and data security.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I fully agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Detailed regulations must be adopted by incorporating a wide range of stakeholders.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Highly useful Indifferent/no opinion Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Certification and quality labelling; • Audits and intersectional audits; Continuous automated monitoring;</p>

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/26/21 20:55:28</p>

State (where your institution is based)	Greece
Institution: Name of the institution/body/company	IT Directorate / Hellenic Police Headquarters
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No opinion
2bis. If "other" please explain below	
3. What are the reasons for your preference?	<ul style="list-style-type: none"> • Complex legal parameters involved • Existence of many different definitions depending on the purpose of application • Diversity of practical applications of artificial intelligence applications
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Law enforcement; Customs and border control; National security and counter-terrorism;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Automated fraud detection (banking, insurance); • Deep fakes and cheap fakes; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<ul style="list-style-type: none"> • Investigation of unexpected or suspicious behavior, especially in cases of gathering of many people, for the purpose of early diagnosis of criminal / terrorist acts. • Prevention and fight against fraud, especially in electronic transactions and the internet.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	-.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Law enforcement; • Customs and border control; • National security and counter-terrorism;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<ul style="list-style-type: none"> • It should be noted that the selection and focus on the above areas was due to relevance to the subject and / or competence and not comparatively as an estimation of the most important factors in relation to the rest. Therefore, questionnaire replies/answers in such question(s) are expected to provide biased responses from stakeholders depending on each participant's areas of interest and focus. • Possible misuse of the possibilities offered by technology • Considering the combination of the following two factors: i) that so far, the proper use of AI applications involves or even presupposes the involvement of the human factor, especially in decision making, ii) the human factor can be considered subjective by definition.
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<ul style="list-style-type: none"> • It should be noted that the selection and focus on the above areas was due to relevance to the subject and / or competence and not comparatively as an estimation of the most important factors in relation to the rest. Therefore, questionnaire replies/answers in such question(s) are expected to provide biased responses from stakeholders depending on each participant's areas of interest and focus. • Answer as in question 15.
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>-.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Equality;• Non-discrimination;• Personal integrity ;• Transparency;</p>

<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement; Customs and border control;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>No opinion</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>-.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;• They create barriers to the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	Indifferent/no opinion

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I rather agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>-.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/28/21 14:57:09</p>

State (where your institution is based)	Italy
Institution: Name of the institution/body/company	JODI - Juridical Observatory on Digital Innovation
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No opinion
2bis. If "other" please explain below	
3. What are the reasons for your preference?	The difficulty of deciding between alternative definitions of AI depends on the fact that to a certain extent the issue of protection of human rights, democracy and the rule of law appears to apply to many software applications or to the generality of software applications/systems as such.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Healthcare;• Environment and climate;• Education;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Please note that CFREU hereinafter stands for Charter of Fundamental Rights of the European Union</p> <p># Medical apps for diagnoses would benefit:</p> <p>(i) human rights in terms of improving chances of protecting people's health (Art. 35 CFREU) and dignity (Chapter I of CFREU) and allowing more time for working and social relationships</p> <p>(ii) democracy as a consequence of likely increased accessibility to sophisticated diagnoses for poorer people</p> <p>(iii) rule of law in terms of increase of certainty in the assessment of the causal link and other elements typically critical in damages claims proceedings and other proceedings or decision making-processes (including in connection with labour-, pension-, social indemnity- and insurance-related matters) in which the harm to people's health is of relevance.</p> <p># AI apps for prediction of possible evolution of climate change and</p>

	<p>natural disasters would benefit:</p> <p>(i) human rights relevant to people's rights to life and security (Articles 2 and 6 CFREU)</p> <p>(ii) democracy, as a consequence of reduction of risks of political instability attached to sudden, unforeseen and catastrophic events</p> <p>(iii) rule of law, as a consequence of the increased certainty and explainability of the rationale for laws and regulations aimed at preventing/reducing the risks of climate change and natural disasters.</p> <p># AI applications providing support for the healthcare system (triage, treatment delivery) would benefit:</p> <p>(i) human rights relevant to people's health (Art. 35 CFREU) and dignity (Chapter I of CFREU)</p> <p>(ii) democracy, in terms of likely increase of quality and quantity of medical services for poorer people</p> <p>(iii) rule of law in terms of potential for increased transparency and equality in the access to, and prioritization of, healthcare services.</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	<p>AI applications aimed at unearthing free information by way of detecting contents that are not/no longer subject to IP rights or other statutory limitations and whose circulation has been restricted by mistake/for reasons which are no longer valid</p> <p>AI applications of this kind would benefit:</p> <p>(i) human rights, in terms of increase of information for educational and self-educational purposes, available for the exercise of the freedoms and rights provided by Articles 10 to 14 of CFREU</p> <p>(ii) democracy, in terms of increase of information available for affirming pluralism and diversity</p> <p>(iii) rule of law, in terms of increase of certainty in the enforcement of norms allowing relief of limitations to access/circulation of information.</p>
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Justice; • Welfare;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>AI applications in the Justice and Law Enforcement sectors may endanger the right of defense / due process. AI Applications in the Welfare Sector may infringe upon the right to equal opportunities.</p>
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; AI applications aimed at predicting recidivism ; • AI applications to prevent the commission of a criminal offence ; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</p>
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>These AI applications not only may embed biases but they - in a sense - do produce biases by design</p>
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	<p>AI applications for law enforcement</p>
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or	<p>Banned</p>

undermine democracy or the rule of law be 13bis. Other	
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; • Social security; Freedom of expression, assembly and association; • Explainability;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree

<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>The EU Commission's Proposal for a regulation of the European Parliament and the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act)- COM(2021) 206 final of 21 April 2021</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They lack specific principles for the design, development and application of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>AI applications for marketing practices</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I rather agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or</p>	<p>I fully agree</p>

opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	No

<p>regime in relation to AI applications?</p>	
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;• Audits and intersectional audits;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument No opinion Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and 	<p>Highly useful Indifferent/no opinion Rather useful Rather useful</p>

<p>implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/28/21 18:25:18

JSCo "RZD"

State (where your institution is based)	Russian Federation
Institution: Name of the institution/body/company	JSCo "RZD"
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as "a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being" (See the CAHAI feasibility study, §5)
2bis. If "other" please explain below	
3. What are the reasons for your preference?	For the purposes of applying AI in the work of JSCo "Russian Railways" divisions, it is necessary to stick to the von Neumann definition of AI (as a means of enhancing human cognitive functions), without substituting automation for humans themselves in the area of critical decision-making.
4. Please select the areas in which AI systems offer the most	Banking, finance and insurance; Law enforcement; Healthcare;

<p>promising opportunities for the protection of human rights, democracy and the rule of law</p>	
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<p>Facial recognition supporting law enforcement ; • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • AI applications for personalised media content (recommender systems); • AI applications in the field of banking and insurance;</p>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI is useful wherever its application can draw people's attention to certain events, patterns and actions, allowing them to take preventive action, or else, in some way, improve the interaction between people and organizations, institutions of society.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>no opinion</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>• Justice; • Law enforcement; • Election monitoring;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>If the application of AI in these areas is opaque: the ways in which decisions are made and their results are not subject to human control, but already affect individuals and their position in society and the state's attitude toward them. This jeopardizes democratic principles of governance and human rights, as well as the principle of the rule of law as an instrument used by the state to govern its citizens.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Automated fraud detection (banking, insurance); • Deep fakes and cheap fakes; • AI applications determining the allocation of social services;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The greatest danger is the opacity of the principles of AI functionality, especially in the application of neural network and evolutionary algorithms - it is not always possible to adequately assess the effectiveness of their use.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>no opinion</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>No opinion</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Social security;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>no examples</p>

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>no gaps to address</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I rather agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I rather agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I rather agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I rather agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I rather agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I rather agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I rather agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	<p>I rather agree</p>

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather not useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Certification and quality labelling;• Audits and intersectional audits;• Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>no opinion</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Rather useful Rather useful Rather useful Rather useful</p>

<p>developments related to AI systems</p> <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	no answer
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	no answer
<p>Date of submission</p>	4/29/21 18:48:45

Kempelen Institute of Intelligent Technologies

<p>State (where your institution is based)</p>	Maria
<p>Institution: Name of the institution/body/company</p>	Kempelen Institute of Intelligent Technologies
<p>Personal capacity: Your socio-professional category</p>	Intermediate occupations
<p>Your stakeholder group</p>	Academic and scientific community
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	Other
<p>2bis. If "other" please explain below</p>	<p>Defining AI systems or systems including AI we mean software or software-hardware systems that given a goal act by perceiving their environment through data acquisition, interpreting, reasoning or processing the information, derived from this data and deciding the best actions to take to achieve the given goal. AI systems can learn a model and they can also adapt their behaviour by analysing how the environments is affected by their previous actions. [adapted from A definition of AI by High-level expert group on AI set up by the European Commission]</p>

<p>3. What are the reasons for your preference?</p>	<p>We support simplified definition, but it should not be simplified too much. Artificial intelligence is a discipline. Reproducing cognitive abilities of a human being is just a part of AI, intelligent behaviour can be achieved also by other approaches.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>• Healthcare;• Environment and climate;Banking, finance and insurance;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<p>• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);• Automated fraud detection (banking, insurance);• Deep fakes and cheap fakes;</p>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Chosen AI applications aim to protect human beings from cybernetic/life endangering threats, or create more effective ways to meet the basic needs of the society- e.g. faster diagnosis of diseases or prognosis of disease outbreaks, that could save lives globally, ensure stability and eliminate possible social outbreaks. AI technologies can speed up treatment of millions of people. Thanks to the advantages of AI, experts in the respected fields can focus on the most difficult cases, while simple cases can be solved semi-autonomously by AI applications. Hence, AI can help to spread advanced healthcare to areas where it was not possible in the past. Applications to predict the possible evolution of climate change and/or natural disasters would e.g. help to prevent massive damages on environment and health, would help avoid casualties and poverty that natural disasters bring.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Applications for detecting fake news and regulating social media bubbles - or smart content search algorithms decreasing political polarization. Applications of AI systems that help to prevent unlawful interference in electoral processes, for personalised political targeting without adequate transparency mechanisms, and more generally for shaping voters' political behaviour and manipulating public opinion. AI applications that will provide the protection of biological "big data" (e.g. sequencing of the human genom...). AI applications supporting law enforcement in protecting the children.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>• Justice;• Social networks/media, internet intermediaries ;• Education;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Justice - unfair decisions, which we will not be able to explain Education - children are very sensitive for manipulation Social networks - user manipulation, losing autonomy, filtration bubbles, break-up of relationships</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;• Emotional analysis in the workplace to measure employees' level of engagement;• Deep fakes and cheap fakes;AI applications aimed at predicting recidivism ;Facial recognition supporting law enforcement ;</p>
<p>11. Please briefly explain how such applications might violate</p>	<p>Applications for employees engagement monitoring violate privacy and create excessive stress and dehumanize employees. The employer should have no right to analyse, store or manipulate</p>

<p>human rights, democracy and the rule of law.</p>	<p>employee emotions. Deep fakes can destabilize democracy e.g. to influence elections or public opinion in general, as the face of any person may be placed into criminal scenarios. Remote facial recognition again monitors the movement of humans without respect to their privacy and can also pose the threat to their political rights. Misusing and misinterpretation of any score created by AI poses a great risk, because the general public often does not understand the meaning of the score, hence it can be easily used to manipulate the public.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>AI applications which are not explainable and not open for audit, in particular when they are trained on unbalanced data sets. Because any application that may imply unjustifiable discrimination (e.g. against race, gender) represent a risk to human rights. Excessive surveillance systems, cognitive extenders and autonomous weapons.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Closely examined, and regulated to create a positive impact on human rights, democracy under law framework. If they can't operate without violation of human rights, they should be banned. We should also find a way to motivate society not interact with systems undermining human rights and ethical values.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Non-discrimination;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;• Healthcare;• Social networks/media, internet intermediaries ;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Various methodologies for ethical assessment, such as ALTAI developed by High-level-expert-group on AI.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>Other digital rights like the right for mental integrity, right for mental safety. Topics concerning copyright, responsibility for the consequences, and fighting against crime. How to distribute knowledge among all member states to ensure equal chance of development of trustworthy solutions.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in</p>	<p>I rather agree</p>

particular how the algorithm reached its output.	
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion

<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>An international regulatory instrument is essential for the responsible development of AI. Therefore the future legal framework at Council of Europe level must include a liability regime in relation to AI applications. It should contain a legal framework outlining the ethical principles and legal obligations to be followed when developing, deploying and using artificial intelligence, robotics and related technologies in the EU including software, algorithms and data, protection for fundamental rights. The legal framework must be premised on several guiding principles, including human-centric and human-made AI; safety, transparency and accountability; safeguards against bias and discrimination; right to redress; social and environmental responsibility; and respect for privacy and data protection. High-risk AI technologies, which include machine learning and other systems with the capacity for self-learning, should be designed to allow for human oversight and intervention at any time, particularly where a functionality could result in a serious breach of ethical principles and could be dangerous. It should state that AI applications should not be ascribed with (legal) personality and to state the level of responsibility of AI flaws only to humans as a distributed liability between developers, deployers and users. And state new proactive notions of responsibility (answerability). It should also cover claims of damage caused by unequal treatment or discrimination, privacy violation.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits 	<p>Rather useful Rather useful Rather useful Indifferent/no opinion Rather useful</p>

<p>- Regulatory sandboxes Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	<p>Workshops with AI ethics officers (facilitators) - non-biding</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Highly useful Rather useful</p>

<p>49. What other mechanisms, if any, should be considered?</p>	<p>Agreement upon binding declaration to state principles and the way how they should be translated into norms and requirements. Participate in a common ethics assessment framework that member states can adopt. Mechanisms assigning the responsibility for use of AI solutions to specific individuals/entities.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>AI systems can be scored by companies/countries/public/individuals in terms of their harmful impact on human rights, democracy and law. Such an international scoring may alert member states that certain AI systems caused harm in other countries so the precautionary steps may be taken to prevent similar scenarios in other member states. We would like to see more focus on application of AI technology to re-examine root problems we want to solve, and use it to help us frame the problems, before we start solving them. We should spend a bit more time thinking about the current framing of the problems and examine them and use AI technology to help us to examine or re-frame the problems rather than rush to use new AI technology to solve problems as they were framed. Also the problem of super intelligence and discussion about the potentially catastrophic risks entailed by such an entity should be at least mentioned. And last, but not least, the AI ethics is not only about assessments and certification schemes, but it is heavily based on the bottom-up process of personal (and company) sensitivity. Much more effort should be done in educating engineers and business owners on how to think about possible harms of their applications. We should deploy some educational schemes to train the employees that are willing to know how to translate their own ethical intuitions into the design of products they participate in.</p>
<p>Date of submission</p>	<p>4/27/21 23:03:31</p>

Kenniscentrum Data & Maatschappij

<p>State (where your institution is based)</p>	<p>Flanders, Belgium</p>
<p>Institution: Name of the institution/body/company</p>	<p>Kenniscentrum Data & Maatschappij</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Academic and scientific community</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	

3. What are the reasons for your preference?	A technologically neutral definition provides the maximum stability in the face of changing technologies. However, we note that the example is not appropriate, as it will be under- and overinclusive. Many AI techniques serve to complement or surpass human intelligence and would thus fall out of the scope of the given definition. Other systems such as expert systems are already present since the 20th century and pose no additional risks.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Other;
4bis. If other, which areas and why?	We are of the opinion that a focus on sector is too limited and propose to focus on the scale of affected citizens. The larger the scale and the type of challenges caused by AI, the more important this application should be.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	We are of the opinion that a focus on sector is too limited and propose to focus on the scale of affected citizens. The larger the scale and the type of challenges caused by AI, the more important this application should be. This answer also replaces our previous answer.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Reporting incident tools such as: AI, algorithmic and automation incident and controversy repository. And tools to increase transparency such as algorithmic databases https://algorithmerregister.amsterdam.nl/en/ai-register/
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	We are of the opinion that a focus on sector is too limited and propose to focus on the scale of affected citizens. The larger the scale and the type of challenges caused by AI, the more important this application should be.;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Not applicable, we hope that evaluations can be prioritised on objective parameters
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Deep fakes and cheap fakes;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	We are of the opinion that a focus on sector is too limited and propose to focus on the scale of affected citizens. The larger the scale and the type of challenges caused by AI, the more important this application should be. This answer replaces our answer under 16.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	All the applications that did not fit in the description above

<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	Banned
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	Political pluralism;Equality;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	We are of the opinion that a focus on sector is too limited and propose to focus on the scale of affected citizens. The larger the scale and the type of challenges caused by AI, the more important this application should be.;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I rather disagree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I completely disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Voluntary certification
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human</p>	I rather agree

rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	GDPR, Product Liability Directive (and national legislation), General Product Safety Directive (and national legislation), consumer protection framework (EU)
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Clarification of concepts such as: public interest (GDPR), product, burden of proof, meaningful explanation or meaningful logic (cf. question 29), social scoring (cf. question 33)
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree

<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I rather disagree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I fully agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I fully agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I rather disagree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I completely disagree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I rather agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Clarification should be provided on existing concepts in national liability laws through a soft law instrument.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Rather not useful Rather useful Rather useful Indifferent/no opinion Not useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Certification and quality labelling; • Audits and intersectional audits;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Non-binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/7/21 12:38:15</p>

Kirklareli University

<p>State (where your institution is based)</p>	<p>Turkey</p>
<p>Institution: Name of the institution/body/company</p>	<p>Kirklareli University</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Academic and scientific community</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>Other</p>

<p>2bis. If “other” please explain below</p>	<p>A technologically neutral and simplified definition would be ideal for a flexible and time-resistant regulation. But a specific reference should be made to features distinguishing AI techniques that distinguish AI from traditional computing, which are already regulated from different perspectives. Additionally, the reference to reproducing cognitive abilities of a human being should be omitted since the process is purely statistical and similar to human thinking not from the perspective of the process but from the perspective of the result.</p>
<p>3. What are the reasons for your preference?</p>	<p>A framework that would not distinguish between novel and disrupting features of the "modern" AI and other traditional software whose outputs look as if they are created by humans would disrupt the already established regime that is applied with a certain level of success to the traditional computer programs.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Banking, finance and insurance;• Healthcare;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications providing support to the healthcare system (triage, treatment delivery);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI may be highly beneficial in most of these applications compared to non-AI solutions. However, again in most of these applications, AI would create significant privacy risks and expose the people concerned to a digital "leviathan". Still, in some applications, we consider that the benefit to be gained by using AI significantly overshadows the risks associated with such usage. In the healthcare system, using AI may enable us to increase the speed as well as accuracy, and customization of the lifecycle of patient care including the diagnosis and treatment of a specific disease. Additionally, AI-powered assistants are quite promising and influential for people who do not have anyone else to rely on. With respect to the banking and finance sector, thanks to the great capacity of AI at identifying patterns, it is much more possible to detect fraud and other irregularities, which is closely associated with the financial freedom and stability of both individuals and the economic system in general.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>As it is almost impossible to track and detect online copyright infringements in today's world without algorithmic measures in place, AI-based tracking and detection tools that would scan the internet and identify potential infringement, even the ones based on micro-similarities, may be considered a significant contribution to the rule of law with respect to IP rights.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Social networks/media, internet intermediaries ;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>AI systems are statistical in their nature. They do not rely on semantics or fundamental human-centric values, which have vital importance in the field of justice and law enforcement. The risk of getting even a single erroneous output is too much as it might be</p>

	<p>the whole life of a person. On a different note, this statistical nature may be used to tip the outputs in favour of a certain result.</p> <p>With respect to social networks, media and intermediaries, the main issue is the fact that thanks to AI applications, private corporations may, and indeed do, continuously monitor individuals. This has huge implications with respect to human rights especially considering that we use most of our rights through online platforms.</p>
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;• AI applications determining the allocation of social services;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Outputs of the selected applications have the potential to drastically affect one's life. These decisions should not be left to statistical and mostly -at least for now- black box and error-prone tools.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	This is in fact closely related to the most applications provided below but due to its significance, we believe that it deserves a specific mention. AI-based mass surveillance applications, either physical or digital are threatening the privacy, freedom, autonomy, and dignity of people in the seemingly endless but essentially isolated environment of cyberspace.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;• Explainability;• Transparency;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;• Social networks/media, internet intermediaries ;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>We do not have any binding instrument in Turkey right now.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;• They lack specific principles for the design, development and application of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They do not provide enough guidance to the designers, developers and deployers of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making</p>	<p>I fully agree</p>

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather disagree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather disagree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather disagree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I fully agree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	For an efficient liability regime, the question of who will be liable for what on what grounds must be answered meticulously. Currently, the link of causality and intent are not as clear as they are with traditional computer programs when it comes to AI. Considering that these are among the foundational concepts of the traditional liability regime, new bases might be considered for the liability in the AI ecosystem involving the biggest AI-producing companies, data scientists, software developers, AI system users, and surrounding actors whose actions could reduce any risk that might arise from using or developing an AI system.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Rather useful Rather useful Rather useful Highly useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Regulatory sandboxes; Continuous automated monitoring; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>All of these mechanisms may create some positive results. But none of them would be enough unless we aim for an AI-friendly environment, where AI systems are, even though they are inherently risky, not put into positions to increase the likelihood of the realization of such risks. A traffic model, where all people know how self-driving cars function and most of the cars are in fact autonomous, would be much safer for further AI implementation compared to a scenario where there are seldom autonomous cars that cannot communicate human-led cars and which are tricked into risky positions by human drivers. Even though we support binding rules in almost all areas, this is not only because they are directly effective but also because their power of coercion makes the issues visible, which may assist the increasing the understanding of the society as a whole, which was the case with personal data protection laws. In addition to AI developers and systems, people working in close connection with these should be taken into the regulatory sphere for non-AI-powered risk-mitigating mechanisms.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design,</p>	

development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/28/21 4:32:36

K-Skai

State (where your institution is based)	Russia
Institution: Name of the institution/body/company	K-Skai
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	The definition should allow the development of AI in various directions, including new and not yet proposed. Therefore, it should be universal and not have unreasonable restrictions or preferences.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare;Justice;Banking, finance and insurance;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Emotional analysis in the workplace to measure employees’ level of engagement;• Medical applications for faster and more accurate diagnoses;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Applications in the most human-sensitive areas: healthcare, legislation, finance, etc. Where the elimination or reduction of the influence of the human factor improves the quality of decision-making

<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Theoretically - any. It seems that the more AI penetrates into various spheres of people's lives, the greater the synergistic effect, and hence the impact.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Banking, finance and insurance; • Healthcare; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Any application that has a significant impact on decision making, which in turn has a significant impact on life, health and well-being.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;• AI applications for personalised media content (recommender systems);• AI applications providing support to the healthcare system (triage, treatment delivery);</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Incorrectly trained applications with constraints and bias in datasets used for machine learning</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>-</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>None of the above</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Privacy and data protection;• Non-discrimination;</p>

<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<ul style="list-style-type: none"> • Healthcare;Justice;Banking, finance and insurance;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>I do not know about such</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>I do not know about such</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>

27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I completely disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms	I rather agree

<p>in the sphere of human rights, democracy and the rule of law.</p>	
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I rather agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I completely disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>Indifferent/no opinion</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Safety</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Indifferent/no opinion Rather useful Rather useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Certification and quality labelling;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>No opinion Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/3/21 7:40:57</p>

State (where your institution is based)	france
Institution: Name of the institution/body/company	Laboratoire de l'Egalité Femmes/Hommes
Personal capacity: Your socio-professional category	Lower occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	aujourd'hui il existe plusieurs types d'IA le cadre juridique (normes, processus de contrôle,...) doit porter sur tous ces types et sur les conséquences en terme d'impact sur la liberté, la discrimination, les droits de l'Homme
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;Law enforcement;Welfare;•
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • Recruiting software/ AI applications used for assessing work performance ; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); •
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	ces applications ont un effet direct sur la protection des droits de l'Homme car elles ont des objectifs de "bien" au service de l'Homme si elles n'intègrent pas de biais ni n'exploitent des données biaisées.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	applications de justice
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Justice; • Education;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>ces applications justice, maintien de l'ordre et éducation peuvent générer des inégalités de tout type si elles sont biaisées elles ont un impact direct sur les droits de l'Homme si les résultats sont faux</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; • Recruiting software/ AI applications used for assessing work performance ; • AI applications in the field of banking and insurance; • Deep fakes and cheap fakes;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>les impacts sont importants pour l'Homme : risque d'être emprisonné à tort, risque de licenciement, risque de ne pas pouvoir sa filière d'études, risque de ne pouvoir obtenir des prêts</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>simulation du langage humain dans les chatbots</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Equality; Privacy and data protection; • Transparency; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice; Law enforcement; Education;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations</p>	<p>I rather disagree</p>

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather agree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	le RGPD sinon que des livrets blanc ou études mais aucun instrument juridique
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	il faut définir un cadre européen pour une IA éthique : définition de l'IA éthique des normes et procédures de contrôle mettre en place des instances de gouvernance et de régulation des IA généraliser les audits avec certification à la clé
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>responsabilité du donneur d'ordre de la production du système d'IA responsabilité du concepteur devoir de transparence et donc d'explicabilité des résultats avec procédures de test normées</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Highly useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/28/21 14:51:35</p>

State (where your institution is based)	Bulgaria
Institution: Name of the institution/body/company	Law and Internet Foundation
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Although having a definition at place could be limiting the future application of the convention, having such will facilitate the work later on to better capture all the different cases where AI is employed.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; • Public administration;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI should be used as a decision-supporting tool, to this end the field of its use should be limited to those areas where service and healthcare providers have an useful tool on their side.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	AI applications in the public sector, namely in the provision of public services to citizens and local, regional and national level.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Employment;
8bis. Other	
9. Please briefly explain how such applications might violate	In certain areas of life, the decisions should be taken all the way by a human, especially when it comes to decisions which might impact human rights in the gravest way. Human oversight and supervision

human rights, democracy and the rule of law.	are a guarantee for the just decision-making, and the avoidance of discrimination and bias.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;Scoring / scoring of individuals by public entities;AI applications aimed at predicting recidivism ;• Recruiting software/ AI applications used for assessing work performance ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The practical application of AI in these fields might lead to discrimination, but also violation of human rights such as the right to fair trial and the presumption of innocence.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	AI in predictive policing.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Privacy and data protection;• Legal certainty;• Explainability;Respect for human dignity;• Non-discrimination;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement;Justice;Customs and border control;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>GDPR, Convention 108</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should	I fully agree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Financial liability regulated in a way similar to GDPR</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ; • Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Rather useful Highly useful Highly useful Highly useful
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	3/31/21 15:34:13

Legal Resources Centre from Moldova

State (where your institution is based)	Republic of Moldova
Institution: Name of the institution/body/company	Legal Resources Centre from Moldova
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	A definition focusing on automated decision-making

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Because it might have the most usefull to provide much-needed regulation for the AI systems that have the most significant human rights impacts.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications for personalised media content (recommender systems); • AI applications to promote gender equality (e.g. analytical tools); • Deep fakes and cheap fakes;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>medical - benefits for access to a more affordable and accurate medical diagnosis and care, and prevention;</p> <p>climate change - benefits for better decision making with regard to climate changes policies. Knowing the possible effects to the environment could shift priorities and help in particular marginalized groups to be better protected;</p> <p>media content - moderation of information/curating/dealing with harmful and problematic content, to avoid secondary trauma for the content moderators; prevent disinformation;</p> <p>deep fakes/cheap fakes - to protect privacy and dignity of people, but also prevent disinformation and distribution of fake news;</p> <p>gender equality - prevent and combat discrimination on gender basis, and discriminatory outcomes. At the same time, promote affirmative actions based on data driven analysis.</p> <p>analyzing the performance of pupils/education - to prevent/combat plagiarism.</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Impact on human rights, democracy and the rule of law
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Justice; • Customs and border control;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Justice/Law enforcement: Such applications already proved to be problematic as they have potential to limit the rights of those most vulnerable and marginalized groups (ex. access to justice/prohibition of torture/individualization of sentences); also activists/journalists/human rights activists and human rights defenders. Also, such applications can restrict freedom of association/assembly and freedom of religion, especially when using facial recognition systems by undemocratic governments.

	Customs and border control: in migration matters, such applications can reinforce racism and discrimination.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;AI applications aimed at predicting recidivism ;• AI applications determining the allocation of social services;• AI applications to prevent the commission of a criminal offence;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Facial recognition supporting law enforcement: allows for mass surveillance, targeting of human activists/, political opposition, etc. Scoring: can increase inequality, dignity, enjoyment of basic rights and fundamental freedoms; access to resources, education, work, healthcare, etc. Commission of a criminal offence/Predicting recidivism: can lead to excessive incarceration, increase bias/see COMPASS/ProPublica case. Allocation of social services: can magnify the impact of those already vulnerable.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Autonomous weapons; algorithmic use in law enforcement/sentences - risk assessment in criminal justice.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Non-discrimination;Privacy and data protection;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect	Justice;Law enforcement;Public administration;

<p>human rights, democracy and the rule of law? 18bis. Other</p>	
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I completely disagree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I completely disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	periodic due diligence mechanisms
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	I rather disagree
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> - ECHR/ECtHR; - UN institutions, special procedures;
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I rather agree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I fully agree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	<ul style="list-style-type: none"> - restitutio in integrum legal principle; - award damages/compensations - establish sanctions on AI designers/those who deploy use/distribute/sell buy such systems, under the Human Rights Universal principles - sanctions on using AI systems that has been banned.
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Rather useful Highly useful Highly useful</p>
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits;Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Inclusion mechanisms to allow stakeholders, including those which lack sufficient knowledge or resources to meaningfully participate (civil society, academia, vulnerable/marginalized groups, among others).</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Feedback mechanisms/participatory avenues for a wide range variety of stakeholders to participate in the design, development and application of AI systems.</p>
<p>Date of submission</p>	<p>5/7/21 14:40:35</p>

State (where your institution is based)	Romania
Institution: Name of the institution/body/company	Legalitc NGO
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	This definition offers sufficient characteristics to identify the AI and to establish the appropriate legal framework.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	The AI will permit a wide participation of the citizens in the public process of decision regarding public policies, financial plans, public spending, governance.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes; • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	AI is able to analyze and synthesize in a short period of time big data that can be relevant for a major decision. People are not able to analyze that kind of information on the spot, so their decision may be subjective some times. AI will eliminate the subjective factor from the decision.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	We consider that the social media application have the capacity to gather the necessary big data for the AI to be analyzed. In order to provide a correct decision is necessary to compare as much data as possible and to identify the main current in people behavior.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Election monitoring;
8bis. Other	
9. Please briefly explain how such applications might violate	Th interest in winning elections is very high so AI may be manipulated at a certain level of decision. National security and law

human rights, democracy and the rule of law.	enforcement represent state activities that need the implication of the human factor, which can not be provided by AI
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;Scoring / scoring of individuals by public entities;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The AI may deeply interfere with the private life of the subject. For example, the recidivism is a state of mind and the AI may not have the capacity to read the human emotions and thoughts in order to predict a certain future behavior only by analyzing past information regarding the subject. Putting an etiquette may injure the private life and dignity of the subject.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	All applications that use personal data without the consent of the subject.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;Privacy and data protection;• Personal integrity ;• Legal certainty;• Transparency;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement;Justice;Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations	I completely disagree

of human rights, democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	The European Convention on Human Rights is a binding legal instrument for the member states able to guide the companies in their activity to create software respecting human rights. Also the GDPR is a legal binding instrument able to protect personal data but it must be extended to the AI domain as well.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	The AI domain must be regulated by an EU Regulation or Directive in order to establish clear rules for all the parties involved in the process.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree

<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>The organization that use AI instruments to violate human rights must be legally responsible for the effects (criminal and civil responsibility).</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>A cooperation mechanism between states and companies is needed in order to adapt the legal regulatory instruments to the technological progress, always respecting human rights and the values of humanity.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>The design, the implementation and the use of AI instruments must respect the GDPR rules: privacy by design and privacy by default.</p>
<p>Date of submission</p>	<p>5/8/21 20:41:22</p>

State (where your institution is based)	Belgium
Institution: Name of the institution/body/company	Leuven.AI, KU Leuven
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	Other
2bis. If "other" please explain below	
3. What are the reasons for your preference?	We agree with the technologically neutral and simplified definition; however, the given example would not be appropriate as AI in the technical sense is not about reproducing the abilities of a human being. Within a legal framework it is important, we think, to make a distinction between machine learning theory (general mathematical/statistical methods) without any specific application context versus AI technology in a particular application context.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	No opinion;
4bis. If other, which areas and why?	All areas have inherent opportunities, as they provide risks. Given this nature, it is hard to pronounce an explicit preference for one or another.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to promote gender equality (e.g. analytical tools); • Medical applications for faster and more accurate diagnoses;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The above-selected answers were only chosen because it was mandatory to answer. We would have preferred not to answer as we could not reach an agreement across our members, nor is it possible to answer without considering context-specific details for each area.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	No answer.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	No opinion;

8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	No answer.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The above-selected answers were only chosen because it was mandatory to answer. We would have preferred not to answer as we could not reach an agreement across our members, nor is it possible to answer without considering context-specific details for each area.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	No answer.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	No opinion
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	No opinion
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Non-discrimination;• Legal certainty;• Transparency;Political pluralism;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	No opinion;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>No opinion</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>EU AI Ethics Guidelines</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;• They lack specific principles for the design, development and application of AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They create barriers to the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>Accountability The accountability of designers, developers and users of AI applications can be addressed at the level of the Council of Europe. This principle can ensure that the developers or users of these technologies comply with the current requirements. While the user of AI systems is likely to be subject to the accountability mechanism under Convention 108+ or data protection legislation at the national level. Subjecting developers or vendors of application-oriented AI systems to similar accountability obligations as those of data controllers can be regarded as an essential aspect of a comprehensive legal instrument to guarantee human rights, democracy and the rule of law.</p> <p>But we need to stress that any legal framework, such as the GDPR, has largely ignored science, not to say that it has created an</p>

	<p>obstacle to scientists. While developers and scientists should be held accountable, the question is what that means for somebody developing generic AI or ML techniques.</p> <p>The societal impact of AI Taking into consideration in the future Council of Europe framework the societal dimension/impact of AI applications.</p>
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion

<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I rather agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling 	<p>Highly useful Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion</p>

<ul style="list-style-type: none"> - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p> <p>47.bis. Other</p>	<p>Binding instrument</p> <p>Non-binding instrument</p> <p>No opinion</p> <p>No opinion</p> <p>No opinion</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful</p> <p>Rather useful</p> <p>Rather useful</p> <p>Highly useful</p>

49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	<p>1. As a general remark, we would like to note that several questions were very difficult to answer given the vagueness of notions used or their open-ended character. This resulted in some questions being left unanswered or answered with “no opinion”, whenever we could not reach a consensus amongst the group of Leuven.AI members due to the vagueness of the question. When we did provide an answer, this was done on the basis of the assumption that whenever legal rules will be adopted, those will sufficiently precise and tailored to accommodate context-specific needs of design, development and application of AI systems.</p> <p>2. As a research institution, we underscore that there must be research exceptions for scientific research conducted in the AI field for the researchers to ensure that fundamental research on AI is not hindered by the requirements imposed on AI actors. The scope of those exceptions should be precise and clear to ensure legal certainty to researchers.</p> <p>3. Societal impact issues related to AI systems should be taken more into account.</p>
Date of submission	5/7/21 11:45:54

Lithuanian Women's Lobby

State (where your institution is based)	Lithuania
Institution: Name of the institution/body/company	Lithuanian Women's Lobby
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	Other
2bis. If “other” please explain below	Any definition must be gender sensitive. It should not be also gender-blind and should not contain elements of hidden, indirect discrimination
3. What are the reasons for your preference?	De facto gender equality.
4. Please select the areas in which AI systems offer the most promising opportunities for the	<ul style="list-style-type: none"> • Employment; Banking, finance and insurance; Social networks/media, internet intermediaries ;

protection of human rights, democracy and the rule of law	
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Recruiting software/ AI applications used for assessing work performance ; • AI applications in the field of banking and insurance; • AI applications to promote gender equality (e.g. analytical tools); Emotional analysis in the workplace to measure employees' level of engagement; • Automated fraud detection (banking, insurance);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	If properly developed (gender perspective properly integrated), they might essentially contribute to de facto gender equality
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Robotics
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Healthcare; • Justice; • Social networks/media, internet intermediaries ;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	If elaboration of such kind of application does not take gender issues into account, their broad application might even deepen existing inequalities
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Scoring / scoring of individuals by public entities; <ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; Smart personal assistants (connected devices); • Deep fakes and cheap fakes;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	all AI applications should be carefully examined from the gender perspective, otherwise they might cause not necessarily direct, but, in particular indirect discrimination
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	All application related to different areas of life of women and men should be gender-sensitive
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human	Regulated (binding law)

rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; • Non-discrimination; • Personal integrity ; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Welfare; Healthcare; Justice;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Research aimed at evaluating international, regional or national instruments is need to provide data-based response
24. If you responded disagree/completely disagree to question 22, please indicate why	• They lack specific principles for the design, development and application of AI systems;

existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree

36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	Indifferent/no opinion
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Rather useful Indifferent/no opinion Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; • Audits and intersectional audits;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument No opinion Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Highly useful Highly useful Highly useful Rather useful</p>

<p>developments related to AI systems</p> <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/7/21 13:00:10</p>

Malta Digital Innovation Authority

<p>State (where your institution is based)</p>	<p>MALTA</p>
<p>Institution: Name of the institution/body/company</p>	<p>Malta Digital Innovation Authority</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Intermediate occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>
<p>2bis. If "other" please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>We cannot define what intelligence is, let alone artificial one. A PID, in engineering, was once considered "intelligent", A thermostat even. AI should be seen as an assistive tool where human-agency is a must. To even compare AI to a brain is a long stretch and easily leads to irrational fears and speculation normally seen in movies</p>

<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Welfare;• Election monitoring;National security and counter-terrorism;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<p>Facial recognition supporting law enforcement ;• Automated fraud detection (banking, insurance);• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</p>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Essentially through advanced 'pattern' recognition which humans are too unable to detect through other means.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Wherever complex large data needs analysis to determine out patterns. AI's strength is in big-data analytics and deriving patters out of that learning and adapting new behavior as new data is fed in.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>No opinion;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>That is why you leave HUMAN AGENCY in AI SYSTEMS. Fully autonomous and unmonitored AI taking decisions without human agency at the end is not a good idea. One would be 100% trusting the AI (a pattern recognition machine at the end of the day)</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;• Medical applications for faster and more accurate diagnoses;• AI applications to promote gender equality (e.g. analytical tools);</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>If left to their own device without human agency, foresight and ultimate decision making. AI is an assistive tool, not a human replacement.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>In any situation where AI is left to its own devise and trusted 100%</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Not used. Marked as not fit for purpose X or Y.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Equality; • Non-discrimination; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Human Agency takes final decision recommend;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>Indifferent/no opinion</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather agree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>AI Certification Framework that can be mandated by lead authorities that understand the business and can aptly assign a RISK factor of AI implementation.</p>

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>Addressing perceived 'legal gaps' in technology is increasing the risk of stifling technical innovation through over-regulation (despite all being done with good intention).</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I fully agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I rather agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	<p>I fully agree</p>

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Rather useful Not useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Non-binding instrument Non-binding instrument No opinion Non-binding instrument</p>
<p>47.bis. Other</p>	<p>Certification Framework that can be mandated by Authorities who are really able to understand the operational risks of where the particular AI is being implemented. Example: Transportation Authority mandating AI certification on AI that is partially / wholly automating marine vessel navigation and obstacle avoidance</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and 	<p>Rather not useful Rather not useful Highly useful Rather useful</p>

<p>exchanging information on legal, policy and technological developments related to AI systems</p> <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Certification Framework that can be mandated by Authorities who are really able to understand the operational risks of where the particular AI is being implemented. Example: Transportation Authority mandating AI certification on AI that is partially / wholly automating marine vessel navigation and obstacle avoidance. AI is a case by case situation. Algorithm X can be implemented in Scenario A, B and C. Not all scenarios carry same risk</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Hard regulation of AI seems to give the impression that AI is 'tolerated' to become a total human decision replacement system, implying 100% trust of (regulated or not) AI is something attainable. I don't think it is. AI is a data processing machine of sorts. Better than humans in many things, but not at making ultimate decisions instead of. Human agency must be maintained if human-rights are to be maintained. Even with human agency, human rights are often breached. Perhaps AI and HUMANS together can reach the ultimate balance?</p>
<p>Date of submission</p>	<p>4/24/21 12:28:16</p>

Malta Gaming Authority

<p>State (where your institution is based)</p>	<p>Malta</p>
<p>Institution: Name of the institution/body/company</p>	<p>Malta Gaming Authority</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	

<p>3. What are the reasons for your preference?</p>	<p>This kind of definition will ensure that it has the capability of encompassing any sort of AI technology that may be created in the future, depending on the intended purpose, practice or application of the AI system.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; • Public administration;
<p>4bis. If other, which areas and why?</p>	<p>N/A.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications providing support to the healthcare system (triage, treatment delivery);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI systems have the ability to impact medical diagnoses and the healthcare system in the most significant manner. This is due to the fact that such systems can not only predict diagnoses in a more effective manner but also have the ability to predict and monitor the spread of epidemics and pandemics. This results in greater aid to healthcare systems that are battling such realities. Moreover, the latter applications also have the ability to significantly facilitate medical research. Through this, individuals right to the protection of their health will be further strengthened.</p> <p>Such AI systems may also help analyse the effects of climate change and therefore also predict its long term impacts. Moreover, such systems also have the ability to predict natural disasters. In doing so, these systems can aid in the achievement of the UN's sustainable development goals and in turn further safeguard individual's human rights.</p> <p>Finally, AI systems also have the ability to detect certain fraudulent practices that could help in the monitoring of suspicious transactions by the relevant financial intelligence units. Moreover, such systems can also aid in the prediction of such transactions thereby automatically aiding the rule of law within a country.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Certain companies are integrating AI technology and blockchain technology to create applications that might contribute to the strengthening human rights, democracy and the rule of law. For example, a companies have used AI and blockchain to boost supply chain transparency and efficiency in the coffee, timber, seafood and mineral industries. This has been applied by means of mobile apps, bots and blockchain to the coffee supply chain to create a more transparent and ethical journey from bean to cup.</p> <p>Other companies are creating applications which combine AI, blockchain and big data to holistically manage a patient's data. It gives a patient's team of healthcare professionals access to his or her health records and wellness plans. The healthcare professionals can then choose to buy, sell or trade patient data for different scientific studies or to learn more about a specific disease. However, the blockchain lets patients keep private their personal identifying information while sharing only big-picture health data.</p>

<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Election monitoring; • Employment;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>With respect to AI applications being used in the Justice sphere, one might be aware of the fact that such AI systems have the ability to facilitate and amplify unjust biases. This is due to the fact that the creators of such systems would unknowingly introduce such biases within these systems and the AI system would automatically pick up on them and “learn” from them. Therefore, such systems could pose a threat to our human rights when they are used in situations where individual’s physical freedom and personal security is at stake.</p> <p>The use of AI systems can also influence electoral processes. This occurs when such electoral campaigns use unfair or misleading content when disseminating information. In turn this will affect the principles of free and fair elections.</p> <p>When AI systems are used to monitor and track workers, such systems can have detrimental effects on such works social and economic rights. Moreover, this could also negatively affect the individual’s right to private and family life by impacting a person’s physical and psychological integrity.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees’ level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Facial recognition technology makes use of biometric recognition technology which is notorious for purporting unfair and unjust biases, on the basis of skin colour and/or gender. Therefore, the probability of discrimination through the use of this technology is high.</p> <p>When AI systems are used to monitor and track workers, such systems will have detrimental effects on such works social and economic rights. Moreover, this could also negatively affect the individual’s right to private and family life by impacting a person’s physical and psychological integrity.</p> <p>Social scoring occurs when public institutions use AI systems to promote or discredit a particular way of life or opinion. This method goes against the fundamental human rights of the right to liberty and the right to respect for private and family life.</p> <p>With respect to deep fakes and cheap fakes, such applications by their very nature affect an individual’s right to freedom of opinion and expression due to the manner in which they distort information.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>As referred to above, if the applications which integrate AI and blockchain technologies are not used in a responsible manner, then such applications could obviously pose a potential risk to human rights, democracy and rule of law.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or</p>	<p>In my view they shouldn’t be banned but their algorithm should be analysed and the training data that is being used should be revisited in order to try to avoid such violations. Due to the fact that such AI systems have the ability to “learn” on their own, they may take different decisions from those that they have been pre-</p>

undermine democracy or the rule of law be 13bis. Other	conditioned to adopt. Therefore, such systems would amplify certain unjust biases.
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Equality;• Non-discrimination;• Transparency;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Banking, finance and insurance;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree

<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Explaining decisions made with AI – The co-badged guidance by the ICO and the Alan Turing Institute which aims to give organisations practical advice to help explain the processes, services and decisions delivered or assisted by AI, to the individuals affected by them;</p> <p>The High-Level Expert Group on Artificial Intelligence set up by the European Commission – Ethics Guidelines for Trustworthy AI.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>It should be ensured that individuals are provided with the right to an ex-post explanation of an automated decision.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or</p>	<p>I fully agree</p>

opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	Yes

<p>regime in relation to AI applications?</p>	
<p>44. If yes, what aspects should be covered?</p>	<p>It has been made clear that AI applications have the potential to significantly impact individuals with respect to their fundamental human rights, the right to live in a democratic society and their right to have the proper application of the rule of law within their society. In light of this, I believe that it is important that a specific liability regime for such AI applications is created to ensure that if such issues occur, because the probability is that such issues will occur, then the individuals that have deployed the AI application are held accountable for their algorithm. This should occur in both cases when such AI systems function solely without any human intervention and also when such AI applications functions with the help of human intervention.</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/21/21 11:03:39</p>

Malta Information Technology Agency (MITA)

<p>State (where your institution is based)</p>	<p>Malta</p>
<p>Institution: Name of the institution/body/company</p>	<p>Malta Information Technology Agency (MITA)</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Intermediate occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>

<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>Definitions, particularly within the domain of ICT abound and can vary according to the context and applicability . This is more so, within AI which is seen as an emerging and disruptive technology. Hence, in this particular case it would be best for AI to be seen more from its implications and within a legal context that it is intended to be dealt with.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Education; • Environment and climate; • Public administration;
<p>4bis. If other, which areas and why?</p>	<p>Cyber security in terms of AI facilitating early detection of possible cyber attacks which may adversely disrupt personal lives, as well as organisations and even entire nations - all of which are increasingly dependent upon critical and/or essential online activities</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; • AI applications determining the allocation of educational services;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>The above applications should help in facilitating further human activity in areas intended to the health, well-being, education, security and safety to the individual</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Areas that ensure the betterment of day to day activities of society, without infringing upon basic rights and freedoms such as traffic management (to avoid traffic congestion and chaos) , cyber security threat detection, call centres</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Election monitoring; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>In such cases, AI delve highly into personal data, bringing about issues of privacy. Additionally the related algorithms need to make sure that they are not infringing upon basic rights and freedoms or leading to incorrect conclusions. Machines can never be a perfect substitute to humans</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Deep fakes and cheap fakes;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Such dissemination of false information can lead to gross misunderstandings, tensions and potentially even instability not only on a personal level, but even on a societal, organisational, national and regional/international scale.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Not aware at this stage</p>

13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Privacy and data protection;• Explainability;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Legal certainty;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human	Indifferent/no opinion

rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Ethical guidelines and certification framework
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree

33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Regulatory sandboxes; • Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>***Personal note - Kindly note that MITA is not involved within such remit of AI although it is aware of AI developments within public administration. Responses are largely based upon personal knowledge and insight.</p>
<p>Date of submission</p>	<p>4/8/21 10:35:38</p>

Malta Medicines Authority

<p>State (where your institution is based)</p>	<p>Mario</p>
<p>Institution: Name of the institution/body/company</p>	<p>Malta Medicines Authority</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A definition focusing on automated decision-making</p>

<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>There are a number of issues with providing definition for AI.</p> <p>One reason stems from the perceived difficulty if not to say impossibility of such a task if it is to be done exhaustively. Defining intelligence in itself has been an elusive goal for a number of different fields of study. Defining how an already complex definition could be further elaborated by defining an "artificial" form of it would be even more herculean.</p> <p>A second problem would represent itself in the scope of the AI. It is widely acknowledged that there exist a major differences between "narrow AI" and "wide AI". Both definition of scope come with their different particularities and sensitivities which both be problematic if not contended for.</p> <p>On this basis the Malta Medicines Authority looks more favorably at a technology neutral definition that regulates automated decision making, independent of whether the technology uses machine learning algorithms or more traditional Computer Science Algorithms, that still automate any decision making process and might have the same outcome.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Banking, finance and insurance;• Healthcare;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Automated fraud detection (banking, insurance); • AI applications in the field of banking and insurance; • Medical applications for faster and more accurate diagnoses;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Medical applications for faster and more accurate diagnoses: It is believed that if a system is trained to automate certain tests, which might be more easily automated than others, will give guarantee of more stable operation minimizing the possibility of error. It is also acknowledged that healthcare is a heavily HR dependent field with trained staff being highly sought after and possibility a shortage of supply exists. Should a system be trained to perform diagnoses, such system can be scaled effortlessly especially with the introduction of Cloud Computing, whereby computer resources can be provisioned depending on demand.</p> <p>AI applications in the fields of financial services. Financial services tend to have amassed extensive Datasets which could easily be used to train machine learning systems predict sought after outcomes. Financial Services given the rewards involved tend to be prone to corruption. Computer System in this case provide an ideal use case as they are incorruptible if they are programmed to be so.</p>
<p>7. What other applications might contribute significantly to strengthening human rights,</p>	<p>N/A</p>

democracy and the rule of law?	
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Customs and border control;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>National Security, Border Control and Law enforcement - Depending on the systems involved, such systems tend to involve heavy use of facial recognition software and scoring algorithms. The idea that different people are scored based on non judicial assessments without any right of appeal which tends to be the case which such systems is deemed to constitute a breach of human rights.</p> <p>Justice: It is believed that every citizen has a right to be judged by another human citizen. Invariably AI Systems will depend on data, which tend to impinge on the privacy of private citizens.</p>
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • Emotional analysis in the workplace to measure employees' level of engagement;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>All examples explained above will invariably use data that is personal or monitor the subjects of the system to a level that is deemed to impinge on privacy.</p> <p>AI systems tend to be very hard to explain. This makes conclusions reached for AI very difficult both to explain and also contest. Both the ability to have an explanation of a particular conclusion and the possibility of an appeal to a decision reached, are considered fundamental human rights. In this case such systems will inherently forgo these possibilities</p>
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	n/a
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks	Regulated (binding law)

with low probability to human rights, democracy and the rule of law be:	
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Privacy and data protection;• Non-discrimination;Respect for human dignity;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement;Customs and border control;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Completely against self regulation
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Please refer to answer 8
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They lack specific principles for the design, development and application of AI systems; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;

25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Please refer to answer 8
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	Indifferent/no opinion
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	Indifferent/no opinion
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	Indifferent/no opinion
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and	I fully agree

made by an AI system in the field of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather disagree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	Indifferent/no opinion
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Ideally the Legal framework that is to be proposed by the Council of Europe should adopt a risk based approach to the potential benefits of the system and should ensure no human rights (which forms the basis of the Council of Europe) are breached
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?	Rather useful Highly useful Highly useful Rather useful Rather useful
<ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes 	

<p>Continuous automated monitoring</p>	
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring 47.bis. Other</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Rather useful</p>

49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/30/21 15:47:04

Malta Tourism Authority

State (where your institution is based)	Malta
Institution: Name of the institution/body/company	Malta Tourism Authority
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No opinion
2bis. If "other" please explain below	
3. What are the reasons for your preference?	I
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Law enforcement; Customs and border control; • Education;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Emotional analysis in the workplace to measure employees' level of engagement; • Smart personal assistants (connected devices); • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes;

6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	No further comment
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Strengthening anti fraud systems
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Customs and border control; • Public administration; • Environment and climate;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Limited violation of human rights
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Scoring / scoring of individuals by public entities; <ul style="list-style-type: none"> • AI applications for personalised media content (recommender systems); • AI applications to prevent the commission of a criminal offence; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	These areas are subjective and May require human cognitive behaviour
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Banking systems
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)

<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Equality;• Non-discrimination;Privacy and data protection;• Legal certainty;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Banking, finance and insurance;Law enforcement;Education;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>No comment</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your</p>	

view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	Indifferent/no opinion
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field	I rather agree

of justice than in the field of consumer protection.	
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion Rather useful

<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Certification and quality labelling;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument No opinion Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather not useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/6/21 15:05:47</p>

Mexican Society for Artificial Intelligence

State (where your institution is based)	Mexico
Institution: Name of the institution/body/company	Mexican Society for Artificial Intelligence
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Academic and scientific community
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	To set a definition of Artificial Intelligence is crucial to, consequently, establish a legal framework on the design, development, and application of AI.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Education;Welfare; • Healthcare;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • AI applications determining the allocation of social services; • AI applications to promote gender equality (e.g. analytical tools); • Scoring of individuals by public and private entities; • Smart personal assistants (connected devices); Facial recognition supporting law enforcement ;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Simply by driving solution to diminish biases in a continuous improvement process.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	All possible applications increasing the quality of education, of health-related services and diminishing poverty will do.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	All areas having the possibility to expose personal data and privacy present such risk.;

8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	All areas having the possibility to expose personal data and privacy present such risk.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;• Recruiting software/ AI applications used for assessing work performance ;• AI applications used to prevent the commission of a criminal offence;• AI applications determining the allocation of social services;• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	A small change of bias in such systems could determine (possible risk) a non-promising future of a person and its relatives.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	NA
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Object of continuous study to enhance other applications (Lab tests)
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	No opinion
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	None of the above
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	• Non-discrimination;Privacy and data protection;• Personal integrity ;• Possibility to challenge a decision made by an AI system and access to an effective remedy;Respect for human dignity;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?	Welfare;Education;Environment and climate;

18bis. Other	
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather agree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Definitively, EU regulations are the most advanced general ones worldwide.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; There are too many and they are difficult to interpret and apply in the context of AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	NA
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree

28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Responsibility for all the stakeholders involved in the process, starting with a strict follow-up process.
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Rather useful Rather useful Rather useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	<p>NA</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>NA</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>NA</p>
<p>Date of submission</p>	<p>4/24/21 10:13:17</p>

State (where your institution is based)	Baku, Azerbaijan
Institution: Name of the institution/body/company	MG Consulting LLC
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Civil society
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	CAHAI feasibility study covers all important issues regarding the definition.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance; Justice; Law enforcement; •
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Increase of opportunities to prevent criminal actions etc.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Banking and finance
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Election monitoring; • National security and counter-terrorism; • Social networks/media, internet intermediaries ;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Excessive use of AI by states

10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Deep fakes and cheap fakes;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Deceiving public opinion
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Money laundering
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Not banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Equality;• Social security;• Legal certainty;• Non-discrimination;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement;Education;• Healthcare;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I fully agree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations	I rather agree

of human rights, democracy and the rule of law	
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather agree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	I don't know such thing
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather disagree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	Indifferent/no opinion
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	Indifferent/no opinion
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	Indifferent/no opinion
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	Indifferent/no opinion
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should	I rather disagree

<p>always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	I completely disagree
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	No
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Rather not useful Indifferent/no opinion Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ; • Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Binding instrument Non-binding instrument Non-binding instrument Binding instrument Binding instrument</p>

47.bis. Other	
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe? <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	Indifferent/no opinion Rather useful Highly useful Highly useful
49. What other mechanisms, if any, should be considered?	
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/27/21 14:36:49

Microsoft Corporation

State (where your institution is based)	United States of America
Institution: Name of the institution/body/company	Microsoft Corporation
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law,	Other

what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	An engineered system that, for a given set of predefined tasks, is able to perceive, learn, reason, or analyze the content of available inputs in order to generate information, compute prediction, recommendation, or decision influencing real or virtual environments
3. What are the reasons for your preference?	see question 8
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Other;
4bis. If other, which areas and why?	AI systems offer promising opportunities to protect fundamental rights across multiple areas, depending on how they are used, for example providing greater access, identifying risks, or helping to augment human decision-making.
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;• AI applications providing support to the healthcare system (triage, treatment delivery);• AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The use of AI could help promote equality by ensuring vulnerable and marginalized groups are considered in each of those areas, for example by facilitating access to services or finding opportunities. It will be important to develop AI systems responsibly to achieve this goal.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	N/A
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	AI used in each of these areas could have consequential impact, depending on the context of that use. Where there is such consequential impact it is important that the system be assessed. Risks should be identified and mitigated and the system tested before the system is put into use. Where risks cannot mitigated a system should not be used.;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	If not responsibly developed an AI system could exacerbate existing biases and inequalities, and have consequential impact on individuals fundamental rights.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	N/A
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	If no responsibility developed and used an AI system could exacerbate existing biases and inequalities, and have consequential impact on individuals fundamental rights.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	N/A

<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Context related to the use of an AI system is important. If a particular use of an AI system violates human rights or the rule of law then that use should be prohibited.</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>None of the above</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>None of the above</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Equality; Freedom of expression, assembly and association; • Non-discrimination; • Legal certainty; • Transparency;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>No opinion;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>The answer depends on the context. In some cases guidelines can be effective, in other cases voluntary certification, adherence to codes of conduct, or standards are efficient mechanisms.</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human</p>	<p>Indifferent/no opinion</p>

rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	N/A
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	N/A
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Provide adequate guidance to developers and deployers of AI systems.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather disagree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather disagree

<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I fully agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I fully agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I rather disagree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I rather agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>Indifferent/no opinion</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I rather agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I rather agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I rather agree</p>

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No</p>
<p>44. If yes, what aspects should be covered?</p>	<p>N/A</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Indifferent/no opinion Highly useful Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; • Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Non-binding instrument No opinion Non-binding instrument</p>
<p>47.bis. Other</p>	<p>N/A</p>

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Highly useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Provide the opportunity for stakeholder engagement, including civil society, industry, academics, and others, including mechanisms for capacity building where needed.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/12/21 15:11:31</p>

Middle East Technical University

<p>State (where your institution is based)</p>	<p>Ankara</p>
<p>Institution: Name of the institution/body/company</p>	<p>Middle East Technical University</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Intermediate occupations</p>
<p>Your stakeholder group</p>	<p>Academic and scientific community</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>

2bis. If “other” please explain below	
3. What are the reasons for your preference?	Since the definition must be simple and inclusive, a general definition is enough
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;Justice;Customs and border control;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Automated fraud detection (banking, insurance); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; • AI applications to promote gender equality (e.g. analytical tools);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	I think such systems should be based primarily on using them for equality. For this reason, AI applications to promote gender equality option appears as a very important and developable area. Because artificial intelligence systems do not make their decisions with bias unless you teach discrimination. Likewise, this applies to the performance rating in education. Protecting human rights also means avoiding mistakes. For this reason, fraud detection also appears as an area that can be improved on the subject.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	-
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • National security and counter-terrorism; • Social networks/media, internet intermediaries ; • Law enforcement;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Models that are not trained fairly are bound to be biased. For this reason, law enforcement might be violated. If wrong tactics are produced about national defense, there may be great damages in counter terrorism. Finally, it is possible to encounter human rights violations frequently due to new popular technologies such as deepfake.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Deep fakes and cheap fakes; • Emotional analysis in the workplace to measure employees' level of engagement; • AI applications for personalised media content (recommender systems); • Recruiting software/ AI applications used for assessing work performance ;AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	-
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	-

<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	Banned
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	Self-regulated (ethics guidelines, voluntary certification)
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Social security; • Transparency; • Explainability; Respect for human dignity; • Non-discrimination;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	Law enforcement; Election monitoring; • Social networks/media, internet intermediaries ;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I rather agree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I rather disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Ethics guidelines
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human</p>	I completely disagree

rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	-
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;• They create barriers to the design, development and application of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree

<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I fully agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I fully agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I fully agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I fully agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I fully agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Highly useful Highly useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Regulatory sandboxes; • Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Binding instrument Binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>-</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>-</p>
<p>Date of submission</p>	<p>4/30/21 15:20:03</p>

Minicipality of Alexandroupolis Greece

<p>State (where your institution is based)</p>	<p>ALEXANDROUPOLIS GREECE</p>
<p>Institution: Name of the institution/body/company</p>	<p>MINICIPALITY OF ALEXANDROUPOLIS GREECE</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>

2bis. If “other” please explain below	
3. What are the reasons for your preference?	In my opinion it is crucial the human control by law which guaranty the human rights
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;Justice;National security and counter-terrorism;
4bis. If other, which areas and why?	Environment and climate, election monitoring, welfare, Public Administration because will establish a human rights situation prevent false control and manipulation from other centers
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Deep fakes and cheap fakes; • AI applications for personalised media content (recommender systems); • Smart personal assistants (connected devices); • Facial recognition supporting law enforcement ; • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	By having a strong system that enforce the law and human rights according to EU directives
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Application for promote gender equality, banking, determine allocations of educational and social services
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Banking, finance and insurance; • Election monitoring; • Public administration;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Its important to understand and it will be certain that the implementation of technology not controlled by humans having a strong law frame will manipulate the rights of the poor .
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; <ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • Scoring / scoring of individuals by public entities; • Recruiting software/ AI applications used for assessing work performance ; AI applications aimed at predicting recidivism ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	By hacking any body who manipulates technology may try and by employers which are having obsession for profits and will try to use personal data in order to control their designations
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	all the above applications
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned

14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Equality; Privacy and data protection; • Transparency; Respect for human dignity; Freedom of expression, assembly and association;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding	international constitutional laws common to all states which can be change only by referendums

and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; There are too many and they are difficult to interpret and apply in the context of AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Different Systems of justice , Democratic Perspective for all Political Forces
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I completely disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I completely disagree
34. States should be obliged to design, develop and apply sustainable AI systems that	I fully agree

respect applicable environmental protection standards.	
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	Indifferent/no opinion
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	human rights transparency democracy and personal data

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Highly useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ; • Audits and intersectional audits;• Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>education , election monitoring low surveillance</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Rather useful Highly useful Highly useful Highly useful</p>

developments related to AI systems Establishing a centre of expertise on AI and human rights	
49. What other mechanisms, if any, should be considered?	n/a
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	no
Date of submission	5/6/21 13:05:01

Ministry for Agriculture, Fisheries, Animal welfare and food (Malta)

State (where your institution is based)	Malta
Institution: Name of the institution/body/company	Ministry for Agriculture, Fisheries, Animal welfare and food
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	Boundaries and specifications of AI are constantly expanding. This will allow regulation to remain effective and relevant despite future technical evolutions and developments of AI
4. Please select the areas in which AI systems offer the most	National security and counter-terrorism;• Healthcare;• Environment and climate;

<p>promising opportunities for the protection of human rights, democracy and the rule of law</p>	
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications aimed at predicting recidivism ;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>The application would help and enhance the safeguarding of rights to life, healthcare and prevention, self-determination, development, food, health, water and sanitation and housing</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI application which would provide both policies makers and citizen with effective recommendations and suggested course of actions, based on scientific evidence deriving from collection and analysis of smart data.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Healthcare; • Election monitoring; • Employment;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>very sensitive and personal data, if misinterpreted or misused, could lead to discrimination and breach of human rights</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; • Medical applications for faster and more accurate diagnoses; • AI applications for personalised media content (recommender systems); • Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>very sensitive and personal data, if misinterpreted or misused, could lead to discrimination and breach of human rights</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>any application which collect and process personal and physical data and patterns</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>assessed and if no improvement can be made, then ban them</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>

<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Social security;Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>• Healthcare;Election monitoring;• Social networks/media, internet intermediaries ;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>nil</p>

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>face recognition, social media, health records</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I rather agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I rather agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I rather agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I rather agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I rather agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	<p>I rather agree</p>

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	stakeholders, applications and definitions of clear boundaries. Ownership of the applications and entities/individuals who will be legally accountable for any breach.

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; Continuous automated monitoring; • Human rights, democracy and rule of law impact assessments ;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p> <p>47.bis. Other</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological 	<p>Rather useful Highly useful Highly useful Highly useful</p>

<p>developments related to AI systems</p> <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/12/21 10:11:20</p>

Ministry for Education (Malta)

<p>State (where your institution is based)</p>	<p>Malta</p>
<p>Institution: Name of the institution/body/company</p>	<p>Ministry for Education</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>Other</p>
<p>2bis. If "other" please explain below</p>	<p>A human centric AI focusing on automate decision making.</p>
<p>3. What are the reasons for your preference?</p>	<p>AI should be developed within the fundamentals of human dignity. Human-centered AI learns from human input and collaboration, focusing on algorithms that exist among a larger, human-based system. Human-centered AI is defined by systems that are continuously improving because of human input while providing an effective experience between human and robot. By developing machine intelligence with a goal of understanding human language,</p>

	<p>emotion and behaviour, human-centered AI pushes the boundaries of previously limited artificial intelligence solutions to bridge the gap between machine and human being. It is argued that the rise of artificial intelligence will make most people better off over the next decade, but many have concerns about how advances in AI will affect what it means to be human, to be productive and to exercise free will.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Education;
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI has the potential to help human beings maximise their time, freedom and happiness. At the same time, it can lead us towards a dystopian society. ... For example, the case-law of the European Court of Human Rights sets clear boundaries for the respect for private life, liberty and security. As artificial intelligence continues to find its way into our daily lives, its propensity to interfere with human rights only gets more severe. Noting that the technology is still in its early stages, range of human rights issues that may be raised today or in the near future should be safeguarded. Many of the issues that arise in examinations of this area are not new, but they are greatly exacerbated by the scale, proliferation, and real-life impact that artificial intelligence facilitates. Because of this, the potential of artificial intelligence to both help and harm people is much greater than from technologies that came before. The applications outlined above have to be utilised in an intelligent manner to protect rights in the data sets used to develop and feed artificial intelligence systems; special safeguards for government uses of artificial intelligence; safeguards for private sector uses of artificial intelligence systems. Proper and adequate investment in more research will contribute to examine the future of artificial intelligence and its potential interferences with human rights.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI applications facilitating cross-cultural cooperation will ensure proportionality across societies globally.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law</p> <p>8bis. Other</p>	<ul style="list-style-type: none"> • Employment; • Social networks/media, internet intermediaries ;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>This depends on how AI tools are utilised. The use of AI technologies can affect a range of sectors and areas of life, such as education, work, social care, health and law enforcement. There are several ways AI could offer significant opportunities for the advancement of human rights across many areas of life. For example, by facilitating more personalised education and assisting</p>

	<p>people in later life to live a dignified life at home. AI machinery could transform low skilled jobs. Another point is sensitive data and GDPR; since AI heavily relies on available data, AI systems may present a greater risk to privacy.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>□ Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • Deep fakes and cheap fakes; • AI applications for personalised media content (recommender systems); • Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Human beings are not machines. Experts in the field of human emotions and AI often cite a range of risks. These include the following: People may be treated as emotional animals to be biologically mapped and manipulated; people are seen as objects rather than as subjects; people do not have control over sensitive information collected from them; passive tracking collects intimate data without consent; alienation of citizenry from public spaces; unwanted attention to behaviour; increased scope to manipulate consumer behaviour through application of behavioural sciences and abuse of dignity. The goal of human-centered AI is not to replace humans entirely but to enhance our capabilities by way of intelligent, human-informed technology. Through its combination of the precision of machine learning with human input and values, human-centered AI enables businesses (specifically, the humans in the business) to make more informed decisions and develop clearer strategies and solutions to challenges. Human-centered AI takes our abilities as human thinkers and allows our ideas to scale to serve much larger data needs. AI's purpose is to help humans, but without human input and understanding, it can only help so much. Taking a human-centric AI approach puts some of the computational heavy lifting on the shoulders of technology while still leveraging emotional and cognitive input from human beings. This allows for the expansion of processes and information to a larger scale without compromising data integrity or increasing spend on human resources. By applying the principles of behavioural science to technology through human-centered AI, developers and product designers are able to tap into user behaviour and subconscious patterns to construct products and services that follow more satisfying, informed, enriching and in the cases of entities like Instagram or games, addictively rewarding user experiences.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Abuse of AI systems.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to</p>	<p>Regulated (binding law)</p>

human rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Subject to moratorium
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; Freedom of expression, assembly and association; • Non-discrimination; Privacy and data protection;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	No opinion;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	None of the above are considered to be efficient form of self-regulation instruments.
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	<p>We believe that the following serve as effective instruments in guiding and regulating the design, development and use of AI systems:</p> <p>Council of Europe [https://www.coe.int/en/web/artificial-intelligence/-/mettre-en-place-un-instrument-juridiquement-contrainant-pour-une-gouvernance-democratique-de-l-ia];</p> <p>Rome Call For AI Ethics; A Human-Centric Artificial Intelligence [https://www.romecall.org/];</p> <p>The Ethics of AI Ethics: An Evaluation of Guidelines [DOI https://doi.org/10.1007/s11023-020-09517-8];</p> <p>European Commission [2021]; Europe fit for the Digital Age: Commission proposes new rules and actions for excellence and</p>

	trust in Artificial Intelligence [https://ec.europa.eu/commission/presscorner/detail/en/ip_21_1682].
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;• They do not provide enough guidance to the designers, developers and deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	In our opinion, the gap that needs to be addressed is fully autonomous AI driven systems or AI based systems.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree

<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I fully agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I completely disagree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I completely disagree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I rather agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments 	<p>Highly useful Highly useful Highly useful Highly useful</p>

- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems Establishing a centre of expertise on AI and human rights	
49. What other mechanisms, if any, should be considered?	Development of ethical frameworks; Policy development think-tanks; Monitoring mechanisms of AI policies, AI development and AI applications.
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	Artificial Intelligence has enormous potential to be used for social good and achievement of the Sustainable Development Goals. AI-based technologies offer major opportunities if they are developed in respect of universal norms, ethics and standards, and if they are anchored in values based on human rights and sustainable development. Development of AI can contribute toward narrowing the digital divide; and at the same time, if proper infrastructure is lacking the gap widens.
Date of submission	4/27/21 15:32:27

Ministry for Foreign Affairs of Finland

State (where your institution is based)	Finland
Institution: Name of the institution/body/company	Ministry for Foreign Affairs of Finland
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	Rooting in IHL
4. Please select the areas in which AI systems offer the most promising opportunities for the	• Healthcare;• Education;• Environment and climate;

protection of human rights, democracy and the rule of law	
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Better accuracy, tailoring and reach of services
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	-
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Justice; • Customs and border control;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Potential misuse and/or insufficient system development (incl bias) in these domains can lead to substantial risks
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ; Deep fakes and cheap fakes; AI applications aimed at predicting recidivism ; AI applications to prevent the commission of a criminal offence; AI applications for personalised media content (recommender systems);
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Particularly when used for authoritarian purposes, RBI incl facial recognition technology and automated content moderation can pose many threats to human rights
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	-
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to	Regulated (binding law)

human rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;Respect for human dignity;Equality;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Law enforcement;• Social networks/media, internet intermediaries ;Justice;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	No opinion
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	IHL would provide a comprehensive basis

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I rather agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I rather agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I rather agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I rather agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I rather agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>I rather agree</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I rather agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	<p>I fully agree</p>

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I rather agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather useful Rather useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Regulatory sandboxes; • Certification and quality labelling;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument No opinion Binding instrument No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Rather useful Rather useful Rather useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	5/9/21 17:18:28

Ministry for Tourism and Consumer Protection (Malta)

<p>State (where your institution is based)</p>	Malta
<p>Institution: Name of the institution/body/company</p>	Ministry for Tourism and Consumer Protection
<p>Personal capacity: Your socio-professional category</p>	Higher occupations
<p>Your stakeholder group</p>	Government & public administration
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	A definition within the legal framework is important in order to establish what is being perceived as AI. It is equally important that given that the subject is specifically dealing with emerging technologies (ie. AI and it's constant evolvement), the definition itself does not limit the capability and the extent to which solutions can be developed to defined problems. Therefore a technologically-neutral

	and a broad definition of AI would be sufficient to set the parameters for the scope and objective of establishing a legal framework.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Education; • Public administration; Law enforcement;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications determining the allocation of educational services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Such applications would further facilitate and assist experts to strengthen their work in the delivery of services by providing them with the right tools to work towards more human rights, democracy and the rule of law.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Applications that provide citizens with correct information and the right tools to strengthen human rights, democracy and the rule of law.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Although AI can provide substantial benefits, the human strengths, capabilities and expertise can so far not be completely replaced by AI. This is especially important when critical decisions are taken that effect the lives and future of others.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	It will depend the extent to which AI will be implemented. In the case of workplace, analysing the emotional engagement might interfere with ensure a safe and secured work environment.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Applications that deal with critical decisions that impact others in severe ways
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Rather than banned, the subject must have the right for alternative (ie. non AI) service / process
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability	Regulated (binding law)

to human rights, democracy and the rule of law be:	
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Non-discrimination;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	• Social networks/media, internet intermediaries ;Law enforcement;Education;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	Indifferent/no opinion
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather agree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather agree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI	General Data Protection Regulation (GDPR) for privacy

systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Importance to ensure that any critical decisions taken by AI application are backed by sufficient and transparent evidence (incl. certification) to address concerns such as bias, algorithm designs, security, rationality, etc
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a "human" judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").	Indifferent/no opinion
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree

35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Liability must be introduced for malicious, unethical, and negligence behaviour amongst others in the design, development, implementation and use of AI.

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; • Certification and quality labelling; Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Establishing a central remedy legal institution similar to court for the subjects to challenge any decisions made through AI that had or will have severe impact on them as a result of the outcome</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>The importance of developing a client centric service and therefore constantly keeping the client at the centre of any solution developed.</p>
<p>Date of submission</p>	<p>4/6/21 21:47:30</p>

Ministry of Culture (Romania)

<p>State (where your institution is based)</p>	<p>Romania</p>
<p>Institution: Name of the institution/body/company</p>	<p>Ministry of Culture</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Intermediate occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>Simplification, preservation of the artistic freedom and creativity while taking advantage of the technological development</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	<p>Social networks/media, internet intermediaries ;</p>

protection of human rights, democracy and the rule of law	
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Medical applications for faster and more accurate diagnoses; • AI applications in the field of banking and insurance;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	-
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	-
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Social networks/media, internet intermediaries ;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	-
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	-
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	-
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	No opinion
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	No opinion
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to	No opinion

human rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	No opinion
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Freedom of expression, assembly and association; Privacy and data protection; • Personal integrity ; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Banking, finance and insurance;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	-

24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	-
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent	I fully agree

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	Indifferent/no opinion
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather useful Rather useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>-</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	-
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	-
<p>Date of submission</p>	4/27/21 12:59:36

Ministry of digital governance (Greece)

<p>State (where your institution is based)</p>	Athens, Greece
<p>Institution: Name of the institution/body/company</p>	MINISTRY OF DIGITAL GOVERNANCE (GREECE)
<p>Personal capacity: Your socio-professional category</p>	Higher occupations
<p>Your stakeholder group</p>	Government & public administration
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	The definition should not create impossible boundaries in terms of legal implementation but in the same time should not introduce us with new legal rights which are not properly discussed.
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	Banking, finance and insurance;Justice;Customs and border control;

<p>protection of human rights, democracy and the rule of law</p>	
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications for personalised media content (recommender systems); • Recruiting software/ AI applications used for assessing work performance ; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI System application would enhance democracy through an effective application of the rule of law. Such applications would surely benefit human rights is a faster and more effective way.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Propably applications which will provide us with crucial functions. Those functions will ensure that civil and political rights and civil liberties are safe and that the equality and dignity of all citizens are not at risk.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Election monitoring;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Doubtless the he use of AI applications and technologies can affect a range of sectors and areas of life, such as , social care, health and law enforcement. Specifically when it comes to the law enforcement, tha national security and the generalized action monitoring, the drafting of any policy should be meticulous. AI systems could, unsupervised, harm/or limit the human rights, because those could be invasive or even move on the borders of legality. In absence of AI ethics and ethical drafting which will primary respect human rights and human dignity .</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ;</p> <ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; AI applications aimed at predicting recidivism ; • AI applications to prevent the commission of a criminal offence; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Without the appropriate supervision AI systems, as stated above, could be intrusive and even so dangerous. Processing of certain information/data could lead to profiling , categorizing people and many others.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Profiling applications</p> <p>Crime predictive systems</p> <p>Criminal Procedure related/enabled AI systems</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>

<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Freedom of expression, assembly and association; Respect for human dignity; Equality; • Personal integrity ; • Legal certainty;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice; Law enforcement; • Healthcare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>Indifferent/no opinion</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>Indifferent/no opinion</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in</p>	<p>With some adjustments The Core International Human Rights Instruments and their monitoring bodies could abide in terms of safeguarding the human rights. Some examples are: CEDAW, CERD etc.</p>

your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I rather agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	Indifferent/no opinion
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	Indifferent/no opinion

34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	Indifferent/no opinion
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes

<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Regulatory sandboxes;Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument No opinion Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to 	<p>Rather useful Rather useful Rather useful Highly useful</p>

<p>facilitate ratification and implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/13/21 14:03:19</p>

Ministry of Digital Transformation of Ukraine

<p>State (where your institution is based)</p>	<p>Ukraine</p>
<p>Institution: Name of the institution/body/company</p>	<p>Ministry of Digital Transformation of Ukraine</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>Other</p>
<p>2bis. If "other" please explain below</p>	<p>Artificial intelligence is an ability of systems to interpret external data correctly and accordingly to the purpose, to learn from that data and to use the results of such learning in order to achieve the set objectives, including those that focus on new data collection and usage by means of interaction with the external environment. Such an ability of systems is being realized through algorithms and methods, work of which can be possible due to equipment for</p>

	computing and collection of data, communication with other systems, interaction and having an impact on the world.
3. What are the reasons for your preference?	Opting for a definition focusing on machine learning systems, our suggestion is to include enough properties of the AI in its definition in order to avoid ambiguity.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;• Healthcare;• Public administration;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ;• Smart personal assistants (connected devices);• Medical applications for faster and more accurate diagnoses;• Deep fakes and cheap fakes;• AI applications aimed at predicting recidivism ;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>With regard to choosing facial recognition systems, it first shall be noted that from our perspective such systems are of greatest potential to enhance/protect human rights itself, without being only used for supporting law enforcement; since there was no space for "other" answer, we had to link our idea with this first option. Facial recognition is a tool that can be and is getting more and more used for simplifying access to a wide range of services. We believe that being deployed simultaneously with providing access to the Internet and basic technologies for broad masses, facial recognition systems can facilitate equal access to healthcare, public administration, employment and many other services, which in turn will contribute to elimination of discrimination in these spheres.</p> <p>Similar approach has been used when choosing connected devices: we see it as a tool that can be used in healthcare, environment protection, infrastructure and many other industries which will lead to technological progress and more transparency. Of course, a lot depends on how and what for all these technological developments are going to be used, but we still remain rather optimistic on this matter.</p> <p>Medical applications for faster and more accurate diagnoses together with other medical applications are likely to improve healthcare systems both in terms of its technological effectiveness and accessibility for broad masses. Thus, it will help to guarantee the right to protection of health as it enshrined in the European Social Charter and national laws and to eliminate discrimination in this sphere.</p> <p>Deep fakes will have severe consequences for human rights and for privacy rights particularly. We believe that it is unlikely that this problem can be dealt with only by using prohibiting measures and that countermeasures at the level of applications are needed as well. Thus, deep fakes have been chosen (i) meaning AI solutions countering deep fakes, not deep fakes itself (fighting fire with fire) and (ii) taken into account extremely severe consequences that deep fakes will have on human rights.</p> <p>Given that recidivism can put at stake protection and guaranteeing of a wide range of human rights, especially those being violated by</p>

	<p>individuals (or "positive obligation" ones), and taking into account technological possibilities of AI systems to predict, we consider AI solutions to be highly useful in this regard.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Apart from the above-mentioned, there are indeed many other applications that might contribute significantly to strengthening human rights, democracy and the rule of law, particularly:</p> <ol style="list-style-type: none"> 1) Application aimed at protection of the right to freedom of speech (mainly combating "fake news" and disinformation campaigns); 2) Applications developed for fighting child sexual exploitation and abuse (mainly at the level of content-checking systems); 3) Applications determining the allocation of social, educational and healthcare services.
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Justice; • Election monitoring; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Justice – deployment of AI systems in the field of justice poses high risk to the right to a fair trial. Of course, AI systems can be extremely helpful in offloading courts and speeding up the systems by resolving minor cases, while leaving grave crimes for judges. Still, our firm believe is that priority should be given to finding the fairest judgement rather than closing case promptly.</p> <p>Election monitoring – it would be fair to say that currently existing election monitoring tools and systems left much to be desired and are not 100% protecting from interference. However, it seems that nowadays it is only possible to influence the outcome of election at some pooling stations, but not the general outcome which is, to the best of our knowledge, would be possible if AI/IT solutions used. With development of election monitoring solutions without such disadvantages, for example, by basing them on a decentralised approach/framework, the answer can be reconsidered.</p> <p>National security and counter-terrorism – the main risk that we can foresee here is that AI solutions aimed at protecting national security and countering terrorism, if developed and deployed improperly or even just if their outcomes/decisions read intentionally incorrectly, are likely to be used for limitation of political and civil rights by authoritarian regimes.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;</p> <ul style="list-style-type: none"> • Deep fakes and cheap fakes; AI applications aimed at predicting recidivism ; • AI applications to promote gender equality (e.g. analytical tools);
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Scoring / scoring of individuals by public entities – using scoring technics not for encouraging law-abiding citizens or preventing jaywalking by providing some benefits, but to discourage citizens form taking part in non-authorized rallys, limiting freedom of speech etc.</p> <p>Deep fakes and cheap fakes – blurring the boundaries between real life and digital environment; destroying the very idea of privacy leading to violation and in some instances to vanishing of the right to privacy.</p> <p>AI applications aimed at predicting recidivism – undermining the concept of presumption of innocence, which might lead to violation of rights to a fair trial and the right not to be subject to discrimination.</p>

	AI applications to promote gender equality (e.g. analytical tools) – superficial interpretation of the outcomes which might lead neither to receiving correct data as to the gender balance in the certain area, nor to real protection of women's rights.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	We agree that every suggestion presented in Question 17 and some new applications that have not been developed yet might represent a significant risk to human rights, democracy and the rule of law.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Non-discrimination; Privacy and data protection; • Transparency; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree

<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>The ECHR and the EU GDPR to some extent.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial</p>	<p>I fully agree</p>

proceedings are reviewed by a “human” judge.	
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	Indifferent/no opinion
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human	I rather agree

<p>being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring 	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes 	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>

<p>Continuous automated monitoring</p>	
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/30/21 15:26:34</p>

Ministry of Environment and Urbanisation (Turkey)

State (where your institution is based)	Ankara/ TURKEY
Institution: Name of the institution/body/company	Ministry of Environment and Urbanisation
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	it's a general definition of ai
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;• Education;• Law enforcement;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ;• Smart personal assistants (connected devices);• Medical applications for faster and more accurate diagnoses;• Automated fraud detection (banking, insurance);• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI appli-cations);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	ai can determine some problems faster.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	no idea.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Justice;• Employment;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	in some cases, artificial intelligence can bypass humanitarian points

<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; • AI applications for personalised media content (recommender systems); • AI applications to prevent the commission of a criminal offence; • AI applications determining the allocation of social services;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Practices such as emotional analysis are an intervention in a person's private life.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>no idea.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;Political pluralism;Equality;• Social security;Freedom of expression, assembly and association;•</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Law enforcement;Customs and border control;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>

<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Voluntary certification</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>there not any rules or any guidance in turkey that im aware of</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They lack specific principles for the design, development and application of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>no idea.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>

30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion

<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>No opinion</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument No opinion No opinion</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/27/21 11:12:44</p>

Ministry of Foreign Affairs (Andorra)

State (where your institution is based)	Andorra
Institution: Name of the institution/body/company	Ministry of Foreign Affairs
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	The Government of Andorra considers that a definition of what is an AI system should be included in a legal instrument on AI, in order to reach a common understanding of the implications and scope of its dispositions.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	National security and counter-terrorism;• Public administration;Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications to promote gender equality (e.g. analytical tools); • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The Government of Andorra is engaged with the preservation of the environment, as a country with a large territory of nature, and also with healthcare and justice.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Justice and Law enforcement applications
8. Please select the areas in which the deployment of AI systems poses the highest risk	<ul style="list-style-type: none"> • Justice; • Law enforcement; • National security and counter-terrorism;

of violating human rights, democracy and the rule of law 8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Decisions made by an AI system on those areas may impact on fundamental rights.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Scoring / scoring of individuals by public entities; Facial recognition supporting law enforcement ; • AI applications to prevent the commission of a criminal offence; • AI applications providing support to the healthcare system (triage, treatment delivery); Smart personal assistants (connected devices);
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	From the point of view of the Government of Andorra, those would be major concerns on the IA applications as they may affect fundamental rights.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	AI applications to promote gender equality.
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Regulated (binding law)
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Freedom of expression, assembly and association; Privacy and data protection; • Non-discrimination; • Personal integrity ;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>No opinion</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>N/A</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They lack specific principles for the design, development and application of AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making</p>	<p>I fully agree</p>

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I rather agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I rather agree
36. There should be higher transparency standards for public entities using AI than for private entities.	Indifferent/no opinion
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	No opinion
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Rather useful Highly useful Rather useful Highly useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/7/21 20:56:27</p>

Ministry of Industry and Technology (Turkey)

State (where your institution is based)	Turkey
Institution: Name of the institution/body/company	Ministry of Industry and Technology
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Justice;Law enforcement;Customs and border control;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Recruiting software/ AI applications used for assessing work performance ; • Facial recognition supporting law enforcement ; • AI applications providing support to the healthcare system (triage, treatment delivery);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Justice; • Public administration; • Social networks/media, internet intermediaries ;

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Equality;Privacy and data protection;• Transparency;• Non-discrimination;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;• Social networks/media, internet intermediaries ;Public administration;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights,</p>	<p>I rather disagree</p>

democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI; • There are too many and they are difficult to interpret and apply in the context of AI;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I completely disagree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I completely disagree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I completely disagree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I completely disagree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I rather disagree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather disagree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I completely disagree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I rather disagree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather disagree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I completely disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I completely disagree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I completely disagree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I completely disagree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Rather useful Highly useful Highly useful Highly useful Rather useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Certification and quality labelling;• Regulatory sandboxes;Continuous automated monitoring;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>5/7/21 10:58:58</p>

Ministry of Internal Affairs of Ukraine

State (where your institution is based)	Ukraine
Institution: Name of the institution/body/company	Ministry of Internal Affairs of Ukraine
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
2bis. If “other” please explain below	
3. What are the reasons for your preference?	sounds more comprehensive
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;Justice;Law enforcement;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement; Emotional analysis in the workplace to measure employees' level of engagemen;• Smart personal assistants (connected devices);• Scoring of individuals by public and private entities;• Medical applications for faster and more accurate diagnoses
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	active support
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	creation of control system
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Banking, finance and insurance;• Justice;• Law enforcement;•

<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Risks are always exists that's it could be used with malicious goals Loosing control</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement• Emotional analysis in the workplace to measure employees' level of engagement; Smart personal assistants (connected devices); Scoring / scoring of individuals by public entities• Medical applications for faster and more accurate diagnose</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>hard to asses risks of something that is not work write now, but right way is go through worst case scenario approach</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>hard to say</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Social security;• Transparency;• Privacy and data protection;• Explainability;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Justice;Welfare;• Social networks/media, internet intermediaries ;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights,</p>	<p>I completely disagree</p>

democracy and the rule of law.	
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	do not know
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	do not know
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree

29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law	I fully agree

must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I rather agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	control an important part of law, in other case system will not work
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Highly useful Highly useful Highly useful Highly useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;• Regulatory sandboxes;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/29/21 16:51:27</p>

Ministry of justice of the Russian Federation

State (where your institution is based)	Russian Federation
Institution: Name of the institution/body/company	Ministry of justice of the Russian Federation
Personal capacity: Your socio-professional category	Intermediate occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	In our opinion the definition should combine in itself the presence of legal instrument focused on the effect of AI systems on human rights, democracy and the rule of law together with technologically-neutral and simplified characteristics such as "a set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being"
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance; Customs and border control; • Election monitoring;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	Facial recognition supporting law enforcement ; • Medical applications for faster and more accurate diagnoses; • Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); • AI applications in the field of banking and insurance;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The advantages of automation of process, scientific and technological progress, increase of global market for goods and services.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Public services, housing and communal services, transport security, sports.
8. Please select the areas in which the deployment of AI systems poses the highest risk	• Justice; • National security and counter-terrorism; • Public administration;

of violating human rights, democracy and the rule of law 8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The lack of legal regulation, the AI system is not developed to the proper level.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; AI applications aimed at predicting recidivism ; • AI applications to promote gender equality (e.g. analytical tools); • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The implementation of the AI system in above spheres can have an objective assessment.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Psychological assistance, prenatal diagnosis
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Banned
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Public administration;

<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I rather disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Self-development at this stage of development is not sufficient.</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Federal Law On Conducting an Experiment to Establish Special Regulation in order to Create the Necessary Conditions for the Development and Implementation of Artificial Intelligence Technologies</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;• They lack specific principles for the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>lack of international regulation.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making</p>	<p>I fully agree</p>

process which affects them personally.	
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather disagree
39. Errors and flaws discovered in AI systems which have led or could lead to the	I fully agree

violation of human rights, democracy and the rule of law must be reported to the competent authorities.	
40. The use of facial recognition in public spaces should be prohibited.	I rather disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I rather agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	
45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI? <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring	Highly useful Rather useful Rather useful Rather useful Highly useful
46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other	• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;• Audits and intersectional audits;

<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Education and training of judges</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/29/21 12:28:05</p>

Ministry of Public Administration and Local Self Government (Republic of Serbia)

State (where your institution is based)	Republic of Serbia
Institution: Name of the institution/body/company	Ministry of Public Administration and Local Self Government
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Government & public administration
2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
2bis. If "other" please explain below	
3. What are the reasons for your preference?	In the framework of this Strategy, we use the widely accepted definition of artificial intelligence offered by the European Commission's Independent Expert Group ⁴ : "Artificial Intelligence (AI) refers to systems that display reasonable, intelligent behavior by analyzing their environment and taking actions — with some degree of autonomy — to achieve specific goals. AI-based systems can be purely software-based, acting in the virtual world (e.g. voice assistants, image analysis software, search engines, speech and face recognition systems) or AI can be embedded in hardware devices (e.g. advanced robots, autonomous cars, drones or Internet of Things applications)." Thereby, we have in mind that there is no universally accepted definition of artificial intelligence. Although AI is not a new term, the acceleration of its development in the 21st century caused scientists and experts to constantly revise its definition.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	• Healthcare;• Environment and climate;Customs and border control;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to	Facial recognition supporting law enforcement ;• Medical applications for faster and more accurate diagnoses;• Automated fraud detection (banking, insurance);• AI applications to predict the

enhance/protect human rights, democracy and the rule of law?	possible evolution of climate change and/or natural disasters;• Deep fakes and cheap fakes;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Public Administration: Using business intelligence to better decision making, building conversational user interfaces (e.g., chatbots). personalised services, and accelerating routine processes. The strategy also specifically states that user privacy and data protection must be ensured. Healthcare and medicine: Using AI to enhance diagnostics, ensure availability of resources and equipment and optimise their use, and contribute to the quality and efficiency of health services. Traffic, road infrastructure and mobility in urban environments: Leveraging AI to improve traffic planning, enable optimisation of signaling, and give real-time conditions to allow for rapid response to traffic situations.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Optimising the country's legal and regulatory framework to better promote AI adoption in all sector. Opening government data to and providing incentives to the private sector to open private sector data. Providing the infrastructure needed for AI, such as high-performance computing resources.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Banking, finance and insurance;• Customs and border control;• Environment and climate;•
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	No
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;• Automated fraud detection (banking, insurance);• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	No
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	No
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Banned
15. In your opinion, should the development, deployment and use of AI systems that pose	Regulated (binding law)

low risks with high probability to human rights, democracy and the rule of law be:	
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; • Social security; • Non-discrimination; Privacy and data protection; •
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	• Healthcare; • Social networks/media, internet intermediaries ; Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Ethics Guidelines for Trustworthy Artificial Intelligence

<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	I fully agree
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	I fully agree
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	I fully agree
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	I rather disagree
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.</p>	I fully agree
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	I rather disagree
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	I fully agree
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	I completely disagree
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	I fully agree
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</p>	I fully agree

public authorities for the purposes of external audit.	
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I completely disagree
40. The use of facial recognition in public spaces should be prohibited.	I completely disagree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	Human rights, democracy and the rule of law

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	4/21/21 14:16:40

Ministry of rural development and food (Greece)

<p>State (where your institution is based)</p>	GREECE
<p>Institution: Name of the institution/body/company</p>	MINISTRY OF RURAL DEVELOPMENT AND FOOD
<p>Personal capacity: Your socio-professional category</p>	Intermediate occupations
<p>Your stakeholder group</p>	Government & public administration
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	The AL should be clearly defined to ensure legal certainty, while providing the flexibility to accommodate future technological developments.
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	Banking, finance and insurance;• Environment and climate;• Healthcare;

protection of human rights, democracy and the rule of law	
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Through these applications, inequalities are removed, the sense of justice is strengthened, through the achievement of equal and quick access to health services. The applications of AL which are strengthening the environmental actions, contribute to the improvement of the lives of citizens living in areas with this kind of problems, especially when their income is affected by climatic conditions. In the field of education, applications can facilitate the process of citizens to educational programs.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Travel and transport.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	<ul style="list-style-type: none"> • Law enforcement; • Justice;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	These high risk applications can have a substantially impact in fundamental rights and more generally democracy itself, as they include privacy and data protection issues. A strict and clear legal framework has to be in place in order to ensure transparency, to ensure that citizens are informed of their rights, they have the right to express their point of view and contest the decision. The human intervention is necessary.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Facial recognition supporting law enforcement ;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	This high risk application can violate human rights of privacy and personal data. Certain rules must be in place in order to reduce this risk.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	-
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose	Regulated (binding law)

high risks with high probability to human rights, democracy and the rule of law be:	
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity; Equality; • Non-discrimination; Freedom of expression, assembly and association; • Transparency;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice; Law enforcement; Banking, finance and insurance;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I rather agree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI	Regulation and relevant national legislation concerning data protection.

systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	-
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree

<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I rather agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I fully agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I fully agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I rather agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>Criteria for the gravity of the infringement in relation to the violation of human rights, extent of liability, degree of fault.</p>

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Rather useful Highly useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>-</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Rather useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	-
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	-
<p>Date of submission</p>	5/7/21 9:03:51

Mnemonic

<p>State (where your institution is based)</p>	Germany
<p>Institution: Name of the institution/body/company</p>	Mnemonic
<p>Personal capacity: Your socio-professional category</p>	Higher occupations
<p>Your stakeholder group</p>	Civil society
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	A definition focusing on automated decision-making
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	While a variety of technical definitions for AI exist, a definition focused on automated decision making (ADM) would be the most helpful for determining where rights are at risk and crafting legal frameworks. We find the definition created by civil society organization AlgorithmWatch particularly helpful: “an ADM system, in our use of the term, is a socio-technological framework that

	<p>encompasses a decision-making model, an algorithm that translates this model into computable code, the data this code uses as an input—either to ‘learn’ from it or to analyse it by applying the model—and the entire political and economic environment surrounding its use. This means that the decision itself to apply an ADM system for a certain purpose—as well as the way it is developed (i.e. by a public sector entity or a commercial company), procured and finally deployed—are parts of this framework.”</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Environment and climate; • Healthcare; • Other;
<p>4bis. If other, which areas and why?</p>	<p>As we will note several times in this comment, AI systems are best suited to do things humans could not do, where there will still be a human intervention at some point. One very specific area where AI could be helpful is in searching and sorting through vast quantities of documentation of human rights abuses to find valuable evidence, for example use of object recognition to find specific banned arms or organizational logos in videos from Syria.</p>
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>AI applications to predict the possible evolution of climate change and/or natural disasters: As noted above, here AI systems could gather and process valuable data for new scientific insights. They could potentially help better understand the effects of current policies on the climate and/or ecosystem, with the ultimate goal of better decision-making related to protecting the climate and mitigating the effects of natural disasters. However, like all uses of AI systems, data based on current information could "bake in" bias, and those affected the most by climate change and natural disasters today are the communities that are already most vulnerable and marginalised. That's why it is important to ensure that these systems equally benefit everyone and do not perpetuate or exacerbate inequality. The most impacted communities should be involved in their design, not simply through consultation, but as part of a co-design process.</p> <p>Deep fakes and cheap fakes: specifically technologies for DETECTING deep fakes and cheap fakes would benefit human rights, democracy, and the rule of law. New deep fakes technology, and existing "cheap fakes" technology, lend themselves to the current climate of mis and disinformation that is having disturbing real world consequences. They have eroded the credibility of video evidence, and have already been used to target and silence women, especially journalists, and to manipulate voters. The technology to create deep fakes is not going away, so it's incredibly important that the technology to detect them develops at a faster pace. Otherwise, we face a "truthacolapypse" of disastrous proportions.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>As noted above, the use of AI for open source intelligence gathering by human rights investigators provides unprecedented opportunities to find and verify evidence of human rights abuses, both in private collections and on social media platforms. This is less risky than many other AI applications in some ways, because it is aiding human investigators rather than making key decisions. That being said, the technology applied to these uses, including object recognition and other automated means of sifting through vast quantities of visual</p>

	<p>and audio content, are also not without risk. The same technology used by human rights investigators could be misused by law enforcement. That's why now is the time to put in strong limitations on the use of AI in general, but in particular by law enforcement.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Law enforcement; • Customs and border control; • National security and counter-terrorism;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>All of the applications of AI checked above have already been demonstrated to violate human rights- in particular the rights of those already most likely to experience human rights violations. The lack of transparency around AI systems is also particularly dangerous when it comes to agencies authorized to use force, including customs and border patrol, law enforcement, and national security/counter terrorism. These applications are often built with already-biased data, creating a never-ending cycle that absolves the government of responsibility for biased decisions. What's more, applications may be built with bias baked in at the most fundamental technical level. For example, false facial recognition positives are more likely to happen to people with very dark skin, something that has already led to documented false arrests in the United States, and automated content moderation of so called "terrorist and violent extremist content" appears far more likely to remove content in Arabic or content from Muslim-majority countries.</p> <p>Chicago's famous predictive policing systems, in particular the now defunct "Custom Notifications" system, provides a disturbing example of many of these issues. The Department finally ended the program in 2020 after nearly 8 years of community pushback, a very negative report from the Office of the Inspector General (https://igchicago.org/wp-content/uploads/2020/01/OIG-Advisory-Concerning-CPDs-Predictive-Risk-Models-.pdf) and from the Rand Corporation. According to a report from the Associated Press, "The scores were used by the department's "custom notification" program, which sent police and outreach workers to meet with people deemed to be at risk of becoming a victim or perpetrator of gun violence. But the scores also appeared in arrest records and were used to identify people for targeted busts. The Chicago Sun-Times reported in 2017 that the list included people who were never charged with a violent crime or illegal gun possession after a lengthy legal battle with the department to obtain a version of the list."</p> <p>National Security/Counter Terrorism applications of AI are quite varied, but many of them present serious threats to human rights including freedom of expression, freedom of assembly, freedom of religion, the right to be free from arbitrary detention, and the right to life. Our organization has seen the impacts of the use of AI for moderation of social media posts deemed to be "terrorist and violent extremist content"- the removal of hundreds of thousands (perhaps millions at this point) of videos documenting human rights abuses in Syria, Yemen, Sudan, Lebanon, and elsewhere. The rights of people posting the videos are being violated, but perhaps even worse, the ability to prosecute grave human rights abuses is being hamstrung.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ; • AI applications determining the allocation of social services;</p>

<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>As mentioned under question 7, the use of AI systems risks further exacerbate existing racial and ethnic, gender, and social and economic inequalities (among others).</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>The use of AI for content moderation must be considered a threat to freedom of expression, and by extension human rights, democracy, and the rule of law. Even companies admit that automated content moderation is error prone- as documented by the massive issues faced by users when companies switched to automation at the beginning of the pandemic, as well as our own tracking of content removed from vast collections of human rights violations. Unfortunately, EU policies like the Terrorist Content Online regulation consistently push the private sector to remove content as quickly as possible using automation. Important political speech is getting removed, while hate speech (which violates the human rights of those targeted) and dangerous content that spreads radical far-right ideologies is left up. The question of what speech can and cannot be allowed isn't even one that humans have firmly answered at this point; it certainly cannot be left up to AI.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Subject to moratorium</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity;• Possibility to challenge a decision made by an AI system and access to an effective remedy;Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Law enforcement;Customs and border control;• Social networks/media, internet intermediaries ;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to</p>	<p>I rather disagree</p>

<p>prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Transparency reporting and continuous, inclusive, and transparent human rights due diligence</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I rather disagree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>Fundamental human rights instruments including the ICCPR</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<ul style="list-style-type: none"> • They do not provide enough guidance to the designers, developers and deployers of AI systems; • They lack specific principles for the design, development and application of AI systems; • They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<ol style="list-style-type: none"> 1. Establish evidence-based recommendations requiring AI systems to be human-understandable 2. Require public registers documenting the use of AI systems in public spaces and/or by public authorities 3. Establish rigorous transparency requirements for AI designers, developers and endusers, including social media platforms. 4. Ban facial recognition and other indiscriminate or arbitrarily-targeted uses of biometrics 5. Provide a right to refusal of being subjected to an AI system (including the right to opt-out and to have alternative means to access or achieve a given objective). 6. Require that private sector companies do human rights due diligence and take necessary measures to respect human rights. This is especially important for AI systems as they are mainly designed, developed (and often deployed by private sector companies).

26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree

<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>1. To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system. 2. Provide monetary compensation to victims harmed by AI systems. 3. Establish sanctions of AI designers/developers/deployers for the harm caused by using the AI system. Sanctions should include the prohibition of further deploying the AI system unless significant changes are made to ensure that the design and/or use of the AI system is rights-respecting. 4. Establish sanctions of AI designers/developers/deployers for the failure to conduct thorough human rights due diligence before and during the use of an AI system, or for failure to effectively monitor the use of the AI system. 5. Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned</p>

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Rather useful Rather not useful Highly useful Rather useful Rather useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Rather not useful Rather not useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Increase AI literacy amongst EU lawmakers. Create a multi stakeholder platform or forum providing the opportunity to effectively engage external stakeholders, especially civil society organisations and marginalised groups. Importantly, provide them with the tools, training, resources, and information- including sensitive and detailed information about AI systems-necessary to meaningfully participate in AI governance and AI accountability.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>Proactively ensure inclusion of civil society (especially under-represented groups) throughout the process cycle. Establish feedback mechanisms and shared decisionmaking processes to ensure participatory mechanisms. This should be a (binding) legal obligation.</p>
<p>Date of submission</p>	<p>4/29/21 7:50:45</p>

Mouvement International Agir Tous pour la Dignité - ATD Quart Monde

<p>State (where your institution is based)</p>	<p>France</p>
<p>Institution: Name of the institution/body/company</p>	<p>Mouvement International Agir Tous pour la Dignité - ATD Quart Monde</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Civil society</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>
<p>2bis. If "other" please explain below</p>	

<p>3. What are the reasons for your preference?</p>	<p>Le choix a été de ne pas donner de définition puisque ce qui est important ce n'est pas tant la définition mais plutôt les effets de l'IA, notamment sur les populations extrêmement pauvres qui peuvent se retrouver confrontées à de nouvelles discriminations et maltraitements avec l'utilisation de l'IA (accès au logement, aides sociales...).</p> <p>Cependant, une autre case aurait pu être cochée : « une définition axée sur la prise de décision automatisée ». Pour les personnes du Quart Monde, le but est de pouvoir choisir et non se voir imposer une décision par un système d'IA.</p> <p>Nous saisissons l'opportunité de ce premier commentaire pour signaler que ce questionnaire a été rempli par des membres d'ATD Quart Monde France et des représentants européens du Mouvement International ATD Quart Monde. Il s'appuie sur une connaissance des vies de citoyens européens dans 12 pays du Conseil de l'Europe, des citoyens (parents ou sans enfants) actifs dans des groupes ATD (une cinquantaine en Europe) mais vivant aussi des situations de non-droits, de discrimination, de violences institutionnelles et sociales, de compétences non-acquises comme de compétences non reconnues, d'isolement ou d'absence de pouvoir d'agir, tout cela dans un contexte de pauvreté durable. Il est hasardeux de tenter de quantifier la taille de cette population suivant les pays, mais elle représente souvent 5 à 10% de nos concitoyens.</p> <p>C'est en ayant ces citoyens européens et leur expérience en tête (qui peuvent être aussi nos compagnons de projets et de mobilisations au sein d'ATD dans 12 pays) que nous avons rempli ce questionnaire.</p> <p>Depuis les débuts de l'existence d'ATD Quart Monde, le principal filtre de lecture de l'expérience de vie de ces concitoyens a été la jouissance ou non des droits humains inscrits dans la déclaration universelle de 1948 et les textes européens qui ont suivi (CEDH, Charte Sociale Révisée).</p> <p>Une étape importante d'enrichissement d'une approche fondée sur les droits humains a été l'adoption en 2012 par les Nations Unies des principes directeurs Extrême Pauvreté et Droits de l'Homme. Nous proposons que ces principes guident l'approche de la question IA et DH car c'est l'expérience des citoyens les plus vulnérables, mais aussi parfois avec des expériences de vie hors de nos "normalités" "mainstream" qui doit nous aider à construire les protections qui deviendront des protections réellement pour toutes et tous.</p> <p>Il est clair que le Mouvement International ATD Quart Monde (MIATDQM) va suivre avec attention le développement des usages de l'IA. Un premier webinar (side event officiel d'une session de l'ECOSOC aux Nations Unies a été préparé par MIATDQM début 2021 (https://4thworldmovement.org/accessing-social-services-and-education-in-a-digital-world/)). ATD Quart Monde France prépare par ailleurs la publication fin 2021 d'un dossier IA dans un numéro de la revue trimestrielle 'Revue Quart Monde'. Nous suivrons aussi avec attention les développements des mesures de l'Union Européenne suite à la présentation le 21 avril 2021 par la Commission européenne d'un premier cadre juridique sur l'intelligence artificielle (IA) au sein de l'UE. L'objectif de ce cadre est d'asseoir une vision européenne de l'IA basée sur l'éthique en prévenant les risques inhérents à ces technologies par un règlement commun permettant d'éviter certaines dérives.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	<p>No opinion;</p>

<p>protection of human rights, democracy and the rule of law</p>	
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Deep fakes and cheap fakes; • AI applications to predict the possible evolution of climate change and/or natural disasters;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Dans ces deux domaines, à première vue, les dangers pour les droits de l'homme sont moins évidents. Le but est de renforcer la protection des droits de l'homme face à l'utilisation de plus en plus généralisée de l'IA. En effet, dans certaines situations, les applications peuvent se retourner contre les citoyens les plus vulnérables, et notamment les individus vivant dans l'extrême pauvreté.</p> <p>Il y a une montée du scepticisme envers l'IA puisque les programmes vont devenir de plus en plus complexes et basés sur des critères économiques, par exemple, dans le domaine médical.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Pas de réponse</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Education; • Welfare; • Justice;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Le déploiement de systèmes d'IA présente des risques graves évidents par rapport aux objectifs de la justice, de la solidarité et de l'éducation.. Par exemple, dans le domaine de la justice, ajouter un système d'IA pourrait venir compromettre le principe du contradictoire devant une juridiction. Or ce principe est essentiel au regard de la protection des droits de l'homme. Ainsi les garanties que l'on retrouve aujourd'hui dans nos démocraties pourraient être mis à mal par un système d'IA qui ne prendrait pas en compte, ou ne laisserait pas suffisamment la place, à des principes essentiels.</p> <p>Dans le domaine de la protection sociale et de l'accès aux droits, la gestion par l'IA de parcours extrêmement complexes et non homogènes nécessitant parfois de faire « des pas de côté » afin que le principe de dignité prime, paraît extrêmement risquée pour les droits de l'homme. Ne pas en tenir compte risque d'accentuer les ruptures de droits et le non-recours.</p> <p>À côté de ces trois domaines, les soins de santé et les réseaux/médias sociaux auraient aussi pu être ajoutés puisque beaucoup de principes sont en jeu et nécessitent une garantie que les systèmes d'IA n'assureraient pas forcément. L'IA ne doit pas être installée si elle ne présente pas une réelle utilité publique, et en l'occurrence, au contraire, elle pourrait entraîner des effets négatifs dans ces domaines qui seraient beaucoup plus importants que les améliorations attendues.</p>
<p>10. Please indicate the types of AI systems that represent the</p>	<ul style="list-style-type: none"> • Automated fraud detection (banking, insurance); Scoring / scoring of individuals by public entities; • AI applications determining the

<p>greatest risk to human rights, democracy and the rule of law</p>	<p>allocation of social services;• AI applications determining the allocation of educational services;• AI applications providing support to the healthcare system (triage, treatment delivery);</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Ces applications risquent de violer certains droits fondamentaux. Elles peuvent s'avérer contraires à la protection de la vie privée. De plus, à travers le profilage, elles peuvent d'autant plus impacter le traitement des dossiers des personnes vivant dans l'extrême pauvreté, que celles-ci cumulent de nombreuses difficultés et vivent une situation complexe, difficilement gérable par l'IA. Il faudrait ainsi instaurer des garanties. Par exemple, lors de la création d'un logiciel d'IA, les objectifs devraient être très encadrés, et la mise en place et l'application devrait être transparente :</p> <p>Quel est le but visé avec la mise en place de cette IA ? Comment est mis en place cette IA (mode d'emploi) ? À qui peut-on s'adresser en cas de question sur la mise en place et l'application ? Qui sont les personnes associées pour construire cette IA ?</p> <p>Il faut une représentation adéquate et pertinente, avec notamment l'inclusion des personnes vivant dans l'extrême pauvreté, autrement l'IA serait biaisée dès l'origine. Il doit y avoir une logique de choix avec la prise en compte des expériences de vie des personnes les plus fragiles</p> <p>Par exemple, concernant la Covid-19, il y a eu des discussions au sein d'ATD sur les critères de priorité. Des personnes très pauvres ont exposé qu'il aurait fallu prendre en compte tous les critères de vulnérabilité : c'est-à-dire les critères médicaux mais aussi les critères sociaux.</p> <p>Par exemple : une femme célibataire, isolée avec ses enfant, et vivant dans l'extrême pauvreté, et contaminée par la Covid-19, : fait appel à l'aide sociale à l'enfance, qui prend ses enfants en charge en les plaçant en famille d'accueil ou en foyer de l'enfance. Malheureusement, en pratique, quand des enfants sont placés, même sur la demande d'un parent, il est ensuite très compliqué de les récupérer. Ainsi il est important de prendre en compte ce type de paramètre lors des discussions sur les critères établissant la liste des personnes prioritaires.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Les utilisations de l'IA pour les décisions en matière de logement sont risquées, dans les pays qui, comme la France , ont un manque très important de logements dignes accessibles aux plus pauvres.Par exemple, le ministère chargé du logement pourrait décider d'utiliser l'IA pour trier, filtrer parmi les populations prioritaires, celles qui auront effectivement accès aux logements. L' IA aurait pour effet de « gommer » la réalité du manque de logements sociaux . (il manque donc une case avec le système du logement dans cette question).</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability</p>	<p>Banned</p>

to human rights, democracy and the rule of law be:	
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Banned
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Respect for human dignity;• Transparency;Privacy and data protection;• Non-discrimination;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Welfare;Education;Justice;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Cela va dépendre de chaque État et sa manière de faire. Les secteurs doivent fonctionner de manière complémentaire.
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI	Il existe le RGPD qui a priori est un outil de protection des citoyens et de leurs données. Cet exemple a l'air de bien fonctionner puisqu'il est repris par d'autres États en dehors de l'Union européenne. À côté, puisque l'IA va avoir un impact sur les personnes vivant dans l'extrême pauvreté, et l'objectif est de contrer toute nouvelle discrimination, on peut s'inspirer des Principes directeurs sur

<p>systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>l'extrême pauvreté et les droits de l'Homme établis par les Nations Unies qui donnent des orientations sur la façon de respecter, protéger et réaliser les droits des personnes vivant dans l'extrême pauvreté dans tous les domaines, la participation étant l'un des concepts centraux.</p> <p>De plus, au-delà des instruments juridiques, la place des juridictions est importante. Il nous semble que la Cour européenne des droits de l'homme qui, on l'imagine, ne laissera pas passer une violation des droits de l'homme dans ce secteur encore très flou, appliquera sa méthode d'approche « in concreto », apportant ainsi un cadrage.</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</p>	<p>There are too many and they are difficult to interpret and apply in the context of AI;• They lack specific principles for the design, development and application of AI systems;</p>
<p>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</p>	<p>Concernant les systèmes d'autorégulation, il faut prendre en compte que chaque État agit selon ses propres normes, sa culture. Les secteurs doivent fonctionner de manière complémentaire avec ce qui existe déjà dans chaque État.</p>
<p>26. Individuals should always be informed when they interact with an AI system in any circumstances.</p>	<p>I fully agree</p>
<p>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</p>	<p>I fully agree</p>
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	<p>I fully agree</p>
<p>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</p>	<p>I fully agree</p>
<p>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a "human" judge.</p>	<p>I fully agree</p>
<p>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</p>	<p>I fully agree</p>
<p>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</p>	<p>I fully agree</p>
<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life</p>	<p>I fully agree</p>

or opinion (e.g. “social scoring”).	
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I completely disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I completely disagree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	Indifferent/no opinion
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability	No

<p>regime in relation to AI applications?</p>	
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Rather useful Indifferent/no opinion</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument No opinion</p>
<p>47.bis. Other</p>	<p>Un mécanisme de reporting devrait être envisagé. Par exemple, tous les 5 ans, les États devraient transmettre un rapport indiquant les effets de l'IA sur droits de l'homme (en prenant en compte les effets sur les populations vivant dans l'extrême pauvreté). À côté de cela, la société civile devrait aussi avoir un espace de contre rapport pour faire état de la situation au plus près des populations, notamment en représentant les catégories de population les plus vulnérables.</p> <p>De plus, il faudrait ajouter un mécanisme de participation à l'élaboration du système d'IA dès sa conception, pas seulement une fois que l'IA est mise en place. Cela permettrait de bien réfléchir , en croisant les savoirs, à la place respective des normes contraignantes</p>

	<p>et non contraignantes afin d'assurer la protection des droits de l'homme. Il convient d'assurer la participation des personnes les plus vulnérables pour que la protection par les droits de l'homme soit effective pour tous (cf Principes directeurs Extrême Pauvreté et Droits de l'Homme adoptés par les Nations Unies).</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Indifferent/no opinion Rather useful Rather useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>Vérification de l'utilité de l'IA : il serait important de mettre en place des mécanismes visant à vérifier l'utilité de l'IA par rapport à ce qui existe déjà ou des projets en cours qui n'impliquent pas un contrôle total par l'IA. En effet, l'IA risque de se généraliser dans beaucoup de secteurs, voire tous. Par exemple au niveau des politiques de logement, la France a introduit des procédures destinées à prioriser les demandes de logements sociaux en fonction de critères qui se discutent en commissions.. Comme la situation du logement social est très préoccupante, et aboutit à des délais d'attente inadmissibles, du fait d'arbitrages budgétaires (en France, 4 millions de personnes sont logées de façon indigne selon la Rapporteuse spéciale des Nations Unies sur le logement), la tentation serait grande qu'un programme d'IA établisse un filtrage qui serait calculé en fonction du parc existant,... faisant disparaître « de facto » les délais d'attente.). Ainsi, il est nécessaire de mettre en place un mécanisme de surveillance de l'utilité de l'IA avant de décider de remplacer les projets en cours par des projets basés sur l'IA. Il ne faut pas se lancer dans un nouveau projet d'IA sans vérifier préalablement si l'instrument est d'utilité publique, d'intérêt général ou d'utilité sociale.. Une balance des risques et avantages doit être mise en place pour éviter les effets inutiles/pervers de ces systèmes sur certaines catégories de personnes (par exemple, rendre les personnes vivant dans l'extrême pauvreté encore plus vulnérables).</p> <p>Obligation de déclaration et de validation préalable des nouveaux systèmes d'IA : l'IA se généralise à tous les niveaux et il apparaît certain que des projets ont déjà commencé dans l'ombre. Ainsi, un deuxième mécanisme à mettre en place passerait par une obligation de déclaration, suivie d'une autorisation préalable et validation du système, pour contrôler le risque/profit en fonction de l'impact de ces nouveaux systèmes sur la protection des droits de l'homme. Ce</p>

	<p>genre de procédure existe à différents niveaux de la vie économique et sociale dans une juridiction comme la France. En fonction du risque de dangerosité pour la population une activité industrielle doit simplement se déclarer, être autorisée par un service de l'État ou être soumise à des procédures plus lourdes (études d'impact, enquête d'utilité publique). Peut-être ce type de surveillance doit se développer aussi au niveau de l'industrie digitale et des usages plus ou moins étendus de l'IA. Dans le domaine du traitement des données et de la création de fichiers, il existe déjà des protections comme le RGPD à mettre en cohérence avec l'encadrement à venir des activités IA. Un effort d'encadrement des initiatives qui pourraient porter atteinte à la vie privée est nécessaire.</p> <p>Participation de toutes les catégories de personnes afin d'éviter les discriminations : il faudrait vérifier que toutes les parties sont bien présentes aux débats, que chacun puisse témoigner de leurs expériences de vie. Cela permettra de démontrer aussi si le projet a une utilité sociale (dans la mesure où l'on sait que les effets négatifs peuvent très vite arriver). L'objectif est d'inclure le maximum de points de vue pour éviter les discriminations (volontaire ou involontaire).</p> <p>Reporting des États et société civile : mettre en place un système périodique où les États seront tenus de justifier la mise en place de tel ou tel système d'IA et son impact sur les droits de l'homme. La société civile devrait avoir un espace de contre-rapport pour faire état des situations vécues, notamment en représentant les catégories de population les plus vulnérables. Cela pourrait être mis en place pour tout système ou limité aux systèmes qui touchent toute la population.</p>
50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?	Pas de réponse
Date of submission	5/8/21 10:33:03

Mox Bank Limited, a subsidiary of Standard Chartered Bank (Hong Kong) Limited

State (where your institution is based)	Hong Kong
Institution: Name of the institution/body/company	Mox Bank Limited, a subsidiary of Standard Chartered Bank (Hong Kong) Limited
Personal capacity: Your socio-professional category	Higher occupations
Your stakeholder group	Private business sector

<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>I am tentative between the given answer and "a definition focusing on automated decision-making". I have previously had to provide a definition to my colleagues as part of my BAU as well. My challenge with my selected answer has been how to communicate the term 'cognition' to different roles and functions, how to differentiate any data model from AI (what really is cognition). I rather preferred to focus on automated decision making for practical purposes. However with decision making focus, we now have the difficulty of missing out critical decision support systems and errors/violations that may come or are coming from them. Still selecting this definition because I trust CAHAI would certainly cascade down the term 'cognition' better to various roles. focus on decision making systems can be considered as part of criticality/materiality analysis stage of any relevant risk assessments.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Healthcare; • Environment and climate; • Public administration;
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>I personally don't know how to link environmental concerns to human rights honestly, however that must be related to right to 'live'. My other answers are directly self explanatory; I see educational services, healthcare and social services are critical among others, so related applications would be more helpful. Also, these are areas where there really is big data available and easier to anonymously process.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>Banking and insurance (especially consumer protection, anti-fraud etc.) have already been leveraging AI (or data models). It is really meaningful to protect life long earnings of someone, however this could be solved with more preventive controls and more liability on the industry rather than the consumer as well. Also face biometry is helpful if processed by banking/finance industry to deter impersonation with the condition of only providing the evidence to justice system. this is not to be confused with ease of authentication but rather deterrent impact of authentication and also non-repudiation and collection of right evidence in case of impersonation. Such records should not be processed for any other reason by financial/ banking industry.</p>

<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<p>• Employment;• Customs and border control;• Justice;</p>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>discretion should not be there,</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<p>□ Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities; AI applications aimed at predicting recidivism ; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities; • Recruiting software/ AI applications used for assessing work performance ;</p>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>predicting recidivism are selected because justice and law enforcement already very open to misuse, discrimination and manipulation. Also presumption of innocence may be at risk.</p> <p>I think AI usage in Justice is fundamentally oxymoron.</p> <p>Law enforcement, education, employment related applications are also risky but more from with the threat vectors as misuse, abuse of access privileges, manipulation etc.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>'Personalised media content'; manipulation of access to information is quite risky. It's obvious that personalized content creates clusters of opinions in society in a guided way. People sure have the right to think differently but risk is involved if AI is used to promote biased feed of information.</p> <p>Also for education, while the mentioned use case on allocation of resources sounds promising, any risk of biased allocation of resources would violate a right which cant be compensated later.</p> <p>Facial recognition for law enforcement is also risky; it's open to misuse and manipulation.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	<p>Regulated (binding law)</p>
<p>16. In your opinion, should the development, deployment and use of AI systems that pose</p>	<p>Banned</p>

high risks with low probability to human rights, democracy and the rule of law be:	
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Freedom of expression, assembly and association;• Personal integrity ;• Legal certainty;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Explainability;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Customs and border control;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Voluntary certification
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	Indifferent/no opinion
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	GDPR and Privacy related laws, local and/or industrial standards/regulations are helpful. Many of potential risks from AI systems would be highly avoided if Privacy and data protection related standards are "really" applied in various industries/public and private sector. it already provides a lot of rights to data owners. How data is processed also includes how AI processes it. All the rights of data owners and lawful use of data are also contributing to the same goal. General principles of consumer protection help a lot. But only limited to context where an individual is consumer only.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI	

systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree

<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I fully agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I fully agree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>human should be responsible from AI actions jointly and severally. a problem here is that human when they are employees or civil servants may not necessarily know that they should be (or they already are) liable. This awareness level may cause unexpected liability for individuals. Someone who actually doesn't have visibility over the system they operate, would be caught with liability and without coverage. This problem also should be addressed and employers or administrations must consider capacitation and liability coverage for various roles.</p>

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Rather useful Highly useful Rather not useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<p>• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>Human in the loop</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/29/21 16:46:28</p>

MSFC

<p>State (where your institution is based)</p>	<p>Malta</p>
<p>Institution: Name of the institution/body/company</p>	<p>MSFC</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>
<p>2bis. If "other" please explain below</p>	
<p>3. What are the reasons for your preference?</p>	<p>A title for the legal instrument regulating Artificial Intelligence in the context of human rights, democracy and rule of law, shall take into consideration the priorities and the right balance between systems that can think like humans; technological systems that can act like humans; technological systems that can act in a timely manner like a human being and technological systems that can think rationally. A</p>

	<p>definition that does not do away with the fact that humans use their nervous systems and bodies to sense, learn, reason, and react timely. The common element in human rights, democracy and rule of law is the human element and the regulatory framework that nothing and no one is above the law. The definition shall thus, put the reader in the context that the progress of AI shall not be at the price of human values and shall be measured by the metre of democracy. A definition that respects the basic notion is Isaac Asimov's 3 Laws of Robotics – 1st law: 'A robot may not injure a human being, or, through inaction, allow a human being to come to harm.'</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law</p>	<p>Welfare;• Education;• Healthcare;</p>
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>Education, Social Services, Welfare, and healthcare are the pillars of every child. In principle AI applications should be intertwined. An example would be a solution whereby upon a particular diagnosis of a certain kind of condition/illness (such as physical or mental disability) by the Healthcare AI, solutions will trigger alerts to the Social Security and Educational AI system, of any benefits available and educational programmes, notifying the parents or guardians. Artificial Intelligence applications will also help children diagnosed with a particular condition/illness, acknowledge better life opportunities. AI applications data collection will also assist in identifying and mapping health, social and educational demographics that upon independent analysis, can produce different outcomes. AI, if implemented correctly, will also help children contribute to the society, boost their imagination, and enhance their problem-solving ability. The latter is a required ability for a society that embraces democracy and rule of law.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>A Social and Human Rights Impact Assessment informative applications shall be seriously considered.</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Welfare;• Education;• Healthcare;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>As previously stated, the common element of human rights, democracy and rule of law is the human being itself. When laws were enacted, artificial intelligence was inconceivable. AI is growing at a much faster rate that laws are enacted. The growing use of AI in the criminal justice system is interfering with the right to life, liberty and security, equality before the courts and a fair trial. Thus when AI is introduced in the criminal justice system, it interferes with the right to</p>

	<p>be free from interferences and with personal liberty. AI has the potential to restrict the freedom of movement through surveillance, that breach the fundamental human right of movement. AI also breaches the right to equality and non-discrimination since AI models are designed to sort and filter, whether by ranking search results or categorizing people into buckets, since AI does not have human conscience and empathy. One shall also note that the most promising and impactful applications of AI are in healthcare. However, AI can prejudice the right to health by having applications being programmed to recommend different treatment depending on the insurance status of a patient. For an AI application to be successful, that is, it will not breach any human right, it must clearly indicate accountability and due responsibilities.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>Similarly, to the reply of question 15, the right to health might be prejudicated by having AI applications being programmed to recommend different treatment depending on the insurance status of the patient or how much they are able to pay, potentially excluding lifesaving care to someone who actually needs it. With regards to education, AI can eventually prejudice the right to equal access, by for example using algorithms to meet school preferences. Similarly, to the right of health, AI applications determining the allocation of social services could be prejudiced by having applications awarding social benefits to those with the largest number of contributions, thus prejudicing the right to a fair and equal treatment.</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Another application that poses a significant risk to democracy and rule of law is an application that creates and spreads disinformation because it produces challenges to the notion of fair elections and creates a threat to the right of political participation and self-determination. For example, the 2016 US presidential election showed how a foreign power can leverage bots and social media algorithms to increase the reach of false information and potentially influence voters.</p>
<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be banned? Other</p>	<p>Banned</p>
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be banned?</p>	<p>Banned</p>
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be banned?</p>	<p>Banned</p>

<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<p>Respect for human dignity; Freedom of expression, assembly and association;• Non-discrimination; Privacy and data protection;• Transparency;</p>
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	<p>Welfare; Education;• Healthcare;</p>
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	<p>I completely disagree</p>
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	<p>I completely disagree</p>
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	<p>Ethics guidelines</p>
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</p>	<p>https://www.thinkautomation.com/automation-ethics/ai-for-children-the-risks-and-the-rights/ https://www.theguardian.com/technology/2017/sep/07/new-artificial-intelligence-can-tell-whether-youre-gay-or-straight-from-a-photograph http://hrlibrary.umn.edu/gencomm/escgencom18.html Patricia Hannon, "Researchers say use of artificial intelligence in medicine raises ethical questions," Stanford Medicine News Center, March 14, 2018</p>
<p>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or</p>	

non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree

<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I fully agree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I fully agree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>I completely disagree</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>I fully agree</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>
<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>As previously stated there shall be a human being liable for the errors, acts or omissions of the AI applications. A human being that shall observe and evaluate cases according to the nervous systems and bodies to sense, learn, reason, and act in a timely manner in line with the human conscience and human empathy. Liability should be on the lines of diligence, that is, in a particular circumstance and at that moment in time, the robot/application has used its utmost diligence to prevent any potential harm. The question that must be answered to determine liability is 'In that particular circumstance and at that particular moment, did the robot/application act as an ordinary reasonable person, that is, did it use the extra-ordinary diligence required for that harm to be avoided? It is only when such questions</p>

	can be answered that one can determine a specific regime liability in proportion to the extent of responsibility of the human being accountable for the AI robot/application.
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; • Regulatory sandboxes;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>A Social Impact Assessment shall be a binding instrument. This would be an attempt in the right direction to safeguard individuals.</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	<p>The Council of Europe should cater for a Social Impact Assessment team that monitors assessment tools. This impact encompasses the potential negative outcomes on a variety of fundamental rights and principles and takes into account the ethical and social consequences of data processing.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>The question that CAHAI should address is what are the social impacts of AI systems on the values, principles and fundamental rights of the human being? How such systems effect the standard of life and safeguard human being rights?</p>
<p>Date of submission</p>	<p>5/5/21 15:16:37</p>

Municipality of Almopia (Greece)

<p>State (where your institution is based)</p>	<p>ARIDAIA CENTRAL MACEDONIA</p>
<p>Institution: Name of the institution/body/company</p>	<p>MUNICIPALITY OF ALMOPIA</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	<p>A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)</p>
<p>2bis. If “other” please explain below</p>	

3. What are the reasons for your preference?	To be practical and helpfully to our agency
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	Banking, finance and insurance;• Education;• Public administration;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	• Smart personal assistants (connected devices);• Recruiting software/ AI applications used for assessing work performance ;
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	For their equable application by all the members of a community
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Have no ideas
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other	• Banking, finance and insurance;• Healthcare;• Social networks/media, internet intermediaries ;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	By declaring personal data
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	• Automated fraud detection (banking, insurance);• Recruiting software/ AI applications used for assessing work performance ; • Deep fakes and cheap fakes;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	By declaring personal data
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	I do not know
13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability	Banned

to human rights, democracy and the rule of law be:	
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Self-regulated (ethics guidelines, voluntary certification)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	<ul style="list-style-type: none"> • Legal certainty; • Possibility to challenge a decision made by an AI system and access to an effective remedy; Privacy and data protection;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Banking, finance and insurance; Justice; Law enforcement;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I completely disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.	I completely disagree
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI	legislation and telematic systems for the protection of personal data by the central administration

systems to ensure compatibility with the standards for human rights, democracy and the rule of law	
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	I do not know
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather disagree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	I fully agree
33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I fully agree

35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I fully agree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I fully agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I fully agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I fully agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree
43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	for the greatest security of personal data

<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Indifferent/no opinion Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</p> <p>46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Certification and quality labelling; • Audits and intersectional audits;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument No opinion Binding instrument</p>
<p>47.bis. Other</p>	<p>I do not know</p>
<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant 	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p>Council of Europe instruments</p> <ul style="list-style-type: none"> - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	
<p>49. What other mechanisms, if any, should be considered?</p>	I do no know
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	no
<p>Date of submission</p>	4/19/21 9:37:18

Municipality of Elliniko-Argyroupoli (Greece)

<p>State (where your institution is based)</p>	GREECE
<p>Institution: Name of the institution/body/company</p>	MUNICIPALITY OF ELLINIKO-ARGYROUPOLI
<p>Personal capacity: Your socio-professional category</p>	Intermediate occupations
<p>Your stakeholder group</p>	Government & public administration
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</p>	A technologically-neutral and simplified definition, such as “a set of sciences, theories and tech-niques whose purpose is to reproduce by a machine the cognitive abilities of a human being” (See the CAHAI feasibility study, §5)
<p>2bis. If “other” please explain below</p>	
<p>3. What are the reasons for your preference?</p>	I consider it essential that one should be able to understand whether a certain IT system falls into the category of AI or not, so as to decide if the legal framework is applied to a certain situation.
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	<ul style="list-style-type: none"> • Environment and climate; • Education; • Healthcare;

<p>protection of human rights, democracy and the rule of law</p>	
<p>4bis. If other, which areas and why?</p>	
<p>5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</p>	<ul style="list-style-type: none"> • Smart personal assistants (connected devices); • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • Deep fakes and cheap fakes; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>The smart personal assistant could focus on helping an individual seek information on how to interact with the state and with private institutions such as banks, aiding him to understand his rights better. Medical applications are all about human rights, so that more people have access to information regarding their health. Fakes are very dangerous for the quality of democracy by influencing decision-making. Measurement of pupil's performance is a way to improve education services and, thus, enhance democracy. Last, the climate change has a major impact on people's lives, especially those living in environmentally burdened areas.</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>AI could be extremely useful in public procurements, against monopoly tactics or overpricing, as it can compare prices and specs from a vast database (rule of law).</p>
<p>8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law 8bis. Other</p>	<ul style="list-style-type: none"> • Banking, finance and insurance; • National security and counter-terrorism; • Healthcare;
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The major problem derives from the uncertainty of who has access to the data and the results of data-processing. Of course, the question is not new and many issues have to be examined today, before AI is implemented. But, should someone be able to tackle the results of the AI process, it could have significant effects on a person's human rights, basically.</p>
<p>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</p>	<ul style="list-style-type: none"> □ Emotional analysis in the workplace to measure employees' level of engagement; • AI applications for personalised media content (recommender systems); • Recruiting software/ AI applications used for assessing work performance ; Facial recognition supporting law enforcement ;
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>The answer to the question is generally the same as in question 15. Information provided by an AI system to an individual should be completely free of any human intervention that may tamper with it, intentionally or not. Furthermore, AI systems monitoring level of engagement and work performance raise a matter of ethics and might increase uncertainty, which could lead to more anxiety. Which is also the case with facial recognition as tool of law enforcements - if mistakes should occur, the system would lose its credibility very soon, not to mention the need of maintaining databases with facial recognition (a practice prone to create feelings of human rights violation).</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>Any applications regarding information sought by an individual.</p>

<p>13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other</p>	Banned
<p>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:</p>	Self-regulated (ethics guidelines, voluntary certification)
<p>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:</p>	Regulated (binding law)
<p>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?</p>	<ul style="list-style-type: none"> • Possibility to challenge a decision made by an AI system and access to an effective remedy; Privacy and data protection; Freedom of expression, assembly and association; Respect for human dignity; • Transparency;
<p>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other</p>	Banking, finance and insurance; • Social networks/media, internet intermediaries ; Law enforcement;
<p>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</p>	I rather disagree
<p>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</p>	I completely disagree
<p>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</p>	Ethics guidelines
<p>22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to</p>	I rather disagree

ensure the protection of human rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	In my opinion, GDPR is an instrument really helpful in designing AI systems.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	We need to specify penalties for those who do not abide by the law and, especially, provide of specific centralized mechanisms to locate such cases.
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I rather agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I rather agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I rather agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion

33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).	I fully agree
34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.	I rather agree
35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.	I fully agree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather disagree
37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	I rather agree
38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.	I rather agree
39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.	I fully agree
40. The use of facial recognition in public spaces should be prohibited.	I rather agree
41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	I fully agree
42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.	I fully agree

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Indifferent/no opinion Indifferent/no opinion Highly useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<p>• Audits and intersectional audits; Continuous automated monitoring; • Regulatory sandboxes;</p>
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes <p>Continuous automated monitoring</p>	<p>Non-binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful Rather useful Rather useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	
<p>Date of submission</p>	<p>4/19/21 12:21:16</p>

Municipality of Thebes (Greece)

<p>State (where your institution is based)</p>	<p>GREECE - Municipality of Thebes</p>
<p>Institution: Name of the institution/body/company</p>	<p>Municipality of Greece</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Intermediate occupations</p>
<p>Your stakeholder group</p>	<p>Government & public administration</p>
<p>2. In view of the elaboration of a legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights,</p>	<p>No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law</p>

democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI	
2bis. If “other” please explain below	
3. What are the reasons for your preference?	The development and application of AI brings fundamental changes in every day life and society. That is why a legal framework based on the european standards on human rights, democracy and the rule of law is necessary.
4. Please select the areas in which AI systems offer the most promising opportunities for the protection of human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Environment and climate; • Election monitoring; Social networks/media, internet intermediaries ;
4bis. If other, which areas and why?	
5. Please indicate which of the following AI system applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?	<ul style="list-style-type: none"> • Medical applications for faster and more accurate diagnoses; • AI applications to predict the possible evolution of climate change and/or natural disasters; • AI applications for personalised media content (recommender systems);
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The use of AI provides assurance of not being biased, as well as equality.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	The optimal result for strengthening human rights, democracy and the rule of law can be achieved only by using AI in association with the human factor, seeking an equilibrium between the two factors.
8. Please select the areas in which the deployment of AI systems poses the highest risk of violating human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Justice; • Law enforcement; • Customs and border control;
8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The "objectivity" of AI can be often a negative factor in crucial decision-making procedures. That is why the human factor must always be part of the equation.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	<ul style="list-style-type: none"> • Emotional analysis in the workplace to measure employees' level of engagement; • AI applications determining the allocation of educational services; • AI applications determining the allocation of social services; • AI applications to promote gender equality (e.g. analytical tools); • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	The exclusive use of AI does not take into consideration important aspects, such as emotional factors, family state, economic state etc.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	social media, internet monopoly from some companies that enjoy dominance in the web.

13. In your opinion, should the development, deployment and use of AI systems that have been proven to violate human rights or undermine democracy or the rule of law be 13bis. Other	Banned
14. In your opinion, should the development, deployment and use of AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high probability to human rights, democracy and the rule of law be:	Regulated (binding law)
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human rights, democracy and the rule of law be:	Regulated (binding law)
17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development, deployment and use of AI systems?	Political pluralism;Equality;Freedom of expression, assembly and association;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law? 18bis. Other	Justice;Law enforcement;Election monitoring;
19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights, democracy and the rule of law.	I rather disagree
20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law	I rather disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Ethics guidelines
22. Existing international, regional and/or national binding and/or non-binding legal instruments are sufficient to regulate AI systems in order to	I completely disagree

ensure the protection of human rights, democracy and the rule of law.	
23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in your view are effective in guiding and regulating the design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law	I cannot think of any national instruments, only the european framework and guidelines for the use of AI.
24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):	There are too many and they are difficult to interpret and apply in the context of AI;• They provide a basis but fail to provide an effective substantive protection of human rights, democracy and the rule of law against the risks posed by AI systems;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I fully agree
27. Individuals should always be informed when a decision which affects them personally is made by an AI system.	I fully agree
28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.	I fully agree
29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.	I fully agree
30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial proceedings are reviewed by a “human” judge.	I fully agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree
32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.	Indifferent/no opinion

<p>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</p>	<p>Indifferent/no opinion</p>
<p>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</p>	<p>I fully agree</p>
<p>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent public authorities for the purposes of external audit.</p>	<p>I rather agree</p>
<p>36. There should be higher transparency standards for public entities using AI than for private entities.</p>	<p>I rather disagree</p>
<p>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</p>	<p>I completely disagree</p>
<p>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the sphere of human rights, democracy and the rule of law.</p>	<p>I fully agree</p>
<p>39. Errors and flaws discovered in AI systems which have led or could lead to the violation of human rights, democracy and the rule of law must be reported to the competent authorities.</p>	<p>I fully agree</p>
<p>40. The use of facial recognition in public spaces should be prohibited.</p>	<p>Indifferent/no opinion</p>
<p>41. The information obtained through the use of facial recognition systems should always be reviewed by a human being before being used for purposes that have an impact on individual freedom, such as in relation to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.</p>	<p>Indifferent/no opinion</p>
<p>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</p>	<p>I fully agree</p>

<p>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</p>	<p>Yes</p>
<p>44. If yes, what aspects should be covered?</p>	<p>respect of human rights, democracy and rule of law. The AI is by no means a substitute of human function</p>
<p>45. In your opinion, how useful would the following compliance mechanisms be in preventing and mitigating the risks to human rights, democracy and the rule of law arising from the design, development and application of AI?</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Highly useful Rather useful Highly useful Rather useful Highly useful</p>
<p>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</p>	<ul style="list-style-type: none"> • Human rights, democracy and rule of law impact assessments • Audits and intersectional audits; Continuous automated monitoring;
<p>47. Please select which mechanism(s) should be part of either a binding instrument or a non-binding instrument to best protect human rights, democracy and the rule of law.</p> <ul style="list-style-type: none"> - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes Continuous automated monitoring 	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
<p>47.bis. Other</p>	

<p>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</p> <ul style="list-style-type: none"> - Monitoring of AI legislation and policies in member States - Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments - AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p>49. What other mechanisms, if any, should be considered?</p>	<p>National level mechanisms for monitoring the implementation of AI legislation, in collaboration with the European authorities.</p>
<p>50. Are there any other issues with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</p>	<p>AI is already in our lives and we cannot stop the progress. But we can regulate it, in order to avoid too much power concentration.</p>
<p>Date of submission</p>	<p>4/15/21 13:00:38</p>