



Strasbourg, 02 June 2021

CAHAI(2021)06

# **AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)**

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**Compilation of responses to  
the Multi-Stakeholder Consultation  
(N to Z)**

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## Table of Contents

<b>National Center for Personal Data Protection</b> .....	5
<b>National Commission for the Promotion of Equality</b> .....	11
<b>National Food Chain Safety Office (Nemzeti Élelmiszerlánc-biztonsági Hivatal-NÉBIH)</b> .....	18
<b>National Research Nuclear University MEPhI (Moscow Engineering Physics Institute)</b> .....	25
<b>Observatoire européen de la non-discrimination et des droits fondamentaux</b> .....	31
<b>Observatori de la Sostenibilitat d'Andorra</b> .....	40
<b>OdiselA</b> .....	46
<b>OECD</b> .....	52
<b>OEJAJ - Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse</b> .....	59
<b>Office for Foreign Affairs of the Principality of Liechtenstein</b> .....	67
<b>Office of the Attorney General (Malta)</b> .....	73
<b>Open Data Institute Ottawa Node (hosted by Veracify)</b> .....	80
<b>Open Ethics</b> .....	86
<b>OSCE RFoM</b> .....	92
<b>Oxford Internet Institute, University of Oxford</b> .....	99
<b>Özyeğin University</b> .....	107
<b>Panoptikon Foundation</b> .....	113
<b>Payso Inc DBA Finn AI</b> .....	120
<b>Permanent Committee on Ethics and Regulation of AI</b> .....	125
<b>PICUM</b> .....	133
<b>Pop AI</b> .....	143
<b>Prague Center for Media Skills</b> .....	149
<b>Privacy International</b> .....	155
<b>PROMT LLC</b> .....	167
<b>Public tenders review authority of Greece</b> .....	173
<b>R3D: Red en Defensa de los Derechos Digitales</b> .....	179
<b>RANEPa</b> .....	189
<b>Ranking Digital Rights</b> .....	194
<b>Region of Epirus (Greece)</b> .....	203
<b>Region of Peloponnese - Governor's Office (Greece)</b> .....	209
<b>Region of Thessaly (Greece)</b> .....	214
<b>Region of western Greece</b> .....	219

<b>Regulatory Authority for Ports (Greece)</b> .....	224
<b>Réseau Européen d'Action Sociale /European Social Action Network (ESAN-Aisbl)</b> .....	233
<b>Risified</b> .....	238
<b>Roma Capitale Investments Foundation</b> .....	243
<b>Rosatom</b> .....	248
<b>RTDE</b> .....	253
<b>Sapiens International</b> .....	258
<b>save space e.V.</b> .....	263
<b>Sberbank of Russia</b> .....	270
<b>Secretariat general for human resources of public sector (Greece)</b> .....	276
<b>Seminario permanente di studi internazionali (SSIP)</b> .....	281
<b>Skolkovo Foundation</b> .....	286
<b>Slovak National Centre for Human Rights</b> .....	293
<b>SOLIDAR Foundation</b> .....	301
<b>Soroptimist International of Europe</b> .....	310
<b>Stakeholders Foundation, Electronic Governance Research and Innovation Foundation, Consocio</b> .....	318
<b>Stanford Global Digital Policy Incubator</b> .....	323
<b>State Chancellery (Republic of Moldova)</b> .....	328
<b>State Corporation "Rostec"</b> .....	333
<b>Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)</b> .....	339
<b>Susana Gaió Lawyers</b> .....	344
<b>Swedish Gender Equality Agency</b> .....	349
<b>T GARANTI BANK</b> .....	354
<b>Tarsens Ar-Ge San. Tic. Ltd. Sti.</b> .....	359
<b>The American University of Paris, Working Group on Human Rights</b> .....	365
<b>the Center for European Legal Studies (CESL) - The Legal Research Institute "Acad. Andrei Rădulescu" – with the Romanian Academy csde.ro</b> .....	371
<b>The EYBA (European young bar association)</b> .....	376
<b>The Ministry of Investments, Regional Development and Informatisation (Slovakia)</b> .....	382
<b>Tilburg University</b> .....	388
<b>Trama Engineering</b> .....	396
<b>Transparency International Kenya</b> .....	401
<b>Trilateral Research</b> .....	408
<b>Turkish Presidency, Presidency of Strategy and Budget</b> .....	415
<b>Türkiye Yapay Zeka İnisiyatifi</b> .....	420

<b>UCSD</b> .....	425
<b>UEMC/EUJC</b> .....	430
<b>Ukrainian Parliament Commissioner for Human Rights</b> .....	435
<b>UNESCO</b> .....	440
<b>União das Mutualidades Portuguesas</b> .....	447
<b>Universitat d'Andorra</b> .....	452
<b>University of Ottawa</b> .....	457
<b>University of Sarajevo</b> .....	463
<b>University Research and Innovation Center, Obuda University</b> .....	468
<b>UPIGO</b> .....	473
<b>Vellum S.A.</b> .....	478
<b>VeriUs Tech</b> .....	483
<b>Volkswagen AG</b> .....	489
<b>VTB Bank (PJSC)</b> .....	495
<b>Wikimedia Foundation</b> .....	500
<b>Wolters Kluwer Romania</b> .....	506
<b>Women at the Table</b> .....	512
<b>Women in AI Austria</b> .....	518
<b>World Benchmarking Alliance</b> .....	524
<b>World Privacy Forum</b> .....	530
<b>Zenezöveg.hu Kft.</b> .....	539
<b>Zorkoczy Law Office</b> .....	545
<b>Zvi Meitar Institute for Legal Implications of Emerging Technologies</b> .....	550

## National Center for Personal Data Protection

<b>State (where your institution is based)</b>	<b>Republic of Moldova</b>
<b>Institution: Name of the institution/body/company</b>	National Center for Personal Data Protection
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	A definition focusing on machine learning systems
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	-
<b>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</b>	Justice;• Healthcare;Social networks/media, internet intermediaries ;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications aimed at predicting recidivism ;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>Smartphones use AI to provide products that are as much as possible adapted and personalized. Virtual assistants that answer questions, provide recommendations and help to organize daily activities have become omnipresent.</p> <p>Artificial intelligence against Covid-19</p> <p>In the context of the Covid-19 pandemic, AI is used in thermal imaging in airports and elsewhere. In medicine, AI can help recognize infections by computed tomography of the lungs. It has also been used to collect data to track the spread of the disease.</p>
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	<p>Cyber security</p> <p>AI systems help identify and combat cyber attacks and other cyber threats based on continuous data input, recognizing patterns and tracing attacks.</p> <p>Combating misinformation</p> <p>Some AI applications can detect false news and misinformation by extracting false information posted on social platforms, searching for</p>

	<p>sensational or alarming words and identifying online sources considered official.</p> <p>Software that does not allow continuous monitoring of people</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Justice;</li> <li>• Law enforcement;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>AI offers increased opportunities to track and analyze people's daily habits. For example, there is a potential risk that AI will be used, in breach of data protection and other EU rules, by state authorities or other entities for mass surveillance, and by employers to observe how employees behave. By analyzing large volumes of data and identifying the links between them, AI can also be used to reconstruct and anonymise data about certain people, creating new risks in terms of personal data protection, even with regard to data sets, data which, in itself, does not include personal data. AI is also used by online intermediaries to prioritize information for their users and to ensure moderation of content. The data processed, the way in which the applications are designed and the possibilities for human intervention may affect the rights to freedom of expression, the protection of personal data and the protection of privacy.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;</p> <ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>One aspect would be who responds when an AI-based system - communication, an automated device, etc. - make mistakes. AI is not a person, so you can't sue her. AI has a statistical ability to appreciate the environment, and, it is true, a remarkable computing power. However, it lacks common sense, which only people have, and which is essential. AI systems can produce statistical errors. That is why thousands of people can be affected by these errors. The use of AI may affect the values on which the international community is based and may lead to violations of fundamental principles of rights, including rights to freedom of expression, freedom of assembly, human dignity, non-discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, protection of personal data and privacy, or the right to an effective judicial remedy and to a fair trial, as well as to the protection of consumers. These risks could result from defects in the overall design of AI systems (including human surveillance) or from the use of data, which cannot be subsequently corrected.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI applications that support the realization of human rights in connection with the processing of personal data</p>
<p><b>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</b></p>	<p>Banned</p>

<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Privacy and data protection;• Legal certainty;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Justice;Law enforcement;Public administration;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Ethics guidelines</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in</b></p>	<p>GDPR</p>

<b>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</b>	
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	--
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b>	I fully agree



<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes

<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Rather useful Rather useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>--</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to</li> </ul>	<p>Rather useful Highly useful Rather useful Highly useful</p>

<p>facilitate ratification and implementation of relevant Council of Europe instruments</p> <ul style="list-style-type: none"> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <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>	4/29/21 15:42:31

## National Commission for the Promotion of Equality

<p>State (where your institution is based)</p>	Malta
<p>Institution: Name of the institution/body/company</p>	National Commission for the Promotion of Equality
<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>	Other
<p>2bis. If "other" please explain below</p>	The definition of AI should encompass the following three components: (1) it should be lawful, ensuring compliance with all applicable laws and regulations (2) it should be ethical, demonstrating respect for, and ensure adherence to, ethical principles and values and (3) it should be robust, both from a technical and social perspective, since, even with good intentions, AI systems can cause unintentional harm.

<p><b>3. What are the reasons for your preference?</b></p>	<p>With respect to the Opinion on Artificial Intelligence – opportunities and challenges for gender equality by the Advisory Committee, the NCPE had put forward the following recommendations, with the aim and belief on the importance of, raising awareness on existing gender stereotypes that are present within both the data and algorithms of AI; and ensuring that the data used for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process:</p> <ul style="list-style-type: none"> <li>- Raise awareness on the lack of female participation in the sector and empower more women to enter this sector.</li> <li>- Utilise statistical data to compare facts with stereotypical data and continue to strengthen the collection of such data.</li> <li>- Raise awareness on the consequences of the perpetuation and promulgation of gender stereotyping through algorithms (such as excluding groups; limiting the potential of women and men; possibly restricting the access to goods and services, etc.).</li> <li>- Highlight the positive impacts resulting from action to address potential gender stereotypes in AI and algorithms that are free from gender stereotypes.</li> <li>- Strengthen media literacy to ensure that users and clients of data are better able to identify gender stereotypes in artificial intelligence from a young age.</li> </ul> <p>How can we ensure that data used for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process?</p> <ul style="list-style-type: none"> <li>- Develop technology to ensure that data for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process.</li> <li>- Endorse and support the EESC calls for a code of ethics.</li> <li>- Adopt adequate regulations and legislation with respective monitoring mechanisms.</li> <li>- Develop training tools for women and men working in the field to identify and address gender stereotyping in their work.</li> </ul>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Employment;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Automated fraud detection (banking, insurance);</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI applications to prevent the commission of a criminal offence, and other similar applications, would benefit all members states decreasing crimes on a national and EU level.</p> <p>AI applications providing support to the healthcare system in treatment delivery leads to an increased good quality life for all. Furthermore, such applications make it easier to monitor service provisions; this is especially beneficial when said services are evaluated and readapted to cater for the changing needs of the service users.</p>

	AI applications to promote gender equality, are crucial in achieving equal opportunities and solidifies the promotion, monitoring and work towards gender mainstreaming throughout, with more precision and less stereotyping/biases for the enjoyment of human rights.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	AI applications addressing sexism, stereotypes, racism and hate speech in AI systems AI applications that can evaluate equal pay for work of equal value.
<b>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</b>	• Justice;• Public administration;• Social networks/media, internet intermediaries ;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The deployment of AI systems in the above areas, if not equality sensitive, might pose risks due to indirect biases of AI systems, alongside the risk of the system not being fully inclusive of the different needs of the service users. Said indirect biases might also negatively impact social networks/media and internet intermediaries.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 ; • AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI applications can overlook certain aspects and values which cannot be monitored, measured and replaced with such applications.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	x
<b>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</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)

<p><b>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?</b></p>	<p>Respect for human dignity;Equality;Freedom of expression, assembly and association;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>Justice;Law enforcement;Public administration;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other</p>	<p>None</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>Malta – The Ultimate AI Launchpad: A Strategy and Vision for Artificial Intelligence in Malta 2030 was published in 2019, with one of the strategic enablers of the Strategy being ethical and legal which serves as a platform on which practitioners and companies that wish to showcase ethically aligned, transparent and socially responsible AI solutions, building on Malta’s Ethical AI Framework Towards Trustworthy AI.</p>
<p><b>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):</b></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>

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

<p><b>in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.</b></p>	
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> </ul>	<p>Highly useful Rather not useful Highly useful Rather useful Highly useful</p>



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

<p><b>technological developments related to AI systems</b>  <b>Establishing a centre of expertise on AI and human rights</b></p>	
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>With respect to the Opinion on Artificial Intelligence – opportunities and challenges for gender equality by the Advisory Committee, the NCPE had put forward the following recommendations, with the aim and belief on the importance of, raising awareness on existing gender stereotypes that are present within both the data and algorithms of AI; and ensuring that the data used for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process:</p> <ul style="list-style-type: none"> <li>- Raise awareness on the lack of female participation in the sector and empower more women to enter this sector.</li> <li>- Utilise statistical data to compare facts with stereotypical data and continue to strengthen the collection of such data.</li> <li>- Raise awareness on the consequences of the perpetuation and promulgation of gender stereotyping through algorithms (such as excluding groups; limiting the potential of women and men; possibly restricting the access to goods and services, etc.).</li> <li>- Highlight the positive impacts resulting from action to address potential gender stereotypes in AI and algorithms that are free from gender stereotypes.</li> <li>- Strengthen media literacy to ensure that users and clients of data are better able to identify gender stereotypes in artificial intelligence from a young age.</li> </ul> <p>How can we ensure that data used for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process?</p> <ul style="list-style-type: none"> <li>- Develop technology to ensure that data for programming algorithms is representative and does not consist of groups that favour discriminatory outcomes of the algorithmic process.</li> <li>- Endorse and support the EESC calls for a code of ethics.</li> <li>- Adopt adequate regulations and legislation with respective monitoring mechanisms.</li> <li>- Develop training tools for women and men working in the field to identify and address gender stereotyping in their work.</li> </ul>
<p><b>Date of submission</b></p>	<p>4/15/21 12:10:23</p>

## National Food Chain Safety Office (Nemzeti Élelmiszerlánc-biztonsági Hivatal-NÉBIH)

<p><b>State (where your institution is based)</b></p>	<p><b>Hungary</b></p>
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<b>Institution: Name of the institution/body/company</b>	National Food Chain Safety Office (Nemzeti Élelmiszerlánc-biztonsági Hivatal-NÉBIH)
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	It is important that AI does not override human decisions. Cognitive abilities should be determined accordingly.
<b>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</b>	Customs and border control; Banking, finance and insurance; • Law enforcement;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	Facial recognition supporting law enforcement ; • Smart personal assistants (connected devices); • Automated fraud detection (banking, insurance); • AI applications to predict the possible evolution of climate change and/or natural disasters; • Medical applications for faster and more accurate diagnoses;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	All such automated decision-making speeds up the time for action. Make decisions without bias or outside influence.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	For example in assessing social benefits for the population.
<b>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</b>	Education; • Law enforcement; • Justice; •
<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The first and most important risk factor is decision-making based on misjudgment.
<b>10. Please indicate the types of AI systems that represent the</b>	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • Recruiting

<b>greatest risk to human rights, democracy and the rule of law</b>	software/ AI applications used for assessing work performance ;• AI applications determining the allocation of educational services;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Incorrectly recorded data can produce erroneous results when evaluating a decision.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	For example legal, political, social, banking and financial, health, human rights, data protection aspects.
<b>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</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;Equality;• Non-discrimination;Political pluralism;Privacy and data protection;
<b>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</b>	Banking, finance and insurance;Justice;Law enforcement;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of</b>	I rather disagree

<b>violations of human rights, democracy and the rule of law</b>	
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Ethics guidelines
<b>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.</b>	I completely disagree
<b>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</b>	European data strategy, White book on Artificial Intelligence, Coordinated plan for the development and use of artificial intelligence in Europe - 2018
<b>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):</b>	<ul style="list-style-type: none"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree

<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree

<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;</li> <li>• Certification and quality labelling;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful  Highly useful  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/21/21 8:32:52</p>



## National Research Nuclear University MEPhI (Moscow Engineering Physics Institute)

<b>State (where your institution is based)</b>	<b>Russian Federation, Moscow</b>
<b>Institution: Name of the institution/body/company</b>	National Research Nuclear University MEPhI (Moscow Engineering Physics Institute)
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	My professional experience
<b>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</b>	Banking, finance and insurance; Justice; Law enforcement;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications in the field of banking and insurance; Facial recognition supporting law enforcement ;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Facial recognition will help law enforcement to catch criminals
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	AI applications in medicine will help to diagnose the disease faster and more accurate
<b>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</b>	<ul style="list-style-type: none"> <li>• Employment;</li> <li>• Social networks/media, internet intermediaries ;</li> <li>• Election monitoring;</li> </ul>

<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Even if the professional skills are completely satisfactory to the employer having too much information about the candidate for a job can negatively affect to the decision
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Facial recognition supporting law enforcement ; • AI applications to promote gender equality (e.g. analytical tools);
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Being under constant surveillance means that there is no anonymity.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	AI applications for spying on citizens
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Subject to moratorium
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Subject to moratorium
<b>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?</b>	Respect for human dignity; • Social security; • Possibility to challenge a decision made by an AI system and access to an effective remedy; Privacy and data protection; • Non-discrimination;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Banking, finance and insurance; Justice; • Healthcare;
<b>19. Self-regulation by companies is more efficient than government regulation to</b>	I rather disagree

prevent 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 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	There are no such documents
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"> <li>• 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;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	It is necessary not to infringe on human rights
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 disagree

<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather disagree
<b>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</b>	I fully agree

<b>must be reported to the competent authorities.</b>	
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <b>Continuous automated monitoring</b>	Highly useful Highly useful Highly useful Indifferent/no opinion Highly useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;• Certification and quality labelling;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument  Binding instrument  Non-binding instrument  No opinion  Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Probabilistic model of making a mistake by the AI system should be part of either a binding instrument</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful  Rather useful  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>I don't know such mechanisms</p>
<p><b>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?</b></p>	<p>I haven't</p>
<p><b>Date of submission</b></p>	<p>4/29/21 20:34:01</p>

## Observatoire européen de la non-discrimination et des droits fondamentaux

<b>State (where your institution is based)</b>	<b>FRANCE</b>
<b>Institution: Name of the institution/body/company</b>	OBSERVATOIRE EUROPEEN DE LA NON-DISCRIMINATION ET DES DROITS FONDAMENTAUX
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	<p>1/ Il faut nécessairement définir l'intelligence Artificielle si on veut pouvoir élaborer un cadre juridique concernant sa conception . La définition doit être claire et précise afin de ne pas laisser de marge d'interprétation concernant l'application du cadre juridique mis en place.</p> <p>2/ Une définition axée uniquement sur la prise de décisions automatisées semble trop restrictive .</p> <p>3/ De même une définition , uniquement basée sur les systèmes d'apprentissage n'englobe pas l'ensemble des applications possibles de l'intelligence artificielle.</p> <p>4/Le concept de définition neutre et simplifiée telle qu'"un ensemble de sciences, de théories et de techniques dont le but est la reproduction par une machine des capacités cognitives d'un être humain" présente l'avantage de ne pas restreindre la définition de l'Intelligence Artificielle à une technologie particulière et donc de s'appliquer à des technologies futures, non encore existantes à ce jour. De plus, cette définition englobe à la fois l'Intelligence Artificielle comme " système d'apprentissage machine" et de "système de décision automatisée ". Cette définition permet de considérer l'Intelligence Artificielle sous l'angle de "systèmes sociotechniques" et donc de tenir compte de ces implications en terme de Droits Humains.</p>
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare; National security and counter-terrorism;</li> <li>• Education;</li> </ul>

<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Applications médicales de l'Intelligence Artificielle pour des diagnostics plus rapides et plus précis et apportant un soutien au système de santé: L'Intelligence artificielle permet d'améliorer la qualité des soins notamment la qualité des diagnostics basée sur le recoupement d'un nombre croissant de données (big data). Elle permet à des personnes isolées géographiquement d'avoir accès à des diagnostics précis. L'Intelligence Artificielle permettra également de réaliser des opérations plus lourdes, plus précises, plus complexes, notamment à distance. De plus l'Intelligence Artificielle, permet la mise en place de traitements personnalisés basés également sur le recoupement de données. L'expérience médicale acquise et développée par l'Intelligence Artificielle surpasse largement celle d'un médecin ou d'une équipe médicale qui n'a pas la capacité de traiter autant d'informations au cours de sa carrière que celle traitée en un instant par l'intelligence artificielle. A terme, on peut penser que l'intelligence artificielle permettra à un accès soins aux soins à d'avantage de personnes en situation de pauvreté.</p> <p>En situation de pandémie, l'IA permet d'élaborer des outils prédictifs de développement du virus, et donc contrôler la propagation des maladies et déployer des ressources médicales adéquates.</p> <p>Applications d'IA pour prévoir l'évolution possible du changement climatique et des catastrophes naturelles : L'IA, est notamment développée sous la forme de modèles météorologiques optimisés afin de prévoir les catastrophes naturelles. L'enjeu est de pouvoir alerter les populations en amont et de procéder à leur évacuation si besoin, de limiter les dégâts matériels. L'IA offre également des opportunités prometteuses pour prévoir et lutter contre les changements climatiques notamment grâce au développement de supercalculateurs permettant la mise en place de modélisations climatiques. L'intelligence artificielle contribue également à édifier des villes intelligentes et durables contribuant à la réduction du changement climatique.</p> <p>IA et services éducatifs : Il est possible d'utiliser l'intelligence artificielle pour évaluer les capacités cognitives des élèves, pour mettre en place des moyens adaptés à leurs capacités et si besoins à leur handicap.</p> <p>IA et attributions de services sociaux : L'IA, par sa capacité à traiter plus d'informations, plus rapidement permet à un plus grand nombre d'avoir accès à des droits sociaux. Elle permet notamment de détecter les "invisibles", des personnes ayant des droits mais ne faisant pas la démarche de les demander. Cependant, l'IA ne permet pas de traiter "la singularité de certains parcours de vie", ni d'anticiper les événements propres à la vie de chaque personne. Elle ne doit pas se substituer à un accompagnement humain qui tient compte de la "globalité" de la personne y compris de ces émotions. Enfin, l'IA peut accentuer les "personnes en situation d'exclusion</p>



	numérique" , celles qui ne sont pas équipées d'ordinateurs , qui n'ont pas d'accès internet , qui ne savent pas utiliser les technologies de l'informations.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	IA et promotion de l'égalité des sexes : On sait aujourd'hui que le développement des algorithmes, bases de l'IA, programmés à 90% par des hommes – reflètent une vision masculine du monde et reproduisent « automatiquement » des stéréotypes de genre qu'ils diffusent à grande échelle. Pourtant, l'IA permet : 1/ la mise en place de bases de données égalitaires en <ul style="list-style-type: none"> <li>- Fournissant des données ventilées par sexe</li> <li>- Mesurant les inégalités</li> <li>- Comparant le volume des informations concernant les femmes par rapport à celui consacré aux hommes (salaires, représentativité, temps de paroles accordé ...).</li> <li>- analysant des statistiques sexuées</li> </ul> 2/ La conception et le développement d' algorithmes égalitaires,
<b>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</b>	<ul style="list-style-type: none"> <li>• National security and counter-terrorism;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	IA et douanes, contrôle des frontières, maintien de l'ordre : <ul style="list-style-type: none"> <li>- Violation du respect du droit à la vie privée des individus</li> <li>- Violation de la liberté d'expression</li> <li>- Violation de la liberté d'opinions</li> <li>- Violation de la liberté de réunion et d'association</li> </ul> notamment par la mise en place de la reconnaissance faciale ou biométrique, la vidéo surveillance , du profilage des individus
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;AI applications aimed at predicting recidivism ;Scoring / scoring of individuals by public entities;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Risques concernant les applications visant à prédire la récidive : <ul style="list-style-type: none"> <li>- biais de nature sexiste et raciales dans certains algorithmes utilisés pour prédire la récidive d'actes délictueux Les prédictions de la probabilité de récidive diffèrent selon qu'il s'agisse d'hommes ou de femmes , de ressortissants nationaux ou internationaux.</li> <li>- violation du droit à un procès équitable.</li> </ul> Risques concernant les applications de reconnaissance faciale : <ul style="list-style-type: none"> <li>-Risque de biais de nature sexiste et raciale : faible taux d'erreur dans la détermination des hommes à peaux claires , taux d'erreur plus élevé pour les femmes à peau foncée.</li> <li>- Risque de mise en place de "surveillance de masse" injustifiée</li> <li>- Risque de violation du droit du respect à la vie privée</li> <li>- Risques de violation du droit à la liberté d'opinions, d'expressions, de religion</li> </ul> Risques concernant le scoring des individus : <ul style="list-style-type: none"> <li>- Violation du droit du respect à la vie privé</li> <li>- Violation du droit à l'intégrité psychologique</li> <li>- Violation du droit à la liberté d'opinion, d'expression , de religion</li> </ul>

	<p>- Violation de la "dignité" des individus</p> <p>Risques concernant les logiciels de recrutement</p> <ul style="list-style-type: none"> <li>- Biais sexistes,</li> <li>- Discrimination raciale , religieuse, politique</li> <li>- Atteinte à la vie privée,</li> <li>- Violation de l'intégrité physique, psychologique des individus</li> <li>- Violation de la liberté d'opinions et d'expressions</li> </ul> <p>Risques d'applications dans la banque</p> <ul style="list-style-type: none"> <li>- Atteinte à la vie privée</li> <li>- Atteinte à notre liberté d'opinions, d'expressions</li> </ul>
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	<p>-Application de deep fakes, cheap fakes : Diffusion de fausses informations entraînant altération la capacité des individus à développer leur "liberté d'opinions"</p> <p>atteinte à l'intégrité psychologique des individus (ex : les informations complotistes).</p> <p>modification possible de résultats électoraux (atteinte à la démocratie et à l'État de droit)</p>
<b>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</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Freedom of expression, assembly and association; Privacy and data protection; • Non-discrimination; Respect for human dignity; • Personal integrity ;
<b>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</b>	Law enforcement; Justice; • Social networks/media, internet intermediaries ;

<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Ethics guidelines</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>Convention pour la Protection des Personnes à l'égard du traitement automatisé des données Recommandation : "10 mesures pour protéger les Droits de l'Homme" RGPD France : "Loi informatique et Libertés", " Loi pour une République numérique"</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>Au niveau Du Conseil de l'Europe, il manque la mise en place d'une Charte Ethique "Pré-Conception" à laquelle devrait satisfaire les systèmes d'Intelligence Artificielle . Cette Charte Ethique devrait rappeler les principes essentiels suivants :</p> <p>1/ L'IA est conçue pour être au service des Personnes Humaines. Elle doit notamment être au service du bien-être des personnes, de la société, et de l'environnement.</p> <p>2/ L'IA ne doit pas porter atteinte à la dignité Humaine.</p> <p>3/ L'Intelligence artificielle doit respecter les Droits Fondamentaux des Personnes.</p> <p>4/ L'Intelligence artificielles doit respecter le droit à la "vie privée" et</p>

	<p>les données personnelles des personnes.</p> <p>5/ L'IA ne doit pas porter atteintes aux libertés individuelles ou publiques.</p> <p>6/ L'IA doit promouvoir l'inclusion et la Non-Discrimination</p> <p>7/ L'IA doit rester sous le contrôle de l'Homme.</p> <p>Aucune décision entraînant des conséquences cruciales pour les personnes ne doit pouvoir être prise par l'IA sans intervention humaine ( décision judiciaire, décision d'octroi de crédit ...).</p>
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>35. The code behind AI systems used in the public and private sectors should always be accessible to the competent</b>	I fully agree

<b>public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	<p>Pour développer la confiance des individus, le principe de responsabilité du fait des produits doit être inclus dans le futur cadre juridique.</p> <p>De même, le cadre juridique doit mentionner la mise en place de mécanismes de recours rapides, efficaces et peu coûteux en cas de dommage. Seuls la mise en place de systèmes de recours effectifs permettront aux individus d'accroître leur confiance vis à vis des nouvelles technologies.</p>

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Rather useful Highly useful Indifferent/no opinion Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling;</li> <li>• Audits and intersectional audits;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument Binding instrument Binding instrument No opinion Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>

<p><b>Council of Europe instruments</b></p> <ul style="list-style-type: none"> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>L'Intelligence Artificielle va conduire à de profonds changements, non seulement de notre manière de vivre, de nous comporter, et aussi de réagir face à des situations complexes.</p> <p>Les Etres humains vont être amenés à déléguer de plus en plus d'activités à des machines.</p> <p>Or, l'être humain se définit notamment par 3 composantes qui nous semblent essentielles :</p> <ul style="list-style-type: none"> <li>• par la manière dont il perçoit le monde (par ses sens, son intelligence, sa conscience, son analyse, son discernement etc...),</li> <li>• par la manière dont il agit dans le monde (travail, occupations, passions, loisirs etc...)</li> <li>• par la manière avec laquelle il peut se donner dans le monde (solidarité, fraternité, gratuité, réseaux d'entraide, réseaux etc...).</li> </ul> <p>Ce transfert de « responsabilité » sur les machines aura pour conséquences immédiates la perte d'une part d'humanité propre à l'être humain.</p> <p>Cette part d'humanité perdue peut contribuer à des phénomènes de stress individuel et collectif, face à des situations complexes, voire à des risques d'émeutes sociales, en raison de la perte de sens et de liberté personnelle.</p> <p>L'utilisation de l'Intelligence artificielle va également conduire à favoriser des « standards » de pensées, des « standards d'action », au risque de sortir du cadre des algorithmes.</p> <p>En effet, pour fonctionner ces technologies utilisent la répétition, la reconnaissance, les statistiques, la normalisation.</p> <p>La créativité, l'originalité, la différence de vues et la différence d'opinions, l'approche intuitive, la quête de sens, l'épanouissement personnel, la réalisation de soi, l'aspiration au bonheur ne font pas partie du cadre de ces technologies.</p> <p>L'Intelligence artificielle peut conduire à remettre en cause l'unicité de chaque personne humaine dans ses caractéristiques physiques, intellectuelles, psychologiques. Ce concept est différent de celui de la non-discrimination.</p> <p>Anticipant les risques de « déshumanisation » de l'être humain liés à l'utilisation de l'Intelligence Artificielle, nous sommes favorables à renforcer la protection de notre Humanité.</p>

	<p>Pour cela, il nous semble nécessaire d'élaborer un protocole additionnel à la Convention Européenne des droits de l'Homme garantissant à chacun le droit à « l'intégrité psychique, psychologique et à la continuité psychologique ».</p> <p>Si l'état d'intégrité psychique nous reconnaît le droit à ne pas subir de traumatismes pour le psychisme (ex : état de stress post-traumatique, en anglais « Post Traumatic Syndrome Disorder » - PTSD), le droit à l'intégrité psychologique renvoie plus subtilement à un état de reconnaissance de l'unicité de chaque personne dans sa manière de penser et d'interagir avec son environnement.</p> <p>Ce concept juridique de « droit à l'intégrité et à la continuité psychologique » nous semble fondamental et même un fondement sous-jacent pour garantir le bien-être sociétal individuel et collectif mentionné par le Groupe d'Experts de la Commission Européenne.</p>
<b>Date of submission</b>	5/4/21 17:04:06

## Observatori de la Sostenibilitat d'Andorra

<b>State (where your institution is based)</b>	<b>Andorra</b>
<b>Institution: Name of the institution/body/company</b>	Observatori de la Sostenibilitat d'Andorra
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	AI is so dynamic. For that reason, the definition should be updated periodically.
<b>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</b>	• Healthcare ;Banking, finance and insurance;• Environment and climate;
<b>4bis. If other, which areas and why?</b>	



<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI has the potential to take decisions based on evidences and not influenced by feelings. In some applications it can be a benefit.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Support to decision making</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Customs and border control;</li> <li>• National security and counter-terrorism;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>x</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Scoring / scoring of individuals by public entities;</p> <ul style="list-style-type: none"> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>x</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>x</p>
<p><b>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</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to</b></p>	<p>Banned</p>

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?	Political pluralism;Equality;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	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	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 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	x
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	• 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;

<b>systems (select all you agree with):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather disagree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather disagree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree

<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>

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

<p>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>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 11:35:52</p>

## OdiselA

<p>State (where your institution is based)</p>	<p>Spain</p>
<p>Institution: Name of the institution/body/company</p>	<p>OdiselA</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>Other</p>
<p>2bis. If "other" please explain below</p>	<p>A technologically-neutral and simplified definition (e.g. computational systems that, being fed by a given input delivers an output) with a legal instrument focused on the effect of AI systems on human rights, democracy and the rule of law.</p>
<p>3. What are the reasons for your preference?</p>	<p>Regulation should be focused on purposes, applications and its (unintended, non-desired) effects, not on the means used.</p>
<p>4. Please select the areas in which AI systems offer the most promising opportunities for the</p>	<p>• Healthcare; • Environment and climate; • Public administration;</p>

<b>protection of human rights, democracy and the rule of law</b>	
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Those are all applications that stimulate positive activities to occur more and better.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Achieve smart information management, prioritizing public administration actions, and enhancing current processes, both in governments back office, and in their relationship with citizens. Applications that support policymakers to employ more evidence-based policymaking, and less politically-based decisions.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	False Positive or False Negative algorithm outcomes could have severe consequences in those cases, or might discriminate and stigmatize certain groups.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ; <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Scoring / scoring of individuals by public entities;</li> <li>• AI applications in the field of banking and insurance;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	State-controlled applications are of high risk of incorrectly excluding people from rights (false positives). Employee monitoring is undesired, and leads to limited liberty.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	warfare applications, among them lethal autonomous weapons systems (LAWS)
<b>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</b> <b>13bis. Other</b>	they should be controlled under strict requirements, i.e. if the benefits significantly outweigh the damage caused, but this should be a court decision. This requires balancing the fundamental rights of the subjects versus others.
<b>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:</b>	Regulated (binding law)

<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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?</b></p>	<p>Respect for human dignity;• Non-discrimination;• Personal integrity ;• Explainability;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Warfare applications (the sector is not decisive, but the application);</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Voluntary certification</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>Although the high impact risk of AI systems are not generally covered by an AI specific regulation, its effects are effectively contemplated in diverse regulations: e.g. discrimination is already regulated by the Charter of Fundamental Rights of the European Union (art. 21), and national constitutions . The GDPR covers part of the problem, but needs to be complemented.</p>



<b>rights, democracy and the rule of law</b>	
<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	AI warfare applications should be addressed by an international treaty or convention, like nuclear or chemical weapons development and use
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	Indifferent/no opinion
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I rather agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I rather agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Yes, but only for those aspects that are typical for AI, and not in common with other technologies.  <a href="https://link.springer.com/article/10.1007/s43681-020-00012-5">https://link.springer.com/article/10.1007/s43681-020-00012-5</a></p>

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Highly useful Rather useful Rather useful Indifferent/no opinion</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<p>• Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant</li> </ul>	<p>Rather useful Highly useful Highly useful Highly useful</p>

<p><b>Council of Europe instruments</b></p> <ul style="list-style-type: none"> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Technical standards development in order to facilitate the goals of what degree of explainability is required for every AI application with regard to its risk level, and what kind of anti-discrimination efforts are considered sufficient (again, with regard to its risk level). Not only avoid the risks of AI use, but also stimulate the use of AI to promote human rights, democracy and the rule of law</p>
<p><b>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?</b></p>	<p>International treaty or convention about AI warfare applications should be fostered, led and developed by the European Council</p>
<p><b>Date of submission</b></p>	<p>5/11/21 11:28:44</p>

## OECD

<p><b>State (where your institution is based)</b></p>	<p><b>France</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>OECD</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></p>	<p>Other</p>
<p><b>2bis. If “other” please explain below</b></p>	<p>I would suggest that the CoE leverage the characterisation of an AI system contained in the OECD AI Principles, with some slight edits:</p> <p>An AI system is a machine-based system that is capable of influencing the environment by producing recommendations, predictions or other outcomes for a given set of objectives. It uses machine and/or human-based inputs/data to: perceive environments;</p>

	abstract these perceptions into models; and use the models to formulate options for outcomes. AI systems are designed to operate with varying levels of autonomy ( <a href="https://doi.org/10.1787/d62f618a-en">https://doi.org/10.1787/d62f618a-en</a> ).
<b>3. What are the reasons for your preference?</b>	It is important to define AI in a legal instrument such as that being developed by the CoE. However, it is critical that the definition is future-proof. In that sense, limiting the definition to machine learning would be a mistake in my opinion. "Automated decision-making" is also misleading because an AI system does not make an actual decision, which is the remit of human creators and outside the scope of the AI system.
<b>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</b>	<ul style="list-style-type: none"> <li>• Public administration;Justice;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>The question is difficult to answer because:</p> <p>1) human rights, democracy and rule of law are all quite different: so you mean "human rights, democracy OR rule of law?" and 2) all of these applications can be used in beneficial ways or misused -- AI is a dual-use technology.</p> <p>For example, fraud detection, recidivism detection and facial recognition can play important roles in ensuring the rule of law but won't necessarily help democracy or human rights, i.e they can be misused or abused.</p> <p>Similarly, medical AI applications including for triage can be extremely beneficial to the right to life (and health) but could in some cases threaten this same right.</p>
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Educational applications of AI can definitely help with the right to education and allow the provision of personalised education at scale. AI can also help with the right to security by automating surveillance, e.g. aggression detection AI systems in crowded places or in public transportation that trigger an alert if they detect the beginning of aggression.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Justice;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	As mentioned previously, AI applications in all industries can be used in beneficial ways or misused as AI is a dual-use technology. Recently, specific issues pertaining to human rights (non-discrimination and equal treatment) issues have arisen in the particular areas of: justice, law enforcement and social media.
<b>10. Please indicate the types of AI systems that represent the</b>	Scoring / scoring of individuals by public entities; <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Facial recognition supporting law enforcement ;</li> <li>• Deep fakes and cheap</li> </ul>

<b>greatest risk to human rights, democracy and the rule of law</b>	fakes;• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The question is difficult to answer because: 1) human rights, democracy and rule of law are all quite different: so you mean "human rights, democracy OR rule of law?" and 2) all of these applications can be used in beneficial ways or misused -- AI is a dual-use technology. For example, fraud detection, recidivism detection and facial recognition can play important roles in ensuring the rule of law but won't necessarily help democracy or human rights, i.e they can be misused or abused.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Lethal autonomous weapons systems can threaten the right to life. AI use in cyberattacks can pose significant risks to the rule of law, human rights and democracy.
<b>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</b>	AI applications can be used in beneficial ways or misused. AI systems must be deployed with strong safeguards to ensure the protection of human rights and democracy.
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> <li>• Transparency;</li> <li>Freedom of expression, assembly and association;</li> <li>• Non-discrimination;</li> </ul>
<b>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</b>	I don't think the instrument should be tied to a sector. Moreover, the ability to effectively enforce any instrument should be a core consideration. ;
<b>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.</b>	Indifferent/no opinion

<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>Indifferent/no opinion</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>  <b>21bis. Other</b></p>	<p>It really depends of the context of use.</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>OECD AI Principles, GDPR, CoE European Convention on Human Rights, UN Universal Declaration of Human Rights, OECD MNE Guidelines, corporate social responsibility (CSR) programs.</p>
<p><b>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):</b></p>	<p>There are too many and they are difficult to interpret and apply in the context of AI; They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>Accountability of AI system actors and rights to full transparency, choice, and effective and inexpensive redress (equality of arms).</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I rather agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I rather agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I rather agree</p>

<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	Indifferent/no opinion
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I completely disagree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion



<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>Indifferent/no opinion</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<p>• Regulatory sandboxes; • Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling;</p>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Non-binding instrument No opinion No opinion No opinion No opinion</p>
<p><b>47.bis. Other</b></p>	<p>Question 37 is difficult to answer because the appropriate type of mechanism depends on the context of use (e.g. an AI transcription software may not require any of these mechanisms because it is low risk).</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Not useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>The Council of Europe should work actively with the OECD and other international organisations to build up globalpolicy.ai as a collaborative AI Observatory that leverages the resources and complementary expertise of several different international organisations.</p>
<p><b>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?</b></p>	<p>The OECD very much welcomes the partnership of the Council of Europe and looks forward to strengthening the cooperation on ensuring trustworthy AI.</p>
<p><b>Date of submission</b></p>	<p>4/29/21 15:58:01</p>

## OEJAJ - Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse

<b>State (where your institution is based)</b>	<b>Bruxelles, BELGIQUE</b>
<b>Institution: Name of the institution/body/company</b>	OEJAJ - Observatoire de l'Enfance, de la Jeunesse et de l'Aide à la Jeunesse.
<b>Personal capacity: Your socio-professional category</b>	Lower occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Une définition neutre permet de délimiter le cadre juridique de façon claire et le rend donc moins sujet à des interprétations divergentes. Par ailleurs, nous pensons tout de même qu’il est important d’axer cet instrument juridique sur les potentiels effets des systèmes d’IA sur les droits de l’Homme, la démocratie et l’Etat de droit afin de pouvoir entreprendre un travail de prévention autour de ces derniers à l’aide d’outils de sensibilisations et d’informations.
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Election monitoring;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Nous pensons qu’une application médicale de l’IA, autant comme soutien général au système de santé que pour la mise en place de diagnostics plus rapides et précis serait bénéfique pour renforcer les droits de l’Homme, la démocratie et l’Etat de droit. En effet, une assistance par l’IA permettrait d’avoir des diagnostics plus complets, sans oubli, et d’apporter des soins plus appropriés le cas échéant. De plus, le croisement et/ ou la mise en parallèle de différents

	<p>symptômes liés à différentes maladies permettrait d'apporter des traitements plus adaptés à des patients et ne laisserait pas le médecin dans une incertitude quant à l'identification de la maladie. De façon générale, une répartition des traitements par l'IA serait faite en fonction de la gravité de la situation et des potentiels dangers, sans prise en compte du statut politico-économique du pays. Cela entraînerait donc une diminution de la discrimination économique et sociale des systèmes de santé.</p> <p>De la même façon, la détection automatisée des fraudes éviterait les risques de corruptions et entraînerait une égalité de traitements des cas identifiés. En effet, aucun secteur ne serait épargné par la surveillance.</p> <p>En ce qui concerne les deepfakes et cheapfakes, l'IA serait plus à même de détecter des phénomènes invisibles pour l'oeil humain, tel que les « fonds verts » ou les dysfonctionnements audio-visuels (modification des pixels...).</p> <p>Enfin, l'application de l'IA dans le domaine climatique permettrait de construire un plus large panel de potentialités futures en prenant en considération plus de facteurs. Les prévisions proposées seraient donc plus précises car les données encodées seraient traitées dans toute leur complexité.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>L'IA peut aussi renforcer les droits de l'Homme, de la démocratie et de l'Etat de droit au travers d'une surveillance minutieuse des données circulant sur internet. Par exemple, l'analyse de données pour prévenir des comportements pédophiles ou de harcèlements sur les réseaux sociaux. Il peut aussi permettre de contrôler la récupération des données personnelles des individus par les industriels et les entreprises. L'usage de l'IA pour lutter contre la cybercriminalité permettrait de traiter des données personnelles sans qu'elles passent par un regard humain, permettant donc un plus grand respect de la vie privée tout en assurant une plus grande sécurité.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Employment;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>L'usage de l'IA dans le système de justice entraînerait une déshumanisation des cas traités. En effet, bien que la justice s'appuie sur des faits et des articles de loi, une place importante est laissée à l'interprétation du juge en fonction des cas. Un algorithme ne peut prétendre prendre la place d'une réflexion humaine mettant en balance la personnalité, les faits et les différentes interprétations possibles des articles de loi pour un cas donné.</p> <p>En ce qui concerne le maintien de l'ordre, les explications sont similaires. De nombreuses normes sociales qui régulent notre système ne sont pas inscrites de façon claire dans les documents juridiques mais sont aussi affaire de traditions, de culture et de compréhension sociale mutuelle entre individus. L'usage de l'IA dans ce type de cas rendrait les coutumes et les normes implicites obsolètes, tandis que celles inscrites dans les textes de loi seraient perçues comme imposées par une instance supérieure et détachée de l'individu. Enfin, intégrer l'IA dans le domaine de l'emploi comporte certains risques qui pourraient porter une atteinte grave aux droits de l'homme. En effet, le recrutement n'est pas seulement basé</p>

	<p>sur un savoir quantifiable mais aussi des valeurs abstraites telle que l'implication, la volonté, le caractère personnel de chacun, la capacité à rebondir... De plus, le contrôle des performances des employés engendre un risque de dérive important de la part de l'employeur. En effet, il pourrait utiliser cet outil afin de faire pression sur ses employés pour rendre son entreprise plus productive. Bien que les textes de loi en rapport avec les droits de l'homme protègent ce type de comportement, cela serait un facteur supplémentaire de risque que ces droits soient violés.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>□ 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 ; • AI applications determining the allocation of social services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Tous ce qui touche à l'évaluation des performances des individus engendre un fort risque de violation des droits de l'homme. Cela engendrerait une scission de la société encore plus importante. En effet, les individus qui sont socialement et/ou économiquement stables peuvent se donner de façon plus entière à un emploi que ceux qui ont des difficultés tierces dans leur quotidien. Il y a un facteurs sociologique qui ne peut être quantifié dans les codages de l'IA mais qu'il est pourtant important de prendre en considération lors de ce type d'évaluation. Les catégories d'individus les plus vulnérables seront donc les premières victimes de ce type d'évaluation. Cela risquerait aussi d'entraîner nos sociétés au paroxysme de la compétition et de l'aspect interchangeable des individus.</p> <p>De manière similaire, les accès aux services sociaux ne dépendent pas que de paramètres quantifiables. Les services proposés s'appuient sur une relation construite entre le pourvoyeur de soin et son client. En effet, chaque situation est évaluée et adaptée au cas par cas, avec la prise en considération du statut psycho-émotionnel et social du demandeur.</p> <p>Les individus en conflit avec la loi sont déjà confrontés à des difficultés de réintégration sociale et professionnelle et sont souvent marginalisés. De telles prévisions risqueraient de renforcer la discrimination les stéréotypes sur certains types de délits plutôt que d'autres. D'un autre coté ce type de données permettrait de mettre en place des outils de préventions plus efficaces et ciblés.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Tout d'abord, il est a constaté que dans le domaine douanier, l'intransigeance est de rigueur dans certaine situation. De nombreux avantages pourraient donc émaner d'un contrôle de l'IA, qui éviterait les passe-droits et/ou les possibles corruptions.</p> <p>De plus, l'intégration de l'IA dans le contrôle de la migration illégale permettrait d'éviter les bavures éventuelles. Prenons l'exemple de l'affaire Mawda, enfant tuée par balle lors d'une course poursuite entre une fourgonnette transportant des migrants et les gardes frontières. Avec une IA correctement paramétrée (rayons X, repérage, calibrage), ce type d'évènement pourrait être évité. De surcroît, les prises en charge des vagues migratoires pourraient être effectuées de façon plus douce et organisé, la rigidité des machines pouvant ici être bénéfique à des opérations de grande ampleur sans le sentiment humain de « dépassement ».</p> <p>C'est aussi cette rigidité qui rend l'intégration de l'IA dans le contrôle des frontières très dangereuse pour les droits de l'homme. Nous</p>

	<p>savons que les lois et les cadres juridiques existants ont parfois un certain seuil de tolérance permettant de conserver une humanité dans leur applicabilité. Par exemple, les règles concernant les échanges commerciaux sont souvent assouplies lorsqu'elles se retrouvent confrontées à une situation individuelle. Des lois, originellement sanitaire, demande une régulation des denrées animales en provenance des pays hors de la zone euro, sauf si des accords bilatéraux et/ou multilatéraux ont été signés. Depuis le Brexit, le Royaume-Uni a changé de catégorie. Une application déshumanisée de ce type de mesures ferait disparaître leur caractère raisonnable et les rendraient complètement aberrantes et illégitimes aux yeux des populations, qui n'en saisissent pas toujours le sens ou n'en n'ont simplement pas connaissance. En effet, de nombreux individus ne sont pas au faite de tout les règles qui s'appliquent entre les frontières, il se retrouverait donc amendés par manque d'information, sans avoir délibérément contourner la loi. Où est donc la limite d'applicabilité des normes douanières, doit-on punir ou prévenir? Tant de questions auxquels l'IA ne peut raisonnablement répondre.</p>
<p><b>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</b> 13bis. Other</p>	<p>Devrait être soumis à une réglementation stricte, précise et contraignante avec la mise en place concrète d'outils de préventions, de sensibilisations et de mise en oeuvre de ses règles</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity; Freedom of expression, assembly and association; • Explainability; • Transparency; • Personal integrity ;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	
<p><b>19. Self-regulation by companies is more efficient than government regulation to</b></p>	<p>I rather disagree</p>

<b>prevent and mitigate the risk of violations of human rights, democracy and the rule of law.</b>	
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather disagree
<b>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</b>	Selon nous, les principes de l'OCDE sur l'IA de 2018 ainsi que le livret blanc de 2020 de la commission européenne donne des lignes directrices essentielles au bon déroulement des stratégies d'innovations dans le domaine de l'IA en Europe. Ces lignes directrices sont complétées par des rapports et de multiples communications de la commission sur des domaines précis de l'IA, donnant des orientations concrètes aux acteurs concernés. De la même façon, l'OCDE a créé un organe appelé « OECD AI policy », instrument concret d'aide à l'intégration des directives européennes dans les politiques nationales des états membres. Il est accompagné d'un document appelé « L'intelligence artificielle dans la société ». Un de ses chapitres en particulier « public policy considerations » donne des orientations encore plus précises et des propositions d'applications concrètes aux Etats membres. Il semble important de créer des instruments permettant l'application des textes législatifs afin que les politiques soit traduites de façon homogènes entre les Etats membres.
<b>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):</b>	There are too many and they are difficult to interpret and apply in the context of AI;• They create barriers to the design, development and application of AI systems;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Il existe une multitude d'instruments à l'échelle internationale comme européenne qui posent les bases d'un cadre juridique et législatif européen. Malheureusement, la multiplicité de ces documents non contraignants telle que le livret blanc de 2020 ou les principes de l'OCDE de 2018, laisse une marge d'interprétation trop importante aux états membres, entraînant des initiatives nationales hétérogènes qui ouvrent le risque de fragmentation du marché intérieur. Tandis que « Le Danemark vient de lancer un prototype de label éthique en matière de données. Malte a mis en place un système volontaire de certification pour l'IA. » La France, l'Allemagne et la Finlande ont chacun lancé des stratégies nationales différentes dans le domaine de l'IA.

	<p>Selon nous, la priorité doit être orientée vers la mise en place d'un cadre réglementaire commun, rassemblant les différents travaux effectués à l'échelle européenne ces dernières années. Bien que les textes déjà existants soient une base indispensable pour une innovation dans le respect des droits humains, il est important que la création d'un cadre réglementaire commun (et contraignant) aux Etats membres intègre les multiples communications du comité ainsi que les divers rapports effectués par les différentes institutions européennes ou nationales. Ces bases législatives concrètes diminuent la marge d'interprétation de chaque état, simplifient l'applicabilité des directives à l'échelle nationale et permettrait donc de construire des politiques publiques plus homogènes entre les états membres.</p>
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather disagree
<b>35. The code behind AI systems used in the public and private sectors should always be</b>	I rather agree



<b>accessible to the competent public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>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.</b>	I rather disagree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	Selon nous, les différents régimes de responsabilités existant peuvent régler les potentiels litiges dans le domaine de l'IA. Créer un régime de responsabilité spécifique risquerait d'entraîner une complexification du système judiciaire et/ou engendrerait des inégalités dans les moyens de mise en oeuvre entre les Etats. Intégrer le domaine de l'IA dans chaque régime semble être une solution moins couteuse et plus facilement applicable. En fonction des cas identifiés, le litige serait résolu par un régime plutôt qu'un autre. Il peut être intéressant de créer une section spécifique à l'IA

	<p>au sein de chaque régime afin d'avoir des mises en application précise pour chaque cas potentiels. Un problème demeure malgré tout : le statut juridique de l'IA. Les documents internationaux s'accordent à dire que l'IA ne peut avoir de personnalité juridique et que la responsabilité reviendrait directement à son concepteur. C'est une donnée primordiale à prendre en considération lors de la conception des lignes directrices à appliquer en cas de recours au système judiciaire.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Indifferent/no opinion Rather useful Indifferent/no opinion</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p>46bis. Other</p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling; Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Non-binding instrument Binding instrument No opinion Binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Beaucoup de scientifiques dénoncent le risque de reproduction des inégalités sociales, de marginalisation de certaines part de la population et/ ou des minorités et d'une perpétuation des stéréotypes présent dans nos sociétés lors de la conception, du déploiement et de la mise en oeuvre de l'IA. Afin d'éviter cela, mettre en place un processus de participation direct à chaque étape de construction, permettrait de réduire la probabilité de survenance de ces risques. Dans ce processus, il est primordiale d'inclure toutes les couches de la population, y compris les enfants. Le déploiement de l'IA serait plus représentatif de la diversité économique et sociale, pouvant donc devenir un avantage pour tous et pas seulement pour la part de la population en charge de la conception.</p>
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/19/21 14:21:42</p>

## Office for Foreign Affairs of the Principality of Liechtenstein

<p><b>State (where your institution is based)</b></p>	<p><b>Liechtenstein</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Office for Foreign Affairs of the Principality of Liechtenstein</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Lower occupations</p>

<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Technologically-neutral definition for a field with rapid technological development ongoing
<b>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</b>	No opinion;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	..
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	..
<b>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</b>	No opinion;
<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	..
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of social services;</li> </ul>

<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>..</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Potentially any AI system application could enhance/protect human rights, democracy and the rule of law</p>
<p><b>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</b> 13bis. Other</p>	<p>subject to moratorium</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Equality;Privacy and data protection;Respect for human dignity;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>No opinion;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>

<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>  <b>21bis. Other</b></p>	<p>No opinion</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>..</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I rather agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I rather agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>30. Individuals should always have the right that any decision taken by an AI system in the framework of judicial</b></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 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.	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 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.	Indifferent/no opinion
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>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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<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 46bis. Other</p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling;</li> <li>• Audits and intersectional audits;</li> </ul>
<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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	<p>Binding instrument No opinion No opinion No opinion No opinion</p>



<p><b>Continuous automated monitoring</b></p>	
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Indifferent/no opinion  Highly useful  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/22/21 14:44:03</p>

<b>State (where your institution is based)</b>	<b>Malta</b>
<b>Institution: Name of the institution/body/company</b>	Office of the Attorney General
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	In my opinion, a definition is required in order to establish a harmonized interpretation of the term. A technologically-neutral and simplified definition is the preferred definition: such a definition need not be revisited frequently should further development in AI systems be achieved.
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Employment;</li> <li>• Education;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Access to healthcare and education as well as early diagnosis and provision of treatment to patients is considered to be highly beneficial. The same applies to conditions of employment. Effective and speediness will be achieved without discrimination (objective basis)
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	AI applications for summary civil claims
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>

<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>AI systems depend on prior fed data for the system to be able to perform. If selective data is inputted this would result in compromised output. Moreover, there may be implications for example in the justice field if the AI systems will be deciding cases. There are certain principles that need to be respected such as equality of arms, publicity of trials and independence and impartiality of the judge. There may be data protection (right to privacy) that may also be impinged.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>There may be data protection issues as well as the right to privacy of the person that may be violated.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Applications that may effect the detention of persons</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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?</b></p>	<p>Respect for human dignity;Privacy and data protection;• Legal certainty;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Transparency;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>Justice;Law enforcement;Customs and border control;</p>

<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b></p>	<p>Voluntary certification</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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</b></p>	<p>European Convention for the Protection of Human Rights Charter of Fundamental Human Rights</p>
<p><b>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):</b></p>	
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I rather agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making</b></p>	<p>I rather agree</p>

<b>process which affects them personally.</b>	
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I rather agree
<b>39. Errors and flaws discovered in AI systems which have led or could lead to the</b>	I fully agree

<b>violation of human rights, democracy and the rule of law must be reported to the competent authorities.</b>	
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <b>Continuous automated monitoring</b>	Highly useful Rather useful Rather useful Rather useful Rather useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Human rights, democracy and rule of law impact assessments ;• Certification and quality labelling;• Audits and intersectional audits;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Non-binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful  Rather useful  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/6/21 14:18:00</p>

## Open Data Institute Ottawa Node (hosted by Veracity)

<b>State (where your institution is based)</b>	<b>Canada</b>
<b>Institution: Name of the institution/body/company</b>	Open Data Institute Ottawa Node (hosted by Veracity)
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	limiting definition to either ML or ADM systems will be problematic
<b>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</b>	Law enforcement;Welfare;Justice;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Many of the applications not selected are the ones that can cause the most harm as gauged by the criteria. Selected applications can provide the most benefit with the least harm.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Fact checking and disinformation monitoring. Identifying indicators of housing market manipulation by corporations and developers toward commoditizing housing rights.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Welfare;</li> <li>• Justice;</li> </ul>



<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Targeting disadvantaged and marginalized communities and groups, voting suppression, and bypassing existing but outdated laws</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 determining the allocation of social services; • AI applications to prevent the commission of a criminal offence;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Targeting disadvantaged and marginalized communities and groups so a general lack of protection for individual and community/group rights</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Voter eligibility</p>
<p><b>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</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Political pluralism; • Non-discrimination; • Transparency; • Explainability; Equality;</p>
<p><b>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</b></p>	<p>Justice; Law enforcement;</p>
<p><b>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the risk of violations of human rights,</b></p>	<p>I completely disagree</p>

democracy and the rule of law.	
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Self regulation is not an answer
<b>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.</b>	I completely disagree
<b>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</b>	Singapore AI Strategy is a start as it is harm-avoidance-based. Initiatives like the Montreal Declaration and GPAI have proved to be ineffective so far.
<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree

<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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</b>	I fully agree

<b>must be reported to the competent authorities.</b>	
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	<p>a) To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system.</p> <p>b) Provide monetary compensation to victims harmed by AI systems.</p> <p>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 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>
<b>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?</b> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> </ul>	<p>Highly useful</p> <p>Rather useful</p> <p>Highly useful</p> <p>Highly useful</p> <p>Highly useful</p>

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

<b>technological developments related to AI systems</b> <b>Establishing a centre of expertise on AI and human rights</b>	
<b>49. What other mechanisms, if any, should be considered?</b>	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.
<b>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?</b>	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.
<b>Date of submission</b>	4/29/21 17:05:07

## Open Ethics

<b>State (where your institution is based)</b>	<b>France</b>
<b>Institution: Name of the institution/body/company</b>	Open Ethics
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Internet technical community
<b>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</b>	A definition focusing on automated decision-making
<b>2bis. If "other" please explain below</b>	

<p><b>3. What are the reasons for your preference?</b></p>	<p>Similar effects could be achieved by computer systems with different architectures, therefore, focusing on one specific family of methods may not serve the purpose of the regulatory framework. Focus on decision-making and decision-making supply chain is technology agnostic and therefore could have a longer legal lifespan, allowing broad enough and covering framework.</p>
<p><b>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</b></p>	<p>Welfare;• Public administration;• Election monitoring;</p>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications determining the allocation of social services;</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Most of the applications which could benefit the rule of law and support for human rights could target monitoring and action against illegal activity or lack of activity for underserved part of the population.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>applications, promoting transparency</p>
<p><b>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</b></p> <p><b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Justice;</li> <li>• Customs and border control</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>It's very hard to introduce societal objectives and have a one size fits all solution that will not discriminate individuals and that will account for all the nuances. AI systems work only based on the data they are trained to work with.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;• Recruiting software/ AI applications used for assessing work performance</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>By imposing unfair metrics to calculate the outcomes, as well as being trained on the historically-biased datasets</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Applications focusing on adaptive educational programs have potential creating biased representations in a similar way the social media does</p>
<p><b>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</b></p> <p><b>13bis. Other</b></p>	<p>Should be introduced only if the alternative is present.</p>

<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Transparency; Privacy and data protection;</li> <li>• Non-discrimination;</li> <li>• Explainability;</li> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> </ul>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Law enforcement; Banking, finance and insurance; Justice;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Open Ethics Transparency Protocol to exchange information in the human and machine-readable form</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>23. Please provide examples of existing international, regional and/or national (binding and/or non-binding) instruments that in</b></p>	<p>NIST standard initiative for AI is an interesting example because its simplicity allows to execute on recommendations. Open Ethics Transparency Protocol to exchange the ethical disclosure is another example that could be used as a supportive</p>



<b>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</b>	instrument to enhance AI supply chain transparency, thus contributing to defense of the human rights.
<b>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):</b>	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 do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion

<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>

<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Rather useful Highly useful Highly useful Rather useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<p>Continuous automated monitoring;• Certification and quality labelling;• Human rights, democracy and rule of law impact assessments ;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>No opinion Binding instrument Binding instrument No opinion Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Machine-readable disclosure mechanisms such as Open Ethics Transparency Protocol</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to</li> </ul>	<p>Indifferent/no opinion 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"> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <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>3/31/21 14:50:09</p>

## OSCE RFoM

<p>State (where your institution is based)</p>	<p>Austria</p>
<p>Institution: Name of the institution/body/company</p>	<p>OSCE RFoM</p>
<p>Personal capacity: Your socio-professional category</p>	<p>Higher occupations</p>
<p>Your stakeholder group</p>	<p>Government &amp; 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 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>As an emerging technology, it is impossible to find a simple definition for artificial intelligence that is futureproof. A definition should rather be flexible, covering the functionalities rather than a pre-defined scope of applications or mathematical calculations that might not fit for new technologies. The focus should be put on the</p>

	effect of AI systems (response 1), but in order to assess them, a shared understanding of what AI entails is necessary.
<b>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</b>	N/A
<b>4bis. If other, which areas and why?</b>	N/A
<b>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?</b>	N/A
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	N/A
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	N/A
<b>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</b> <b>8bis. Other</b>	Law enforcement; National security and counter-terrorism; Social networks/media, internet intermediaries
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	<p>AI poses several overarching problems in particular to freedom of expression, and human rights in general. Many of these problems are not necessarily specific to AI. However, the use of AI does amplify the concerns over the challenges they present to human rights.</p> <p>At present, society in general, but also many actors deploying AI, only have a very limited understanding of the legal (and ethical) implications of the development and control of AI, in particular machine learning. The use of AI raises concerns over the privacy of individuals and their engagement in civic space in general, which also impacts freedom of expression. Further, machine-learning methods are used for advanced profiling of individuals, based on their engagement through technologies; creating concerns both for privacy and individual autonomy, as well as for freedom of expression.</p> <p>Lack of respect for freedom of expression: Whether certain content should be considered “illegal” typically depends on the context in which the content is presented. This is a complex task, which is dependent on the specific context, local languages, and other societal, political, historical and cultural nuances. Numerous studies show that automated decisions for content removal can fail to understand nuances underpinning the pieces of content, resulting in the filtering and taking down of legitimate content.</p> <p>Lack of respect for the rule of law: The deployment and usage of AI in content moderation often leads to the circumvention of due</p>

	<p>process and legal safety.</p> <p>Lack of transparency: Transparency is essential, including for freedom of expression, as it enables the scrutiny of users, the media and the general public, including researchers and regulators. There is insufficient accessible information about who is developing which AI systems, what kind of technology is being developed and how, or for which purposes.</p> <p>Lack of accountability: The ability of AI systems to be invisible and opaque, as well as inscrutable, makes possibility for accountability more challenging. There is a need for independent oversight to provide algorithmic accountability, and to identify and rectify harmful outcomes and reproduction inequalities.</p> <p>Lack of effective remedies: In cases of violation of their rights, including the right to freedom of expression, international human rights standards provide individuals with the right to an effective remedy. Internet intermediaries, in cases of violations caused by the deployment of AI, should guarantee their users with a right to appeal and effective remedy.</p>
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Scoring / scoring of individuals by public entities; AI applications for personalised media content (recommender systems); Deep fakes and cheap fakes; AI applications to prevent the commission of a criminal offence; AI applications determining the allocation of social services
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	See answer to question 15.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Multi Line Text. The use of AI for subliminal manipulation or behavioral nudging significantly risks violating human rights, including the right to freedom of expression – on the individual level as well as posing risks of societal harm.
<b>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</b> <b>13bis. Other</b>	addressed in a sound regulatory framework that provides clear thresholds for bans (if the human rights violation is integral to the AI system) and indications for mitigation measures depending on the specific risk or potential violation (but bans until such measures are successfully implemented).
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)

<p><b>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?</b></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><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>Legal instruments should be based on the human rights impact of AI systems, not aimed at specific sectors (though some, e.g. law enforcement, may require more stringent regulatory frameworks).</p>
<p><b>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.</b></p>	<p>N/A</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>1 *The effectiveness of self-regulation depends on the industry, the type of self-regulatory mechanisms, and the effectiveness with which it is enforced. In theory, self-regulation can be a very effective tool to uphold ethical standards and fully respect human rights, democracy and the rule of law. In legacy media, there are ample examples of effective media self-regulation. Bodies such as press councils and/or media regulators can be very effective as independent bodies ensuring the media uphold their professional codes of ethics. Other industries also have successful examples in this area. So far, unfortunately, self-regulation has not proven to be effective for most large internet intermediaries. There has perhaps not been enough willingness or incentive to properly self-regulate. It is also for this reason, that many feel compelled to suggest co-regulation and regulatory frameworks to ensure that large tech companies abide by international human rights law and engage in practices that respect democracy and the rule of law.</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other</p>	<p>Human rights-based ethical guidelines that are embedded in strong accountability frameworks with independent oversight</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>N/A</p>

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



<b>public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	
<b>44. If yes, what aspects should be covered?</b>	N/A

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits; Continuous automated monitoring</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>N/A</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> </ul>	<p>N/A N/A N/A N/A</p>

- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b> <b>Establishing a centre of expertise on AI and human rights</b>	
<b>49. What other mechanisms, if any, should be considered?</b>	N/A
<b>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?</b>	AI systems are closely connected to “surveillance capitalism” and may facilitate State surveillance that in turn restricts human rights. Moreover, in the current digital ecosystem, a few private companies mainly deploy AI systems and there is a significant concentration of power, which accelerates some of the abovementioned challenges, and risk increasing the digital divide while stifling alternative innovations. In addition, the lack of diversity in AI expertise and development needs to be addressed. Overall, efforts regarding education and literacy should be increased
<b>Date of submission</b>	10/05/21

## Oxford Internet Institute, University of Oxford

<b>State (where your institution is based)</b>	<b>United Kingdom</b>
<b>Institution: Name of the institution/body/company</b>	Oxford Internet Institute, University of Oxford
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	A definition focusing on automated decision-making
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Defining artificial intelligence in a broad but clear manner is essential to ensure regulation is not devolved entirely to domain- or sector-specific regulatory frameworks. Focusing on automated decision-making will harmonise the framework with existing European law such as the General Data Protection Regulation. With that said, the definition of automated decision-making is far from ideal to capture

	<p>all relevant forms of artificial intelligence. The meaning of characteristics such as "solely automated" and "legal effects...or similarly significant effects" of the GDPR's definition remain open to debate as well as judicial and regulatory interpretation. A definition focusing on automated decision-making could address the meaning of these characteristics and argue for a broad interpretation that includes systems that are only predominantly automated, for example by involving a human in the loop. Likewise, it could interpret "legal effects...or similarly significant effects" to include any impact on human rights.</p> <p>A definition focusing on automated decision-making should be preferred over a definition focusing on machine learning to ensure the target of the framework remains AI systems at the point of deployment, wherein they make decisions or help to make decisions about people. Focusing on machine learning itself would mean that regulation could apply to the early stages of research and development at which point the impact of the technology remains highly uncertain. Focusing on the decision-making phase of AI deployment ensures the framework will remain focused on the point at which human rights are most likely to be impacted. Potential human rights impacts at the research stage, owing for example to the usage of personal data to train machine learning systems, is also relevant but can be best governed through existing frameworks governing research and the processing of personal data.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Environment and climate;</li> <li>• Employment;</li> <li>• Banking, finance and insurance;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Medical - Given the resource strain facing public healthcare systems, AI systems that enable more accurate or efficient diagnosis can benefit healthcare as a whole by freeing health practitioners from work-intensive but low cognition tasks. For example, systems that automatically label anomalies in image data for further interpretation by lab technicians. Caution should be exercised in using AI for high cognition tasks or those which require tacit knowledge and professional experience, such as direct patient care.</p> <p>Climate change - Climate change is arguably the greatest challenge facing humanity in the coming decades, so AI systems which can help monitor and detect longitudinal patterns in emissions, polar melt, deforestation, or similar areas may help us focus efforts when/where they are most needed. With that said, we must remain vigilant regarding the climate impact of training high dimensional models measured against their proposed benefits.</p> <p>Gender equality - A vast array of technical tools, statistical measures, and other applications to evaluate the outputs of AI systems for equality across various dimensions (e.g. gender,</p>

	ethnicity, religion) have emerged in recent years. Together, these tools enable ethical auditing of AI systems. These types of accountability tools are essential to ensure that AI systems are not exacerbating existing inequalities in society, or creating new ones which can be difficult to detect due to the opacity of many AI systems and the scale at which they operate.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	As suggested above the most significant application not named in your list is AI tools designed for purposes of ethical auditing and accountability. These tools are essential to ensure we understand the actual social and legal impact of AI systems in terms of bias, discrimination, fairness, and equality. They can best be thought of as 'add-on' tools to be used to govern AI systems used in decision-making contexts with significant potential impact on human rights, democracy and the rule of law.
<b>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</b>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Employment;</li> <li>• Public administration;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Each of these sectors, and arguably others, are marked by various forms of bias with significant social and economic impacts. For example, facial recognition, predictive policing, and recidivism scoring systems in law enforcement are well known to exhibit racial and socioeconomic biases. Strict accountability legal rules need to be set for applications used in these areas due to the significant impact they can have on the human rights of individuals and protected groups. The major risk facing AI is that the biases and inequalities that currently exist in society are 'baked into' the models we use in the future for automated decision-making, and likewise that new biases and inequalities emerge as a result of their usage. To manage this risk, legal rules should be set around how such systems are developed and audited, and by whom.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 determining the allocation of social services;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	See above answer regarding the exacerbation and creation of biases which require strict rules for auditing the development and usage of such applications.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Profiling systems
<b>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</b>	Subject to strict regulation
<b>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:</b>	Banned

<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Equality; Privacy and data protection; • Non-discrimination; • Explainability; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Public administration; Law enforcement; • Healthcare;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Voluntary certification</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>The Medical Devices Regulation provides a good starting point by requiring AI applications to be tested against accepted standards of accuracy and efficacy prior to deployment in clinical settings. Likewise the General Data Protection Regulation provides a good set of provisions and requirements which require further regulatory and judicial interpretation to set binding requirements for AI systems; such tasks are currently being carried out by national data protection authorities as well as Member State and EU courts.</p>

<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>Lawmakers should set procedural requirements for measuring fairness and comparing outcomes across groups that are affected by or receive decisions from AI systems. Fairness and equality are fundamentally contextual concepts in the EU. Equality is not achieved by meeting a specific, quantifiable, unchanging threshold, for example a specific ratio of outcomes between protected groups. Rather, the meaning of fairness and equality are determined on a case-by-case basis according to Member State laws and judicial interpretation. So there is not a specific substantive measure of fairness prescribed by the law. Nonetheless, there are certain procedural requirements in how fairness is measured that can be thought of as a ‘gold standard’ for comparing outcomes between groups, and thus measuring fairness in practice. We recommend setting a legal requirement for organisations using AI to make important decisions to publish summary statistics using a standardised set of statistical measures of fairness that match the procedural requirements set in EU non-discrimination law.</p> <p>Further, positive equality duties should be established for uses of AI that pose a high risk to human rights that reflect the aims of EU non-discrimination law. Specifically, non-discrimination law in the EU aims at substantive equality. This means simply treating different protected groups equally going forward (i.e. ‘formal equality’) is not enough; rather, the law also aims at ‘levelling the playing field’ for groups that have been historically disadvantaged. Different ways of defining fairness in AI reflects the distinction between formal and substantive equality; some metrics enable substantive equality, whereas others enable formal equality. A distinction can be drawn between ‘bias preserving’ and ‘bias transforming’ fairness metrics. Metrics that are ‘bias preserving’ treat the status quo as a neutral starting point to measure inequality. In effect, the acceptability of existing inequalities is taken for granted. This is a problem if we want to use AI not simply to uphold the status quo, but to actively make society equal by rectifying existing social, economic, and other inequalities (in other words, for ‘substantive equality’). In contrast, bias transforming metrics do not take the status quo for granted, but rather actively question what existing inequalities and biases are appropriate to teach a model or AI system. A legal framework should be created that requires usage of bias transforming metrics in cases where AI systems need to make fair high-impact decisions. For testing purposes, such as for the summary statistics approach described above, both types of metrics are fine.</p> <p>Finally, consideration should be given to binding individual and organisational certification and liability schemes based around the implementation of internal auditing procedures, collaboration with external regulatory and auditing authorities, and individual competence.</p>
<p><b>26. Individuals should always be informed when they interact</b></p>	<p>Indifferent/no opinion</p>

<b>with an AI system in any circumstances.</b>	
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I rather agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I rather agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I rather agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion



<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>Indifferent/no opinion</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Rather not useful  Rather useful  Highly useful  Rather useful  Highly useful</p>

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Audits and intersectional audits;</li> <li>• Certification and quality labelling;</li> <li>Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Non-binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Individual level certification and liability should be considered as part of a binding instrument.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Rather useful  Rather useful  Indifferent/no opinion  Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	

Date of submission	4/25/21 11:25:45
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## Özyeğin University

State (where your institution is based)	Turkey
Institution: Name of the institution/body/company	Özyeğin 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?	"Learning" capacities of Artificial Intelligence systems and their usage for different technologies such as the ones of wireless telecommunications and brain-machine interfaces, necessitate a future-proof 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"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>National security and counter-terrorism;</li> </ul>
4bis. If other, which areas and why?	UN SDGs, Agriculture
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"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Providing fast and accurate healthcare for everyone and natural disaster prevention would be beneficial for the whole society.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Cyber attack detection and prevention systems, deep fake detection.

<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Education;</li> <li>• Employment;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Privacy of childrens' data during education is important for the future of a country. Also, direct and indirect discrimination during recruitment which will have negative impacts on not only individuals but also society as well. Economic and social welfare of persons are the basic prerequisites for a democratic society. One should be economically be stable to use her democratic rights and controlling power on the authorities.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Deep fakes and cheap fakes have the capacity to manipulate human behaviour and intentions and might cause diplomatic crises between states. Citizen scoring systems might result in chilling effect and ultimately in auto-censorship of one's own thoughts and expressions. Recruitment algorithms are already affecting negatively the right to equal treatment and cause discrimination by circumventing anti-discrimination rules.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI applications used in brain-machine interfaces.</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the development,</b></p>	<p>Respect for human dignity;Equality;Freedom of expression, assembly and association; • Non-discrimination; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>

<b>deployment and use of AI systems?</b>	
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Law enforcement;Education;Justice;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Voluntary certification
<b>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.</b>	Indifferent/no opinion
<b>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</b>	Competition rules are powerful instruments to prevent data concentration into few big companies. Controlling power means controlling data which is the basis for the development of AI systems.
<b>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):</b>	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 do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Competition, corporate responsibility and collective redress mechanisms need to be addressed.
<b>26. Individuals should always be informed when they interact</b>	I fully agree

<b>with an AI system in any circumstances.</b>	
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Multinational big tech companies must be legally responsible also.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling; Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument  Binding instrument  Non-binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Collective redress mechanisms for individuals (consumers, workers, etc.)</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Rather useful  Highly useful  Rather useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Supporting public awareness raising activities regarding the risks of AI systems against human rights.</p>
<p><b>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?</b></p>	



Date of submission	4/26/21 19:26:20
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## Panoptykon Foundation

State (where your institution is based)	Poland
Institution: Name of the institution/body/company	Panoptykon 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	Other
2bis. If "other" please explain below	A definition focusing on AI systems which affect people or groups of people or interact with them (regardless of whether an automated decision is made): "all AI applications that may in any way affect humans, in particular their legal situation, their physical or mental condition, or their access to goods and services".
3. What are the reasons for your preference?	In our view the proposed regulatory framework should cover all AI systems that will be applied to humans and/or may affect them. This approach excludes mundane and purely internal applications of AI that do not relate to people, e.g. "smart" information management systems, while ensuring that all systems that may impact (groups of) individuals are regulated. Please note that this definition covers AI applications that may have impact both on individuals and on groups of people (in such case the impact will be societal). It also covers applications of AI regardless of whether the impact is positive or negative; significant or not. In order to limit the potential of abuse of this definition the burden of proof should be on the entity wanting to develop or deploy the AI system to demonstrate that the system does not affect humans in any way.
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?	
5. Please indicate which of the following AI system	<ul style="list-style-type: none"> <li>AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>

<b>applications in your view have the greatest potential to enhance/protect human rights, democracy and the rule of law?</b>	
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	AI application in the selected area appears to present a lower risk than others for human rights and democracy, provided that appropriate safeguards (e.g. on the use of personal data) are put in place. All other AI applications present a varying degree of risks for human rights, to the extent that we do not perceive them as inherently having the potential to enhance or protect human rights, democracy or the rule of law.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	N/A
<b>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</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI systems are only as good as the data which fuels them and only as good as the people who design them — for this reason the use of AI systems trained on intrinsically biased data, can further exacerbate existing racial and ethnic, gender, and social and economic inequalities. This is especially worrisome given the systemic nature of these inequalities. Many of the policies and practices that are already entrenched with biases and often target already vulnerable and marginalised groups, 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 systems pose a huge threat to 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, detain and deport refugees and migrants. 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 vulnerable individuals at risk of significant harm thus eroding the core principles of democracy and rule of law.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• AI applications to prevent the commission of a criminal offence;• AI applications determining the allocation of social services;• AI applications in the field of banking and insurance;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Please see our answers above.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	It depends. We believe that the level of risk should be assessed - prior to deployment - for all AI applications via human rights impact assessments. This is the only method to effectively evaluate risk, without relying on assumptions and pre-determined list of risks or AI

	applications. It is also the only way to guarantees that all potentially dangerous AI applications are subject to relevant obligations or restrictions (including prohibitions).
<b>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</b> 13bis. Other	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;• Non-discrimination;Privacy and data protection;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other	We believe that a binding legal instrument should apply to *all* AI systems which affect people, with varying levels of obligations or restrictions. It's important that there are clear rules and boundaries of what is allowed and what is not allowed when developing and deploying AI systems, regardless of the sector in which AI is applied.;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other	While we believe that binding regulation is necessary, we consider a continuous, inclusive and publicly available human rights due diligence process to be the most efficient.
<b>22. Existing international, regional and/or national binding and/or non-binding legal</b>	I rather disagree

<p><b>instruments are sufficient to regulate AI systems in order to ensure the protection of human rights, democracy and the rule of law.</b></p>	
<p><b>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</b></p>	<p>There are none that we would deem effective. The GDPR in particular has a limited reach when it comes to AI. For instance, Article 22 which related to automated decision-making can only be applied to systems which rely on personal data (and not for instance statistical correlations and big data) and only to fully automated decisions (so it will not apply in cases where a decision made by an AI system is in theory verified and confirmed by a human).</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<ol style="list-style-type: none"> <li>1. Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities.</li> <li>2. Establishing rigorous transparency requirements for AI designers, developers and end-users.</li> <li>3. 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.</li> <li>4. Providing a right to effective redress when being subjected to an AI system (incl. human intervention and/or alternative means to achieve a given objective).</li> <li>5. 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.</li> </ol>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>

<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></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 changes are made to ensure that the design and/or use of the AI system is rights-respecting.  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.  e) Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Highly useful  Rather useful  Highly useful  Indifferent/no opinion  Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b>  <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;Continuous automated monitoring;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument No opinion Binding instrument No opinion Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>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><b>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?</b></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.</p>
<p><b>Date of submission</b></p>	<p>4/30/21 10:39:15</p>

## Payso Inc DBA Finn AI

<b>State (where your institution is based)</b>	<b>British Columbia, Canada</b>
<b>Institution: Name of the institution/body/company</b>	Payso Inc DBA Finn AI
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Aligning on the definition is a challenging task - what is important is that we manage the outcome of the technology and that is what is most relevant to policy.
<b>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</b>	<ul style="list-style-type: none"> <li>• Environment and climate;Welfare;• Healthcare;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;• 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;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	we have large problems with no solutions like climate change - AI may be one of our best tools to improve the crisis. We also have inequity between and within countries - AI should be used to decrease that inequity and to provide services and opportunities to those who cannot access them today - this is particularly relevant in health, education, equity and social services.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Access to legal advice, services and understanding law.
<b>8. Please select the areas in which the deployment of AI systems poses the highest risk of</b>	<ul style="list-style-type: none"> <li>• Justice;• Law enforcement;• Banking, finance and insurance;</li> </ul>



<b>violating human rights, democracy and the rule of law 8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Data sets from law are challenging in terms of existing bias (as are most data sets, but these in particular). Our financial service companies have so much power and are difficult to regulate and their motive is purely profit driven - this could lead to undesirable outcomes of AI.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;• AI applications for personalised media content (recommender systems);• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;• AI applications in the field of banking and insurance;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	We've already seen examples in all of these industries - deep fakes that misrepresent people and exploit individuals, facial recognition that discriminates against people with different skin tones etc.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Any industry could result in a risk to human rights and democracy - it depends entirely on how the technology is applied and managed.
<b>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</b>	Banned
<b>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:</b>	Subject to moratorium
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;Equality;• Non-discrimination;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Transparency;
<b>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</b>	Justice;Banking, finance and insurance;Law enforcement;

<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b></p>	<p>Guidelines and self service tools</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>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</b></p>	<p>Algorithmic Impact Assessment - practical tool for commercialization</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather disagree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I rather disagree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making</b></p>	<p>I rather disagree</p>

<b>process which affects them personally.</b>	
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	Indifferent/no opinion
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>39. Errors and flaws discovered in AI systems which have led or could lead to the</b>	I fully agree

<b>violation of human rights, democracy and the rule of law must be reported to the competent authorities.</b>	
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I rather agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <b>Continuous automated monitoring</b>	Rather useful Rather useful Highly useful Indifferent/no opinion Rather useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Audits and intersectional audits;• Certification and quality labelling;• Human rights, democracy and rule of law impact assessments ;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument  Non-binding instrument  Non-binding instrument  Non-binding instrument  Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful  Rather useful  Highly useful  Indifferent/no opinion</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>It's important the the regulation is consistent with international law otherwise commercialization will be impossible internationally. In addition to how we protect human rights, we need to consider how we ensure that we leverage AI to promote human rights.</p>
<p><b>Date of submission</b></p>	<p>4/27/21 3:05:30</p>

## Permanent Committee on Ethics and Regulation of AI

<b>State (where your institution is based)</b>	<b>Slovakia</b>
<b>Institution: Name of the institution/body/company</b>	Permanent Committee on Ethics and Regulation of AI
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Without defining what AI systems are, it would be hard to focus on their effect. But it should be technologically neutral so that it does not have to be updated each time a new technology is developed. Definitions focusing on ML systems or on automated decision-making are too narrow. AI methods include many techniques, approaches, algorithms. It should not be restricted to some specific methods. The definition of AI has to be understandable by a citizen of the EU and should be reasonably short. Also it should be technology agnostic, and not contain words and terms which are not understandable by general audience (i.e. ML).
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Healthcare;</li> <li>• Environment and climate;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	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.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	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.
<b>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</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The highest risks come from applications which are controlled by organisations with a sole purpose of increasing revenues and decreasing costs with no concern for human dignity of their workers, which are not effectively regulated and audited and operate temporarily in grey zones. We also can't give the power to systems, which we are not able to understand, without the real rules and without the human control ex ante or during the process. In justice there is a high risk in predictive policing or in perpetuating biases in criminal justice, In employment excessive data collection about employees can violate their privacy and create dehumanization (in pushing towards ever higher performance). Basing job admission on certain collected data (e.g. socioeconomic status, gender, age, race, health or their proxies) can also lead to discrimination. Social media algorithms that utilize attention economy models can polarize the society and increase visibility of extreme views. Facebook 's political advertising provides a prime example; the spread across Facebook of fake news and deepfakes generated with the help of AI can have many negative effects and influence how people vote, with interference even from outside Europe.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 aimed at predicting recidivism ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	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 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.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	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><b>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</b> 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><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></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><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>Justice;• Healthcare;• Social networks/media, internet intermediaries ;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other</p>	<p>Voluntary certification</p>
<p><b>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</b></p>	<p>I rather disagree</p>



rights, democracy and the rule of law.	
<b>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</b>	Binding: new EU regulation on AI (AIA), GDPR, Non-binding: Ethics guidelines for trustworthy AI and ALTAI, CAHAI Feasibility study, Ethics & Algorithms toolkit, Data ethics assessments, AI ethics labels, Guidelines on ranking transparency, AI Government Procurement Guidelines, UNESCO Recommendation on the Ethics of AI
<b>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):</b>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	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.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in</b>	I rather agree

<b>the public sector and private companies.</b>	
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I rather disagree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree

<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></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><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Rather useful  Rather useful  Rather useful  Rather useful  Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b>  <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling;</li> <li>• Audits and intersectional audits;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument  Binding instrument  Binding instrument  No opinion  No opinion</p>
<p><b>47.bis. Other</b></p>	<p>Binding instrument: supervisory mechanisms and democratic oversight structures . Non-binding instrument: Workshops with AI ethics officers (facilitators, Industry peer reviews, sector-specific recommendations, guidelines and codes of conduct.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful  Indifferent/no opinion  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Establishment of a training center will help to make better use of data and technologies based on artificial intelligence, such as analysts for training and forecasting, Improve education and training systems and adapt them to the needs of the digital age. 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><b>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</b></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</p>

<b>to the attention of the CAHAI?</b>	<p>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 superintelligence 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>
<b>Date of submission</b>	4/27/21 3:05:30

## PICUM

<b>State (where your institution is based)</b>	<b>Belgium</b>
<b>Institution: Name of the institution/body/company</b>	PICUM
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	Other
<b>2bis. If "other" please explain below</b>	.
<b>3. What are the reasons for your preference?</b>	<p>Each of the options listed here has some merits, but all have limitations too: the first option would cause challenges for people to access their rights over uses of AI, as there is no definition at all; the second option does not sufficiently acknowledge the intrinsic issues of human rights, democracy and the rule of law implications of AI, as recognised in option one, and links the definition of AI a technical "purpose" that fails to capture the full range of purposes, intentions and abilities of AI systems; the third option covers a single, narrow method within the broader field of AI and therefore does not capture the full scope of harmful automated or algorithmic systems; and the fourth option, while better than the third, is also too narrow and could</p>

	exclude things like biometric mass surveillance practices which can be harmful even when they are not used to make a 'decision'.
<b>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</b>	<ul style="list-style-type: none"> <li>• Other;</li> </ul>
<b>4bis. If other, which areas and why?</b>	<p>It's challenging to select an entire area. The term AI encompasses a wide range of technological applications that could have a positive impact in a range of areas, including many of the above. However, any sweeping statement of artificial intelligence as unequivocally positive eclipses the myriad context-specific risks and potential harms in any application of AI and overlooks the important distinction between how an AI system is developed and the realities of its deployment its functions in practice, as well as the intended and unintended consequences of any use of AI, regardless of sector. Instead of starting with the assumption that AI is a promising opportunity for human rights, we advocate that the protection of fundamental rights must be the starting point in all contexts.</p>
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>Again, we find the assumption that AI systems will enhance and protect fundamental rights to be the wrong starting point, and instead advocate that the protection of fundamental rights be the starting point. As such, applications such as 'facial recognition supporting law enforcement' (as well as for any other public, administrative or commercial use if such a use could amount to mass surveillance under EDRI's definition), 'emotional analysis in the workplace to measure employees' level of engagement', 'Scoring of individuals by public and private entities', 'AI applications aimed at predicting recidivism', 'AI applications determining the allocation of educational services' and 'A applications determining the allocation of social services' are clearly manifestly incompatible with European and international fundamental rights laws in that they intrinsically and unduly infringe upon a wide range of people's rights and freedoms and therefore must be outright prohibited.</p> <p>Furthermore, many of the other applications listed here must at a minimum be limited, safeguarded and potentially also banned due to their undue infringement on people's rights and freedoms. AI systems have the ability to exacerbate surveillance and intrusion into our personal lives, reflect and reinforce some of the deepest societal inequalities, fundamentally alter the delivery of public and essential services, vastly undermine vital data protection legislation, and disrupt the democratic process itself. AI is also furthering the power asymmetry between those who develop and employ AI technologies, and those who interact with and are subject to them. Any AI-based / ADM tools for the purpose of allocating or restricting people's access to their rights, in particular those that risk embedding and/or exacerbating structural discrimination and inequality, must be treated with upmost caution. For this reason, the explicit inclusion of marginalised and affected communities in the development of all AI legislation and policy must also be a priority. Since the question requires selection of at least one option, we have chosen 'AI applications to predict the possible evolution of climate</p>

	change and/or natural disasters' as the least problematic of the applications listed here.
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Again, we advocate for an approach that mitigates the threat that AI poses to fundamental rights and democracy. For example, the promotion of, and resort to, AI systems for public purposes, whether in the public sector or in de facto public domains, such as social media platforms, poses real questions for transparency and democratic oversight of decisions made in the public domain. The procurement, design, testing, and deployment of AI systems in areas such as healthcare, social services, housing, policing, migration and other areas demonstrates real issues relating to the influence of private actors in public governance, opacity, and a real potential impact on many fundamental rights of people who may not know, consent to or have the opportunity to object to or contest decisions made by an automated system. In addition, many AI systems have been deployed in areas of public concern without justification or scientific evidence.</p> <p>PICUM advocates for a prohibition on the following unacceptable use cases, due to their fundamental incompatibility with rights, democracy and justice and principles of necessity and proportionality: (1) Biometric mass surveillance (i.e. the indiscriminate or arbitrarily-targeted surveillance of people's biometric characteristics in public or publicly-accessible spaces by any actor, public or private); (2) Uses of AI at the border and in migration control; (3) Social scoring and AI systems determining access to social rights and benefits; (4) Predictive policing; and (5) Use of risk assessment tools in the criminal justice system and pre-trial context.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Customs and border control;</li> <li>• Welfare;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The ability to select only three options obscures the wide range of fields in which AI is intrinsically very risky and with the highest number of impermissible use cases, including but not limited to: Justice, Law enforcement, Customs and border control, Welfare, Education, Healthcare, National security and counter-terrorism, Public administration, Employment and Social networks/media, internet intermediaries. We would therefore like to emphasise that not selecting certain options in no implies they do not create significant risks for human rights. Use of AI can carry potential risks, regardless of the field, due to the complexities and opacity in the use of these systems, and the difference between a system in development compared to in use.</p> <p>Civil society has demonstrated how AI that is being used in Europe for predictive policing, mass surveillance, at the border and to judge and predict our behaviour on the basis of our bodies, emotions and sensitive identity traits (like race, gender identity and disability) is in complete violation of our rights and disproportionately affect marginalised groups.</p> <p>Implicated rights include: 1. Privacy, data protection (including the use of non-personal data or sensitive inferences of personal information about individuals, therefore threatening anonymity and the spirit of the rights enshrined in European data protection law); 2.</p>

	<p>Equality, non-discrimination;</p> <p>3. Procedural rights, access to justice (particularly in the criminal justice system and other public areas for the purposes of risk assessment, or the delivery of any process rights pose particular issues for the rights of individuals to participate in the justice process and also to challenge and gain information for decisions made about them).</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 aimed at predicting recidivism ; • AI applications determining the allocation of social services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>AI systems have been deployed in various contexts in a manner that threatens the allocation of social and economic rights and benefits (including but not limited to allocation of social services, educational services etc). For example, in the areas of welfare resource allocation, eligibility assessment and fraud detection, the deployment of AI systems to predict risk, verify people’s identity and calculate their benefits greatly impacts people’s access to vital public services and has a potentially grave impact on the fundamental right to social security and social assistance. This is due to the likelihood of discriminatory profiling, mistaken results and the inherent fundamental rights risks associated with the processing of sensitive biometric data. A number of examples demonstrate how automated decision-making systems are negatively affecting and targeting poor, migrant and working class people, including the deployment of SyRI in the Netherlands and the use of data-driven systems in Poland to profile unemployed people, with severe implications for data protection and non-discrimination rights. Uses in the context of employment and education have highlighted highly-intrusive worker and student surveillance, including social scoring systems, intensive monitoring for performance targets, and other measures which limit work autonomy, diminish well-being and limit workers’ and students’ privacy and fundamental rights. There have also been cases of discriminatory use of AI technologies against persons with disabilities by state and private entities in the allocation of social benefits and access to education.</p> <p>Uses of predictive modelling to forecast where, and by whom, certain types of crimes are likely to be committed repeatedly score poor, working class, racialised and migrant communities with a higher likelihood of presumed future criminality. As highlighted by the European Parliament, deployment of such predictive policing can result in “grave misuse”. The use of apparently “neutral” factors, such as postal code, in practice serve as a proxy for race and other protected characteristics, reflecting histories of over-policing of certain communities, exacerbating racial biases and affording false objectivity to patterns of racial profiling. A number of predictive policing systems have been demonstrated to disproportionately include racialised people, in complete disaccord with actual crime rates. Predictive policing systems undermine the presumption of innocence and other due process rights by treating people as individually suspicious based on inferences about a wider group.</p> <p>The use of algorithms in criminal justice matters to profile individuals within legal decision-making processes presents severe threats to fundamental rights. Such tools base their assessments on a vast collection of personal data unrelated to the defendants’ alleged misconduct. This collection of personal data for the purpose of predicting the risk of recidivism cannot be perceived as necessary</p>



	<p>nor proportionate to the perceived purpose, in particular considering the implications for the right to respect for private life and the presumption of innocence. Substantial evidence has shown that the introduction of such systems in criminal justice systems has resulted in unjust and discriminatory outcomes. It may be impossible for legal professionals to understand the reasoning behind the outcomes of the system.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>All forms of biometric mass surveillance (e.g. the use of facial biometric data or any other biometric characteristics) for the indiscriminate or arbitrarily-targeted identification, categorisation or classification of people – whether used in real-time or post modes – in public or publicly-accessible spaces including online public spaces – whether used for law enforcement purposes, or by public/administrative authorities, or by private/commercial actors/entities, pose an unacceptable threat to a wide range of fundamental rights and democratic principles. By removing people’s capacity for anonymity in public spaces and degrading their unique identity to a series of data points held in an opaque a biometric template often without their consent or even their knowledge, the process of biometric capture, processing and storage poses a serious threat to human dignity. Furthermore, it can create a “chilling effect” whereby people are disincentivised from protesting, voting or participating in public life; the work of journalists and human rights defenders becomes harder and potentially less safe; and whistle-blowers trying to expose corruption can no longer do so securely. This can limit media freedom and plurality and the ability of citizens and journalists to hold power to account. This can also curtail everybody’s free expression, free assembly and even free thought and access to information. It can furthermore make people feel less comfortable in public spaces, which in turn can make it harder for people to access confidential medical advice, to give just one example. In the context of democratic backsliding in many countries, these risks are even more grave.</p> <p>These risks are usually felt even more intensely by poor, working class, racialised and marginalised communities who already suffer the greatest brunt of over-policing, the most barriers to accessing justice, and are the most subject to automated decision-making in welfare or other social services. Furthermore, many biometric mass surveillance systems are also underpinned by arbitrary and harmful stereotyped categories which reduce human identity into a series of check-boxes which are determined by the developers of the systems, rather than allowing people to identify themselves freely (e.g. based on gender, race/ethnicity or disability) which can be especially harmful for trans or non-binary individuals, racialised people and people with disabilities. Some systems also use people’s facial or bodily biometric data to make predictions or judgments about their emotional state or their intentions. The use of automated biometric systems to make these predictions and guesses about people lacks a fundamental ethical and legal justification (and frequently lack a credible scientific basis)/ Similarly, the use of biometric systems in ways that can or will lead to mass surveillance is fundamentally unnecessary and disproportionate and cannot be justified under European or international human rights law.</p>
<p><b>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</b></p>	<p>Banned</p>

<b>13bis. Other</b>	
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Banned
<b>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?</b>	Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;• Explainability;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	Law enforcement;Customs and border control;Public administration;
<b>18bis. Other</b>	
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	◦ Self-regulation is a profoundly insufficient basis to protect people's fundamental rights when it comes to uses of AI. While ethics guidelines may be used to complement binding rules, it is critical that developers of high risk and potentially also lower risk AI are subject to mandatory controls and rules without the ability to exercise their own discretion – otherwise those profiting from the development and use of AI will be the ones with the power to regulate (or not regulate) it. People, not companies, need to be the centre of AI regulation. Mandatory registration of certain AI systems posing particular risks to fundamental rights may a useful form of self-documentation, but only as a part of a broader regulatory eco-system that includes third party assessment of AI systems before they are put into use.
<b>21bis. Other</b>	
<b>22. Existing international, regional and/or national binding and/or non-binding legal</b>	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><b>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</b></p>	<ul style="list-style-type: none"> <li>- Convention 108+</li> <li>- GDPR</li> <li>- Directive 2016/680</li> <li>- Racial Equality Directive (Directive 2000/43/EC)</li> <li>- Employment Equality Directive (2000/78/EC)</li> <li>- Charter of Fundamental Rights of the European Union</li> <li>- European Convention on Human Rights</li> </ul>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>It will be important to create a new set of rights to deal with the use of AI systems in our societies. One of these rights should be the right to the explainability of AI systems when they are used by public authorities to assist decision making processes (via risk assessment scores etc) or to take decisions by themselves without human intervention. Essential elements of this right might already be found in the right to good administration (i.e., among others the duty of a public authority to provide reasoning for its decision making processes), protected under the EU Charter of fundamental rights (Art. 41). While not provided for under the European Convention of Human Rights, 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 spelled out requirements that national administrations must respect when acting under their duties.</p> <p>Another major gap is the right to non-discrimination, which is primarily limited to a series of limited and defined protected groups. In EU and national law, many groups do not enjoy full protection of discrimination law (undocumented people, trans and non-binary people) and are not always protected on grounds such as forms of work (ie. sex work, precarious work) or socio-economic background or financial history. Depending on the particular uses of certain forms of AI, these gaps may have potentially harmful consequences.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making</b></p>	<p>I fully agree</p>

<b>process which affects them personally.</b>	
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>39. Errors and flaws discovered in AI systems which have led or could lead to the</b>	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?	- Joint liability schemes when more actors are involved. - Burden of proof to the developers/ deployers side and not the user/victim side.
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	Highly useful Rather not useful Highly useful Not 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	• Human rights, democracy and rule of law impact assessments ;□Audits and intersectional audits;Prohibitions (“red lines”) on unacceptable use cases; and the inclusion of environmental impact assessments along with human rights, democracy and rule of law ones.;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Prohibitions (“red lines”) on unacceptable use cases should be part of a binding instrument, as should environmental impact assessments.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Rather useful  Highly useful  Rather useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>Many of the questions in this survey arbitrarily limit the number of options that can be selected, for example the question “Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law” allows one to submit only 5 types as a maximum, when in fact most, if not all, of these types pose a high risks to fundamental rights. The same goes for many other questions, for example “in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?” where the respondent is able to choose only three answers – when in fact, regardless of sector, all uses of AI which pose a threat to fundamental rights should be subject to mandatory rules.</p> <p>We would also like to emphasise the intrinsic limitations of any</p>

	<p>approach that relies on self-regulation. We have already seen the voluntary codes of ethics have not stopped fundamental rights violations from uses of AI. Binding rules for uses of technology that can harm people and society are essential to prevent harms.</p> <p>It is also critical that genuine rights to redress and remedy for impacted people are a part of binding legislation.</p> <p>At the core, issues of AI are issues of power. Therefore it is critical that civil society, academics and especially impacted communities are involved in decisions about these technologies. The explicit inclusion of marginalised and affected communities in the development of all AI legislation and policy moving forward must be a key priority. Addressing issues of power and discrimination also means drawing red lines against any use cases that unduly infringe upon people's fundamental rights and freedoms.</p>
<b>Date of submission</b>	5/8/21 17:39:45

## Pop AI

<b>State (where your institution is based)</b>	Italy
<b>Institution: Name of the institution/body/company</b>	Pop AI
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	xxx
<b>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</b>	• Employment;
<b>4bis. If other, which areas and why?</b>	

<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"> <li>• AI applications in the field of banking and insurance;</li> </ul>
<p>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</p>	<p>c</p>
<p>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</p>	<p>c</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"> <li>• Justice;</li> </ul>
<p>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>c</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>
<p>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</p>	<p>c</p>
<p>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</p>	<p>c</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>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</p>	<p>No opinion</p>



<p>human rights, democracy and the rule of law be:</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"> <li>• Explainability;</li> </ul>
<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;</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>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>c</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"> <li>• 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;</li> </ul>

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

in relation to decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	
<b>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.</b>	I completely disagree
<b>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.</b>	I completely disagree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I completely disagree
<b>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.</b>	I completely disagree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I completely disagree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> </ul>	Not useful Not useful Not useful Not useful Not useful

<ul style="list-style-type: none"> <li>- <b>Regulatory sandboxes</b></li> <li><b>Continuous automated monitoring</b></li> </ul>	
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Certification and quality labelling;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- <b>Human rights, democracy and rule of law impact assessments</b></li> <li>- <b>Certification and quality labelling</b></li> <li>- <b>Audits and intersectional audits</b></li> <li>- <b>Regulatory sandboxes</b></li> <li><b>Continuous automated monitoring</b></li> </ul>	<p>Binding instrument  Binding instrument  Binding instrument  Binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>c</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul>	<p>Not useful  Not useful  Not useful  Not useful</p>

<b>Establishing a centre of expertise on AI and human rights</b>	
<b>49. What other mechanisms, if any, should be considered?</b>	c
<b>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?</b>	c
<b>Date of submission</b>	4/14/21 19:58:42

## Prague Center for Media Skills

<b>State (where your institution is based)</b>	<b>Czech Republic</b>
<b>Institution: Name of the institution/body/company</b>	Prague Center for Media Skills
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Neutral and exhaustive
<b>4. Please select the areas in which AI systems offer the most promising opportunities for the</b>	• Healthcare;• Public administration;• 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"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	If used properly, they can bring more protection to basic human rights (as access to quality healthcare) and avoid risks that could hamper its respect (as climate-bases crises, etc.).
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	AI assisting people with special needs, including elderly (health and social focus)
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"> <li>• Law enforcement;</li> <li>• National security and counter-terrorism;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	When misused they might lead to massive violations of human rights (discrimination, disinformation, persecution...)
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; • 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.	These application are a priori violating the rights of privacy protection, GDPR, individual rights and the right to information and free expression.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	Most surveillance 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	the specific type of use should be 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	Self-regulated (ethics guidelines, voluntary certification)

<b>human rights, democracy and the rule of law be:</b>	
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Freedom of expression, assembly and association; • Non-discrimination; Privacy and data protection; • Transparency; •
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	• Social networks/media, internet intermediaries ; • Healthcare; Education;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather disagree
<b>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</b>	CoE: Unboxing Artificial Intelligence: 10 steps to protect Human Rights EC: ETHICS GUIDELINES FOR TRUSTWORTHY AI UNESCO_Recommendation on Ethics and AI UNESCO's Global Dialogue: Artificial intelligence and gender equality key findings
<b>24. If you responded disagree/completely disagree to question 22, please indicate why</b>	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

<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Implementation of binding rules and cross-boarder cooperation
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree



<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Highly useful Highly useful Highly useful Rather useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p>46bis. Other</p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <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><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> </ul>	<p>Rather useful Indifferent/no opinion Rather useful Rather 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?	
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	4/1/21 11:12:28

## Privacy International

State (where your institution is based)	United Kingdom
Institution: Name of the institution/body/company	Privacy International
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?	This definition was one of the least vague, we have chosen this option to focus on the specific risks of AI systems. Whilst, in some cases, this definition may be too narrow and risk not including some concerning systems, this definition would focus any legal framework on the systems that we are most concerned with.  Civil society organisation AlgorithmWatch defines automated

	<p>decision-making systems (“ADM”) as “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 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><b>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</b></p>	<ul style="list-style-type: none"> <li>• Other;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	<p>The potential of AI systems to protect human rights cannot be determined in isolation or in general terms. They depend on a multiplicity of factors which are dependant on the context in which these systems are deployed.</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>The systems we have selected here are those that we think could have the potential for some benefits. We want to firmly state that, though potential benefits could exist, these are not categories we believe to be free of risk for serious harm. Moreover, the potential benefits vs the potential harms in each category are heavily dependent on the specific design of the AI systems involved, the targeted populations and context, the data they have been processed, including how it is gathered, how and when the systems are deployed, as well as which mechanisms of oversights and redress are available to mitigate and address potential harm.</p> <p>As with all AI systems it’s vital to ensure that it is a system built to solve a specific problem and one that is proven to be effective rather than a system in search of a problem.</p> <p>- AI applications to predict the possible evolution of climate change and/or natural disasters:</p> <p>AI systems have the potential to help people to model the incredibly complex and interrelated systems that lead to climate shifts and natural disasters. They have the potential to help us to understand the effects of decisions on the planet, helping us to evaluate options in light of their long term effects.</p> <p>It must be noted, however, that these systems must bear in mind that the people most affected by climate change and natural disasters are already marginalised and that those effects are often transnational. It is vital that any AI system used in this way focuses on those most vulnerable and seeks to spread the benefit most widely, rather perpetuating or exacerbating inequality or vulnerability.</p> <p>- AI applications to promote gender equality (e.g. analytical tools): Again, it is possible to see the benefit for AI to highlight opportunities</p>

	<p>to address gender inequalities. However, these AI tool would need to take in to account trans, non-binary, and gender fluid people, ensuring that any AI system to tackle gender inequality does not make trans people worse off.</p> <p>Moreover, AI relies on data - but for many trans people disclosure of their identity is complicated and risky. In many jurisdictions, the legal steps to change one's officially recognised gender are, if available at all, intensive, slow and sometimes unaffordable to many. It would be inappropriate to implement an AI system that required increased data collection on marginalised communities in sensitive situations, particularly when that data collection could lead to further harms.</p> <p>As with all AI systems, it would need careful implementation with a firm eye on ensuring that existing social inequalities, like that marginalise trans people, don't get encoded in to the technology.</p> <p>Use and implementation of any AI system must be accompanied with significant oversight and safeguards, all of which must be focussed on protecting any marginalised people who come in to contact with this system.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>The potential of AI systems to protect human rights cannot be determined in isolation or in general terms. They depend on a multiplicity of factors which are dependant on the context in which these systems are deployed.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Welfare;</li> <li>• Healthcare;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>We have selected these 3 as, to some extent, we believe they represent the great potential violations of human rights, democracy, and the rule of law. We've also chosen them as they are the most disparate. Many of the other categories should equally make our top 3.</p> <p>The extent to which AI applied in any of these areas may lead to abuses depends on the system's design, use, and oversight. For example, use of AI in banking could create a new and encoded form of red-lining - in which biased data leads to institutionally racist lending which is then difficult to understand or challenge.</p> <p>We've addressed specifics of each of the systems we've picked, but by inference we are not suggesting the others are without issue.</p> <p>Policing is taking new dimensions with police increasingly using AI applications for a variety of purposes, including scraping individuals' social media and extracting data from their cloud to investigate and profile them, often absent of reasonable suspicion, without appropriate legal frameworks or remedies. This information feeds predictive policing programmes that use AI technology to estimate where and when crimes are likely to be committed or by whom. Such applications can amplify discriminatory and abusive practices against specific groups. These risks extend to law enforcement partnerships with corporate entities where companies have been given access to public surveillance networks on the basis of unverified promises that AI technology can warn police forces about anomalies</p> <p>"When Social Media makes you a target"  <a href="https://privacyinternational.org/when-social-media-makes-you-target">https://privacyinternational.org/when-social-media-makes-you-target</a>  "Police unlocking your data in the cloud"</p>

	<p><a href="https://privacyinternational.org/campaigns/police-unlocking-your-data-cloud">https://privacyinternational.org/campaigns/police-unlocking-your-data-cloud</a>  “How predictive policing technology can lead to discrimination and profiling”, <a href="https://privacyinternational.org/node/2720">https://privacyinternational.org/node/2720</a>  New technologies have been deployed in immigration enforcement including AI and automated decision. These have included lie detectors at the border, automated decision making about visa applications, and the identification refugees. These practices mean that migrants are bearing the burden of the new systems and losing agency in their migration experience, particularly when their fate is in the hands of systems driven by data processing and tech innovation. Demanding a human approach to immigration, <a href="https://privacyinternational.org/what-we-do/demand-humane-approach-immigration-">https://privacyinternational.org/what-we-do/demand-humane-approach-immigration-</a>  Submission to the ‘UN Working Group on the use of mercenaries’ <a href="https://privacyinternational.org/advocacy/3756/pis-submission-un-working-group-use-mercenaries-role-private-companies-immigration">https://privacyinternational.org/advocacy/3756/pis-submission-un-working-group-use-mercenaries-role-private-companies-immigration</a>  Intelligence agencies across the globe are seeking to develop and deploy AI applications for a range of surveillance related purposes “MI5 Ungoverned Spaces” <a href="https://privacyinternational.org/legal-action/mi5-ungoverned-spaces-challenge">https://privacyinternational.org/legal-action/mi5-ungoverned-spaces-challenge</a>  Current and emerging processes to access public benefits are designed and managed in a way that it comes at the cost of everyone’s privacy, dignity and autonomy. From the stage of eligibility and registration to access benefits, recipients need to turn over vast amounts of personal data - about their employment, their health conditions, their relationship status - on the basis of which a decision is made as to their worthiness to receive benefits. Thus far the introduction and use of AI in the welfare context has done more to erode than respect rights.  “When Big Brother Pays Your Benefits”, <a href="https://privacyinternational.org/taxonomy/term/675">https://privacyinternational.org/taxonomy/term/675</a>  “The SyRI case” <a href="https://privacyinternational.org/news-analysis/3363/syri-case-landmark-ruling-benefits-claimants-around-world">https://privacyinternational.org/news-analysis/3363/syri-case-landmark-ruling-benefits-claimants-around-world</a>  Disparities in healthcare, research and outcomes already exist in many healthcare sectors, and serious care should be taken to ensure these are not reproduced or exacerbated by AI applications, particularly as the implications in healthcare can mean life or death. (ran out of space for further resources)</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Automated fraud detection (banking, insurance);• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>As per the comment above, the extent to which AI technologies applied in any one of these areas may lead to abuses of human rights, the undermining of democracy and the rule of law depends on the AI system’s design, its use, and oversight. Picking 5 of these in the abstract is therefore in our view a baseless exercise, that could in fact be wrongly construed as suggesting that some AI applications are free of any human rights risks and therefore require no or limited safeguards and regulation.  Facial recognition systems are highly intrusive because they rely on the capture, extraction, storage or sharing of people’s biometric data. Facial recognition can allow the police to identify individuals without probable cause, reasonable suspicion, or any other legal standard that might otherwise be required for them to obtain identification by traditional means. The deployment of this technology should be approached with great caution and it should be seriously considered whether the use of FR is permissible at all in</p>

	<p>light of the obligations imposed by international human rights law. PI has highlighted the specific conditions in accordance with international human rights law on which any decision to use FR should depend in a submission to the Scottish Parliament. FR has the power to fundamentally change the very meaning of public space and anonymity.</p> <p>Facial Recognition <a href="https://privacyinternational.org/learn/facial-recognition">https://privacyinternational.org/learn/facial-recognition</a></p> <p>An evaluation of South Wales Police's use of Automated Facial Recognition <a href="https://www.statewatch.org/news/2018/nov/uk-south-wales-police-facial-recognition-cardiff-uni-eval-11-18.pdf">https://www.statewatch.org/news/2018/nov/uk-south-wales-police-facial-recognition-cardiff-uni-eval-11-18.pdf</a></p> <p>Despite concerns, AI applications are being deployed at various stages of criminal justice systems for example the use of automated risk scores. Proprietary software, such as the COMPAS risk assessment system, calculates a score that predicts the likelihood of an individual committing a future crime. Even though the final decision may formally be made by a judge, the automated decision made by a programme can be decisive, especially if judges rely on it exclusively or have not received warnings about the risks of doing so, including that the software potentially producing inaccurate, discriminatory or unfair decisions. While COMPAS was sanctioned by the Wisconsin Supreme Court, new systems may continue to be deployed. The risk of racial profiling is one of the key concerns from the use of these technologies.</p> <p>(Un)Fairness of Risk Scores in Criminal Sentencing <a href="https://www.forbes.com/sites/daniellecitron/2016/07/13/unfairness-of-risk-scores-in-criminal-sentencing/#146a7f514ad2">https://www.forbes.com/sites/daniellecitron/2016/07/13/unfairness-of-risk-scores-in-criminal-sentencing/#146a7f514ad2</a></p> <p>Submission to CERD's Draft General Recommendation n° 36 on preventing and combating racial profiling <a href="https://privacyinternational.org/advocacy/3090/submission-cerds-draft-general-recommendation-ndeg-36-preventing-and-combating-racial">https://privacyinternational.org/advocacy/3090/submission-cerds-draft-general-recommendation-ndeg-36-preventing-and-combating-racial</a></p> <p>We have already seen automatic fraud detection of this kind attempted to an extent in the UK benefit system. One problem is a persistent lack of transparency. The ability to challenge decisions around fraud is vital. Committing fraud is often unlawful, but even if someone is not prosecuted being denied access credit, banking, or others can have a serious impact on someone's ability to live their life in many countries. But the persistent lack of transparency and the difficulty of understanding the process can make challenging outcomes extremely difficult, particularly if the system does not work as intended.</p> <p>The SyRI case: a landmark ruling for benefits claimants around the world <a href="https://privacyinternational.org/news-analysis/3363/syri-case-landmark-ruling-benefits-claimants-around-world">https://privacyinternational.org/news-analysis/3363/syri-case-landmark-ruling-benefits-claimants-around-world</a></p> <p>Any system from a public entity that aims to give people a score of any kind, whether their overall behaviour, their likelihood of reoffending as above, or anything else that leads to consequences has the potential to be extremely damaging and harmful.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI in advertisement and more - hidden profiling practices:</p> <p>Vast amounts of data about people's lives and behaviour is increasingly gathered from a wide array of sources, including through hidden tracking technologies – whether cookies, pixels, fingerprinting. This includes sensitive data, for example on mental health websites or menstruation apps. AI applications facilitate the further analysis of this data and the generation of inferences to create finely grained profiles. There is an entire ecosystem dedicated to these invasive and often practices, including data broker and ad tech companies. Such profiles are then used to target</p>

	<p>people with advertising – both commercial and political – and may ultimately feed into other consequential decisions, including access to credit and insurance.</p> <p>PI, “Your mental health for sale”, <a href="https://privacyinternational.org/campaigns/your-mental-health-sale">https://privacyinternational.org/campaigns/your-mental-health-sale</a>.</p> <p>PI, “No Body’s Business But Mine: How Menstruation Apps Are Sharing Your Data”, <a href="https://privacyinternational.org/long-read/3196/no-bodys-business-mine-how-menstruations-apps-are-sharing-your-data">https://privacyinternational.org/long-read/3196/no-bodys-business-mine-how-menstruations-apps-are-sharing-your-data</a>.</p> <p>PI, “Challenge to Hidden Data Ecosystem”, <a href="https://privacyinternational.org/legal-action/challenge-hidden-data-ecosystem">https://privacyinternational.org/legal-action/challenge-hidden-data-ecosystem</a></p> <p>AI in Covid-19 crisis responses:</p> <p>Companies, like Palantir , have been providing AI data-driven solutions to governments, including among others in the UK, to process health data of millions of users without any guarantees on who has access to this data or what future applications they may be used for. And AI has been proposed as a solution to support efforts including tracking the spread, enforcement of quarantine measures, for medical research to find a vaccine as well as to diagnose Covid-19 as well as predict and track people who have contracted the virus and who might develop respiratory problems. However doubts are already emerging as to whether AI has the potential to help tackle Covid-19 with uncertainty expressed as to how much it has already helped or will support public health efforts. These concerns highlight the need for careful consideration before deploying AI technologies.</p> <p>PI, “10 questions to Palantir from privacy organisations”, <a href="https://privacyinternational.org/press-release/3732/press-release-10-questions-palantir-privacy-organisations">https://privacyinternational.org/press-release/3732/press-release-10-questions-palantir-privacy-organisations</a>.</p> <p>John McCormick, “Online Map Tracks Coronavirus Outbreak in Real Time”, The Wall Street Journal, 5 March 2020, <a href="https://www.wsj.com/articles/online-map-tracks-coronavirus-outbreak-in-real-time-11583354911">https://www.wsj.com/articles/online-map-tracks-coronavirus-outbreak-in-real-time-11583354911</a>.</p> <p>“Russian centre uses AI and cameras to curb misinformation and monitor quarantines”, <a href="https://privacyinternational.org/examples/3485/russian-centre-uses-ai-and-cameras-curb-misinformation-and-monitor-quarantines">https://privacyinternational.org/examples/3485/russian-centre-uses-ai-and-cameras-curb-misinformation-and-monitor-quarantines</a>.</p> <p>Jane Wakefield, “Coronavirus: AI steps up in battle against Covid-19”, BBC News, 18 April 2020, <a href="https://www.bbc.co.uk/news/technology-52120747">https://www.bbc.co.uk/news/technology-52120747</a>.</p> <p>“Teaching Artificial Intelligence to diagnose COVID-19”, Health Europa, 11 May 2020, <a href="https://www.healtheuropa.eu/teaching-artificial-intelligence-to-diagnose-covid-19/99883/">https://www.healtheuropa.eu/teaching-artificial-intelligence-to-diagnose-covid-19/99883/</a>.</p> <p>“How Artificial Intelligence is helping the fight against COVID-19”, Health Europa, 8 April 2020, <a href="https://www.healtheuropa.eu/how-artificial-intelligence-is-helping-the-fight-against-covid-19/99258/">https://www.healtheuropa.eu/how-artificial-intelligence-is-helping-the-fight-against-covid-19/99258/</a>.</p> <p>Gregory Barber, “Why Didn’t Artificial Intelligence Save Us From Covid-19?”, The Wired, 19 May 2020, <a href="https://www.wired.com/story/artificial-intelligence-couldnt-save-us-from-covid-19/">https://www.wired.com/story/artificial-intelligence-couldnt-save-us-from-covid-19/</a></p>
<p><b>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</b></p>	<p>Banned</p>



<p><b>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:</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>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;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>All of the above While (as indicated in previous responses) some of these areas represent the most severe potential human rights impact, poor or discriminatory use of AI systems in any of these areas represent the potential for serious harms. For example, while AI use in Welfare may exclude marginalised people from access the means to survive, and may represent the most immediate threat to human rights, poor use of AI in healthcare could also lead to widening of pre-existing racialised outcome gaps. AI needs regulation to ensure that it does not lead to potentially significant harms. We cannot simply pick the three worst and by implication absolve the rest.;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>There are no instruments of self-regulation that adequately tackle the significant threats to human rights and dignity as part of these systems. A human rights approach should be always followed in any regulatory approach.</p>
<p><b>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.</b></p>	<p>I rather disagree</p>

<p><b>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</b></p>	<p>We don't particularly believe there are any we are aware of.</p> <p>International human rights law provide a legally binding framework that if effectively implemented can ensure the protection of human rights. Any application of AI technology, whether used by governments or private actors, should comply with the existing requirements under international human rights law, including those related to the protection of the rights to privacy and data protection – requiring among others an appropriate legal basis for any data processing, fairness and transparency, ensuring purpose limitation and data minimisation, accuracy, storage limitation, integrity and security, and accountability.</p> <p>However, not all privacy and other human rights concerns of AI applications fall under data protection regimes. On automated decision-making, for instance, existing data protection laws may only cover data that is considered personal data, limited automated consequential decisions and there may be collective and societal consequences that these frameworks are unequipped to address. Further, human rights law is often ignored in the current proliferation of AI principles and standards.</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> <li>• They create barriers to the design, development and application of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<ul style="list-style-type: none"> <li>- Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities.</li> <li>- Establishing rigorous transparency requirements for AI designers, developers and end-users.</li> <li>- 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.</li> <li>- 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).</li> <li>- 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.</li> </ul>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>

<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>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</b>	I fully agree

<p><b>must be reported to the competent authorities.</b></p>	
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<ul style="list-style-type: none"> <li>- To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system.</li> <li>- Provide reparation, including monetary compensation, to victims harmed by AI systems.</li> <li>- Require the imposition of adequate sanctions of AI designers/developers/deployers for: <ul style="list-style-type: none"> <li>a) the harm caused by using the AI system.</li> <li>b) the failure to conduct thorough human rights due diligence before and during the use of an AI system, or for failure to effectively monitor and reporting the use of the AI system.</li> <li>c) for deployment of banned AI systems. 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. Sanctions should be imposed by an independent authority established by the relevant state.</li> </ul> </li> </ul>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful  Rather useful  Highly useful  Highly useful  Rather useful</p>

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> 46bis. Other</p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits; Transparency and Continuous effective oversight;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p>Continuous automated monitoring</p>	<p>Binding instrument Binding instrument Binding instrument Binding instrument No opinion</p>
<p>47.bis. Other</p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p>Establishing a centre of expertise on AI and human rights</p>	<p>Highly useful Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Oversight Any deployment of AI technology should be subject to independent, effective, adequately resourced and impartial oversight. Oversight should cover all parts of the use and throughout the deployment of AI, both at the design and implementation levels. Oversight, depending on the type of technology and the sector in which it is deployed, should include judicial, administrative and/or parliamentary domestic oversight mechanisms capable of verifying the legality of the use of AI, ensuring transparency and accountability. Oversight mechanisms should be able to verify the fairness and accuracy of AI application.</p>

<p><b>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?</b></p>	<p>Respecting human rights by design and by default</p> <p>Technical decisions made in the design stage of systems can play a role in undermining rights protections but if given sufficient consideration can also prevent these and play a strong role in protecting privacy. It is always more effective to build systems that incorporate human rights (including privacy and data protection) by design, than to try and fix them once they have caused adverse human rights impacts in the real world.</p> <p>“This is also important given that many human choices go into building and deploying an algorithm. These include (1) the decision on whether to automate processes or systems that had hitherto been operated by humans; (2) what factors of values the algorithm will be designed to optimize (among other design considerations); (3) the training data that is used in developing the algorithm (and what explicit and implicit biases it might reflect); and (4) decisions about the social circumstances in which the algorithm is deployed.”</p> <p>For example, through technological means and by considering privacy in the design of systems, it is possible to limit data collection, to restrict further data processing, to prevent unnecessary access, amongst other privacy measures. Privacy must be integrated from the outset when designing a system and so the aforementioned safeguards must be provided from the inception too.</p> <p>A second component is ‘privacy by default’ which requires that a product, service, or system applies robust privacy and data protection by default. This includes settings that protect privacy by default, i.e. without any manual input from the end user. For instance, connected and smart devices should be built, designed and operated in a way that doesn’t betray their owners’ trust.</p> <p>Protections by design and by default can help to prevent problems before they arise and take some of the burden off individuals.</p> <p style="text-align: center;">Impact Assessments</p> <p>Governments, private companies and other entities should understand the features, functionalities and intended uses of their AI applications but also their limitations. In order to achieve this, it is imperative to undertake risk assessments to estimate and measure their impact and identify mitigation strategies. An impact assessment requires, as a minimum an assessment of the necessity and proportionality of the processing, the risks to individuals and how these risks are to be addressed and mitigated.</p> <p>The risk assessments should evaluate, among other things, the sectors in which the applications will operate, since some sectors such as health care and transportation, typically present higher risks than others. The risk assessment also should consider how the AI will be used. For example, the European Commission white paper acknowledges that AI used for scheduling typically will not pose significant risks, although used in a high-risk sector such as a hospital it will.</p> <p>Impact assessments should include privacy and data protection impact assessments as well as other human rights impact assessments depending on the field where AI is applied.</p>
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	<p>Privacy-invasive applications of AI (in particular profiling and automated decision-making) affect more than just the right to privacy and data protection, including for example access to health, education, employment, and related conditions. The Committee of Ministers of the Council of Europe recommends that algorithmic systems not be procured if confidentiality considerations or trade secrets frustrate the implementation of a meaningful human rights impact assessment.</p> <p>Such assessments should be conducted from the outset and be kept under review throughout the period of application of the AI technology.</p>
<b>Date of submission</b>	5/7/21 18:05:27

## PROMT LLC

<b>State (where your institution is based)</b>	<b>Russia</b>
<b>Institution: Name of the institution/body/company</b>	PROMT LLC
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Simplified definition is very important as any other definition will face arguments from different spheres. Thus simple technical definition helps to avoid disputes.
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Other;</li> </ul>
<b>4bis. If other, which areas and why?</b>	Equality in access to social important technologies.
<b>5. Please indicate which of the following AI system applications in your view have the greatest potential to</b>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>

<b>enhance/protect human rights, democracy and the rule of law?</b>	
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The applications can define the deep fakes from real - it has to be important in the question of reputation = human rights for personal info. Students' performance apps can improve the quality of educational systems.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	I am 100% that Machine translation tools are very important to deliver equal access to every technology, every law for every living person even if this person is not able to speak or read some foreign language.
<b>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</b>	• Justice;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The core idea of justice is to deliver the very best decision that both quarrelling parties agree. Every decision is made by people, who are responsible for it. In case of using AI, Justice will not be personal - trusted less by the participants.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Personal data leaks.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Juridicial apps - e.g, judge consulting tools.
<b>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</b>	No opinion
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)



<p><b>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?</b></p>	<p>Equality; 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><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>Justice;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other</p>	<p>Voluntary certification</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>For example, existing principles of operating of Federal Antimonopoly Service in Russia does not have any regulation of use of AI system.</p>
<p><b>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):</b></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><b>25. Please indicate other specific legal gaps that in your</b></p>	<p>Every citizen should have the access to the best practices on his or her native language.</p>

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

and made by an AI system in the field of justice than in the field of consumer protection.	
<b>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.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	Indifferent/no opinion
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	Indifferent/no opinion Highly useful Indifferent/no opinion Rather useful Indifferent/no opinion

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

<b>Establishing a centre of expertise on AI and human rights</b>	
<b>49. What other mechanisms, if any, should be considered?</b>	
<b>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?</b>	Every citizen should have the access to the best practices on his or her native language.
<b>Date of submission</b>	4/15/21 17:51:06

## Public tenders review authority of Greece

<b>State (where your institution is based)</b>	<b>ATTICA REGION, GREECE</b>
<b>Institution: Name of the institution/body/company</b>	PUBLIC TENDERS REVIEW AUTHORITY OF GREECE
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	AI can be broken down into many subfields, such as machine learning, robotics, neural networks, vision, natural language processing, and speech processing. There is significant crossover among these sub-fields. AI also draws from fields other than computer science, including psychology, neuroscience, cognitive science, philosophy, linguistics, probability, and logic.

<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare; National security and counter-terrorism; Customs and border control;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications in the field of banking and insurance;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI is used to improve access to healthcare in regions where there is a lack of access. Tools for image recognition are helping people who are visually impaired better navigate both the internet and the real world. Despite often being slow to adopt new technologies, governments around the world are using AI, from the local to the national levels, to make public services more efficient and accessible, with an emphasis on developing “smart cities”. AI is also being used to allocate government resources and optimize budgets.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<ol style="list-style-type: none"> <li>1. Improving access to healthcare and predicting disease outbreaks.</li> <li>2. Making life easier for the visually impaired: Tools for image recognition are helping people who are visually impaired better navigate both the internet and the real world.</li> <li>3. Optimizing agriculture and helping farmers adapt to change.</li> <li>4. Mitigating climate change, predicting natural disasters, and conserving wildlife.</li> <li>5. Making government services more efficient and accessible.</li> </ol>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Election monitoring;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Broadly deployed, facial recognition software within law enforcement raises the risk of unlawful arrest due to error and overreach. History is rife with examples of humans wrongly arresting people who happen to look similar to wanted criminals. Given the error rates of current facial recognition technology, these inaccuracies could lead to increased wrongful arrests due to misidentification, exacerbated by the lower accuracy rates for non-white faces. Assisting the spread of disinformation, AI can be used to create and disseminate targeted propaganda, and that problem is compounded by AI-powered social media algorithms driven by “engagement,” which promote content most likely to be clicked on.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• AI applications for personalised media content (recommender systems);</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• AI applications in the field of banking and insurance;</li> <li>• Emotional analysis in the workplace to measure employees’ level of engagement;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Facilitating mass surveillance, given that AI provides the capacity to process and analyze multiple data streams in real time. Enabling discriminatory profiling, facial recognition software is not just being used to surveil and identify, but also to target and discriminate. Driving financial discrimination against the marginalized, algorithms have long been</p>

	used to create credit scores and inform loan screening. Driving financial discrimination against the marginalized, algorithms have long been used to create credit scores and inform loan screening.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	AI systems capable of creating realistic-sounding video and audio recordings of real people, is causing many to believe the technology will be used in the future to create forged videos of world leaders for malicious ends.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Equality; Freedom of expression, assembly and association; Privacy and data protection; • Transparency;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Election monitoring; Banking, finance and insurance; Justice;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	Ethics guidelines

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.	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	<ol style="list-style-type: none"> <li>1. Data Protection.</li> <li>2. Ensure transparency and explainability.</li> <li>3. Establish accountability and procedures for remedy.</li> </ol>
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"> <li>• 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;</li> <li>• 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;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	The use of AI in robotics represents a small percentage of AI use today. However, robotics is a growing field and robots will increasingly play a role in our lives. In many cases, a robot simply provides the physical body for the types of AI systems explored in this report. However, this physicality, and the context in which AI-powered robots are used, may raise new challenges.
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	I fully agree



proceedings are reviewed by a “human” judge.	
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>41. The information obtained through the use of facial recognition systems should always be reviewed by a human</b>	I fully 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>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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly 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>	<p>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;• 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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>

<p><b>Continuous automated monitoring</b></p>	
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>5/7/21 10:18:02</p>

## R3D: Red en Defensa de los Derechos Digitales

<b>State (where your institution is based)</b>	<b>México</b>
<b>Institution: Name of the institution/body/company</b>	R3D: Red en Defensa de los Derechos Digitales
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	A definition focusing on machine learning systems
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	<p>Defining artificial intelligence is incredibly tricky. For the purpose of a regulatory instrument, we need to strike the right balance between a term that is broad enough to include many AI systems, while being specific enough to provide for effective remedy when those who are subjected to the AI system want to contest it. Option 1 has the advantage of being widely applicable and focusing on the human rights impacts of AI systems rather than the technology itself, but also risks diluting the impact of the convention as it fails to consider the intricate features of AI systems and the need for adequate safeguards, measures and remedy. Option 2 has a similar large scope but is also excessively vague and imprecise. Conversely, Option 3 is excessively narrow and includes machine learning systems only, which are one subset of AI categories.</p> <p>It's recommended to select Option 4, i.e. “a definition focusing on automated decisionmaking”, to bring home the specific human rights risks of AI systems and steer away from more misleading or vague terms. While this definition has the downside of being quite narrow and thus risks excluding other harmful technologies, it would provide much-needed regulation for the AI systems that have the most significant human rights impacts today.</p>
<b>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</b>	<ul style="list-style-type: none"> <li>• Environment and climate;</li> <li>• Healthcare;</li> </ul>
<b>4bis. If other, which areas and why?</b>	

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Provided that additional safeguards are taken, and that these systems are developed by putting human rights above profit (which is rarely the case today), the area 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.</p> <p>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?</p> <p>In reality, 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><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>There is a strong imbalance of power between those that develop and deploy these systems and the communities that are subjected to them, especially already vulnerable groups and marginalised groups. When considering potential risks that can arise from AI systems, it is important to begin with a power analysis and focus on 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.</p> <p>Besides justice, law enforcement, and border control, there are many more than the three areas prioritised below that can adversely impact human rights, democracy and rule of law.</p>

	<p>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 detesting or to optimise distribution, there are many examples where AI systems have actually exacerbated socio-economic inequalities and impacted people's right to housing, food, employment, education, social assistance, and even life.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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 color (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, lead 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</p>

	often developed and deployed without including BIPOC and other marginalised groups in the process.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;Scoring / scoring of individuals by public entities;• Recruiting software/ AI applications used for assessing work performance ;AI applications aimed at predicting recidivism ;• Emotional analysis in the workplace to measure employees' level of engagement;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	<p>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 a 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.</p> <p>Besides justice, law enforcement, and border control, there are many more than the three areas prioritized below that can adversely impact human rights, democracy and rule of law. 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 criminalize poor and 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. Scoring / scoring of individuals by public entities – Can increase inequality in access to and enjoyment of basic social and economic rights. Persons from lower socioeconomic classes and/or marginalised groups are disproportionately at risk, as AI-driven scoring systems</p>

	<p>impact their right to education (e.g. 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), right to work (e.g. algorithmic-driven hiring tools or performance assessment tools; emotional analysis in the workplace to measure employees' level of engagement, etc.), and right to social security, among others.</p> <p>3. 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>4. 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>
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice
<b>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</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Subject to moratorium
<b>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?</b>	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;



<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b></p> <p><b>18bis. Other</b></p>	<p>Justice;Law enforcement;Public administration;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b></p> <p><b>21bis. Other</b></p>	<p>Continuous, inclusive, and transparent human rights due diligence</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>UNESCO'S AI PRINCIPLES</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• 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;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<ol style="list-style-type: none"> <li>a) Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities.</li> <li>b) Establishing rigorous transparency requirements for AI designers, developers and endusers.</li> <li>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.</li> <li>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).</li> <li>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</li> </ol>

	systems as they are mainly designed, developed (and often deployed by private sector companies).
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></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 changes are made to ensure that the design and/or use of the AI system is rights-respecting.  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.  e) Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful  Rather useful  Highly useful  Highly useful  Highly useful</p>

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Audits and intersectional audits;</li> <li>Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument  Non-binding instrument  Binding instrument  Binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful  Highly useful  Rather useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>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><b>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?</b></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><b>Date of submission</b></p>	<p>5/9/21 4:08:41</p>

# RANEPA

<b>State (where your institution is based)</b>	<b>Russian Federation</b>
<b>Institution: Name of the institution/body/company</b>	RANEPA
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	The development of the AI may change the distinguish features of this phenomenon. However, the concrete regulation in AI needs to find the definition to know where it is applicable and where it is not.
<b>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</b>	Banking, finance and insurance; Law enforcement; • Healthcare;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Scoring of individuals by public and private entities;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>•</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>The scoring system may establish the transparent system of the social pyramid. It is impossible to provide absolute equality in society. However, the real problem of the modern democracies is the gap between political and economic inequality. The scoring system may foster the trust of the social institutions, to explain the differences within society. It makes the public institutions more stable and society fairer.</p> <p>The application of the AI technology in medical care has a main aim to prolong the duration of human life and make this life less painful. The risks in this area are not high in short and middle term perspectives.</p> <p>AI in climate change helps people to predict the natural disaster and improve environment. It is hard to note the group</p>

	of interest who are not interesting in the topic. Thus, it will be easy to implement AI in this sphere without obstacles.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	--
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• National security and counter-terrorism;</li> <li>• Public administration;</li> <li>•</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The implementation of the AI technology in any social institute (such as court, public administration etc) jeopardize the human rights in the two-side manner. First, the explanation and justification of the concrete decisions will be less discussed and less arguable. There is no reason to appeal if the decision was made with AI assistance. People will be more blind and may adopt more effective structure of society (non-democratic). Second, the state servants will be less responsible in their own position, they can defend with an argument about AI assistant.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; <ul style="list-style-type: none"> <li>• AI applications for personalised media content (recommender systems);</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>AI applications aimed at predicting recidivism ;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	All kind of tools which may influence on human's emotions and behavior are the most dangerous ones. AI may have enormous capacity to manipulate people with special content. Even in the present days we see the radicalization of the social groups because of the content choice in social networks (you see what you want to see). The attempt to foster equality with AI can make crucial consequences in human rights and social structure. In many cases it leads to the undemocratic tools which suppress majority in the favor of minority groups.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	---
<b>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</b> <b>13bis. Other</b>	Strict regulation
<b>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:</b>	Subject to moratorium
<b>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:</b>	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;• Social security;Privacy and data protection;• Transparency;• 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	Law enforcement;Public administration;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 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	The ECHR is a flexible instrument to protect human rights in this case. The broad interpretation of the European Convention of human rights may be useful even in long term perspective. The understanding of the values and the risks for these values may change in future. However, the judges will be the “bearer” of the values and may interpret the Convention according to the new challenges and reality.
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 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;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Council of Europe needs to provide risk-based approach methodology for member-states. Also, it is important to note the principles of the developing and functioning the AI technology.
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 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 disagree
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 completely 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 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.	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 rather disagree
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?  - 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 Highly 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	• Audits and intersectional audits;• Regulatory sandboxes;• Human rights, democracy and rule of law impact assessments ;
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.  - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring	Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument
47.bis. Other	--

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Rather useful Rather useful Rather not useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>--</p>
<p><b>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?</b></p>	<p>It is especially important to minimize the role of the AI in foster the democracy, equality, rule of law etc. The intention to improve unmeasurable values may lead to opposite result. It is vital to use AI in very practical procedures such as monitoring of election, evidence-based policy, judges assistant etc. However, it must be prohibited to use AI in the aim to “change society” and to reach the blur goals such as an equality and the rule of law.</p>
<p><b>Date of submission</b></p>	<p>4/17/21 10:48:03</p>

## Ranking Digital Rights

<p><b>State (where your institution is based)</b></p>	<p><b>United States of America</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Ranking Digital Rights</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Civil society</p>
<p><b>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</b></p>	<p>A definition focusing on automated decision-making</p>
<p><b>2bis. If “other” please explain below</b></p>	

<p><b>3. What are the reasons for your preference?</b></p>	<p>This definition would provide much-needed regulation for the AI systems that have the most significant human rights impacts today. Civil society organisation AlgorithmWatch defines automated decision-making systems (“ADM”) as “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 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><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>Social networks/media, internet intermediaries ;</li> <li>•</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	<p>Searching and sorting through information (e.g., search engines that use automation to suggest the most relevant information), provided that they prioritise news worthiness, elevate minority and marginalised voices, downgrade mis/disinformation and take measures to mitigate bias in algorithms. As with all AI systems, algorithmic- driven search engines often perpetuate biases and stereotypes (“garbage in, garbage out”), disproportionately impacting minority and marginalised groups.</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Provided that additional safeguards are taken, and that these systems are developed by putting human rights above profit (which is rarely the case today), the three 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</p>

	<p>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><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>no answer</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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 and 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,</p>

	<p>especially black, indigenous and people of color (BIPOC), will be coded into AI systems. This will make processes and the outcomes even more opaque, while falsely appearing to be 'objective'.</p> <p>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, detain and deport refugees and migrants. Algorithmic risk assessment tools or predictive policing, which are also biased against racial and ethnic minorities, lead to increased incarceration of BIPOC.</p> <p>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><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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 a 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.</p> <p>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</p>

	<p>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>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. Scoring / scoring of individuals by public entities – Can increase inequality in access to and enjoyment of basic social and economic rights. Persons from lower socioeconomic classes and/or marginalised groups are disproportionately at risk, as AI-driven scoring systems impact their right to education (e.g. 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), right to work (e.g. algorithmic-driven hiring tools or performance assessment tools; emotional analysis in the workplace to measure employees’ level of engagement, etc.), and right to social security, among others.</p> <p>3. 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>4. 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><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice</p>
<p><b>13. In your opinion, should the development, deployment and use of AI systems that have been proven to</b></p>	<p>Banned</p>

<b>violate human rights or undermine democracy or the rule of law be 13bis. Other</b>	
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Subject to moratorium
<b>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?</b>	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;
<b>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</b>	Justice;Law enforcement;Public administration;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Continuous, inclusive, and transparent human rights due diligence
<b>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.</b>	I rather disagree
<b>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</b>	While existing international human rights law provides us with a legal framework to promote and seek remedy for violations of our fundamental rights, the intricate features of algorithmic systems (especially lack of transparency and accountability, large scale, etc.) require a new legal instrument.

<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>a) Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities.</p> <p>b) Establishing rigorous transparency requirements for AI designers, developers and end-users.</p> <p>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.</p> <p>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).</p> <p>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><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<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”).	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?	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) EstablishsanctionsofAI designers/developers/deployersfortheh

	<p>arm 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.</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><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Audits and intersectional audits;</li> <li>Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>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><b>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?</b></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><b>Date of submission</b></p>	<p>4/28/21 17:42:11</p>

## Region of Epirus (Greece)

<p><b>State (where your institution is based)</b></p>	<p>Greece</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Region of Epirus</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></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?	It sounds like the most encompassing yet simple 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	<ul style="list-style-type: none"> <li>• Other;</li> </ul>
4bis. If other, which areas and why?	It is difficult to see an AI system protecting human rights, democracy and the rule of law considering the great risks in its use as a primary/only decision making tool. AI, as a trained pattern matcher, is in danger of multiplying the hidden bias of its training sample. AI systems further lack common sense. As such AI should never be used as a decision maker, only as an analytical tool for decision makers who must be aware of its limitations and possible and hidden bias.
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"> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Only ever as a human supervised supporting system in the welfare of citizens. As a big data analysis, pattern matching and categorization tool. Never as a decision making system.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	As a supporting tool protecting human rights against the malicious or unethical use of AI systems from large stakeholders with access to big personal data (monitoring, detection, verification).
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"> <li>• Election monitoring;</li> <li>• Banking, finance and insurance;</li> <li>• Education;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	AI systems, due to their inherent inefficiency to handle exceptions in data analysis, could possibly lead to decisions that, while consistent with data generalization, can have unproportionally unrighteous and harmful consequences to individual cases. Additionally, as the recent case of Cambridge Analytical and Facebook shows, AI systems in combination with their availability of vast data regarding social behavior can be used in election manipulation attempts, undermining the core of democratic procedures.
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"> <li><input type="checkbox"/> Emotional analysis in the workplace to measure employees’ level of engagement;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications in the field of banking and insurance;</li> <li>• AI applications determining the allocation of educational services;</li> </ul>
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	<p>AI systems, due to their inherent inefficiency to handle exceptions in data analysis, could possibly lead to decisions that, while consistent with data generalization, can have unproportionally unrighteous and harmful consequences to individual cases.</p> <p>While AI systems are very efficient in mimicking the surface of human behavior, they are very unreliable in analyzing the</p>

	depth of it. If we add their inherent inefficiency to handle exceptions we mentioned earlier, the great risk that exists in relying too much on AI systems for important decisions regarding the life of individuals, becomes even clearer.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	The list above is quite encompassing.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	<ul style="list-style-type: none"> <li>• Explainability;</li> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> <li>• Legal certainty;</li> <li>• Social security;</li> <li>Privacy and data protection;</li> </ul>
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  <b>18bis. Other</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>Banking, finance and insurance;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<b>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.</b>	I rather agree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Voluntary certification
<b>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.</b>	I rather disagree

<p><b>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</b></p>	<p>"EU guidelines on ethics in artificial intelligence" with its seven key requirements is a very solid base in our view to build a more binding legal framework regulating the field.</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>-</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>I fully agree</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b></p>	<p>I fully agree</p>
<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>I fully agree</p>
<p><b>35. The code behind AI systems used in the public and private sectors should always be accessible to the</b></p>	<p>I fully agree</p>

<b>competent public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	There should be specific liability regarding the manufacturers of the regulated AI applications according to their requirements, the entities issuing compliance certifications and the end users as well.
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	Highly useful Highly useful Highly useful Indifferent/no opinion Rather useful

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



and the rule of law that you wish to bring to the attention of the CAHAI?	
Date of submission	4/14/21 17:12:08

## Region of Peloponnese - Governor's Office (Greece)

State (where your institution is based)	Peloponnese - Greece
Institution: Name of the institution/body/company	Region of Peloponnese - Governor'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 2bis. If "other" please explain below	A definition focusing on automated decision-making
3. What are the reasons for your preference?	We strongly believe that the official definition of AI should combine both the pure technological aspect and the ability of AI systems to self-learn and -develop; thus, a definition focused on automated decision-making, pointing out also the strength that AI systems have to "learn" new things and develop themselves - with all the positive and negative aspects that this may include - should be the proper way to define Artificial Intelligence.
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 4bis. If other, which areas and why?	Customs and border control; National security and counter-terrorism; Banking, finance and insurance;
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"> <li>Automated fraud detection (banking, insurance);</li> <li>AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>Deep fakes and cheap fakes;</li> <li>AI applications to promote gender equality (e.g. analytical tools);</li> <li>Facial recognition supporting law enforcement ;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	The above-selected applications are areas that AI systems could only help and enhance the human ability to make decisions and not substitute the human judgment. We believe that in issues where strong analytical tools and skills are required, such as searching for criminals and deep fake material creators in the law enforcement area or detect fraud data in the banking and insurance sectors, AI could prove

	<p>itself really valuable and not create any ethical, or human rights violation issues. On the other hand, we would not recommend the use of AI systems in applications in which a traditional human-to-human interface may be the only one with the ability to create confidence and trust; such areas are the offering of social and healthcare services and education.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>We do not have any applications to add. In general, most of the possible areas that AI could strengthen human rights, democracy, and the rule of law are already covered by the proposed choices.</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Healthcare;</li> <li>• Election monitoring;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>1) Election monitoring: Elections maybe are the core of the democracy, giving the ability to the public to choose their representatives and governors. The monitoring of the process should be a proper-designed procedure, performed by human beings who are also selected by the democratic-elected institutions of the public state. Involving AI systems in a procedure of such high democratic importance may result in a feeling among the state citizens that the result of the elections is not their will.</p> <p>2) Healthcare and education: Access in healthcare and education systems should be free for everybody and in a way that assures the common sense of democracy and rule of law; this - in our opinion - can only be achieved by human-to-human interaction.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Access to healthcare, education, and social services are sensitive issues that have to be protected by all means from the public state, by making use of the best of its public servants and not by assigning this operation to an AI system.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>We do not have any applications to add. In general, most of the possible areas that AI might be a risk to human rights, democracy, and the rule of law are already covered by the proposed choices.</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<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:	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"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Healthcare;Justice;Election monitoring;</li> </ul>
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 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 rather agree
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.	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”).	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 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 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 completely disagree
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly 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	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Certification and quality labelling;</li> </ul>
<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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument No opinion No opinion No opinion</p>
47.bis. Other	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/19/21 9:53:38</p>

## Region of Thessaly (Greece)

<p><b>State (where your institution is based)</b></p>	<p>Greece</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Region of Thessaly</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Intermediate occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></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><b>2bis. If "other" please explain below</b></p>	
<p><b>3. What are the reasons for your preference?</b></p>	<p>Human rights, democracy and the rule of law are fundamental and non-negotiable</p>

<p><b>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</b></p>	<p>Environment and climate;• Healthcare;• Education;</p>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<p>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);</p>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>through the implementation of services everywhere and to everyone</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Applications providing support to the healthcare system</p>
<p><b>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</b> <b>8bis. Other</b></p>	<p>• Social networks/media, internet intermediaries ; • Employment;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>wrong conclusions because the app can't include the particular characteristics of each person, privacy violation</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p><input type="checkbox"/> 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 used for analysing the performance of pupils/students in educational institutions such as schools and universities;Scoring / scoring of individuals by public entities;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>wrong conclusions because the app can't include the particular characteristics of each person, privacy violation</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Automated fraud detection</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with</b></p>	<p>Regulated (binding law)</p>

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:	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?	Freedom of expression, assembly and association; Privacy and data protection; Respect for human dignity; • 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?	Justice; • Healthcare; Education;
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 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 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 systems to ensure compatibility with the standards for human rights, democracy and the rule of law	single digital portal that the Greek government developed effectively
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 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 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 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 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 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	I fully agree

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 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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Highly useful Rather useful Highly useful Indifferent/no opinion 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	• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument No opinion No opinion No opinion No opinion
47.bis. Other	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Indifferent/no opinion Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/14/21 10:36:54</p>

## Region of western Greece

<p><b>State (where your institution is based)</b></p>	<p><b>GREECE</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>REGION OF WESTERN GREECE</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></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><b>2bis. If “other” please explain below</b></p>	
<p><b>3. What are the reasons for your preference?</b></p>	<p>The need for an easily understandable and inclusive definition which describes all the aspects that construct it and the goal of its construction.</p>

<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Environment and climate;</li> <li>• Education;</li> <li>• Healthcare;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Those applications could provide support in life threatening matters, matters of personal development and social growth, hence narrowing the inequality gap when it comes to the access in resources that are crucial for the protection and development of those rights in personal and social level.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Applications that could assist and promote achievements in the various fields of science (for example better understanding or revision of the standard model in physics) and by that way promoting inventions and discoveries that would be beneficial for the standard of life in a universal level.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>There is the risk of crucial technologies like cryptography programmes lacking behind and the exploitation of personal data acquired by social networks/media.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes; Smart personal assistants (connected devices);</li> <li>• AI applications for personalised media content (recommender systems);</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>These applications interfere in the everyday life of people and if unchecked and unsupervised could easily violate basic human rights in personal level and even mislead and exploit people in personal and social level.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI applications in political campaigns.</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<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:	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; 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	Law enforcement; Justice; • 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 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 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	The bodies of the EU commission, the national parliaments, the U.N. map of human rights
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 use of A.I. applications for commercial reasons
26. Individuals should always be informed when they interact with an AI system in any circumstances.	Indifferent/no opinion

<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I rather agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I rather agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Rather useful 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 46bis. Other	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;</li> <li>• Audits and intersectional audits;</li> </ul>
<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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
47.bis. Other	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>5/5/21 12:53:37</p>

## Regulatory Authority for Ports (Greece)

<p><b>State (where your institution is based)</b></p>	<p><b>Greece</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Regulatory Authority for Ports</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></p>	<p>Other</p>
<p><b>2bis. If "other" please explain below</b></p>	<p>A possible definition of Artificial Intelligence (AI) could be the one proposed within the European Commission's Communication on AI (Brussels, 25.4.2018 COM 2018 237 final) and adopted by High-Level Expert Group (H-LEG) on AI: "Artificial intelligence (AI) systems are software (and possibly also hardware) systems designed by humans that, given a</p>



	<p>complex goal, act – with some degree of autonomy – 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. As a scientific discipline, AI includes several approaches and techniques, such as machine learning (of which deep learning and reinforcement learning are specific examples), machine reasoning (which includes planning, scheduling, knowledge representation and reasoning, search, and optimization), and robotics (which includes control, perception, sensors and actuators, as well as the integration of all other techniques into cyber-physical systems). 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).”</p> <p>In the context of the current study’s question, the above definition may be also enhanced to include references to additional objectives and good practices, in order to demonstrate compliance with the standards of the Council of Europe on human rights, democracy and the rule of law. A noteworthy example that is attracting a lot of research interest today, is that of online AI systems for automated decision making, which exhibit algorithmic bias. With the use of such systems automatically processing the big datasets which are available today, there have been reported cases of discrimination against ethnic or gender minorities and suppression of human rights. Thus, a definition of modern AI, should also incorporate its ethical dimension, as well as its legal (data protection) and democratic ones.</p>
<p><b>3. What are the reasons for your preference?</b></p>	<p>AI is a scientific discipline rooted back to 1955, with “winters” and “springs” throughout its history, and a significantly broad range of applications. It is an umbrella term, with many sub-fields hosted underneath, e.g. decision making, expert systems, machine and deep learning. As such, answers that give focus on a specific sub-field (machine learning, decision making) are rather incomplete. The first two answers are also incomplete (although their combination would be far better), as they fail to define AI in all of its dimensions.</p> <p>On different time periods, slightly alternating definitions have been proposed for AI, giving perhaps emphasis on the current period’s emerging or trending applications. Moreover, a modern AI definition should definitely highlight both its software (algorithms, models) and hardware (FPGAs, GPUs or Embedded) aspects and give also examples of modern, trending application fields, thereby in a sense, “defining by examples”.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>National security and counter-terrorism;</li> </ul>

<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>Facial recognition supporting law enforcement ;</li> <li>• AI applications for personalised media content (recommender systems);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>My choice of 5 most significant AI system applications includes: a) Medical applications for faster and more accurate diagnoses, b) AI applications providing support to the healthcare system (triage, treatment delivery), c) AI applications to predict the possible evolution of climate change and/or natural disasters, d) AI applications for personalised media content (recommender systems) and e) Facial recognition supporting law enforcement. Most of these applications, as is the case with the other options that were available, have a beneficiary impact on human rights, as they improve their living standards. More specifically:</p> <p>Under social and economic rights there are key rights such as: the right to medical assistance and the right to the protection of health, which are secured by answers a) and b), in cases for example of citizens living in remote areas or those who have difficulties in moving. One of the most significant attributes of AI systems is their potential impact on human health and healthcare systems. This includes the improvement of medical diagnosis and treatment, the improvement of fetal health, as well as the advanced prediction and monitoring of epidemics and chronic diseases. AI systems can, for instance, be utilised to determine patients' access to health care services by analysing patients' personal data, such as their health care records, lifestyle data and other information. (CAHAI feasibility study).</p> <p>With respect to answer c), the right to life may also be jeopardized by natural disasters and the evolution of climate change. AI systems in general, can have a highly positive impact across society. As a key driver for socio-economic development globally, they can contribute to alleviating some of the world's problems and achieving the UN Sustainable Development Goals. AI systems can optimise agricultural processes, revolutionise transportation and urban living, help mitigate the effects of climate change or predict natural disasters and facilitate greater access to information and knowledge. A research paper ("Tackling Climate Change with Machine Learning" by Rolnick et. al, 2019) identifies 13 areas where machine learning can be deployed, including energy production, CO2 removal, education, solar geoengineering, and finance. Within these fields, the possibilities include more energy-efficient buildings, creating new low-carbon materials, better monitoring of deforestation, and greener transportation. Freedom of information is freedom of a person or people to publish and consume information. Access to information is the ability for an individual to seek, receive and impart information effectively. In this context, AI systems that fall under option d) can significantly strengthen the position of a netizen in today's era of Big Data, emerging to a large extent from two primary sources: The Internet of Things and the wealth of (mainly unstructured) data, information and knowledge available on</p>

	<p>Social Media platforms, a ubiquitous part of our daily life. My last choice (e) has also a beneficiary impact on the application of law, guaranteeing an individual's right to safety. Actually, it is one of the AI applications receiving a lot of skepticism and criticism as "Live face recognition may prevent citizens from exercising their freedoms of assembly and association, robbing them of the protection of anonymity and having a chilling effect on social solidarity and democratic participation (Alan Turing Institute, CAHAI feasibility study primer). On the other hand, face recognition makes it easier to track down burglars, thieves and trespassers, by analyzing the feed from private and public CCTV camera networks. The technology is not limited to tracking down criminals. For instance, it could also make it easier to find missing children and seniors. Finally, it may accelerate services at airports, banks, retail stores and work environment.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Other possible AI application fields include: navigation, robotics, speech recognition</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Employment;</li> <li>• Banking, finance and insurance;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Algorithmic bias describes systematic and repeatable errors in a computer system that create unfair outcomes, such as privileging one arbitrary group of users over others. Bias can emerge due to many factors, including but not limited to the design of the algorithm or the unintended or unanticipated use or decisions relating to the way data is coded, collected, selected or used to train the algorithm. Algorithmic bias is found across platforms, including but not limited to search engine results and social media platforms, and can have impacts ranging from inadvertent privacy violations to reinforcing social biases of race, gender, sexuality, and ethnicity. (Wikipedia). An algorithm is considered as discriminatory (i.e. not fair) if it produces results which are on average, incorrect or skewed with respect to the population. Algorithmic bias may appear in all stages of the predictive modelling process; input, processing, output. The IEEE has established the P7003 Standard for Algorithmic Bias Considerations, one of eleven IEEE ethics related standards currently under the IEEE Global Initiative on Ethics of Autonomous and Intelligent Systems.</p> <p>For banking services, AI algorithms may be employed to detect fraud or reduce risk on loan services. However, when training those algorithms, proxy information on gender, race or ethnicity may prevail and lead to minority-based discrepancies. Mitigating algorithmic bias may mean de-biasing the data, creating audits or checks to sit alongside the algorithm, or running post-processing calculations to consider whether outputs are fair.</p> <p>For employment procedures, algorithmic hiring more frequently takes place in the second stage (screening) of the hiring pipeline (sourcing, screening, interviewing, selecting). As stated previously, if no measures are taken, the risk of ending up with a discriminatory outcome that excludes certain minority groups, lurks.</p>

	<p>With respect to the judicial system and algorithmic bias, an example case study carried out by journalists, to investigate if there is racial bias in the risk scores used in the US criminal justice system. They analysed the Correctional Offender Management Profiling for Alternative Sanctions (COMPAS) scores, including risk scores for recidivism. For evaluation purposes, they obtained a dataset of criminal histories for a period of two years from Broward County in Florida and analysed the actual recidivism in comparison to the risk score. The analysis showed that white defendants were more often mislabeled as 'low risk' compared to black defendants, who in turn were more likely to be falsely flagged as 'high risk', indicating a potentially racially-biased algorithm.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications in the field of banking and insurance;</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>AI applications aimed at predicting recidivism ;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Some examples and real world cases of discriminatory algorithms on specific applications include:</p> <p>Deepfakes and cheap fakes: These are collectively termed as audiovisual manipulation to produce fake content, synthetic images or videos where a person in the original media is substituted with someone else. Deepfakes is derived from deep (learning) and fake, indicating the use of sophisticated methods from machine learning, e.g. Generative Adversarial Networks. Cheap fakes on the other hand are generated with simpler methods or no method at all. This practice is not that new and can be a major threat to democracy.</p> <p>AI applications for predicting recidivism and AI applications to prevent the commission of a criminal offense: An example of such systems posing threats for human rights has been discussed previously, where the COMPAS system limitation was showcased.</p> <p>Automated fraud detection (banking, insurance) and AI applications in the field of banking and insurance: A Barclays Bank report on Bias in Algorithmic Decision making in Financial Services states that they use multiple algorithmic methods to develop and enhance their customer relationships and services, in Marketing of Products &amp; Services, Credit Risk Assessment and Fraud Identification. Increasing use of such algorithms across an increasingly digital economy poses various ethical considerations, for example on transparency, fairness, as well as accuracy and explainability of decision-making systems. Potential bias risks that are identified in the report are: a) Design &amp; Interpretation Bias, which can arise either due to algorithmic design or due to interpretation and use of algorithmic output by humans. b) Information Bias, where training algorithms with inherently biased data will guide the model to learn those biases and further amplify them, rendering the model incapable of fair predictions. This risk grows significantly with the use of Machine Learning involving non-linear functions applied on large scale of data. For example, to develop a new credit scoring model which predicts credit defaults from applications for a credit product, data from customers who were previously accepted for credit have to be used. However, if the data on previously accepted customers were biased for any reason and not representative of all applicants, the model will develop predictors from the previously accepted population (biased sample) and would</p>

	assume them as predictors for all applicants, resulting in new applicants potentially being declined credit based on predictors not suitable for them.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Other potential threats may be posed by AI applications on: mass surveillance, privacy and targeted advertisements.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Subject to moratorium
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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?</b>	Respect for human dignity; Equality; Freedom of expression, assembly and association; Privacy and data protection; • Non-discrimination;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  <b>18bis. Other</b>	Justice; Public administration; • Healthcare;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather agree

<p><b>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</b></p>	<p>Although Greece has not yet put in place a national AI strategy, there are however many Public Authorities that could guide and regulate 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>For instance, 1) the Hellenic Data Protection Authority is a constitutionally established independent public authority, which has as its mission the supervision of the application of the General Data Protection Regulation (GDPR), national laws 4624/2019 and 3471/2006, as well as other regulations concerning the protection of the individual from the processing of personal data. 2) The Authority for Communication Security and Privacy (ADAE) has been established to protect the free correspondence or communication in any possible way. 3) The Greek Ombudsman acts as guardian of the people's rights in both the public and private sectors, with a special emphasis on monitoring and promoting the implementation of the principle of equal treatment, the rights of the child and the rights of vulnerable groups. 4) The Greek National Commission for Human Rights (GNCHR) was established by Law 2667/1998 as the independent advisory body to the Greek State in accordance with the UN Paris Principles, adopted by the United Nations (General Assembly Resolution A/RES/48/134, 20.12.1993, "National institutions for the promotion and protection of human rights") and is the national institution for the protection and promotion of human rights (NHRI) in Greece.</p>
<p><b>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):</b></p>	
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>As current rules and legal regimes are neither adequate for safeguarding the basic values of human rights, democracy, and the rule of law, nor suitable for creating an AI innovation environment that can be deemed sufficiently trustworthy for steering AI and data intensive technologies in the right direction, a new legal framework is needed.</p> <p>The council of Europe should i) develop a legal framework and establish a legally binding instrument (possibly in the form of a Convention) for democratic governance of Artificial Intelligence that will include a specific liability regime in relation to designing, developing and using AI Systems and ii) ensure that such a legally binding instrument is based on a comprehensive approach, deals with the whole life cycle of AI-based systems, is addressed to all stakeholders and includes mechanisms to ensure the implementation of this instrument.</p> <p>The council of Europe should also implement the following activities: i) Monitoring of AI legislation and policies in member States, ii) Establishing an AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems iii) Establishing a centre of expertise on AI and human rights.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></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 rather 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 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.	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 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.	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

<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I rather agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Highly useful Highly useful Highly useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Regulatory sandboxes; • Audits and intersectional audits; • Certification and quality labelling;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>I believe that the aforementioned mechanisms suffice.</p>



<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>I believe that the aforementioned activities suffice.</p>
<p><b>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?</b></p>	<p>Design and development of AI systems to fully automate or aid in decision making procedures is of extreme importance towards the improvement of living standards of individuals. At the same time, as AI systems have socio-technical characteristics, they may also have a negative impact on human rights, democracy and the rule of law. Going through the relevant documentation, it is my belief that this multidimensional and complex topic has been thoroughly presented and analysed.</p>
<p><b>Date of submission</b></p>	<p>4/29/21 6:49:25</p>

## Réseau Européen d'Action Sociale /European Social Action Network (ESAN-Aisbl)

<p><b>State (where your institution is based)</b></p>	<p><b>Belgique</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Réseau Européen d'Action Sociale /European Social Action Network (ESAN-Aisbl)</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Private business sector</p>
<p><b>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</b></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?	Il faut que les ONG membres des OING puissent accompagner voir défendre les humains et avoir une définition simple , neutre adaptée à des non spécialistes
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"> <li>• Environment and climate;National security and counter-terrorism;Banking, finance and insurance;</li> </ul>
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"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications aimed at predicting recidivism ;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	L'IA peut être un outil précieux pour prévenir des risques de maladies graves et intervenir rapidement. Tout ce qui permet de prévenir les fraudes est important pour la protection des personnes victimes de celles-ci .L'utilisation de l'IA pour prévenir catastrophes naturelles, changement climatiques est un plus pour les Humains . Id pour prévenir la récurrence et protéger ainsi les victimes de cette récurrence.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Pour promouvoir l'égalité des sexes , apporter un soutien au système de santé
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"> <li>• Welfare;</li> <li>• Election monitoring;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Les spécificités de chaque humain est une richesse . les humains ne sont pas des robots
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; <ul style="list-style-type: none"> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Je rappelle que les Humains ne sont pas des robots , il est indispensable pour le respect de la dignité de tous de tenir compte de la diversité des uns et des autres .
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	l'application de l'IA déterminant l'attribution des services éducatifs ; idem pour les performances des élèves/étudiants
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	Regulated (binding law)

<b>AI systems that pose high risks with high probability to human rights, democracy and the rule of law be:</b>	
<b>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:</b>	Subject to moratorium
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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?</b>	Respect for human dignity;Political pluralism;Equality;Freedom of expression, assembly and association;• Non-discrimination;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	• Healthcare;Welfare;Election monitoring;
<b>18bis. Other</b>	
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	Ethics guidelines
<b>21bis. Other</b>	
<b>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.</b>	I rather disagree
<b>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</b>	Je trouve que l'étude du CAHAI réalisée avec la Conférence des OING les a bien développés
<b>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</b>	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

<b>regulate AI systems (select all you agree with):</b>	deployers of AI systems;They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Le Conseil de l'Europe doit tenir compte des lacunes juridiques citées dans l'étude du CAHAI
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>DE nouveau je partage ce qui est précisé dans l'étude à ce sujet</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;• Certification and quality labelling;</p>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>Il est indispensable d'avoir une présentation simple , précise adaptée aux OING et à leur membres concernant l'essentiel des travaux du CAHAI</p>
<p><b>Date of submission</b></p>	<p>5/7/21 21:15:17</p>

## Risified

<p><b>State (where your institution is based)</b></p>	<p>Israel</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Risified</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>

<b>Your stakeholder group</b>	Private business sector
<b>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 2bis. If "other" please explain below</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>3. What are the reasons for your preference?</b>	The focus should be on the effect of the system, not the system itself.
<b>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</b>	• Other;
<b>4bis. If other, which areas and why?</b>	Virtually any industry can enjoy from the benefits of AI.
<b>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?</b>	• Automated fraud detection (banking, insurance);
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Today, AI is the leading technology solving the problems related to fraud detection, as it balances between accuracy and facilitation of business. AI has excelled any and all existing technologies in this domain and with more and more payments moving to an online environment, the need for better fraud detection AI will only increase.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	rules' based decision making.
<b>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</b> <b>8bis. Other</b>	• Law enforcement;• Justice;• Healthcare;•
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	As these issues are at the heart of human rights, democracy and the rule of law, they have the greatest potential of impact.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;• Deep fakes and cheap fakes;• AI applications to prevent the commission of a criminal offence;AI applications aimed at predicting recidivism ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	If the technology is lacking or incorrect (e.g., providing incorrect outputs), as these issues are at the heart of human rights, democracy and the rule of law, they have the greatest potential of impact
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	.

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:	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?	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	Election monitoring;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.	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	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 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	market practices and increased awareness and transparency among users.



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 disagree
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 rather disagree
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 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 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 completely disagree
36. There should be higher transparency standards for public entities using AI than for private entities.	I rather agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I rather agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather not useful  Rather useful  Rather not useful  Rather not useful  Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>Continuous automated monitoring;• Certification and quality labelling;</p>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Non-binding instrument  Non-binding instrument  Non-binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather not useful  Indifferent/no opinion  Rather useful  Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>centre of expertise</p>
<p><b>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?</b></p>	<p>Since a typical AI objective is inherent optimisation, over-legislating AI could stifle innovation and lead to a chilling effect, thereby circumventing the benefits off such tools. As such, close attention should be paid regarding whether or not, and to what extent, should regulation be applied.</p>
<p><b>Date of submission</b></p>	<p>5/6/21 15:21:45</p>

## Roma Capitale Investments Foundation

<p><b>State (where your institution is based)</b></p>	<p>italy</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Roma Capitale Investments Foundation</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>

<b>Your stakeholder group</b>	Private business sector
<b>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 2bis. If "other" please explain below</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>3. What are the reasons for your preference?</b>	cognitive abilities are not exclusive of humankind. Moreover you must focus on pre cognition phases like recognition, perception.....
<b>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</b>	Banking, finance and insurance; Law enforcement; • Education; •
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	Facial recognition supporting law enforcement ; • AI applications for personalised media content (recommender systems); • AI applications providing support to the healthcare system (triage, treatment delivery); • AI applications determining the allocation of educational services; • AI applications in the field of banking and insurance;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	body, media, health, money are vital apps and as pressure points must be controlled
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	coordinating the economic behaviour of consumer realizing oligopsonio vs oligopolio in economy
<b>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</b> <b>8bis. Other</b>	• Banking, finance and insurance; • Justice; • Welfare; •
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	the actual algorithms are unflexible. Not adequate to interact with human decision. Up today, you can freely use only in monitoring....
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ; • Medical applications for faster and more accurate diagnoses; • Deep fakes and cheap fakes;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	is not artificial intelligence, if you harness applications
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	not use natural language of my country can properly generate misunderstanding
<b>13. In your opinion, should the development, deployment and use of AI systems that have been proven to</b>	No opinion

violate human rights or 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:	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:	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?	• Transparency;• Explainability;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	Education;Public administration;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 fully 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 fully 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.	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	NA

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

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.	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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather not useful Highly useful Highly useful Rather not 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	• Certification and quality labelling;• Audits and intersectional audits;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion Binding instrument Binding instrument Non-binding instrument No opinion</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Not useful Not useful Rather not useful Not useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/18/21 10:04:24</p>

## Rosatom

<p><b>State (where your institution is based)</b></p>	<p><b>Russian Federation</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Rosatom</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>



Your stakeholder group	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Artificial intelligence is needed to simplify and improve efficiency both in everyday life and in organizations (in the office, in industry, etc.).
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Employment;</li> <li>Justice;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Artificial intelligence systems will be able to unbiasedly select personnel in accordance with their competencies, regardless of gender and race, and adequately assess employee productivity by a number of indicators. AI will not allow or will warn about a possible crime. AI will monitor the equal distribution of social services, gender equality and the timely delivery of health services to people.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Artificial intelligence systems can monitor the financial flows of politicians and the correct distribution of the federal budget of the country. AI will monitor compliance with laws and human rights through a large number of cameras and various sensors connected to the smart city platform.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI applications will be able to violate human rights by tracking and controlling people on social networks.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Scoring / scoring of individuals by public entities;• AI applications for personalised media content (recommender systems);Facial recognition supporting law enforcement ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI applications will be able to violate human rights by tracking people's activities on social networks and scoring people by different organizations without proper approvals.

<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI applications will violate human rights by recognizing human faces without proper approvals.</p>
<p><b>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</b></p>	<p>Not banned</p>
<p><b>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:</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity;Equality;Freedom of expression, assembly and association;Privacy and data protection;• Non-discrimination;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  18bis. Other</p>	<p>Law enforcement;• Social networks/media, internet intermediaries ;Public administration;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> 21bis. Other</p>	<p>Ethics guidelines</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>A National Artificial Intelligence strategy</p>

<b>design, development and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</b>	
<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>Continuous automated monitoring;• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;</p>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/14/21 14:35:35</p>

## RTDE

<p><b>State (where your institution is based)</b></p>	<p>NL</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>RTDE</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>

Your stakeholder group	Civil society
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	flexibility in the face of change
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare; Banking, finance and insurance;</li> <li>• Election monitoring;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Facial recognition supporting law enforcement ;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications in the field of banking and insurance;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	support fair dealing & the role of honesty
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	democracy & fair dealing
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Healthcare;</li> <li>• Employment;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	by forming unfair prejudgements
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence; Facial recognition supporting law enforcement ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	erroneous snap decisions
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	voice recognition
<b>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</b> <b>13bis. Other</b>	monitored & possibly controlled

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?	Freedom of expression, assembly and association;• Non-discrimination;• Possibility to challenge a decision made by an AI system and access to an effective remedy;Privacy and data protection;• 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?	Banking, finance and insurance;Election monitoring;Law enforcement;
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 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?	Voluntary certification
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 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	GDPR
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 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;
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

<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I fully agree



<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>redress at unfair outcomes</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;• Audits and intersectional audits;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>

<b>49. What other mechanisms, if any, should be considered?</b>	periodic reporting
<b>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?</b>	appropriate opt-outs for young & old people
<b>Date of submission</b>	4/29/21 13:45:23

## Sapiens International

<b>State (where your institution is based)</b>	Israel
<b>Institution: Name of the institution/body/company</b>	Sapiens International
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	AI is more than technology and augmenting, in addition to automation. It's all about the goal of expanding machine to support human-like operations and decision processes.
<b>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</b>	Banking, finance and insurance;• Healthcare;Welfare;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Today's decision making, in these "good social" domains is traditionally built with biases, missing and outdated information. AI can refresh and streamline quickly and thoroughly to update to new norms and laws.
<b>7. What other applications might contribute significantly to</b>	Mentioned briefly above, fighting missing and misleading information

<b>strengthening human rights, democracy and the rule of law?</b>	
<b>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</b> <b>8bis. Other</b>	• Law enforcement;• National security and counter-terrorism;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Since these are non-transparent by nature. The odds are it can be converted by powers less interested in the good of people.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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;• AI applications to prevent the commission of a criminal offence;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	If it's too easy to use, plus, harder to question the decision...
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Data aggregation services and platforms.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;Freedom of expression, assembly and association;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Justice;Law enforcement;Public administration;
<b>19. Self-regulation by companies is more efficient than government regulation to prevent and mitigate the</b>	I rather agree

<b>risk of violations of human rights, democracy and the rule of law.</b>	
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Ethics guidelines
<b>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.</b>	Indifferent/no opinion
<b>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</b>	Code of ethics in companies and organizations. Financial regulations.
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Data aggregators scope and accessibility guidelines.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather disagree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I completely disagree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I rather disagree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I completely disagree
<b>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.</b>	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 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 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.	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><b>44. If yes, what aspects should be covered?</b></p>	<p>Who are the responsible entities.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Indifferent/no opinion Rather useful Rather useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ; • Regulatory sandboxes; Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Indifferent/no opinion Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	

<b>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?</b>	
<b>Date of submission</b>	4/28/21 13:30:48

## save space e.V.

<b>State (where your institution is based)</b>	<b>Germany</b>
<b>Institution: Name of the institution/body/company</b>	save space e.V.
<b>Personal capacity: Your socio-professional category</b>	Lower occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Creating a narrow definition could also mean to create a loophole for future technology to come up that infringes human and democratic rights. I think the boundaries need to be set by what needs to be protected by all means. Whatever infringement new technology could do, the basis to set boundaries to its use and development would already be set or easier broadened where necessary would already be there. The measure of laws restricting technology should be tied to how they inflict on humans life quality, so that the general development of new technology is not restricted, but given a frame of conditons under which it has to be developed. This would then also be applicable to all technology to come, from simple algorithms to advanced machines rather than just focussing on what falls under the narrow definition of AI.
<b>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</b>	<ul style="list-style-type: none"> <li>• Election monitoring;</li> <li>• Public administration;</li> </ul>
<b>4bis. If other, which areas and why?</b>	AI can be a good tool to counter desinformation on the web or to be used as an analysis tool for scientific subjects of analysis, eg. the analysis of DNA patterns in samples or analysis of technical data sets.

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Smart personal assistants (connected devices);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Smart personal assistance service, if developed in the right frame, can enhance the life quality and benefit political and social participation as in access to participation of people with certain impairments of bodily or neurodivergent nature, thus support an inclusive society.</p> <p>If fed with the right data and not based on racist or misogyn blind spots in medical approaches, a good AI tool developed to detect certain diseases by symptom patterns could prevent people from dying and also offer long - term affordable / cheap consultation service for groups that now have limited or no access to medical service. It also could enhance medical service in general as medical professionals would have to spend less time with anamnesis and have more time to invest in treatment. An AI could also be regularly and decentrally updated to include the newest results of medical science and take the new findings into account in real time, which all medical professionals everywhere would be able to profit from beyond borders, making the access to and quality of health care developing into a direction of equality. However, such tools would need to be developed under highest data protection security law and technical requirements, as such tools would be fed with the most sensitive data of an individual and could easily be abused if data like that would become abused by governments, employers or insurances to the disadvantage of that individual.</p> <p>The gender equality tool, if based on the premise of gender as a spectrum, could provide analytical data to promote gender equality lobbying, policies and eventually monitor the development of gender equality, allowing the creation of an index etc. - could also be used for other marginalized groups.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Tools that promote access to participation, e. g. digital democracy tools. However, all that given the premise that access to technology, to digitalization, to the internet, to electricity and to digital education becomes a human right in itself. As long as this is not the case, the development of any form of AI or digital tech as tools of politics, health care etc, are infringements on human rights by default as they contribute to form a two-class society between those who have access and can form an opinion at all and those who may not even have access to running water, yet their data is (ab)used to feed algorithms that can and often do work against their interest with no possibility for them to even know about such technology existing.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Justice;</li> <li>• Law enforcement</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>As long as AI is developed by white people for white people on the premises of white peoples standards, it will always be discriminatory and infringe with human rights of those not</p>



	considered human by white people. The development of tech should require consultation of those most marginalized, particularly multiple-marginalized non-white group, particularly members of said groups that do have multi-level competences on the subjects of racial-and social justice as well as tech. The consultation must be mandatory on every single algorithm, tech, AI that is developed. White people cannot be trusted to create stuff that is NOT infringing on human rights and democratic values, regardless which sector. As long as AI is mostly developed by white ppl due to structural racism, it to be discriminating must be the default expectation and fundament on which policies are being made.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 diagnoses
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	See answer above.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	All of them.
<b>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</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;Political pluralism;Equality;Privacy and data protection;• Non-discrimination;•
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	Banking, finance and insurance;Law enforcement;
<b>18bis. Other</b>	

<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b></p>	<p>Ethic guidelines and mandatory education for everybody in that company /organization in a manner that the education supports racial and social justice, democratic and humanitarian values and decolonizing the mindset of everybody.</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>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</b></p>	<p>GDPR</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>As long as access to technology such as AI and everything this access requires (access to housing, access to education, particularly digital literacy and having access to learning how to read and write in general, access to electricity and food, access to technology such as a computer or laptop, access to political education, access to the internet) is not a human right in itself that is made mandatorily available for everybody and every group in society - as EVERY group in society already is affected by AI, wether they have this access or not! - no regulation of this technology can be made that will erase the infringement of human rights it has, but rather increase the gap due to the many voices left unheard, many needs left behind and interests left unseen. Artificial Intelligence is always based on the Intelligence of those who create it. As long as the mindset of its primary creators are not regulated by laws as in their mindsets not being decolonized, the human creators will never be capable to produce technology that is not discriminatory. The laws for AI regulation are targeting the technology, but not the people that create the technology, yet technology can only be as good or bad as the people that create it. We need to target the people, we need to make training for the creators of such technology in a manner that provides maintainance for human rights mandatory and develop guidelines for AI regulation that are based on the</p>

	infringement of human rights, of all humans rights. It should not be free to decide for a company of they want to take the effects of their tech on human rights into account for the development of their tech, it must be mandatory by all means and the standard user needs to be designed to be of the most multiple marginalized background by default. As long as white, privileged, cishet men are the default user for tech developers as well as for the Council of Europe, discrimination, racism, ableism, homophobia and misogyny will continue to reproduce themselves by AI as well as by the laws made for its regulation.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>37. There should be higher standards for access to an effective remedy for individuals in relation to decisions informed and made by an AI</b>	I fully agree

system in the field of justice than in the field of consumer protection.	
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	No opinion yet
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Highly useful Highly useful Highly useful Highly useful Highly useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b>	• Audits and intersectional audits; • Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful  Highly useful  Highly useful  Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>Romani communities are among the most affected by the impact of AI on human rights, particularly intersectional, multiple marginalized subcommunities such as Jewish Sinti, LGBTIQ*-Roma, neurodivergent or bodydiverse Travellers, etc..</p> <p>We were at no point consulted and now the whole regulatory policy making of AI by the European Council is being made in a hush and we are in a 'eat or die' manner forced to form an opinion and lobby although there is no structural funding of our organizations and the vast majority is lacking the resources to act right now, not even to talk about resources to even have formed an informed opinion on this whole regulation and AI mechanisms. The whole process need to be re-done, otherwise the human rights of 18-21 million people in Europe are going to be heavily impacted with no chance for them to defend themselves properly. The way it is done now with no Romani people sitting directly on the consultation is in itself an infringement on our rights. In all of Europe, there is exactly three known Romani individuals with a high professionalism on the subject of AI and Romani rights, which is Benjamin Ignac, Gilda Horvath and myself. It is ridiculous and a testimony of incompetence and shame for the EU that not only did they not consult or even know the few people who are competent, but</p>

	they did not even get the usual token organizations of Roma and Sinti involved.
<b>Date of submission</b>	4/14/21 9:24:52

## Sberbank of Russia

<b>State (where your institution is based)</b>	<b>Russian Federation</b>
<b>Institution: Name of the institution/body/company</b>	Sberbank of Russia
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	Other
<b>2bis. If "other" please explain below</b>	A complex of technological solutions capable of imitating human cognitive functions (including self-learning and search for solutions without predefined algorithm) and of obtaining results at least comparable to the results of human cognitive activities in the course of performance of specific tasks.
<b>3. What are the reasons for your preference?</b>	We propose a different definition since our alternative, while logical and technologically-neutral, better reflects the nature of artificial intelligence.
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Public administration;</li> </ul>
<b>4bis. If other, which areas and why?</b>	We believe that, if used correctly, all AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may become a threat to the respective human rights. Generally, however, we believe that healthcare/environmental/public administration AI applications will offer the most promising opportunities in strengthening human rights and the rule of law.
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications in the field of banking and insurance;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Smart personal assistants facilitate automatic housing, which dramatically improves the quality of life of certain categories of disabled, and/or elderly individuals who cannot otherwise use

	<p>home amenities without external aid.</p> <p>Medical AI applications are of crucial importance during the COVID-19 pandemic as they greatly increase the efficiency of medical care, for example help to make preliminary diagnosis by using “smart” physician assistants, CT analysis for the diagnosis of pneumonia (including signs of COVID-19). This ensures the right to timely and appropriate health services.</p> <p>Emergency prevention through anomaly recognition from images by AI can save many lives and prevent damage.</p> <p>AI applications in healthcare both improve the results of medical treatment and decrease its cost, making healthcare significantly more affordable.</p> <p>AI banking and insurance applications (apart from general improvement of customer experience) can be used to prevent money-laundering and financing of terrorism.</p>
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	We believe that all applications in the field of environment protection (e.g. AI applications which may be used to predict and prevent floods, draughts and other disasters), as well as industrial applications will be beneficial for that matter.
<b>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</b> <b>8bis. Other</b>	We believe that, if used correctly, all AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may pose a threat to the respective human rights, so the risks need to be duly identified and prevented. In light of that we believe that a risk-oriented approach is a more logical alternative.;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	We believe that, if used correctly, AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may pose a threat to the respective human rights, so the risks need to be duly identified and prevented. In light of that we believe that a risk-oriented approach is a more logical alternative.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	We chose the answer above (question No. 17) exclusively on a random basis due to limitations of the questionnaire. We believe that, if used correctly, AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may pose a threat to the respective human rights, so the risks need to be duly identified and prevented. In light of that we believe that a risk-oriented approach is a more logical alternative.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	We believe that, if used correctly, AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may pose a threat to the respective human rights, so the risks need to be duly identified and prevented. Since the scope of use of such applications may vary, we believe that a risk-oriented approach is a more logical alternative.

<p><b>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</b></p>	<p>No opinion</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity;Equality;Privacy and data protection;• Legal certainty;</p>
<p><b>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</b></p>	<p>We believe that, if used correctly, AI applications will be beneficial for human rights, democracy and the rule of law. Likewise improper development, implementation and usage of the said applications may pose a risk in any of the above-mentioned fields and thus may pose a threat to the respective human rights, so the risks need to be duly identified and prevented. Therefore, we believe that a risk-oriented approach is a more logical alternative.;</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b></p>	<p>Ethics guidelines</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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</b></p>	<p>Self-regulation via ethical guidelines - Sberbank has developed, announced and adheres to five principles of ethics in development and use of AI applications; Regulatory sandboxes - current Russian laws allow setting of regulatory sandboxes in the field of technological innovations, in the course of which the participants may utilize</p>



<p><b>systems to ensure compatibility with the standards for human rights, democracy and the rule of law</b></p>	<p>technological solutions without certain limitations imposed by current Russian laws. Participation in the regulatory sandbox for all concerned parties is informed and voluntary which excludes the risk of violation of human rights of the individuals. The sandbox is regularly monitored and may, following results of such review and monitoring, lead to a generally applicable changes in national law;</p> <p>National regulation – the Concept of AI regulation affirmed by the Government of the Russian Federation not only identifies key aims, purposes and principles of AI regulation (both on a general level and on the levels of particular industries), but also specified which particular legal matters require clarification in Russian laws and regulations and clarify how such purposes and problems need to be addressed.</p>
<p><b>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):</b></p>	
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>Since we propose adhering to the risk-oriented approach, we believe that other matters that may trigger issues related to rule of law and human rights also may also need further consideration once such matters are identified.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I completely disagree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I rather disagree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I rather disagree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I rather agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>I rather disagree</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b></p>	<p>Indifferent/no opinion</p>

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 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 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 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 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.	Indifferent/no opinion
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?	No
44. If yes, what aspects should be covered?	

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather not useful Not useful Highly useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Regulatory sandboxes;Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Non-binding instrument Non-binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>We believe that all mechanisms need to be devised and applied on the basis of a risk-oriented approach (please find our explanation above). We also suggest considering codes of ethics on AI as part of non binding instrument.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>We believe that any mechanisms which would allow the states to effectively handle matters arising in connection with design, development and application of AI systems without external interference should require consideration.</p>

<b>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?</b>	Since we propose adhering to the risk-oriented approach, we believe that other matters that may trigger issues related to rule of law and human rights also may also need further consideration if such matters are identified.
<b>Date of submission</b>	5/8/21 22:34:37

## Secretariat general for human resources of public sector (Greece)

<b>State (where your institution is based)</b>	<b>GREECE</b>
<b>Institution: Name of the institution/body/company</b>	SECRETARIAT GENERAL FOR HUMAN RESOURCES OF PUBLIC SECTOR
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	The AI systems should be considered as a tool for better decision making and good governance thus there is no need for definitions but for a defined framework regarding the potential impacts/effects of such systems.
<b>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</b>	Banking, finance and insurance;• Education;Law enforcement;•
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The specific applications are the ones to be the less neutral in terms of "violating" human dignity or substituting the human factor thus could be used in an auxiliary way to the decision maker so that to make a right and fair decision/policy.

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI tools for the workforce planning and staffing of public entities as well as AI tools used as personal assistants to public servants for their life-long training and education.</p>
<p><b>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</b> 8bis. Other</p>	<p>• Justice;• Law enforcement;• Social networks/media, internet intermediaries ;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Due to the extremely sensitive data needed as an input for elaboration by the AI systems.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>• AI applications to prevent the commission of a criminal offence;Facial recognition supporting law enforcement ;<input type="checkbox"/>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;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Due to the extremely sensitive data needed as an input for elaboration by the AI systems in combination with their use as predictive tools.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>No opinion</p>
<p><b>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</b> 13bis. Other</p>	<p>Not banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Freedom of expression, assembly and association;• Non-discrimination;Privacy and data protection;Respect for human dignity;• Legal certainty;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other</p>	<p>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.	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 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	No opinion
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 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	I rather disagree

proceedings are reviewed by a “human” judge.	
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	Indifferent/no opinion
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree

<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>Continuous automated monitoring;• Audits and intersectional audits;• Regulatory sandboxes;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Non-binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul>	<p>Rather useful Indifferent/no opinion Highly useful Highly useful</p>



- 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?	
Date of submission	5/5/21 19:39:24

## Seminario permanente di studi internazionali (SSIP)

State (where your institution is based)	ITALY
Institution: Name of the institution/body/company	SEMINARIO PERMANENTE DI STUDI INTERNAZIONALI (SSIP)
Personal capacity: Your socio-professional category	Lower 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 2bis. If "other" please explain below	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)
3. What are the reasons for your preference?	As globalization deepens integration between democracies and autocracies, the compromising effects of sharp power—which impairs free expression, neutralizes independent institutions, and distorts the political environment—have grown apparent across crucial sectors of open societies. The Sharp Power and Democratic Resilience series is an effort to systematically analyze the ways in which leading authoritarian regimes seek to manipulate the political landscape and censor independent expression within democratic settings, and to highlight potential civil society responses.

<p><b>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</b></p>	<p>Justice;Law enforcement;• Public administration;</p>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<p>• Deep fakes and cheap fakes;• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</p>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>The present era of authoritarian resurgence is taking place during a protracted global democratic downturn that has degraded the confidence of democracies. The leading authoritarians are challenging democracy at the level of ideas, principles, and standards, but only one side seems to be seriously competing in the contest.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<ul style="list-style-type: none"> <li>- Challenges to free expression and the integrity of the media and information space</li> <li>- Threats to intellectual inquiry</li> <li>- Contestation over the principles that govern technology</li> <li>- Leverage of state-driven capital for political and often corrosive purposes</li> </ul>
<p><b>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</b> <b>8bis. Other</b></p>	<p>• Justice;• Law enforcement ;• Public administration;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The new environment requires going beyond the necessary but insufficient tools of legislation, regulation, or other governmental solutions. Democracies possess a critical advantage that authoritarian systems do not—the creativity and solidarity of vibrant civil societies that can help safeguard institutions and reinforce democratic values.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;Smart personal assistants (connected devices);• Deep fakes and cheap fakes;• 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><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Often, only governments hold the incredibly valuable “ground truth” data that act like labels for the broader information that might be collected from smart devices; if they do not hold these official records themselves, they typically regulate who can access them. Thus, the challenge for democracies and democratic civil society is to build digitized systems that enable economic and social development but do not afford a shift to authoritarianism.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>International assistance programs may be encouraging data integration in developing democracies without sufficient consideration of its ramifications. In a digital authoritarian regime, digital technologies enable key aspects of the government’s repressive activities and efforts at social control.</p>
<p><b>13. In your opinion, should the development, deployment and use of AI systems that have been proven to</b></p>	<p>Banned</p>

<b>violate human rights or undermine democracy or the rule of law be 13bis. Other</b>	
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Freedom of expression, assembly and association; • Non-discrimination; • Legal certainty; Political pluralism;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	Justice; • Social networks/media, internet intermediaries ; Election monitoring;
<b>18bis. Other</b>	
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	Ethics guidelines
<b>21bis. Other</b>	
<b>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.</b>	I completely disagree
<b>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</b>	Thus, the challenge for democracies and democratic civil society is to build digitized systems that enable economic and social development but do not afford a shift to authoritarianism.

<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>International assistance programs may be encouraging data integration in developing democracies without sufficient consideration of its ramifications.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>I fully agree</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b></p>	<p>I fully agree</p>
<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I fully agree</p>
<p><b>37. There should be higher standards for access to an effective remedy for individuals in relation to</b></p>	<p>I fully agree</p>

decisions informed and made by an AI system in the field of justice than in the field of consumer protection.	
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Highly useful Rather useful Rather useful Rather not useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b>	• Human rights, democracy and rule of law impact assessments ;• Regulatory sandboxes;• Certification and quality labelling;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/17/21 9:19:00</p>

## Skolkovo Foundation

<p><b>State (where your institution is based)</b></p>	<p>Russia</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Skolkovo Foundation</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>

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 2bis. If "other" please explain below	No opinion
3. What are the reasons for your preference?	AI is a class of information systems, which contains a lot of technologies, such as search, estimating, sorting, arranging engines, probabilistic reasoners and so on. This class is expanding, as well as some of these technologies becomes more common and useful. Therefore, one cannot derive the definition of AI based on the particular systems types or characteristics without a risk to denote each significant information systems as 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	Justice; Law enforcement; • Public administration;
4bis. If other, which areas and why?	The scale of opportunities depends on whether the society is ready to accept AI implementation in a particular area and how flexible a regulation at the area is.
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"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>Medical applications – improve healthcare efficiency and individuals' lifespan</p> <p>Antifraud – facilitates safety and the environment of trust</p> <p>Allocation of educational services – adaptive content improves education efficiency</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	<p>Creation of personalized content to facilitate comprehension and processing of complex information</p> <p>Personal assistants</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"> <li>• Justice;</li> <li>• Public administration;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Systemic risks to human rights mostly based on the deep of implementation of AI in any particular area, arising within high speed of digitalization of relations between humans and companies. High speed areas will be affected, low speed – highly likely will not. However, risks in Justice, Law enforcement and Public administration have the highest influence due to the number of cases, related to human rights, as well as the quite slow tools to enforce changes.

<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Facial recognition supporting law enforcement ; • Deep fakes and cheap fakes; Scoring / scoring of individuals by public entities; • AI applications to prevent the commission of a criminal offence;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>If one applies the law of large numbers to any application in item 16, one and the same pattern that might arise is the risk of discrimination. That is, the minority of people whose lifestyle and choices do not align with the majority is at risk of being discriminated / treated improperly (as if their lifestyle and choices are inferior)</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Normally, humans (organizations, humanity) set their strategic and short-term goals. Due to the known phenomenon of automation bias (automation complacency), AI, if unchecked, has the potential to undermine human decision-making, mislead and confuse typical approaches to collect and verify information, so to affect free agency behavior and planning. This risk is more meaningful, than other mentioned ones, especially in a long-term human-computer interaction, since the adaptation of human information metabolism to a new information multi-agencies environment with even weak AI happens slowly, compared to the speed of the growth of AI influence. Based on the speed analysis, the main risk for the humanity from AI – to distort existing public tools of finding a balance between public and private stakeholder interests by manipulation with consumer expectations, human rights expression, event selection and representation in order to increase profits of commercial agencies. All the above mentioned applications – just channels to realize that risk.</p>
<p><b>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</b></p>	<p>It is difficult to identify and classify such AI systems, but it is relatively easy to develop them. Therefore banning such AI systems will cause them being developed nevertheless, but without regulation and oversight.</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity; Freedom of expression, assembly and association; • Explainability; • Personal integrity ;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human</b></p>	<p>Justice; Law enforcement; Public administration;</p>



rights, democracy and the rule of law? <b>18bis. Other</b>	
<b>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.</b>	Indifferent/no opinion
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Adherence to self-regulatory instruments should not be declaratory but proven by concrete compliance measures.
<b>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.</b>	I rather disagree
<b>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</b>	There are attempts which to some extent cover AI, such as GDPR or Chinese guidelines for road-testing of autonomous vehicles. However, it's now premature to assess their actual impact on the industry.
<b>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):</b>	<ul style="list-style-type: none"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	There is still no approach to find a new balance between the growing influence of AI-based media providers and collaborative platforms (including social networks, news aggregators, e-market and political platforms, personal AI-based advisors, search engines, etc.) and stagnating traditional tools of providing information and collecting human intentions and contributions into joint projects. If one plans to keep the existing approach, the main risk, mentioned in point 18, will not be addressed.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	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 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 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	I fully agree

<p>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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather 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 46bis. Other</p>	<p>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;• 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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Non-binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p>47.bis. Other</p>	<p>Impact assessment procedure should cover:</p> <ul style="list-style-type: none"> <li>- risks of subverting human goal-setting, specifically for strategic goals, due to automation bias/complacency phenomenon,</li> <li>- risks of improper AI-assisted manipulation of human behaviour</li> </ul>

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Indifferent/no opinion Highly useful Indifferent/no opinion Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>To facilitate automated AI compliance monitoring, a systematic approach is needed to develop open domain-specific ontology for human rights and relevant machine-interpretable notation of relevant legal concepts.</p>
<p><b>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?</b></p>	<p>Key issue, which should be under attention of the CAHAI with respect to the design, development and application of AI systems in the context of human rights, democracy and the rule of law, is the implementation of standards and recommendations, which planned to be developed. The weakness and impracticality of the regulation of information systems in general is due to the fact that this regulation is formulated in the classical legal vocabulary, and may not be implemented without extensive human work. In the conditions of low rates of creation and development of legal relations, this weakness is balanced by the existing social and political instruments of law enforcement. But this is not the case of regulating of information systems, whose rate of development is much faster than the rate of reaction of these mechanisms, especially in the case of systems with AI elements with continuous adaptation and improvement. Difference in speeds may fully eliminate all the positive effects of regulations, since for main actors – self-developing AI systems – this vocabulary is not understandable, and the human actors operate too slow.</p> <p>Thus, another approach to law enforcement should be delivered, based on automatic compliance and safety confirmation, with minimal human participation and low cost of changes (from one side), and with sufficient details to be implemented inside information systems (from the other side). This approach may consist of open domain-specific ontology for human rights and relevant machine-interpretable notation of relevant legal concepts, which may be updated with the new data and concepts in semi-automatic modes with integrity and consistency checks both by the human researches (including centre of expertise on AI and human rights or AI Observatory for sharing good practices) and automatic reasoners. One of the most significant results of CAHAI work should be the first implementation of machine-interpretable notation to domain-specific ontology for human rights, representing main statements of the resulting documents.</p>

	<p>Comments on some points:</p> <p>19: It is difficult to identify and classify such AI systems, but it is relatively easy to develop them. Therefore banning such AI systems will cause them being developed nevertheless, but without regulation and oversight.</p> <p>23: All items in point 23 are important and debatable. Additional point to be listed separately could be "Respect for human autonomy".</p> <p>In item 25 and further, "no opinion" means opinions among 18 experts of Skolkovo Foundation have been splitted, the choice is disputable</p> <p>27 Adherence to self-regulatory instruments should not be declaratory but proven by concrete compliance measures.</p>
<b>Date of submission</b>	5/9/21 15:52:52

## Slovak National Centre for Human Rights

<b>State (where your institution is based)</b>	<b>Slovak Republic</b>
<b>Institution: Name of the institution/body/company</b>	Slovak National Centre for Human Rights
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	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)
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Simplified definition should be preferred to be broad enough to include a range of set national standards in area of AI and yet be consistent with what is employed also at the EU level. Even the updated definition provided by the EU's High-Level Expert Group on Artificial Intelligence in 2019, includes machine learning and automated decision-making as part of the scientific discipline that AI covers. Therefore, solely focusing on one aspect, for example, machine learning systems, would not sufficiently cover the wide spectrum that can be subsumed under the discipline.
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Healthcare;</li> <li>• Environment and climate;</li> </ul>
<b>4bis. If other, which areas and why?</b>	

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI could be effectively used in a number of areas which could ultimately benefit human rights, democracy and the rule of law. For instance, in the area of healthcare, AI could be effectively used to analyze population health data, support new medical discoveries, improve medical diagnosis and treatment. For example, a number of new research in this field show that AI could be effectively used when detecting early signs of lung cancer.</p> <p>AI systems could also help in preventing natural disasters and reducing disaster related to the issue of climate change. Similarly, in the area of education, it could not only increase the general availability of education, but also advance the research, focusing on improving the manner in which research is conducted.</p> <p>AI can also be used in the case of allocation of social services, where algorithms are being employed when making the decision on the eligibility for social welfare. Such processes could lead to reduction of the cost of determining the eligibility as well as it could foster the predictability.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>In terms of strengthening human rights, AI, if used efficiently and indiscriminately, can contribute towards the enforcement of human rights. For instance, in the employment sector, AI could be employed to assist in the provision of labor market services. Namely, it could monitor the activities of job seekers and assist job seekers as well as job providers to match candidates for employment with relevant job openings, therefore fostering the exercise of their employment rights.</p> <p>The role of AI in strengthening democracy and the rule of law is mainly seen in the increasing use of AI by state authorities in improving the functioning of their justice systems. AI is already used by a number of justice system across the world, not only by the judiciary but also prosecution services or other specific judicial bodies. Primarily, in the criminal justice field, AI provides investigative assistance and facilitates decision-making processes.</p> <p>In general, the potential of AI in fostering democracy and the rule of law is large. AI could transform the public services and could significantly contribute to the enhancement of public administration services, by enabling the public authorities to better identify the needs of the general public and reflect upon those needs and concerns when developing public policies.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Justice;</li> <li>• Public administration;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The use of AI systems can further deepen the existing inequalities including racial and ethnic, gender, social and economic inequalities. Given the severe impacts that judicial</p>

	<p>systems, law enforcement have on human rights institutional discrimination, any AI systems deployed in these areas have a potential to pose a great risk as well as cause a great harm. Many of the currently employed policies and practices are already entrenched with racial biases and often target persons belonging to already vulnerable and marginalised groups. Such biases will be also coded into AI systems. Mass surveillance systems, such as facial recognition and other indiscriminate biometric surveillance tools, are incompatible with human rights. These applications impact people's right to privacy, non-discrimination, freedom of expression.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 ;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Facial recognition applications supporting law enforcement can allow mass surveillance, but also to target and discriminate, thus, such application can enable discriminatory profiling. The use of biometric mass surveillance has previously resulted in the violation of data protection rules and regulations, unduly restricting individuals' rights to privacy or freedom of speech.</p> <p>In the field of criminal justice, AI applications to prevent commission of a criminal offence or those aimed at predicting recidivism can exacerbate bias. For instance, regarding the AI applications to prevent commission of a criminal offence, despite its efforts to allocate police resources to prevent crime, through a risk-based assessment, such use of machine learning for risk scoring of individuals can often further deepen the existing bias that is aimed at mitigating.</p> <p>In addition, scoring of individuals by public authorities can increase inequalities in exercise of social and economic rights. Especially alarming group are persons from marginalized groups, which are disproportionately at risk as AI applications and scoring systems used for analyzing their performance might impact their right to work, right to education or rights to social security.</p> <p>Using AI systems to assign a risk score to individuals, or to predict the risk of a certain occurrence i.e. the risk of an elderly person requiring care, the risk of a person remaining unemployed. The risk analysis can give rise to discrimination in a way which can have a significant effect on the enjoyment of such human</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>The above-mentioned list of applications is not exhaustive and given the rapidly evolving field of AI, new applications are constantly introduced in various different fields that might potentially have an impact on the enjoyment of human rights and thus, also represent a risk to human rights, democracy and rule of law. Due to the ways AI has evolved from existing technologies, it may introduce new problems to consider, with huge impacts for accountability and reliability. One of the most significant risks posed by AI can be observed in the field of criminal justice, where new applications might encourage bias. For example, in the area of predictive policing, evaluation whether or not a crime will</p>

	occur based on algorithmic risk assessment tools might exacerbate bias.
<b>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</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Subject to moratorium
<b>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?</b>	Respect for human dignity;Equality;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;
<b>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</b>	Justice;Law enforcement;Public administration;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Equality and human rights due diligence including equality and human rights impact assessment and obligations for equality mainstreaming throughout the development and use of AI systems.
<b>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.</b>	I rather disagree
<b>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</b>	While the existing international, regional and national legal framework provides rules to promote and seek remedy for violations of human rights, the new features of AI systems require strengthening of the existing legal framework and or development of a new legal instrument, including a binding definition of what AI is. In terms of the strengthening of the



<p><b>systems to ensure compatibility with the standards for human rights, democracy and the rule of law</b></p>	<p>legal framework, for the protection of the principle of equality against risks posed by AI systems, the existing legal framework needs strengthening of primarily legal provisions on enforcement and possibilities for redress (e.g. possibilities for lodging a collective complaint), the encouragement of independent application of Article 14 of the European Convention on Human Rights; strengthening the protection against new forms of discrimination (intersectional and structural discrimination, proxy-based</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>The uses of biometrics, including facial recognition and other arbitrarily targeted uses of biometric, which are used with an objective violating the principle of equality and other human rights shall be banned. The ban should cover uses of biometrical identification techniques such as predictive policing, all biometric mass-surveillance practices, namely facial recognition applications, automated recognition of sensitive traits such as gender identity, race and disability, risk assessment tools for criminal justice and autonomous weapons.</p> <p>In terms of the existing regulations, it is important to introduce a requirement that public and private sector companies should take measures to ensure respect for human rights (e.g. mandatory equality and human rights impact assessments). This is especially important for AI systems as they are mainly developed (and often deployed by private sector companies). However, similar regulation should also be in place for the development and the use of AI systems in public administration, or in general, by public authorities should be regulated. Additionally, such use should be documented in public registers.</p> <p>It is also essential to introduce mandatory equality duties for AI designers, developers and end-users, which includes also rigorous transparency requirements. Non-discrimination and equality is a horizontal, cross-sectoral human rights concerns with regard to the risks that AI systems pose in the context of human rights, democracy and rule of law. Therefore, it needs to be addressed through appropriate, correspondingly horizontal and cross-cutting approaches based on equality mainstreaming tools. Equality duties are a provenly effective instrument in the “equality mainstreaming” toolkit, and in different forms and with various modifications, have been successfully implemented in several different jurisdictions.</p> <p>Lastly, it is essential to 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</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>

<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>It is necessary to establish effective and dissuasive sanctions for AI designers/developers/deployers for harm caused, failure to comply with equality and human rights due diligence requirements, including impact assessment and monitoring of equality duties; non-compliance with banned uses of AI. Inputs by independent equality and human rights specialised institutions, such as equality bodies, should be mandatory for assessing the equality and human rights-related aspects of liability. Their contribution should be harmonized with inputs from other relevant authorities such as consumer protection and data protection bodies, who assess other aspects of AI-related harm and hence liability. The entire coordinated multiple-actor procedure should render one comprehensive liability assessment.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Audits and intersectional audits;</li> <li>Continuous automated monitoring;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>It is important to create institutional mechanisms for the inclusion and participation of underrepresented, hard-to-reach or otherwise marginalized civic voices, whether through civil society organizations, human rights regulators like equality bodies or through mechanisms for direct input by citizens. In other words, continuous and sustainable feedback loops for inputs from potential or actual “victims” of AI-enabled technology should be incorporated on a permanent basis in CoE’s regulatory framework on AI and human rights</p>
<p><b>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?</b></p>	<p>In context of policies and measures for preventing and mitigating risks to human rights, democracy and the rule of law arising from AI systems, regulation should also include legal obligations that address the needs for digital and human rights education (for both those affected by and those developing and supplying AI systems) and for mandatory and coordinated oversight over the financing of AI systems.</p> <p>It is therefore necessary to emphasize the strengthening of skills and education on equality of both developers and users of AI systems, and potential victims of AI-enabled discrimination. Similarly, it is also important to address the financing of Research &amp; Development and scientific innovation, which underpin and enable AI development. Financing of R&amp;D and scientific innovation can and should</p>

	be addressed in the future CoE legal instrument for regulating the design and development of AI systems, as these stages in the life cycle of AI systems (i.e. design and development) are most immediately and most directly reliant upon scientific advances and innovation.
<b>Date of submission</b>	5/11/21 10:16:33

## SOLIDAR Foundation

<b>State (where your institution is based)</b>	<b>Belgium</b>
<b>Institution: Name of the institution/body/company</b>	SOLIDAR Foundation
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	A definition focusing on automated decision-making
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Civil society organisation AlgorithmWatch defines automated decision-making systems ("ADM") as "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 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."
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Other;</li> </ul>
<b>4bis. If other, which areas and why?</b>	Searching and sorting through information (e.g., search engines that use automation to suggest the most relevant information), provided that they prioritise news worthiness, elevate minority and marginalised voices, downgrade mis/disinformation

	<p>and take measures to mitigate bias in algorithms. As with all AI systems, algorithmic-driven search engines often perpetuate biases and stereotypes (“garbage in, garbage out”), disproportionately impacting minority and marginalised groups.</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>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) AI applications for personalised media content (recommender systems): AI-driven systems have the potential to promote human rights by moderating and curating incredibly large amounts of content that is posted daily. Algorithmic content moderation and curation can make the experience more enjoyable for users by dealing with harmful or problematic content that human moderators cannot manage at such a large scale. Unfortunately, the way that AI-driven content moderation is done today often harms users (especially the most vulnerable ones) instead of benefiting them. Indeed, most algorithmic content curation systems are optimised for prolonging online engagement (with the end goal of increasing revenue from targeted advertising), thereby prioritising sensational (and often harmful) content and amplifying powerful voices. Other troubling concerns relate to</p>

	<p>the limited accuracy of these systems, unjustified impacts on freedom of expression through overly broad content take-downs and silencing minority voices, as well as perpetuating biases and stereotypes (“garbage in, garbage out”). It is extremely difficult (if not impossible) to rightfully grasp and interpret local contexts in which online content is being generated at such large scale. For these systems to be truly beneficial, they must instead be optimised for promoting human rights, rule of law, and democracy (e.g. by amplifying human rights campaigns, minority and marginalised voices, press and media, plurality of views, etc.). Social media platforms must urgently provide meaningful transparency into how these systems operate and make decisions. Among other things, social media platforms must reduce data collection and processing, invest in better training content moderators and data labellers, improve the efficiency of these systems for nondominant Western languages and contexts, and take measures to reduce bias and discriminatory outcomes which perpetuate stereotypes (e.g. by improving the diversity of datasets on which models are trained)</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>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), migrants or refugees, members of religious minorities, LGBTQ, disabled, or of lower socioeconomic class, among others – yet disaggregated data can be helpful in promoting gender equality. That being said, any use of an AI-driven tool for affirmative action must also be accompanied with other non-technical strategies to raise awareness against gender inequality and gender-based violence and promote women’s empowerment. As with all AI systems, existing social inequalities get coded into the technology (“garbage in, garbage out”) and any use of these systems must be handled with extreme care and scrutiny</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Education;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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) 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</p>

	<p>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 color (BIPOC), will be coded into AI systems. This will make processes and the outcomes even more opaque, while falsely appearing to be 'objective'.</p> <p>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, detain and deport refugees and migrants. Algorithmic risk assessment tools or predictive policing, which are also biased against racial and ethnic minorities, lead to increased incarceration of BIPOC.</p> <p>The existent structural inequality, discrimination and racism in the European societies can be replicated and further exacerbated by the introduction of AI in law enforcement or education. Education is already suffering from academic achievement gaps across different societal groups, from early school leaving, and it represents a sector which serves to build up the capacity of learners to be active citizens in society. AI in this field would exacerbate the inequalities but it would also frustrate the educational process as disenfranchised groups might be excluded or minorities might have to be subjected to standards applicable to the majority of the student body in ways that would promote the existent inequalities even in learners' conceptualization of what is to be expected from education. The way AI has been used in education to determine admissions to higher education or to determine the end results of secondary education just shows how disadvantaged learners were further affected by these algorithms.</p> <p>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><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• Facial recognition supporting law enforcement</li> <li>• Scoring / scoring of individuals by public entities;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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 a 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</p>



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 the aforementioned, 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 and 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.

1. AI applications determining the allocation of educational services: AI disproportionately affects the people with a lower socio-economic background, limiting the educational opportunities that they have and perpetuating their disproportionate push towards VET rather than higher education. Moreover, this has clearly been the case in the way the UK government has used AI to replace final examinations for secondary education. The result were many students coming from schools in disadvantaged environments have seen their final grades downgraded , limiting their chances of accessing their preferred university choices.

2. AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities: AI systems would replicate certain biases, evaluating the results based on the fact that minority learners or disadvantaged learners might experience certain conditions in their life that impact their academic achievement. The AI use to evaluate academic results can be biased because of indiscriminately inputting data on the results of the students which will lead into the replication of these inequalities.

3. 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.

4. Scoring / scoring of individuals by public entities – Can increase inequality in access to and enjoyment of basic social and economic rights. Persons from lower socioeconomic classes and/or marginalised groups are disproportionately at risk, as AI-driven scoring systems impact their right to education (e.g. 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), right to work (e.g. algorithmicdriven hiring tools or performance assessment tools; emotional analysis in the workplace to measure

	employees' level of engagement, etc.), and right to social security, among others.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice
<b>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</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Subject to moratorium
<b>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?</b>	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> <li>Freedom of expression, assembly and association;</li> <li>• Non-discrimination;</li> <li>Privacy and data protection;</li> <li>Respect for human dignity;</li> </ul>
<b>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</b>	Justice; Law enforcement; Education;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Continuous, inclusive, and transparent human rights due diligence
<b>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.</b>	I rather disagree

<p><b>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</b></p>	<p>-</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>Requiring public registers documenting the use of AI systems in public spaces and/or by public authorities.</p> <p>b) Establishing rigorous transparency requirements for AI designers, developers and endusers.</p> <p>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.</p> <p>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).</p> <p>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><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>

<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes

<p><b>44. If yes, what aspects should be covered?</b></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 changes are made to ensure that the design and/or use of the AI system is rights-respecting.  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.  e) Sanctions of AI designers/developers/deployers for deploying an AI system that has been banned.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful  Rather useful  Highly useful  Highly useful  Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument  No opinion  Binding instrument  Binding instrument  Binding instrument</p>
<p><b>47.bis. Other</b></p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>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><b>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?</b></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><b>Date of submission</b></p>	<p>4/22/21 16:14:12</p>

## Soroptimist International of Europe

<p><b>State (where your institution is based)</b></p>	<p>Switzerland</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Soroptimist International of Europe</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Civil society</p>
<p><b>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</b></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?	Defining AI by focusing only on machine learning systems would be too restrictive as not all applications of AI are based on machine learning. (Some systems are less complicated and are rule-based.) It is best to opt for a technologically neutral definition because the definition of Artificial Intelligence could change and evolve over time.
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"> <li>• Healthcare;</li> <li>• Environment and climate;</li> </ul>
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"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	<p>The medical field is one of the domains that has shown a lot of progress in diagnosing medical conditions with the use of Artificial Intelligence. The AI systems used in healthcare have demonstrated the ability to detect new forms of diseases and conditions. Moreover, with the existing diseases and conditions we can see that AI is able to work faster and more accurately. The way AI systems are used in healthcare makes it less susceptible to create (unfair) bias and discrimination. For example, in other domains like recruitment and applications aimed at predicting recidivism, the system usually builds on historic data, which is often incorrect, incomplete, and/or full of biases.</p> <p>Moreover, it is a complex task for an AI system to make predictions on factors that cannot directly be translated to a mathematical equation. When trying to mathematically calculate the risk or score of recidivism, it is possible that the data and the formulas lead to inaccurate results. This is less of a possibility within the healthcare sector and with solutions on climate change because there is more data to work with, the data available isn't as biased and these elements are calculable.</p> <p>So, the application of AI in healthcare ultimately benefits human rights, democracy and the rule of law because it widens the spectrum for patients and doctors. As an example, the use of AI systems could help with closing the data gap between women and men and reducing other existing inequalities by collecting sufficient data.</p>
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	x
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"> <li>• Social networks/media, internet intermediaries</li> <li>• Justice;</li> <li>• Public administration;</li> </ul>

**9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.**

AI models are already extensively used for social networks/media and internet intermediaries. There are many AI applications that monitor user activity and data, and process this with use of Machine-Learning models for purposes of (for example) predictive analysis, consumer engagement and targeted advertisements. Social networks inherently contain a lot of data and data is extremely valuable for AI models. So, networks make great use of this data. But it's possible that this data could be misused or inordinately processed which could be violating human rights and the rule of law like the prohibition on discrimination and the right to privacy. Due to the use of AI models for e.g., targeted advertisement it happens that one person could face discrimination when he or she is not shown the same advertisement leading to a gap in opportunities and offers or when the choice for that advertisement is based on stereotypes and other incorrect assumptions. Another issue with social networks is that there is a lack of transparency when it comes to the use and processing of (personal) data. Networks do not extensively reveal how data is collected and used, how it is processed, what the results of this processing are, and what these results are used for. Moreover, if deep learning techniques are used, it is possible that even the developers are unaware of the machine's decision-making process, due to the so-called 'black box effect'. And despite the right to access your data under the GDPR, the user is often unaware of how data is used which means that when there is a breach of law, the user likely does not know that there is a breach and how to seek an effective remedy. Moreover, there have been many instances that came to light where the use and processing of personal data breached data privacy laws.

AI systems in judicial institutions do speed up the judicial process and this saves time, consequently reducing costs not only for judicial institutions but also for the public. However, as we have seen with previous instances, AI systems used for justice often build on historical data (police files, previous court decisions, statistics on crimes, social groups, etc.). And this data can be incorrect, biased, or misused leading to wrong conclusions. AI systems used in (criminal) justice that bake in and deploy these biases form greater risks for people directly affected and involved and affects the justice system and the rule of law. Incorrect decisions based on the conclusions of AI models could potentially cause harm, affecting a person's human rights like the right to a fair trial and the right to liberty and security. Machines are not aware of human rights and the inaccuracies that cause harm in a social context, so human control and oversight is still of the utmost priority. In essence, the interpretation and application of law and the potential violation of human rights still requires human evaluation. Even with existing biases in historical data, the chances of ending the cycle of inequity are greater when humans can bend over these cases instead of an AI system.

In the hands of an autocrat, the most dangerous of AI are those that permit rapid consolidation of power without leaving civil society a chance to react.



<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Scoring / scoring of individuals by public entities;• Deep fakes and cheap fakes;• AI applications in the field of banking and insurance;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>These applications have the risk of harming individuals and thus violating human rights, democracy and the rule of law because of their negative impact and the risks that could happen with misuse of these applications. The scoring of individuals could be considered unnecessary and disproportionate in a democratic society and could lead to discrimination. The deep fakes and cheap fakes could negatively impact a human's life when this application is misused. It could breach the right to privacy.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>x</p>
<p><b>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</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Equality;Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b></p> <p><b>18bis. Other</b></p>	<p>Justice;• Social networks/media, internet intermediaries ;Public administration;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>

<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>  <b>21bis. Other</b></p>	<p>Ethics guidelines</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>The GDPR is an effective instrument that regulates the use of AI systems when this involves the use and processing of personal data. There are precise rules and principles that aim to protect personal data and the right to privacy, transparency, and the right to access. Similarly, it involves clear rules on the transfer of personal data and how this should fit the data protection standards of the EU. With the worldwide use of data this is an important aspect that seeks to protect European citizens against breaches beyond national borders.</p> <p>In the United States there are several similar data protection regulations adopted that are (loosely) based on (or similar to) the GDPR like the California Consumer Protection Act, the Washington Privacy Act, and the Virginia Consumer Data Protection Act. Just like the GDPR they protect consumers rights like the right to access, deletion, non-discrimination, and the right to opt out of processing for targeted advertisement and the limited use and disclosure of sensitive personal information.</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• 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;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>There are legal gaps in the field of AI regulations when it comes to clarifying the rules to developers and deployers of AI systems because it is difficult to translate legal rules to a technical solution. For example, it is difficult to translate the aim of creating fair and unbiased AI into technical fairness solutions. Thus, developers and deployers could have a hard time knowing what they must do to improve an AI model.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I rather agree</p>

<b>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.</b>	I rather agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree

<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather not useful Highly useful Highly useful Rather not useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;• Regulatory sandboxes;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>

<ul style="list-style-type: none"> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	
<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"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<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>Law and technology are fields that are inherently different but currently they're showing more overlap with the use of technological advancements that impact companies, organisations, governments and individuals. Despite the success of the GDPR and its encapsulation of protecting personal data that extend beyond borders, it remains a challenge for companies and organisations working with AI systems to understand the rules and regulations and to be able to apply them correctly. It is important to understand that the design of algorithmic systems does not easily allow for the programming of ethical and/or human rights concepts. For example, fairness measures must be incorporated through a mathematical formula which is quite complicated. There are AI fairness solutions out there that could eliminate discrimination and protect human rights, but these solutions are not foolproof, and the industry is still finding a way to create effective solutions without compromising business objectives. Another issue to point out is the value of training and historical data. Private institutions that work with AI systems could have a hard time accessing correct and sufficient data for their AI systems. Once these data are 'polluted', the systems could create incorrect and possibly damaging outcomes that could impact human rights and, for example, enlarge gender inequality.</p>

Date of submission	5/6/21 23:01:53
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## Stakeholders Foundation, Electronic Governance Research and Innovation Foundation, Consocio

State (where your institution is based)	Cyprus
Institution: Name of the institution/body/company	Stakeholders Foundation, Electronic Governance Research and Innovation Foundation, Consocio
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	The focus should be on the legal framework itself, its history, and its purpose.
3. What are the reasons for your preference?	Definitions do not provide the necessary substance for an object defined in future or present tense.
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"> <li>Public administration;</li> </ul>
4bis. If other, which areas and why?	Electronic 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"> <li>AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Reward benevolent behaviour.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Incentive 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"> <li>Justice;</li> </ul>

<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Being given abstract status.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 diagnoses</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Not accountable.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Laws.</p>
<p><b>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</b></p>	<p>Rebooted</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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?</b></p>	<p>Freedom of expression, assembly and association;Privacy and data protection;• Legal certainty;• Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  <b>18bis. Other</b></p>	<p>all areas possibly affected;</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>Indifferent/no opinion</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b></p>	<p>Ethics guidelines</p>

<b>21bis. Other</b>	
<b>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.</b>	Indifferent/no opinion
<b>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</b>	control & dominance
<b>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):</b>	<ul style="list-style-type: none"> <li>• They lack specific principles for the design, development and application of AI systems;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	need to use AI
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a</b>	I fully agree



particular way of life or opinion (e.g. “social scoring”).	
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	With regard to the status of the entity, being representative of the physical reality.

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Audits and intersectional audits;• Certification and quality labelling;• Regulatory sandboxes;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul> <p><b>Continuous automated monitoring</b></p>	<p>Binding instrument No opinion Binding instrument No opinion Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Legal mechanisms analyzed by AI and for which the results are open to inform citizens of democratic states.</p> <p>No opinion.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul> <p><b>Establishing a centre of expertise on AI and human rights</b></p>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Funding</p>

<b>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?</b>	War Machines
<b>Date of submission</b>	4/23/21 8:51:08

## Stanford Global Digital Policy Incubator

<b>State (where your institution is based)</b>	California, US
<b>Institution: Name of the institution/body/company</b>	Stanford Global Digital Policy Incubator
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Many entities assume only narrow/specific applications of AI are relevant to policy debate. Others recognize the existential threat on the horizon from AGI/general AI, because implications for human autonomy and agency. All of these concerns are relevant but it will be hard to agree on words that capture all these types of AI. That said, laying out the types of concerns about different types of AI would be useful.
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> </ul>
<b>4bis. If other, which areas and why?</b>	progress on SDGs
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Application to social and economic rights seem most promising. Concerns relates primarily to civil and political rights

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Any applications for anticipating and preventing climate change</p>
<p><b>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</b>  <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• National security and counter-terrorism;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Biggest concerns in law enforcement and justice system are lack of due process due to inherent opacity of AI systems, and risk of violations of to the rights of equal protection and nondiscrimination - due to reliance on skewed data sets.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;  <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Scoring / scoring of individuals by public entities;</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>AI applications aimed at predicting recidivism ;</li> </ul> </p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>These applications have the greatest potential to undermine human agency, autonomy, liberty.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI-based text generation could make exacerbate the disinformation threat and quicken the general erosion of trust in the information realm</p>
<p><b>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</b>  <b>13bis. Other</b></p>	<p>Not banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity;  <ul style="list-style-type: none"> <li>• Non-discrimination;</li> <li>Privacy and data protection;</li> <li>Freedom of expression, assembly and association;</li> <li>• Explainability;</li> </ul> </p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  <b>18bis. Other</b></p>	<p>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.	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	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	The most important foundation for international governance of AI is the existing international human rights law framework. We need to develop legal doctrine on how to apply it to AI but we do not need a new normative framework or set of principles. AI-related challenges should be addressed through better articulation of how to apply existing IHRL.
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	YES - because COE can help lead internationally
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	I fully agree

proceedings are reviewed by a “human” judge.	
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I rather agree

<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Indifferent/no opinion Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Audits and intersectional audits;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>

- 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?	COE should address the geopolitical dynamics: 1) erosion of confidence within democracies with respect to the feasibility of adhering to human rights law and principles in the digital context; 2) authoritarian interest in undermining the relevance and applicability fo the IHRL framework in 21st century digital society.
Date of submission	4/30/21 2:24:09

## State Chancellery (Republic of Moldova)

State (where your institution is based)	Republic of Moldova
Institution: Name of the institution/body/company	State Chancellery
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?	Simple, accessible, and easy to understand by a large group of people.
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;• Healthcare;• Environment and climate;
4bis. If other, which areas and why?	-



<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications determining the allocation of social services;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Medical applications for faster and more accurate diagnoses, AI applications to predict the possible evolution of climate change and/or natural disasters and AI applications determining the allocation of social services could better insure the right to life and health, social protection, living in safe environment. Applications to promote gender equality can contribute to eliminate gender discrimination, combat gender stereotypes and help at collecting quality disaggregated data. Automated fraud detection can prevent corruption and unlawful use of resource, moreover contributing to transparency in decision making.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI applications determining the allocation of educational services could also be helpful while developing talents and potential of a person and enhancing and strengthening its capacities.</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Welfare;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Justice and welfare are rather subjective aspects to be managed by AI systems, since the multitude of particularities to be considered is yet early to be analyzed by an AI. These applications impact negatively to the realization of such rights as the right to fair trial, private life, freedom for movement and the rights to elect and to be elected. Interference in social networks/media, internet intermediaries is generating the risk of infringement of the right to opinion and personal privacy.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;</p> <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• Deep fakes and cheap fakes;</li> <li>AI applications aimed at predicting recidivism ;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Selected applications lead to infringement of the right to personal life. Thus. Emotional analysis in the workplace to measure employees level of engagement is subjective, regardless of the broadness of the range of indicators set to measure it, deep fake and cheap fakes are a serious instrument to be let available uncontrolled. The last can and is already being used to manipulate opinion and "the crowd". Applications aimed at predicting recidivism, again, are subjective. Any person, even convicted based on undoubtful proof and evidence must be given a second chance.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Facial recognition supporting law enforcement, scoring / scoring of individuals by public entities, AI applications for personalized media content (recommender systems) and recruiting software/ AI applications used for assessing work performance can be listed among those representing a significant risk to human rights.</p>
<p><b>13. In your opinion, should the development, deployment and use of AI systems that have been proven to</b></p>	<p>Regulated from the perspective of setting limits</p>

<b>violate human rights or undermine democracy or the rule of law be 13bis. Other</b>	
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Equality; • Non-discrimination; Privacy and data protection; • Legal certainty;
<b>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</b>	Justice; Banking, finance and insurance; Public administration;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather agree
<b>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</b>	-

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 rather agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>AI systems, both before and after their development, deployment and use, should comply with the Council of Europe's standards on human rights, democracy and the rule of law.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Regulatory sandboxes;</li> <li>• Certification and quality labelling;</li> </ul>

human rights, democracy and the rule of law 46bis. Other	
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument
47.bis. Other	Continuous automated monitoring should be reviewed, upon request, by a human.
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"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	Highly 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	5/6/21 11:20:41

## State Corporation "Rostec"

State (where your institution is based)	Russian Federation
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<b>Institution: Name of the institution/body/company</b>	State Corporation "Rostec"
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	The choice is due to the fact that the goal of the totality of sciences, theories and technologies in the cognitive approach is to understand how a person deciphers information about reality and organizes for comparison, decision-making and many tasks of purposeful behavior, solving traditional problems using methods that take into account cognitive aspects, which include the processes of perception, thinking, cognition, explanation and understanding. The cognitive approach in any subject area focuses on "knowledge", on the processes of its presentation, storage, processing, interpretation and production of new knowledge.
<b>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</b>	Banking, finance and insurance;• Environment and climate;• Public administration;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• 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;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	This application of AI will have a positive impact on human rights, democracy and the rule of law by providing a more accurate assessment of the state of affairs in this particular area and the best options for overcoming the problem.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	The use of AI in the development of smart cities, smart industries will help strengthen the human rights to comfortable living and work.
<b>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</b> <b>8bis. Other</b>	• Social networks/media, internet intermediaries ;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The imperfection of the algorithms for ensuring communication with the public, the media, Internet

	intermediaries can lead to the formation of erroneous conclusions.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The imperfection of algorithms for emotional analysis in the workplace to measure the level of employee engagement can lead to the formation of erroneous conclusions and violation of employee rights.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Any use of AI requires an analysis of possible risks to human rights, democracy and the rule of law, in the presence of risks, procedures for their neutralization should be formed, and if it is impossible to neutralize the use of AI becomes unjustified.
<b>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</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	<ul style="list-style-type: none"> <li>• Social security;</li> <li>• Non-discrimination;</li> <li>Privacy and data protection;</li> <li>• Legal certainty;</li> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> </ul>
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>Public administration;</li> </ul>
<b>18bis. Other</b>	
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	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 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	Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS N 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"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
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 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 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	I rather agree



particular way of life or opinion (e.g. “social scoring”).	
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I rather agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	

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

<b>of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</b>	
<b>Date of submission</b>	4/30/21 11:16:24

## Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)

<b>State (where your institution is based)</b>	France
<b>Institution: Name of the institution/body/company</b>	Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI)
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	While strictly speaking AI is about machine learning, in practice the frontier between AI and automated decision-making is porous and not very relevant for regulation (in particular in the field of discrimination/equality).
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Public administration;</li> <li>Social networks/media, internet intermediaries ;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• AI applications determining the allocation of social services;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Medical applications – right to life, evolution of climate – right to safe environment, right to education, social rights. While some of the listed applications pose problems with regard to equality, algorithms and AI can also be used to detect discrimination in human or machine-enhanced decisions.

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>One application which is important but is not mentioned is the automatic detection and removal of hate speech and other illegal or harmful content online.</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Welfare;</li> <li>• Employment;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Law enforcement AI applications can be based on previously biased data (on racial and other minority grounds), in welfare mostly on grounds of poverty/social social origin, and in employment on grounds of social origin, national origin, mother tongue, religion...and lead to direct or indirect discrimination on protected grounds.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 determining the allocation of social services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Most of the above-listed applications pose problems with regards to equality and non-discrimination, either because of built-in bias or because of the purposes for which they are used. Facial recognition does not properly work for non-white faces, it can be used to detect protected characteristics such as sexual orientation, in employment/recruitment applications postal code, place of birth and other types of data can lead to biased results, applications on social media (recommender applications) can amplify stereotyping, prejudice and hatred, customs applications can have in-built bias on grounds of nationality etc.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Applications predicting terrorism acts based on a person's online activity and communications, applications establishing potential criminal profiles by combing general population's online activity and communications. Applications to micro-target voters with misinformation based on micro-profiling.</p>
<p><b>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</b> 13bis. Other</p>	<p>Subject to clear and well-enforced regulation as well as to human rights impact assessment prior to introduction, and registration after introduction; also their use should be clearly notified to us-ers/clients. Any actual use of such technologies in violation with human rights should not be allowed (i.e. the use and not the technology itself).</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<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?	Respect for human dignity; Equality; Freedom of expression, assembly and association; • Non-discrimination; • 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; employment;
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 charters with independent complaint mechanisms and enforceable penalties
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"> <li>• 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;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Reversal of the burden of proof for discrimination offences. Liability conditions for discrimination cases occurring via AI.
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

<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I completely disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Reversal of the burden of proof for discrimination cases</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; • Audits and intersectional audits;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Highly useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/28/21 8:58:36</p>

## Susana Gaio Lawyers

<p><b>State (where your institution is based)</b></p>	<p><b>Portugal</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Susana Gaio Lawyers</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Private business sector</p>
<p><b>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</b></p>	<p>A definition focusing on machine learning systems</p>
<p><b>2bis. If "other" please explain below</b></p>	
<p><b>3. What are the reasons for your preference?</b></p>	<p>AI is not a reproduction if human beings but only have machines with better skills, namely some like humans.</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	Justice;
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"> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	It is where the bias can be better tested! The mindset of promoting equality will spread for other discrimination fields, and will create a more equalitarian society, where democracy will be respected more easily
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	The ones that analyze corruption and efficiency of the judicial systems or also of the electoral process
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"> <li>• Social networks/media, internet intermediaries ;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	In those fields we have the tendency to treat humans as an avatar and sometimes forget they are humans, which could lead to human rights violations.
10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law	Smart personal assistants (connected devices);
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	In the way we tend to make AI seem like humans and they aren't
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	distribution of essential goods and services
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	Be better implemented
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:	Subject to moratorium
16. In your opinion, should the development, deployment and use of AI systems that pose high risks with	Subject to moratorium

low probability to human rights, democracy and the rule of law be:	
<b>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?</b>	Privacy and data protection;• Possibility to challenge a decision made by an AI system and access to an effective remedy;Respect for human dignity;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Law enforcement;Customs and border control;Welfare;•
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Non voluntary
<b>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.</b>	Indifferent/no opinion
<b>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</b>	Don't know
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather disagree

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 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 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 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 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.	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. 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?  - 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	Continuous automated monitoring;
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.  - 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 Binding instrument Binding instrument Binding instrument
47.bis. Other	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>4/23/21 9:16:12</p>

## Swedish Gender Equality Agency

<p><b>State (where your institution is based)</b></p>	<p>Sweden</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Swedish Gender Equality Agency</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></p>	<p>Other</p>
<p><b>2bis. If "other" please explain below</b></p>	<p>There is no generally accepted definition. Listing typical properties of artificial intelligence would be a better way to define it. Autonomy and adaptivity are such qualities.</p>

<p><b>3. What are the reasons for your preference?</b></p>	<p>Listing typical properties of artificial intelligence would be a better way to define it. Autonomy and adaptivity are such qualities.</p>
<p><b>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</b></p>	<p>Welfare;• Healthcare;• Banking, finance and insurance;</p>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<p>• AI applications to promote gender equality (e.g. analytical tools);</p>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>By promoting gender equality in existing and future application of data-driven technologies and artificial intelligence (AI), can equality be achieved for all, women and men, girls and boys.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>No comment.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<p>• Banking, finance and insurance;• Healthcare;• Social networks/media, internet intermediaries ;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Media – disinformation, discrimination Banking – Inequality and discrimination Helthcare – Diagnosis, discrimination</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>• Deep fakes and cheap fakes;Scoring / scoring of individuals by public entities;• Automated fraud detection (banking, insurance);Facial recognition supporting law enforcement ;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Deep fake – A threat to democracy and fuel to disinformation. It can erode our trust in democracy Facial recognition – A risk that it will lead to mass surveillance that violate the right to privacy and threaten the rights to freedom of peaceful assembly and expression. Facial recognition risks being weaponized by law enforcement against marginalized communities. Scoring - They construct different kinds of people where there are in reality only 'different properties' of people. Fraud - violation of individuals' privacy. A risk that it will be exclusively targeted at neighborhoods with mostly low-income and minority residents.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Advanced forms of cyber-attacks</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>No opinion</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:	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?	<ul style="list-style-type: none"> <li>• Non-discrimination; Privacy and data protection;</li> <li>• Transparency; Respect for human dignity;</li> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> </ul>
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; Welfare
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	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	No comments
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	<ul style="list-style-type: none"> <li>• 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;</li> </ul>

<b>regulate AI systems (select all you agree with):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Make sure that government and others don't use AI systems that reproduce or create gender equality
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding</b>	I fully agree



norms in the sphere of human rights, democracy and the rule of law.	
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 regime in relation to AI applications?	Yes
44. If yes, what aspects should be covered?	No comment.
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather not 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	• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>No comment.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>No comment</p>
<p><b>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?</b></p>	<p>AI must not discriminate, reproduce inequality between women and men, nor reproduce existing inequality between women and men. To avoid this, future and existing AI solutions need gender mainstreaming.</p>
<p><b>Date of submission</b></p>	<p>29/04/2021 22:01:43</p>

## T GARANTI BANK

<p><b>State (where your institution is based)</b></p>	<p><b>TURKEY</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>T GARANTI BANK</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>

<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Technologically neutrality is the safest way for any definition and there is no major reason requiring a detailed definition.
<b>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</b>	Banking, finance and insurance; Justice; • Healthcare;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• Deep fakes and cheap fakes; • AI applications in the field of banking and insurance;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	As technology improves, fraudulent activities also improves and hence these fraud attacks results less trust to the services and to the firms behind these services. Deepfake is one of examples of these fraudulent attempts since face authentication is used for digital onboarding. Because of deepfake attack scenarios, the owner of the services need to develop antifraud rules, develop more capable liveness controls etc. And no one can be sure about its liveness control with a hundred percent. These are loss of efficiency, (software developments require more time to have a good liveness detection algorithm instead of developing a beneficial thing), less user satisfaction, increase false rejects and at the end this cause bad user experience. Using AI in deepfaking should be prohibited severely and immediately.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	A global criminal database may help for this.
<b>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</b> <b>8bis. Other</b>	No opinion;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	No opinion
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	• Deep fakes and cheap fakes;

11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	In banking sector deepfake results to deceive know your customers rules.
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	No opinion.
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; Privacy and data protection; 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; • Healthcare; 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	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 agree

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

<b>competent public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I completely disagree
<b>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.</b>	I completely disagree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	No comment.
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Highly useful Highly useful Highly useful Highly useful Highly useful

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Audits and intersectional audits;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion No opinion No opinion No opinion No opinion</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>30/03/2021 15:34:37</p>

## Tarsens Ar-Ge San. Tic. Ltd. Sti.

<p><b>State (where your institution is based)</b></p>	<p>Turkey</p>
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<b>Institution: Name of the institution/body/company</b>	Tarsens Ar-Ge San. Tic. Ltd. Sti.
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	A definition focusing on machine learning systems
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Today, these systems are stupid. But tomorrow, with the advancement of Quantum Computers and huge (almost infinite, compared to today's systems) RAM capabilities, these machines will takeover control. We must be ready for them. Remember 3 Laws of Robotics (some say it is 4).
<b>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</b>	Banking, finance and insurance; Law enforcement; Justice;
<b>4bis. If other, which areas and why?</b>	Any sufficiently trained AI system will help humanity in any area possible. Including spirituality, food security and others.
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of social services;</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	simple, humans are biased creatures. although, of course, any AI trained by humans are expected to become biased. but a crowdsourced data (or labeling) will and might become equal across the board, so those systems will benefit human rights, democracy, law, healthcare, education and so on.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	mostly education. because, 200 years ago, when luddites started breaking down machines, they were just common folk, undereducated, underpaid and put it mildly, ignorant. AI will help to educate all people with standardized tests and verify answers accordingly to "make" people "learn" simple stuff, such as, AI is good and it is here to help us.
<b>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</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Banking, finance and insurance;</li> <li>•</li> </ul>
<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	it is all about power. if you are powerful being, and have data against a certain percentage of the population, you can "ignore" them in the system and make them unemployable and this is unjust. also, banking & finance & insurance is mostly builds upon scam. today most of the



	insurance claims are going to scam artists but innocent people are really suffering from theft, fire, flood, pandemic and other disasters can't claim what they are paid. another aspect is election monitoring, can you actually believe a 3rd world country would employ AI for election monitoring? I don't think so. AI must replace dictators.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ; • Emotional analysis in the workplace to measure employees' level of engagement; • Deep fakes and cheap fakes; • AI applications to prevent the commission of a criminal offence; AI applications aimed at predicting recidivism ;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	well, the main problem is of course deep fakes. "if" you can collect enough videography of an individual from the web, and combine those information with some GANs, you might create an almost perfect deep fake of that person, and there is almost no way you can verify that person actually saying or "not" saying those words. 2FA or multifactor authentication of each individual's digital representation is also a privacy issue, I'm sure there'll be another way to verify the existence of "that" face & voice will become possible.  another issue is sociopaths and psychopaths. those low life forms will cheat any system to achieve what they want and an underdeveloped AI might become their target for easy money/status.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	as I mentioned on 17th question, an unverified digital existence is a significant risk to human rights. All people must have multi-factor authentication for each "digital" existence (skype conversation, zoom session whatever)
<b>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</b> 13bis. Other	Banned
<b>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:</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Banned
<b>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?</b>	Respect for human dignity; Freedom of expression, assembly and association; Privacy and data protection; • Social security; Transparency
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human</b>	Justice; Law enforcement; Healthcare;

rights, democracy and the rule of law? <b>18bis. Other</b>	
<b>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.</b>	Indifferent/no opinion
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I rather agree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather agree
<b>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</b>	lets admit one thing; bureaucracy is SLOW and AI is at light speed. when bureaucracy intervenes with any AI development cycle, you can consider that AI development cycle is "halted". either there must be a transparent "clone" system that is under inspection of bureaucrats or bureaucracy must accelerate itself to light speed and pave the way for developing AI systems.
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	1- you can't control every bit and piece of data in any AI system. for example, at Tarsens R&D, we're developing a yieldestimation.com system for monitoring orchards and vineyards. there is no way we can share terabytes of data for your inspection because you can't inspect thousands of hours of vineyard videos or millions of frames one by one, even if you did, what would you achieve by "justifying" and AI system for yieldestimation? 2- innovation is an accident. you can't magically create stuff out of thin air. when accidents happen, you either have a disaster or a new stuff. sometimes you achieve some level of AI you didn't think about, sometimes it turns out to be a highly dangerous virus that can infect any computer. there is no possible way to make it run in a standardized container (software & hardware platform). 3- you will not and you can not control any A.General.I, or A.Super.I. the reason is simple, these systems work at light speed. you either have intentionally "slowed" connections, e.g., 56k modems of early 2000s, or an intelligent kill switch to end it all. a red pill. 4- AI will become real, it will be a singularity. today you have a smart phone that is on average 8 months old. with

	<p>singularity, those devices "might" upgrade themselves at hardware level with 3D metal printers and chip overclocking on the fly.</p> <p>5- connection is everything and nothing. as I mentioned it on 3rd, connectivity seems to be everything.. but when you encounter a dumb system, you can't do anything, then it is nothing. even if that system has a (for example a car) CAN bus, you can be able to monitor only. you can't drive or operate it. so, don't rely on it too much.</p> <p>and final,</p> <p>6- be afraid. connected UAVs, UGVs, AGVs will become reality. with the greed of "rich" and "anger" of military, those will systems will be able to adapt and react any possible target and will be able to charge themselves using either solar, hydrogen, inductive and other methodologies. either we have to eliminate "greed", or we have to get rid of "anger" on the planet. because those two stupid forces will be the end of us.</p>
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I rather agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	Indifferent/no opinion
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	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
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 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?	people make problems, but in a community of 2000 authoritarians, no one can say "oh sorry, I missed that!". that liability must have limits.
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	Highly useful Highly 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	Continuous automated monitoring;• Certification and quality labelling;• Human rights, democracy and rule of law impact assessments ;

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>blockchain is a nice way of sharing information. everyone and anyone can audit it and everyone and anyone can save a copy. it'll be distributed and equal - or easy to implement changes. of course, be careful about the 51% problem. that might need additional sandboxing.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>transparent distributed system that is monitored by your own AI or people for further changes &amp; updates.</p>
<p><b>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?</b></p>	<p>beware of the future. it is coming, fast. remember what happened in last 10 years. we weren't talking about this. in 10 years we'll be talking about completely new stuff that will be built on today's ideas. Quantum AI, martian living, crypto exchange among planets, asteroid mining's impact on earth metal-stock markets. they are coming to change literally everything.</p>
<p><b>Date of submission</b></p>	<p>27/04/2021 18:16:51</p>

## The American University of Paris, Working Group on Human Rights

<p><b>State (where your institution is based)</b></p>	<p><b>France</b></p>
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<b>Institution: Name of the institution/body/company</b>	The American University of Paris, Working Group on Human Rights
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	AI is a on the cutting edge of science and technology, thus it is constantly evolving and wid-ening in its scope of applications. There should not be a definition of AI because what it is, and what it will be able to do, will change over time. The use of a human rights legal frame-work has already been successfully applied to privacy issues for the General Data Protection Regulation (European Union 2018), hence such an architecture would be equally adequate for situating AI within a rule of law.
<b>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</b>	• Other;
<b>4bis. If other, which areas and why?</b>	Medicine (chemistry, biology), distribution optimization (e.g., transportation, water distribu-tion), meteorology/climate. These are areas of research that affect groups rather than indi-viduals (e.g., medicine versus healthcare) and impact fundamental rights.
<b>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?</b>	• 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);
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The right to health is enshrined in the International Covenant on Eco-nomic, Social and Cultural Rights. AI applications that support the healthcare system would benefit not just the right to health, but a wide range of other human rights; health directly impacts the enjoyment of rights such as the right to education, the right to work, and the right to access clean water and a clean environment.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	See answer to question 10
<b>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</b> <b>8bis. Other</b>	• Justice;• Education;• Healthcare;

<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Biases leading to discrimination are particularly likely and dangerous in these applications. (ECHR protocol No. 12 art.1 “enjoyment of any right set forth by law shall be secured with-out discrimination”)  Education/Health/Justice: (ECHR art.14 prohibition of discrimination, ECHR art. 8.1 (respect for private and family life)  Health: ECHR art. 10 (freedom to impart information without interference)  Justice: AI systems do not meet the definition of “competent court” (ECHR art.5.1.a, nor “in-dependent and impartial tribunal established by law” (ECHR art.6.1). AI also has the poten-tial to undermine the presumption of innocence.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>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 educational services;• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<ul style="list-style-type: none"> <li>· Scoring / scoring of individuals by public entities: ECHR protocol No. 12 art.2 “No one shall be discriminated against by any public authority”; UDHR art.1 all human beings “equal in dignity and rights”.</li> <li>· AI applications for personalised media content (recommender systems): ECHR art. 8.1 (respect for private and family life)</li> <li>· AI applications to prevent the commission of a criminal offence: ECHR art. 6.2 “Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”</li> <li>· AI applications determining the allocation of educational services AND AI applications used for analysing the performance of pupils/students: ECHR art.14 prohibition of discrimination;, ECHR art. 8.1 respect for private and family life;, UDHR art. 26.2 “Education shall be directed to the full development of the human personali-ty and to the strengthening of respect for human rights and fundamental freedoms.”; UNCRC art. 28.1 right of the child to education “on the basis of equal opportunity”.</li> </ul>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>The applications listed above represent those that pose a significant risk.</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>bans are difficult to define and enforce. Applications should be required to pass regu-lar compliance tests (eg. with fundamental rights and safety) and should be modified if they are no longer approved.</p>
<p><b>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:</b></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>Privacy and data protection;• Non-discrimination;• Personal integrity ;• 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?</p> <p>18bis. Other</p>	<p>Justice;• Healthcare;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 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?</p> <p>21bis. Other</p>	<p>voluntary certification and non-enforceable guidelines are inadequate</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 Core human rights treaties, as well as interpretive guidance from the treaty bodies, and the special procedures of the UN office of the High Commissioner for Human Rights.</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"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>



<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>See answers to question 29, these gaps are not addressed in existing international, regional and/or national binding and/or non-binding legal instruments. A binding legal framework (like a GDPR specific to AI) should be created in order to ensure the protection of human rights and provide redress when violations occur.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>I fully agree</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b></p>	<p>I fully agree</p>
<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>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.</b></p>	<p>I completely disagree</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.	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?	N/A
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Highly useful Highly useful Indifferent/no opinion 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	• Certification and quality labelling;• Audits and intersectional audits;Continuous automated monitoring;
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument
47.bis. Other	There should be a system similar to medical trials whereby the producers of AI systems demonstrate their effectiveness for the purpose they are designed, and

	clearly identify the level of risk for any violation of human rights, democracy and the rule of law
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	Patent for AI systems, see next question
<p><b>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?</b></p>	<p>Enhanced Patent Procedures: Nearly all AI algorithms and software systems are patented, sometimes by a novice software designer, sometimes by a large multinational corporation. Each of the European Union Member States has its own national patent office. Moreover, since 1978 a European patent procedure has grouped certain patent applications (all EU member states have joined the European Patent Convention), whereas WIPO oversees adherence to international intellectual property rights protection. Consequently, the registration of any AI patent presents an opportunity for obligatory adherence to international and European human rights standards.</p> <p>An automated human rights procedure should accompany any algorithm, software or AI-applicable patent registration. The individual or business filing the patent must guarantee that their product does not in any foreseeable way violate fundamental rights and freedoms. This would function like any due diligence procedure in the pharmaceutical industry, for example, with an understanding that not all potential uses of a product may be anticipated.</p>
<p><b>Date of submission</b></p>	11/05/2021 13:56:34

**the Center for European Legal Studies (CESL) - The Legal Research Institute "Acad. Andrei Rădulescu" – with the Romanian Academy csde.ro**

<p><b>State (where your institution is based)</b></p>	<b>Romania</b>
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<b>Institution: Name of the institution/body/company</b>	the Center for European Legal Studies (CESL) - The Legal Research Institute "Acad. Andrei Rădulescu" – with the Romanian Academy <a href="http://csde.ro">csde.ro</a>
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	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)
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	No comment at this point
<b>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</b>	• Healthcare;• Education;• Environment and climate;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• AI applications determining the allocation of social services;• AI applications to predict the possible evolution of climate change and/or natural disasters;• Deep fakes and cheap fakes;• AI applications aimed at predicting recidivism ;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	No comments at this stage
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	No comment
<b>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</b> <b>8bis. Other</b>	• Justice;• Education;• Public administration;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	No comment
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;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;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	No comment
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	No comment

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?	<ul style="list-style-type: none"> <li>• Explainability;</li> <li>• Transparency; Equality;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Social networks/media, internet intermediaries</li> <li>; Environment and climate; Education;</li> </ul>
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	No comment

<p><b>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):</b></p>	<p>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</p>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>No comment</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>Indifferent/no opinion</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b></p>	<p>I fully agree</p>
<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>I rather disagree</p>

<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>a national / international authority as the data protection authorities / edpb</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> 46bis. Other</p>	<p>• Audits and intersectional audits;• Certification and quality labelling;</p>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Non-binding instrument  Binding instrument  Binding instrument  Non-binding instrument  Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful  Rather useful  Rather useful  Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>29/04/2021 19:20:49</p>

## The EYBA (European young bar association)

<p><b>State (where your institution is based)</b></p>	<p>Holland</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>The EYBA (European young bar association)</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>



Your stakeholder group	Civil society
<b>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 2bis. If “other” please explain below</b>	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)
<b>3. What are the reasons for your preference?</b>	<p>According with the study of feasibility delivered we agree that a future legal framework should endorse a neutral technology based definition</p> <p>Bearing in mind the following:</p> <p>i) If the definition covers all and any aspect related to the theories, techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being in any way known and/or yet to be known.</p> <p>ii) This larger definition will cover the future developments taken by any form of Artificial Intelligence; also</p> <p>iii) If the human conciseness (essence of the human being) can be subject to any development due to further interaction - the definition as designed will also cover the not yet known conciseness.</p> <p>iv) If this legal frame work is to be ruled in UE and we should take into account that, although from the legal point of view of rights we are equal - we are not equal in terms of conciseness.</p> <p>v) For instances, bearing in mind that AI will be development taken into account machine learning based on the predictability – shouldn’t we take into account that emotionally we, as human beings, will not react in the same way? That a multiple of factors, included but not limited, such as place of living, local society, family values, together with genetics predisposing, will influence our human decision. Therefore, from whom the machine will learn? From which individuals?</p> <p>vi) Therefore, we strongly believe that a broader definition – in a more inclusive way – should be taken into account if a AI definition is decided to be included in the legal framework.</p>
<b>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</b>	Healthcare;Welfare;• Election monitoring;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications determining the allocation of social services;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• Deep fakes and cheap fakes;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The principle of how to choose the options is to understand the AI apps as a tool and also to promote equality as part of human rights and the applicability of the rule of law. All apps that are in certain way invasive of the individuals – should not be considered. For instances, the facial recognition is too

	intrusive in the individual privacy of the human being. Or scoring individuals – might generate even further social inequality, where some individuals might be left aside for reasons chosen by third parties.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Applications that are not intrusive in a way that interfere with the individual privacy. Applications that allow individual to communicate better with governmental institutions.
<b>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</b> 8bis. Other	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• National security and counter-terrorism;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Might violate human rights as AI systems are not taking into consideration the conscious of the human being and/or the emotional side – and that is what defines the human being: its consciousness.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ; <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Scoring / scoring of individuals by public entities;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications for personalised media content (recommender systems);</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	In general, all seem too much intrusive (individual privacy). From the list of 5 chosen, the most risky is the public score where individuals are given points to be a better citizens? Who defines the rules for this? The Government? Should be Government rule in a way that should define the individual course of action in this behaviour? Isn't this a way to rule that can lead to a undemocratic governments/dictatorial regimes?
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	All applications that are subject to be intrusive in the individual privacy in a way that is manipulation the course of action and behaviour.
<b>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</b> 13bis. Other	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Banned
<b>17. What are the most important legal principles, rights and interests that need to be addressed and therefore justify regulating the</b>	Respect for human dignity;Equality;Privacy and data protection; <ul style="list-style-type: none"> <li>• Non-discrimination;</li> <li>• Transparency;</li> </ul>

development, 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;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	ethic guidelines with law principles and/or law biding
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	The universal declaration of human rights, European Convention of Human Rights; Constitution (each country legal frame*)
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 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.	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	I fully agree

to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	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 ;• Regulatory sandboxes;Continuous automated monitoring;
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument
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"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> </ul>	Highly useful Rather useful Highly useful Highly useful

<ul style="list-style-type: none"> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	
<b>49. What other mechanisms, if any, should be considered?</b>	
<b>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?</b>	Please always consider the essence of the human being as part of your analyses. At the end we are trying to rule to protect the individuals and its essence. Conscience is what make us humans - that should always be the premise.
<b>Date of submission</b>	08/05/2021 14:12:12

## The Ministry of Investments, Regional Development and Informatisation (Slovakia)

<b>State (where your institution is based)</b>	<b>Slovakia</b>
<b>Institution: Name of the institution/body/company</b>	The Ministry of Investments, Regional Development and Informatisation
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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 2bis. If "other" please explain below</b>	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)
<b>3. What are the reasons for your preference?</b>	The term Artificial Intelligence (AI) has become commonly used in many contexts. It has become a buzz word. In order to set the context within which the term is being used as part of work of CAHAI, it is critical to define it. The other options appear to be too narrow and not necessarily future proof. The preferred option is to adopt one of the widely accepted definitions (e.g. the definition from European Commissions AI High Level Expert Group).

<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Public administration;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>We will need tailored solutions with better efficiency, effectiveness, predictability and foresight for common civilisation problems. In medicine and healthcare, we want to support general and equal access to medical treatment and early diagnostics of population-critical diseases. Facing the challenges to climate change fighting, we can support early identification of environmental threats for most endangered countries and regions. We should be able to simulate the impact of our policies on climate change as well as on other public policies. One of the most revolutionary AI applications would be an application that would allow us to identify the peaks and troughs within our historical and economic development and how to achieve sustainable social and economic development as a global society and to determine the minimum level of human dignity and help us to maintain it across the globe.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI apps aimed at election control and protection against manipulation of public opinion (e.g. fighting against disinformation, fake news). AI applications supporting law enforcement in protecting the children, AI applications for simulation of demographic change and the change on labour market.</p>
<p><b>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</b></p> <p><b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Healthcare;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>In justice there is a big risk concerning the explainability and over reliance on automatic decisions. AI should be used only as an aid, not a decision making substitute. In healthcare we will face the same problem and also problems of discrimination of marginalised groups and minorities, too. In addition, abuse and leaks of health data in particular (such as genome analysis and diagnosis) can cause irrevocable and permanent harm.</p> <p>Within the virtual space, on social networks, but also in general, we may become subjects of adversarial systems targeting individuals or systemic infrastructures, facing privacy intrusions and sensitive data leakage.</p> <p>Concerning employment there is a risk that stems from AI applications and research using new age slavery that is excused by an unethical argument that if the workers are plucked from poverty, and unemployment, any working conditions and disproportionate remuneration are justified.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest</b></p>	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement; Smart personal assistants (connected</p>

<p><b>risk to human rights, democracy and the rule of law</b></p>	<p>devices); Scoring / scoring of individuals by public entities; • AI applications determining the allocation of social services; • AI applications in the field of banking and insurance;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>We need to avoid and be able to identify and withdraw implementations that make inaccurate and harmful decisions; or lead to privacy intrusions and sensitive data leaks. We need to be aware which implementations are designed in a way that endangers their stakeholders, democracy to function and the rule of law to be upheld. We need digitally educated society which is capable of and able to exercise their civic rights. AI applications were proved to be used to manipulate public opinion, disseminate fake news and misinformation enhancing polarisation of society. These AI applications were used and are being used by private organisations and operate fully in plain sight unregulated or in grey zones. Any applications which do not have a pre-determined check and balances framework are susceptible to corruption and misuse, or in the very least, cause unintended consequences. The employer should not have the right to analyse, store or manipulate employees emotions. We should avoid using the social credit systems that lead to discrimination, public fear and social class systems. We should have the right to maintain and ask for human contact instead of automatic decision where fundamental rights could be violated.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Any such applications that affect human cognitive or mental capabilities; manipulate opinions or distort reality. Especially when these AI applications are not explainable, not open for audit. Above this, we would like to draw attention to the cognitive extenders, face recognition used for public surveillance or autonomous weapons.</p>
<p><b>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</b></p>	<p>They should be regularly examined (in some cases in real time given their constant capability to learn and to come up with different decisions), curated and strictly guarded. If they cant operate without violation of human rights, they should be banned, otherwise fixed and regulated.</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity; Freedom of expression, assembly and association; • Non-discrimination; • Personal integrity ; • Possibility to challenge a decision made by an AI system and access to an effective remedy;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human</b></p>	<p>Justice; • Healthcare; • Social networks/media, internet intermediaries ;</p>



rights, democracy and the rule of law? <b>18bis. Other</b>	
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Voluntary certification
<b>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.</b>	I completely disagree
<b>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</b>	For example: proposed EC AI regulation, new machinery regulation, GDPR
<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	We need more effective and well-tailored implementation and enforcement of the adopted rules against private parties, at least in a form of recommendation to the contracting parties.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in</b>	I fully agree

particular how the algorithm reached its output.	
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	Indifferent/no opinion
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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</b>	I fully agree

police arrest or in the framework of judicial proceedings.	
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	State that AI applications should not be ascribed with (legal) personality. To state the level of responsibility of AI flaws to humans - distributed liability between developers and deployers. To state new proactive notions of responsibility (answerability). Addressing appropriate insurance regime taking into account multistakeholder environment shall be part of the legal framework as well as an effective, future-proof and easy to use review mechanism.
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Rather useful Rather useful Rather useful Highly useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b>	• Certification and quality labelling;• Audits and intersectional audits;Continuous automated monitoring;
<b>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.</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	No opinion Binding instrument Binding instrument Binding instrument Binding instrument
<b>47.bis. Other</b>	Workshops with AI ethics officers (facilitators) - non-biding

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Rather useful Highly useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Agree upon binding declaration to state principles and the way how should they be translated into norms and requirements. Participate on common ethics assessment framework that member states can adopt. State transnational automated monitoring with the multistakeholder mechanism for further exchanges of policy making, including in particular best practices sharing and international standards assessments.</p>
<p><b>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?</b></p>	<p>We need to use AI during root cause analysis stage. If we continue to try to solve misdiagnosed problems even with the most advanced technology we have to hand, we will fail to solve the problem. We would like to see more focus on application of AI technology to re-examine problems we want to solve, and use it to help us frame the problems, before we start solving them.</p> <p>We need to understand and find general and international consensus, that the AI ethics and regulatory framework is not only about assessments and certification schemes, but it is heavily based on bottom-up process of personal (and company) sensitivity.</p> <p>Much more immediate effort and investment 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 and trustworthy elements into design of products they participate on. Otherwise, we will have the problems with effective enforceability of human rights and general principles against private parties. Building awareness and educating the whole population about current and to come AI applications should be an integral part of the mission to build flourishing, sustainable and respectful societies where nobody is left behind.</p>
<p><b>Date of submission</b></p>	<p>09/05/2021 09:32:27</p>

<b>State (where your institution is based)</b>	<b>The Netherlands</b>
<b>Institution: Name of the institution/body/company</b>	Tilburg University
<b>Personal capacity: Your socio-professional category</b>	Lower occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	Other
<b>2bis. If "other" please explain below</b>	The definition should take into account the role which the subjective discretionary choices of the programmers have on outcomes. See the work of Sorelle Friedler, Andrew Selbst, Solon Barocas and others. Additionally, the definition should account for the fact that the operation of the artificial intelligence decision-making process produces changes on societal level which affect the enjoyment of fundamental rights, the rule of law and democracy. For this reason, I believe that the definition should encompass both the knowledge practices, techniques, the physical software, the operation of the software and the role which individuals have in developing/designing the technical systems in question.
<b>3. What are the reasons for your preference?</b>	In my opinion the definitions provided in the multiple choice options are all unsatisfactory. It is necessary to develop another definition of artificial intelligence which accounts for the role which human choices have in shaping the decisions which the operation of the artificial intelligence decision-making process produces. The role of human subjectivity should be acknowledged as well as the fact that artificial intelligence differs from human intelligence. Failure to account for how the use of artificial intelligence decision-making process produces change on societal level within the definition will undermine the ability of legal instruments to safeguard fundamental rights and crucial societal values.
<b>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</b>	<ul style="list-style-type: none"> <li>• Other;</li> </ul>
<b>4bis. If other, which areas and why?</b>	An artificial intelligence system is dual use in the sense that whether its employment offers a benefit depends on many different circumstances. Such systems can be used both to benefit and to do harm. While conducting research I found serious concerns with using artificial intelligence decision-making processes for the protection of equality in the employment and education contexts. Even when the use of these systems is beneficial, as in cancer diagnosis, their use can additionally cause harm due to the issue of false positives and false negatives. One of the harms is that a healthy person can be diagnosed as having cancer and undergo unnecessary medical procedures. Since there are

	few cases where the benefit of using artificial intelligence does not carry a risk, it is important to make decisions with great care regarding in what circumstances and how to employ such systems. Moreover, it is crucial to preserve human oversight and to use of human expertise.
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Artificial intelligence has been beneficial for detecting new medical uses for previously known compounds. Artificial intelligence can be useful for scientific research provided that scientists have a good understanding of how such systems work and for what task their employment is useful.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	I believe that there are no areas where the use of artificial intelligence does not carry a risk. The risks are far greater in some areas than others. Therefore, it is important to carefully evaluate the benefits and risks of using artificial intelligence technology in a particular context and to take steps to mitigate the source of risk.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Employment;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	My research demonstrates that there are serious concerns with using artificial intelligence technology in the education and employment contexts from the standpoint of the protection of individuals from discrimination. Additionally, similar issues arise in the criminal justice, banking and healthcare sectors. Human judgment and discretion play an important role in ensuring that the decision takes into account the considerations of fairness, social justice and equality. The concerns are wide ranging and cannot be summarised here. It is a pity that I can only tick three boxes in this section. The employment of artificial intelligence poses grave risks in many of the listed areas.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Scoring / scoring of individuals by public entities;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Every single use of artificial intelligence listed here poses concerns for the protection of fundamental rights. It is regretful that I could tick only five options. When I look at the uses here I detect the following concerns: mass surveillance, loss of autonomy by individuals, loss of freedom, standardisation of all individuals, inability of individuals to develop their personality, inability to access essential services, segregation of the population based on socio-economic situation, loss of privacy, arbitrary decision-making, discrimination, inability to access knowledge and information, imposition of penal sanctions on innocent persons, potential for totalitarian states, loss of state control over governance, loss of creativity, loss of ability to innovate, high levels of poverty, environmental degradation due to

	heavy reliance on technology, loss of free thinking and choice
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	<p>Facial recognition supporting law enforcement</p> <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement</li> </ul> <p>Smart personal assistants (connected devices)</p> <p>Scoring / scoring of individuals by public entities</p> <ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses</li> <li>• Automated fraud detection (banking, insurance)</li> <li>• AI applications for personalised media content (recommender systems)</li> <li>• Deep fakes and cheap fakes</li> <li>• Recruiting software/ AI applications used for assessing work performance</li> <li>• AI applications to prevent the commission of a criminal offence</li> </ul> <p>AI applications aimed at predicting recidivism</p> <ul style="list-style-type: none"> <li>• AI applications providing support to the healthcare system (triage, treatment delivery)</li> <li>• AI applications determining the allocation of educational services</li> <li>• AI applications determining the allocation of social services</li> <li>• AI applications in the field of banking and insurance</li> <li>• AI applications to promote gender equality (e.g. analytical tools)</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities</li> </ul>
<b>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</b>	Banned
<b>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:</b>	Banned
<b>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with high</b>	Banned

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?	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy; Political pluralism; Equality;</li> <li>• Personal integrity ;</li> <li>• Transparency;</li> </ul>
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?	Education; Law enforcement; Justice;
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 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?	Only binding laws work
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 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	The international human rights treaties have gaps in the legal protection because the drafters did not design them with the digital context in mind.
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"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• 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;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	There is a very real concern with access to justice. It is very expensive to have experts evaluate how the use of a particular artificial intelligence technology impacted the individual and society. The expense of enforcing rights is



	going to be prohibitive and pose a barrier to challenging the decision.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Companies should pay damages and litigation costs to all individuals whose fundamental rights the use of the artificial intelligence system violated. Such liability should extend to companies designing and using the systems in question. It should be a criminal offence to design and to use artificial intelligence systems which breach the prohibition of discrimination, the right to a fair trial and other fundamental rights. Policy makers and politicians should have criminal responsibility for failing to regulate artificial intelligence technology sufficiently robustly, for instance by allowing companies to rely on ethics frameworks and non-legally binding instruments.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Certification and quality labelling;</li> <li>• Audits and intersectional audits;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Binding instrument No opinion</p>
<p><b>47.bis. Other</b></p>	<p>The companies should be required by law to allocate funding for litigation costs. This could be a certain percentage of the company's profits for instance. This fund should be available for use to an individual who wishes to challenge the compliance of the design or use of an artificial intelligence technology with fundamental rights. The state should favour legal regulation over ethics and non-binding principles. Companies should pay a tax the proceeds of which go towards monitoring by the state of whether the use of artificial intelligence poses human rights concerns.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>It is desirable for the Council of Europe to take into account the scientific research findings of scholars regarding the concerns with using artificial intelligence technology for the protection of fundamental rights. There should be a contact body to whom scholars, activists and citizens should be able to express concerns which trigger further investigation. The citizens, activists and scholars should be provided with resources and given greater role in the public debate. The states should ensure that corporations do not influence the policy making process to a far greater degree than citizens and activists.</p>
<p><b>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?</b></p>	<p>The education curriculum should include a course where all students learn about data science and the societal implications of using artificial intelligence technology. All citizens should have literacy in technology. The states should take appropriate steps to ensure that students learn about these issues at school and university levels.</p>

Date of submission	28/04/2021 11:09:53
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## Trama Engineering

State (where your institution is based)	Italy
Institution: Name of the institution/body/company	Trama Engineering
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 definition focusing on automated decision-making
2bis. If "other" please explain below	
3. What are the reasons for your preference?	AI starts from the observation of human being cognitive abilities but it is very far from being the same mechanism. AI takes decision based on specific algorithms applied to statistic analysis of Big Data, humans real intelligence is much much more. It is better to link it to automation than to human capabilities.
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"> <li>• Environment and climate;Welfare;• Healthcare;</li> </ul>
4bis. If other, which areas and why?	Same opportunities for every body
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"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications determining the allocation of social services;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	Providing better analysis about how very complex system work
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Heart resources use optimization
8. Please select the areas in which the deployment of AI systems poses the	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Election monitoring</li> <li>• Law enforcement;</li> </ul>

<b>highest risk of violating human rights, democracy and the rule of law</b> <b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	It is hard for an AI system to have moral capabilities. They will depend on the selected Big Data. So AI can be easily manipulated by who will train it.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement; Scoring / scoring of individuals by public entities;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Humans are able to change ideas, AI not. If humans are managed by AI, AI will tend to keep humans where they are. Limiting the capability of humans to change ideas or have new ideas is a big risk.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	If AI is managed only by big companies as they have the possibility to get big data, big companies will control the word. Democracy will be no more there, but AI will convince people that democracy is still there.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Subject to moratorium
<b>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:</b>	Subject to moratorium
<b>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:</b>	Subject to moratorium
<b>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?</b>	Respect for human dignity; Freedom of expression, assembly and association; • Non-discrimination; Political pluralism;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Banking, finance and insurance; Education; Justice;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	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 existing laws and constitutions are ok also for regulating AI principles. The problem is that governments are generally composed by old people that is not aware of what AI is. Nobody is asking AI to respect laws.
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 started to work with AI in 1991, and I think I know what AI is and what can be used for. If I try to explain what AI is to not expert people, they think it is a sort of 'magic think' that will solve all the problem of the word. Of course, this opinion is false and depends on the marketing activities about AI. Europe ha to teach all people about real 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 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 rather 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

<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	That humans rights comes before AI rights

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Highly useful Indifferent/no opinion Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Teach people about AI (may be in schools), not binding.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather not useful Rather useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Diffuse AI culture among people. Keep marketing away from AI. When I started to work with AI, nobody was using 'Artificial Intelligence' to describe what is an 'advanced engineering solution to not deterministic problems'. We need to explain to all the people that AI is not so different from other technologies and it is not 'magic'.</p>



<b>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?</b>	I like technologies, it is my life. But I don't like the wrong way to use technologies. The first big problem about AI is the name itself: there is no intelligence in the AI technology, the intelligence is only of humans that are developing this technology. I think that the two words together 'Artificial intelligence' are not respecting the human rights.
<b>Date of submission</b>	01/04/2021 11:36:14

## Transparency International Kenya

<b>State (where your institution is based)</b>	<b>Kenya</b>
<b>Institution: Name of the institution/body/company</b>	Transparency International Kenya
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	A definition focusing on automated decision-making
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	While this definition has the downside of being quite narrow and thus risks excluding other harmful technologies, it would provide much-needed regulation for the AI systems that have the most significant human rights impacts today
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>Social networks/media, internet intermediaries ;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications determining the allocation of educational services;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Provided that additional safeguards are taken, and that these systems are developed by putting human rights above profit (which is rarely the case today), the three 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.

	<p>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?</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Justice, rule of law, customs and border control.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></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 marginalized groups, especially black, indigenous and people of color (BIPOC), will be coded into AI systems. This will make processes and the outcomes even more opaque, while falsely appearing to be 'objective'.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>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 a 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.</p> <p>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</p>

	<p>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> <ol style="list-style-type: none"> <li>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.</li> <li>2. Scoring / scoring of individuals by public entities – Can increase inequality in access to and enjoyment of basic social and economic rights. Persons from lower socioeconomic classes and/or marginalised groups are disproportionately at risk, as AI-driven scoring systems impact their right to education (e.g. 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), right to work (e.g. algorithmic-driven hiring tools or performance assessment tools; emotional analysis in the workplace to measure employees’ level of engagement, etc.), and right to social security, among others.</li> <li>3. 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.</li> <li>4. 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.</li> </ol>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Autonomous weapons; algorithmic-driven risk assessment tools for criminal justice</p>
<p><b>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</b></p>	<p>Banned</p>

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:	Subject to moratorium
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?	Justice; Law enforcement; Public administration;
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 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?	Continuous, inclusive, and transparent human rights due diligence
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 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	There is none in particular.
24. If you responded disagree/completely disagree to question 22, please indicate why existing	• 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

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

<b>public authorities for the purposes of external audit.</b>	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	<p>a) To the extent possible, restore the victim's situation to the situation preceding any intervention of/by an AI system.</p> <p>b) Provide monetary compensation to victims harmed by AI systems.</p> <p>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 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><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b></p> <p><b>46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument No opinion Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>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>

<b>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?</b>	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.
<b>Date of submission</b>	22/04/2021 18:07:22

## Trilateral Research

<b>State (where your institution is based)</b>	UK
<b>Institution: Name of the institution/body/company</b>	Trilateral Research
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	A technologically-neutral definition would help ensure the legal instrument remains relevant in the context of rapid developments and changes in AI technologies. A definition like the one from the Turing Institute in their "primer" to support the CoE's work is a useful model: “There are many ways that AI has been defined over the last several decades, but for the purposes of this primer, we will stick to defining it by describing what it does, i.e. what role it plays in the human world: AI systems are algorithmic models that carry out cognitive or perceptual functions in the world that were previously reserved for thinking, judging, and reasoning human beings.” See: <a href="https://rm.coe.int/cahai-feasibility-study-primer-final/1680a1eac8">https://rm.coe.int/cahai-feasibility-study-primer-final/1680a1eac8</a>
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>Social networks/media, internet intermediaries ;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>5. Please indicate which of the following AI system applications in your view have the greatest potential</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to predict the possible evolution of</li> </ul>



<p><b>to enhance/protect human rights, democracy and the rule of law?</b></p>	<p>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>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>'Medical applications for faster and more accurate diagnoses' may help ensure the rights to life, health, and well-being, as this AI application contributes to the development of new drugs and personalized medicine. 'Automated fraud detection' may help support governments and the functioning of democracy if used, for example, to ensure all members (individuals and organisations) of the society contribute fairly and pay taxes. As climate change constitutes a major challenge for humanity and appropriate mitigation tools should be used, 'AI applications to predict the possible evolution of climate change and/or natural disasters' may help ensure human rights to, among others: life, freedom from discrimination, health, freedom of movement and residence, social services, protection of property, self-determination, development, food, water and sanitation, housing, adequate standard of living, education, meaningful and informed participation, and the rights of future generations. 'AI applications providing support to the healthcare system' may help ensure rights to life, health, well-being, and dignity, not only for patients but for healthcare employees, doctors, nurses etc. These applications could also support rights to equality, freedom from discrimination, and privacy. 'AI applications to promote gender equality' may support equality and non-discrimination in regard to all rights related to equality, non-discrimination, and dignity, as well as rights such as health, work, social services, and education.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>'Content moderation to address hate speech' to protect victims of hate speech and strengthen social cohesion and 'legal analytics' that can improve access to justice by providing legal information at a fraction of the cost of specialized legal advice</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• National security and counter-terrorism;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Generally, where AI is used to support, or replace, human decision-makers, the risk is that, due to how the algorithms are trained or written, that they cannot comprehend factors that human beings would deem relevant or give them the wrong weighting. This could lead to decisions that do not take adequate consideration of human rights-related factors, leading to potential effects that violate human rights. These risks are particularly high when AI applications directly impact rights to life and personal liberty, which includes contexts of justice systems, law enforcement, and national security and counter-terrorism. AI applications that enable lethal autonomous weapons, facilitate mass surveillance, discriminatorily profile, and create (or reinforce) stigmatization of a particular communities violate human rights and democratic principles, and undermine the rule of law.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Smart personal assistants (connected devices);Scoring / scoring of individuals by public entities;• Recruiting software/ AI applications used for assessing work performance ;• AI applications to prevent the commission of a criminal offence;• AI applications used for analysing the performance of</p>

	pupils/students in educational institutions such as schools and universities;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	<p>'Smart personal assistants' present many concerns related to rights to privacy, family, health, work, social security and services, freedom of thought, opinion and expression, religion, assemble and association, democracy, and education. In relation to who controls the application and for what purposes, there are concerns of concentration of economic and political power. The use and reliance on smart personal assistants may also impact rights to dignity and autonomy, as sense of human 'self' is altered and decision-making outsourced. Lastly, there is significant human rights and environmental impacts in the supply chain associated with the physical devices and systems that are necessary to enable such assistants (e.g., environmental destruction in mining for rare materials, labor violations in manufacturing centers, health impacts for communities living on or near disposal sites).</p> <p>'Scoring of individuals by public entities' presents significant risk to liberties, particularly if used to determine position in society, access to work, type of education, and access to public services.</p> <p>'Recruiting software/ AI applications used for assessing work performance' present issues of bias and discrimination and employee surveillance. AI in recruitment, monitoring and evaluation of employees may deepen social divides, affecting rights to work, freedom of expression, thoughts and religion, freedom of assembly and association, privacy, dignity, non-discrimination, freedom, social security and services, health, access to remedy, as well as the right to life, and the prohibitions on slavery, and on cruel, inhuman or degrading treatment.</p> <p>'AI applications to prevent the commission of a criminal offence' may lead to increased and discriminatory surveillance of particular communities, undermining the rule of law and presumption of innocence, as well as rights to privacy, assembly, association, and expression.</p> <p>'AI applications used for analysing the performance of pupils/students in educational institutions' may also lead to increased and discriminatory surveillance of particular groups of children, reinforcing existing inequalities. These applications also impact rights to education, privacy, opinion and expression, assembly and association, and child development</p>
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Automated decision-making in military, security, and humanitarian aid contexts.
<b>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</b>	The development, deployment and use of all AI systems should be appropriately regulated. While we do not rule out specific bans or moratoriums for very high-risk, dangerous AI systems, a ban on systems "that have been proven to violate human rights or undermine democracy or the rule of law" is too broad.
<b>14. In your opinion, should the development, deployment and use of AI systems that pose high risks with</b>	Regulated (binding law)

<b>high probability to human rights, democracy and the rule of law be:</b>	
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Equality; • Non-discrimination; Privacy and data protection; • Possibility to challenge a decision made by an AI system and access to an effective remedy;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Justice; Law enforcement; Election monitoring;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	impact assessments; ethics-by-design; standardisation; training, codes of conduct; forums for exchange of best practices; market forces (i.e. end users choosing AI that doesn't violate human right, democracy and rule or law)
<b>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.</b>	I rather disagree
<b>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</b>	A legal framework for AI systems must be informed by the core international human rights treaties and the implementation guidance of the treaty bodies, as well as guidance from thematic mandate holders of the Special Procedures of the U.N. Office of the High Commissioner for Human Rights (e.g. report from Special Rapporteur on contemporary forms of racism on 'Racial discrimination and emerging digital technologies'). Other relevant international documents include the Guiding Principles on business and human rights (Ruggie Principles) and work on draft binding treaty to regulate the activities of transnational corporations and other business enterprise
<b>24. If you responded disagree/completely disagree to question 22, please indicate why existing international, regional and/or</b>	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

<b>national (binding and/or non-binding) legal instruments are not sufficient to regulate AI systems (select all you agree with):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	An AI legal framework at the level of the Council of Europe should address the challenge of territorial jurisdiction where AI systems are designed and/or controlled outside of the Council of Europe.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	Indifferent/no opinion
<b>37. There should be higher standards for access to an effective remedy for individuals in relation to</b>	Indifferent/no opinion

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 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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Highly useful Rather useful Highly useful Rather useful Rather 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	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;</li> <li>• Regulatory sandboxes;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument  Non-binding instrument  Binding instrument  Non-binding instrument  No opinion</p>
<p><b>47.bis. Other</b></p>	<p>A binding instrument must have clear enforcement mechanisms and should include provisions on mandatory impact assessments that includes ethical and socio-economic impacts (in addition to human rights), drawing on in-depth social science studies on impact of AI.</p> <p>The following should be part of a non-binding/binding instrument: 'ethics by design' approach to design, development and deployment of AI systems</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful  Rather useful  Rather useful  Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>Additional issues for consideration in creating an adequate legal framework for AI systems:</p> <p>(1) Protection of vulnerable populations especially poor, minorities and children.</p> <p>(2) Link to 'business and human rights' /corporate social responsibility (CSR), specifically initiatives at the international level to govern the activities of private entities (e.g., Guiding Principles on business and human rights (Ruggie Principles); work on draft binding treaty to regulate the activities of transnational corporations and other business enterprises).</p> <p>(3) Need for practical implementation guidance, co-designed</p>

	with technical experts, to facilitate building AI systems to comply with HR.
Date of submission	29/04/2021 16:43:28

## Turkish Presidency, Presidency of Strategy and Budget

State (where your institution is based)	Turkey
Institution: Name of the institution/body/company	Turkish Presidency, Presidency of Strategy and Budget
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 2bis. If "other" please explain below	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)
3. What are the reasons for your preference?	In my opinion this definition is the broadest 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 4bis. If other, which areas and why?	Banking, finance and insurance; Law enforcement; • Public administration;
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"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications in the field of banking and insurance;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	These applications would ease daily social life.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	AI applications which have a capacity to simplify relations between public administrations and citizens and entrepreneurs.
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"> <li>• Justice;</li> <li>• Election monitoring;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>

<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Such applications would have a potential to violate protection of personal information in many ways.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	These types of AI systems would have a potential to violate protection of personal information in many ways.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Whole applications which have a potential to violate the protection of private information would represent significant risks.
<b>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</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Self-regulated (ethics guidelines, voluntary certification)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity; Freedom of expression, assembly and association; Privacy and data protection;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>	Justice; • Social networks/media, internet intermediaries ; Election monitoring;
<b>18bis. Other</b>	
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	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	No comment.
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"> <li>• 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;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	No comment.
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 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

<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	

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

<b>of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</b>	
<b>Date of submission</b>	27/04/2021 16:22:20

## Türkiye Yapay Zeka İnisiyatifi

<b>State (where your institution is based)</b>	Turkey
<b>Institution: Name of the institution/body/company</b>	Türkiye Yapay Zeka İnisiyatifi
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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 2bis. If "other" please explain below</b>	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)
<b>3. What are the reasons for your preference?</b>	definition should be on AI systems not the desired outcome
<b>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</b>	Law enforcement;Justice;• Welfare;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• Automated fraud detection (banking, insurance);• 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 aimed at predicting recidivism ;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	by helping prediction, fraud detection and promoting participation
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	public sector accountability and policy impact analysis
<b>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</b>	• National security and counter-terrorism;• Banking, finance and insurance;• Employment;

8bis. Other	
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	concentration of technical power for classification and labelling
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;• 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.	information asymmetry and digital divide in terms of accessing such tools and lack of explainability
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	autonomy of AI systems at war / conflict zones
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:	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?	Privacy and data protection;• Legal certainty;• Transparency;• 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?	Justice;Law enforcement;Election monitoring;
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 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	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.	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	OECD, UNESCO, EC
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"> <li>• 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;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	national AI legal interoperability
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.	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. <b>Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
34. <b>States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	Indifferent/no opinion
35. <b>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.</b>	I fully agree
36. <b>There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
37. <b>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.</b>	I rather agree
38. <b>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.</b>	I rather agree
39. <b>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.</b>	I rather agree
40. <b>The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
41. <b>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.</b>	I rather agree
42. <b>The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
43. <b>Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
44. <b>If yes, what aspects should be covered?</b>	

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Highly useful Highly useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ; • Audits and intersectional audits;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>50. Are there any other issues with respect to the design, development and application of AI systems in the</b></p>	



<b>context of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</b>	
<b>Date of submission</b>	30/04/2021 17:18:23

## UCSD

<b>State (where your institution is based)</b>	California
<b>Institution: Name of the institution/body/company</b>	UCSD
<b>Personal capacity: Your socio-professional category</b>	Lower occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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 2bis. If "other" please explain below</b>	A definition focusing on automated decision-making
<b>3. What are the reasons for your preference?</b>	It encompasses a broader definition of AI which encompasses ML
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Election monitoring;</li> <li>• National security and counter-terrorism;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	Medical applications for faster and more accurate diagnoses; Automated fraud detection (banking, insurance); Deep fakes and cheap fakes; Recruiting software/ AI applications used for assessing work performance; AI applications to prevent the commission of a criminal offence (e.g. anti-moneylaundry AI applications)
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The aforementioned applications can mitigate the risks occurring due to human error while avoiding the ethical question of invasion on people's privacy (unlike scoring of individuals by public and private entities for example). All of the chosen applications allow for direct human supervision by the current workers (unlike AI applications for personalised media content (recommender systems) which is difficult to evaluate case by case and is not conducive to human rights, democracy or the rule of law)

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Internet security, anti-tracking, anti-malware systems, as well as flagging of inappropriate/not fact-checked information (Wikipedia style)</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Social networks/media, internet intermediaries</li> <li>;• Justice;• Law enforcement;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Justice and law enforcement are some very delicate topics requiring a thorough analysis that includes taking the human aspect into consideration. In the case of social networks and media, the biggest benefit would be if AI could ensure the objectivity of the data being shared, however, there is little to no information online that is truly objective and the AI itself will have the bias coming from the choice of the training sets.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Smart personal assistants (connected devices);• 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 promote gender equality (e.g. analytical tools);</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>These applications pose a serious risk of invading privacy and are very difficult in terms of the implementation of objective cost/reward functions.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>All applications that involve qualitative analysis are in the grey zone when it comes to being beneficial to society.</p>
<p><b>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</b> 13bis. Other</p>	<p>carefully studied and restricted in areas that pose a clear threat</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity;Political pluralism;Privacy and data protection;• Transparency;Equality;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human</b></p>	<p>Banking, finance and insurance;Justice;Law enforcement;</p>

rights, democracy and the rule of law? 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.	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 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
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	CE and companies that share their research and concerns about AI like Google are on a good path to providing effective guidance on AI development, open conversation on an international scale, and early preventive measures are essential to the right execution.
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"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• 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;</li> <li>• They create barriers to the design, development and application of AI systems;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	The issue of AI recommendations on social media and browsers (news/content recommendation) needs to be carefully evaluated to avoid introducing selective bias and consequently control of the population
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

<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree

<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Rather useful Rather useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and</li> </ul>	<p>Rather useful Highly useful Highly useful Highly useful</p>

<p>technological developments related to AI systems</p> <ul style="list-style-type: none"> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>The public library of neatly summarized case studies on AI with code to allow for better comprehension of how to apply the best principles and strategies.</p>
<p><b>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?</b></p>	<p>Any educational course on AI should include a discussion of the potential risks involved in the development of this type of systems.</p>
<p><b>Date of submission</b></p>	<p>06/05/2021 21:03:48</p>

## UEMC/EUJC

<p><b>State (where your institution is based)</b></p>	<p>France</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>UEMC/EUJC</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Civil society</p>
<p><b>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</b></p> <p><b>2bis. If "other" please explain below</b></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><b>3. What are the reasons for your preference?</b></p>	<p>NO definition is no solution, and the other options focus too much on only one ability of AI</p>
<p><b>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</b></p> <p><b>4bis. If other, which areas and why?</b></p>	<ul style="list-style-type: none"> <li>• Environment and climate; National security and counter-terrorism; Social networks/media, internet intermediaries ;</li> </ul>

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Deep fakes and cheap fakes;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications for personalised media content (recommender systems);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI may help in assuring human rights in underdeveloped health care systems, and may help to assure serious informations for non-educated people</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Supporting of members of parliament on all levels to better find informations basis for their decisions, without being dependant on pressure groups, lobbyists etc</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Social networks/media, internet intermediaries ;</li> <li>• Public administration;</li> <li>• Election monitoring;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Public administration = politics which always try to manipulate people to get elected, and the cheapest way is via social medias/etc.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities;</p> <ul style="list-style-type: none"> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Personal scanning/scoring is the biggest danger, to loose the working or studying place, etc.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>-</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>17. What are the most important legal principles, rights and interests that need to be addressed and</b></p>	<p>Respect for human dignity; Freedom of expression, assembly and association; Privacy and data protection;</p> <ul style="list-style-type: none"> <li>• Personal integrity ;</li> <li>• Legal certainty;</li> </ul>

therefore justify regulating the development, 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	Public administration; Justice; • 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 completely disagree
21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other	Market and Transparency
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	No information available
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	Intransparency of state administration actions
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 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 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	I fully agree

to a person boarding an airplane, upon police arrest or in the framework of judicial proceedings.	
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?	The person(s) attacked by AI applications should have all possibilities to make the person(s) behind the AI responsible
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	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; Continuous automated monitoring;
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.  - Human rights, democracy and rule of law impact assessments - Certification and quality labelling - Audits and intersectional audits - Regulatory sandboxes - Continuous automated monitoring	Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument
47.bis. Other	-
48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?  - 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	Highly useful Highly useful Rather useful Indifferent/no opinion

<ul style="list-style-type: none"> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	
<b>49. What other mechanisms, if any, should be considered?</b>	-
<b>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?</b>	-
<b>Date of submission</b>	10/04/2021 16:17:08

## Ukrainian Parliament Commissioner for Human Rights

<b>State (where your institution is based)</b>	Ukraine
<b>Institution: Name of the institution/body/company</b>	Ukrainian Parliament Commissioner for Human Rights
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Government & public administration
<b>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</b>	A definition focusing on machine learning systems
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	A definition focusing on machine learning systems is going to be broader and to cover automated decision-making.
<b>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</b>	<ul style="list-style-type: none"> <li>• Education; National security and counter-terrorism; Banking, finance and insurance;</li> </ul>
<b>4bis. If other, which areas and why?</b>	

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications in the field of banking and insurance;</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>AI may help, for instance, with data analysis and violation identification, as well as it may be used to detect cyberattacks faster and to activate emergency systems immediately. It may improve unbiased approach. Smart personal assistants are helpful to eradicate language barriers and strengthen the access to services and information.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Conversational AI and sensory systems could be developed and get more effective for the rights of persons with disabilities.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Healthcare;</li> <li>• Employment;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>There is a high risk of life-changing mistakes and discriminative approaches.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;</p> <ul style="list-style-type: none"> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> <li>Scoring / scoring of individuals by public entities;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>There is a high risk of life-changing mistakes and discriminative approaches, as well as violation of the time limit for data processing. It also may lead to profiling of employees without taking into account the complexity of tasks and other conditions.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>AI applications based on inexplicable algorithms.</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with</b></p>	<p>Regulated (binding law)</p>

low probability to human rights, democracy and the rule of law be:	
<b>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?</b>	Privacy and data protection;• Transparency;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Legal certainty;• Explainability;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	in all the areas of human activity;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	Ethics guidelines
<b>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.</b>	I rather disagree
<b>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</b>	-
<b>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):</b>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree

<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I completely disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Rather useful Highly useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ; • Certification and quality labelling; • Regulatory sandboxes;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Non-binding instrument Non-binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Highly useful Highly useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>23/04/2021 16:25:13</p>

## UNESCO

<p><b>State (where your institution is based)</b></p>	<p><b>France - International Organisation</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>UNESCO</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Government &amp; public administration</p>
<p><b>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</b></p>	<p>Other</p>
<p><b>2bis. If "other" please explain below</b></p>	<p>While there is no one single definition of 'artificial intelligence' (AI), UNESCO's COMEST has proposed the following broad definition of AI: "machines capable of imitating certain functionalities of human intelligence, including such features as</p>



	<p>perception, learning, reasoning, problem solving, language interaction, and even producing creative work”.</p> <p>The draft text of the UNESCO Recommendation on the Ethics of AI also does not have the ambition to provide one single definition of AI, since such a definition would need to change over time, in accordance with technological developments. Rather, its ambition is to address those features of AI systems that are of central ethical relevance and on which there is large international consensus. Therefore, the Recommendation approaches AI systems as technological systems which have the capacity to process information in a way that resembles intelligent behaviour, and typically includes aspects of reasoning, learning, perception, prediction, planning or control. It further outlines main elements that have a central place in this approach.</p>
<p><b>3. What are the reasons for your preference?</b></p>	<p>The response is based on the definition proposed by UNESCO's World Commission on the Ethics of Scientific Knowledge and Technology (COMEST).</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Other;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	<p>UNESCO promotes and protects human rights, democracy and the rule of law in all its areas of work, which encompass several of the fields mentioned above. Current AI-related interventions include programmes in I) AI and education, ii) AI and the rule of law – training of judicial operators, iii) combating misinformation and disinformation on social media platforms, iv) persevering integrity of elections, and v) AI ethics.</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>UNESCO takes a human-centered view for the development and use of AI applications in a manner that does not lend itself to an instrumentalist or a deterministic view of technology. Given the mandate of the organization, across education, science, culture, communication and information, UNESCO works to foster the development of AI applications in these domains to protect and enhance human rights.</p> <p>UNESCO's report <i>Steering AI and Advanced ICTs for Knowledge Societies</i> has noted the potential for using AI to detect hate speech online and in preventing the spread of misinformation and disinformation on social media. In addition, AI-based content moderation on social media platforms plays an important role in flagging harmful content with further oversight exercised by humans to ensure that freedom of expression is not harmed. Further, UNESCO's publication <i>I'd Blush If I Could</i>, tackled the issue of gender bias and the potential of AI to contribute for mitigating that.</p> <p>In the absence of an objective framework to measure “greatest potential to enhance/protect human rights, democracy and the rule of law”, it would be difficult to prioritize one option over the other.</p>

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>N/A</p>
<p><b>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</b>  <b>8bis. Other</b></p>	<p>UNESCO's draft Recommendation on the Ethics of AI, proposes the use of ethical and human rights impact assessments, and a readiness benchmarking methodology to understand the risk of AI under different contexts and sectors, and to assess the preparedness of each country for the deployment of the technology. UNESCO would work on developing such ethical impact assessment and readiness benchmarking tools based on the mandate from its Member States following the adoption of the Recommendation. In addition, the Final Report, transmitted to Member States along with the revised text of the recommendation, clarifies that the draft recommendation has not adopted a risk-based approach, given the fact that the criteria for determining risk is not clear, and that ethical considerations should be taken into account for all AI systems regardless of their level of risk. ;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>N/A</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> <li>• Emotional analysis in the workplace to measure employees' level of engagement;</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>UNESCO's draft recommendation on the Ethics of AI, proposes the use of ethical and human rights impact assessments, and a readiness benchmarking methodology, to understand the risk of AI under different contexts and sectors, and to assess the preparedness of each country to the deployment of the technology. UNESCO would work on developing such ethical impact assessment and readiness benchmarking tools based on the mandate from its Member States following the adoption of the Recommendation in November 2021. In addition, the Final Report, transmitted to Member States along with the revised text of the recommendation, clarifies that the draft recommendation has not adopted a risk-based approach, given the fact that the criteria for determining risk is not clear, and that ethical considerations should be taken into account for all AI systems regardless of their level of risk.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>N/A</p>
<p><b>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</b>  <b>13bis. Other</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>No opinion</p>
<p><b>15. In your opinion, should the development, deployment and use of AI systems that pose low risks with</b></p>	<p>No opinion</p>

<b>high probability to human rights, democracy and the rule of law be:</b>	
<b>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:</b>	No opinion
<b>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?</b>	Respect for human dignity; Equality; Freedom of expression, assembly and association; • Non-discrimination; Privacy and data protection;
<b>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</b>	No opinion;
<b>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.</b>	I rather disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	No opinion
<b>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.</b>	I completely disagree
<b>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</b>	N/A
<b>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):</b>	<ul style="list-style-type: none"> <li>• 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;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to</b>	The existing legal frameworks are lagging behind in terms of taking into account the specific features of AI systems and

<b>be addressed at the level of the Council of Europe</b>	market structures, and are incapable of dealing with the new challenges that arise from these technologies.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	Indifferent/no opinion
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the</b>	I fully agree

<p><b>sphere of human rights, democracy and the rule of law.</b></p>	
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling;</li> <li>• Regulatory sandboxes;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion No opinion No opinion No opinion No opinion</p>
<p><b>47.bis. Other</b></p>	<p>N/A</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>N/A</p>
<p><b>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?</b></p>	<p>UNESCO is closely following discussions related to regulation of AI based on different levels of assessed risks. The organization is currently implementing the mandate from its Member States on the development of a Recommendation on the Ethics of AI and any subsequent proposals on regulation of AI would be based on the guidance of the Member States at UNESCO's General Conference in 2021. One of the principles put forward in the draft Recommendation is human oversight and determination, and the approach it takes is that the control should always be in the hands of human and that AI can never replace ultimate human responsibility and accountability.</p> <p>UNESCO's draft Recommendation on the Ethics of AI outlines four values that serve as its basis- respect, protection and promotion of human dignity, human rights and fundamental freedom; environment and ecosystem flourishing; ensuring diversity and inclusiveness; and living in peaceful, just and interconnected societies. In addition, the Recommendation also outlines 10 principles that should be respected which include among others proportionality and do no harm, safety and security, fairness and non-discrimination, sustainability, privacy and data protection, etc.</p>

Date of submission	06/05/2021 17:59:42
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## União das Mutualidades Portuguesas

State (where your institution is based)	Lisboa
Institution: Name of the institution/body/company	União das Mutualidades Portuguesas
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 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?	O facto de simplificar as definições e conceitos relativos a esta assunto contribuirá para, na generalidade, se compreender a concepção, desenvolvimento e aplicação da IA, o que consequentemente potenciará as possibilidades de sucesso.
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;• Healthcare;• 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"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• Deep fakes and cheap fakes;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications determining the allocation of educational services;</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	O direito à saúde, através de cuidados de excelência universais, bem como o aumento do sentimento de segurança, a justiça social, a promoção do emprego e de melhores condições laborais e o acesso à educação são áreas fundamentais para a qualidade de vida e o bem-estar das pessoas. Consequentemente, os direitos humanos, a democracia e o Estado de direito seriam também beneficiados e potenciados.
7. What other applications might contribute significantly to strengthening	Todas aquelas que promovam a interação e coesão social.

human rights, democracy and the rule of law?	
<b>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</b> 8bis. Other	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Law enforcement;</li> <li>• Social networks/media, internet intermediaries ;</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	As áreas mencionadas envolvem, de uma forma genérica, um grande volume de dados partilhados. Para além disso, considera-se que esses mesmos dados poderão ter uma relevância muito significativa a nível económico, social e político, pelo que a proporção duma eventual violação poderá ter um grande impacto e visibilidade.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Automated fraud detection (banking, insurance);</li> <li>• Deep fakes and cheap fakes;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Estes aplicativos envolvem bastantes e importantes dados pessoais o que, caso exista alguma fuga de informação, poderá implicar uma violação dos direitos humanos, da democracia e do Estado de Direito, devido à invasão da privacidade dos visados.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Quaisquer aplicações em que exista um risco de acesso a dados pessoais sem o consentimento dos indivíduos em questão, alheado a uma eventual fuga de informação / partilha desses mesmos dados.
<b>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</b> 13bis. Other	Not banned
<b>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:</b>	No opinion
<b>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:</b>	No opinion
<b>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:</b>	No opinion
<b>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?</b>	Respect for human dignity;Political pluralism;Equality;Freedom of expression, assembly and association;Privacy and data protection;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> 18bis. Other	Banking, finance and insurance;Law enforcement;• 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	Resolução do Parlamento Europeu, de 20 de outubro de 2020, que contém recomendações à Comissão sobre o regime relativo aos aspetos éticos da inteligência artificial, da robótica e das tecnologias conexas
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"> <li>• 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;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
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 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 rather agree

<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree
<b>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.</b>	I completely disagree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion

<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<p>• Human rights, democracy and rule of law impact assessments ;• Audits and intersectional audits;Continuous automated monitoring;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	

<b>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?</b>	
<b>Date of submission</b>	08/04/2021 20:42:59

## Universitat d'Andorra

<b>State (where your institution is based)</b>	<b>Principat d'Andorra</b>
<b>Institution: Name of the institution/body/company</b>	Universitat d'Andorra
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	Technologically neutral in view of fast development.
<b>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</b>	Banking, finance and insurance; National security and counter-terrorism; Social networks/media, internet intermediaries ;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• Smart personal assistants (connected devices);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	No opinion
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	No opinion

<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Justice;</li> <li>• Law enforcement;</li> <li>• Customs and border control;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>False positives are a huge threat</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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; • Recruiting software/ AI applications used for assessing work performance ;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>False positives are a huge threat</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>No opinion</p>
<p><b>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</b> 13bis. Other</p>	<p>Redeveloped and reevaluated</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>Respect for human dignity; Equality; Freedom of expression, assembly and association; • Non-discrimination; Privacy and data protection;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b>  18bis. Other</p>	<p>Banking, finance and insurance; Justice; Law enforcement;</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</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	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.	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 opinion
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;
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 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 rather agree
31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.	I fully agree

<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>50. Are there any other issues with respect to the design, development and application of AI systems in the context</b></p>	



<b>of human rights, democracy and the rule of law that you wish to bring to the attention of the CAHAI?</b>	
<b>Date of submission</b>	07/05/2021 13:13:24

## University of Ottawa

<b>State (where your institution is based)</b>	<b>Ottawa, Canada</b>
<b>Institution: Name of the institution/body/company</b>	University of Ottawa
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	A definition of some kind is required. However, it should be broad, flexible and inclusive as this is still a rapidly evolving domain.
<b>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</b>	<ul style="list-style-type: none"> <li>• Environment and climate;</li> <li>• Healthcare;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Climate change is a massive global challenge and although the adverse effects will be felt by everyone, the poor and those in developing countries are likely to suffer the most. The potential for AI to address climate change or find solutions is thus very much linked to human rights; by staving off civil unrest due to disasters, starvation, and other hardships, it may also enhance democracy and the rule of law. Health care is also vitally important to addressing human rights understood broadly,

	although innovations in health care must benefit all and not just the rich and privileged.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Some applications of AI for law enforcement or national security could be highly beneficial. Unfortunately, there are also significant risks that these technologies may simply contribute to existing oppression and biases. It would be important to focus on activities such as high end financial fraud, tax evasion and avoidance, money laundering, terrorist financing, and so on.
<b>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</b> <b>8bis. Other</b>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Customs and border control;</li> <li>• Welfare;</li> <li>•</li> </ul>
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	The evidence is already growing of abuses of human rights, democracy and the rule of law in these areas. The use of AI tools to identify suspects carry with them the risk of perpetuating bias and oppression. Social media platforms already use AI tools to profile and microtarget, and, as Eubanks has demonstrated, automated decision-making systems are often rolled out for use in social welfare systems where not only is there great potential for bias and harm, the affected individuals may be least able to push back against inappropriate uses.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 for personalised media content (recommender systems); Deep fakes and cheap fakes
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	In almost all of the categories indicated, there is a use of AI tools to evaluate or assess individuals. Those individuals are often in vulnerable situations. The potential for making their lives worse through systems that are poorly designed or implemented, or that are built upon biased data or algorithms is evident. In addition, these systems may introduce automation biases among 'humans in the loop'. To the extent that the most vulnerable are affected, the ability to challenge these systems may be limited. Some systems may be introduced simply because they promise results and are 'shiny new toys' - the need for added surveillance or automated decision-making may simply not be demonstrable. There is a very real possibility that people who are outliers (who move, react, speak or interact differently, for example) because of medical conditions or disabilities, or even in some cases because of cultural or gendered behaviors, may find themselves profiled out of jobs or opportunities. In the context of social media recommender systems, we are already seeing the effect of 'filter bubbles' and echo chambers. These things may drive advertising revenues, but they are harmful to popular discourse, civil society, and even social order.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Over the last decades we have seen the increasing use of behind the scenes profiling, analytics, etc. -- practices that are relatively non-transparent and poorly understood but that can have very real impacts on individuals and their lives. This creates problems both for AI governance and for personal data governance.
<b>13. In your opinion, should the development, deployment and use of AI systems that have been proven to</b>	Banned

<b>violate human rights or undermine democracy or the rule of law be 13bis. Other</b>	
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	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;
<b>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</b>	• Social networks/media, internet intermediaries ;Law enforcement;Public administration;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	Voluntary certification
<b>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.</b>	I rather disagree
<b>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</b>	Effective is the challenge here. In many ways it is too early to assess effectiveness of these instruments. The Canadian federal government has a Directive on Automated Decision Making which is extremely interesting and has potential...but it is still too early to tell whether this Directive will have the desired effect. The GDPR contains provisions regarding the use of AI, but again, it is still too early to assess the effectiveness of these provisions or whether more (and what precisely) is needed. The new Eu Regulation laying down harmonised rules on AI is the most comprehensive attempt at regulation and it will be very

	interesting to see how it develops and is eventually implemented - but again, it is too early to assess.
<b>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):</b>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>• They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> </ul>
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Although it is admittedly early and would be challenging, there will need to be international norms around the use of AI in specific contexts (from human mobility and border controls to international criminal enforcement, and even certain activities on social media platforms.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree

<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Highly useful Highly useful Highly useful Highly useful</p>

<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> 46bis. Other</p>	<ul style="list-style-type: none"> <li>• Audits and intersectional audits;</li> <li>• Regulatory sandboxes;</li> <li>• Certification and quality labelling;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument No opinion</p>
<p>47.bis. Other</p>	<p>I have indicated that human rights, democracy and rule of law impact assessments should be part of a binding instrument. I did so with some reservations. The reservations are not with respect to the potential utility of such assessments - they could be extremely useful in identify issues and mitigating harms. However, I do have some (cynical) concerns that these will become proforma exercises carried out by consulting companies, enriching their bottom lines with relatively little real benefit. Recognizing that there may be some issues of confidential commercial information that might need to be addressed, I would add a transparency mechanism for both audits and impact assessments. These should also not be one-time assessments. While I would stop short of requiring "continuous" monitoring, there should be regular audits and impact assessments to ensure that the algorithms have not evolved or developed in ways that create new risks or problems.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful Rather useful Highly useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>The Council of Europe should work on an international convention along the lines of Convention 108+ in the data protection context which is open to ratification by other nations outside of Europe in order to begin to build international consensus around a set of norms for the governance of AI.</p>

<b>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?</b>	
<b>Date of submission</b>	27/04/2021 20:41:40

## University of Sarajevo

<b>State (where your institution is based)</b>	<b>Bosnia and Herzegovina</b>
<b>Institution: Name of the institution/body/company</b>	University of Sarajevo
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	No definition, with a legal instrument focused on the effect of AI systems on human rights, de-mocracy and the rule of law
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	A lot of scholarship has been made on the lack of clarity in the definition of AI. The technology is still being developed and the current lack of understanding of AI prevents sufficiently precise definition. The too broad or too vague definition might have a negative effect and we should refrain from it.
<b>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</b>	<ul style="list-style-type: none"> <li>• Education; Banking, finance and insurance; Justice;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	AI would assist humans in performing their tasks and the quality of products and services would be increased. The well-being of users would be increased and consequently,

	they will have more quality time to engage in the democratic process.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	N/A
<b>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</b> <b>8bis. Other</b>	• Justice;• Employment;• Social networks/media, internet intermediaries ;
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI might violate human rights, democracy, and the rule of law in areas that requires sensitivity and the assessment of data which cannot be done by the application of pure logic.
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	Facial recognition supporting law enforcement ;• Emotional analysis in the workplace to measure employees' level of engagement;• Deep fakes and cheap fakes;• AI applications determining the allocation of educational services;Scoring / scoring of individuals by public entities;
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	AI might violate human rights, democracy, and the rule of law in areas that requires sensitivity and the assessment of data which cannot be done by the application of pure logic.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	N/A
<b>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</b> <b>13bis. Other</b>	They should be strictly regulated but allowed only if there are great benefits it provides. Those applications which do not have such prospect should be banned or at least their application should be suspended.
<b>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:</b>	Subject to moratorium
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Equality;Freedom of expression, assembly and association;• Legal certainty;• Transparency;Privacy and data protection;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Law enforcement;• Healthcare;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 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 EU's GDPR is a good example. Instead of focusing on the technology, it prescribes principles, duties of data controllers and processors, and rights of data subjects. I think that the success of this instrument lies to a great extent in its focus - it addresses the risks instead of the technology. The principles allow for the adaptation to the new technologies and other circumstances, something that is desirable in case of new technologies.
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;• 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.	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 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	I fully agree

proceedings are reviewed by a “human” judge.	
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	Indifferent/no opinion
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	Indifferent/no opinion
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree

<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Specific sectors and applications that pose greater risk than usual.</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Rather useful Rather useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law 46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments ;</li> <li>• Certification and quality labelling;</li> <li>• Regulatory sandboxes;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Non-binding instrument No opinion No opinion</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> </ul>	<p>Highly useful Rather useful Highly useful Rather useful</p>

- 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?	
Date of submission	28/04/2021 13:55:37

## University Research and Innovation Center, Obuda University

State (where your institution is based)	Hungary
Institution: Name of the institution/body/company	University Research and Innovation Center, Obuda 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?	It shall be compatible with the legal system across Europe.
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; • Healthcare; •
4bis. If other, which areas and why?	

<p><b>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?</b></p>	<p>Facial recognition supporting law enforcement ;Emotional analysis in the workplace to measure employees' level of engagement;• Smart personal assistants (connected devices);• Medical applications for faster and more accurate diagnoses;• Automated fraud detection (banking, insurance);</p>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Providing equal access to knowledge and services to citizens.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI decision making support on every-day manners</p>
<p><b>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</b> 8bis. Other</p>	<p>• Justice;• Law enforcement;• Customs and border control;•</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>blacklisting, social biasing, pre-deterministic desisions on human individuals</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ;Smart personal assistants (connected devices);• Medical applications for faster and more accurate diagnoses;• Recruiting software/ AI applications used for assessing work performance ;• Deep fakes and cheap fakes;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Highjack our itentity, completely block us from all social and legal services, fake IDs, steal assets.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Military applications, killer drones etc.</p>
<p><b>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</b> 13bis. Other</p>	<p>Heavily regulated via ethically aligned design methods</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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?</b></p>	<p>Equality;• Social security;• Non-discrimination;Privacy and data protection;• 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	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.	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 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	IEEE P7000, P700x standards
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	Clarity on responsibility on misuse of AI technology.
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.	Indifferent/no opinion
29. Individuals should have a right to a meaningful explanation of algorithmic	I completely disagree

based decisions, in particular how the algorithm reached its output.	
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I completely disagree
<b>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</b>	I rather disagree

police arrest or in the framework of judicial proceedings.	
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?	Personal and corporate level responsibility shall be addressed.
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Highly 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	• Certification and quality labelling; Continuous automated monitoring; • Audits and intersectional audits;
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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Non-binding instrument Binding instrument Binding instrument
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"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> </ul>	Rather useful Highly useful Highly useful Highly useful



<ul style="list-style-type: none"> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	
<b>49. What other mechanisms, if any, should be considered?</b>	
<b>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?</b>	
<b>Date of submission</b>	21/04/2021 04:49:38

## UPIGO

<b>State (where your institution is based)</b>	france
<b>Institution: Name of the institution/body/company</b>	UPIGO
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Academic and scientific community
<b>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</b>	No opinion
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	manque d'informations
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Election monitoring;</li> </ul>
<b>4bis. If other, which areas and why?</b>	

<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications determining the allocation of social services;</li> <li>• AI applications in the field of banking and insurance;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>L'éducation est un facteur déterminant pour la citoyenneté future et l'apprentissage de la démocratie</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Une information (journaux, radio etc.) de qualité et aussi indépendante que possible du gouvernement et des puissances financières</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Banking, finance and insurance;</li> <li>• Education;</li> <li>• Public administration;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>atteinte à la liberté individuelle</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ; Smart personal assistants (connected devices); Automated fraud detection (banking, insurance); Recruiting software/ AI applications used for assessing work performance ; AI applications in the field of banking and insurance;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>atteinte à la liberté individuelle</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>elections non contrôlées, non démocratiques</p>
<p><b>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</b> 13bis. Other</p>	<p>soumis au contrôle d'une juridiction spéciale</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>17. What are the most important legal principles, rights and interests that need to be addressed and</b></p>	<ul style="list-style-type: none"> <li>• Transparency;</li> <li>• Privacy and data protection;</li> <li>• Freedom of expression, assembly and association;</li> <li>• Social security;</li> <li>• Political pluralism;</li> </ul>

therefore justify regulating the development, 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	Banking, finance and insurance; 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.	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 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	conseil de l'Europe
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	I rather agree

<b>in a decision-making process which affects them personally.</b>	
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I rather agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion

<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I rather agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather useful Indifferent/no opinion Indifferent/no opinion Rather useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument No opinion No opinion Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>28/04/2021 12:59:48</p>

## Vellum S.A.

<p><b>State (where your institution is based)</b></p>	<p><b>Greece</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Vellum S.A.</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Private business sector</p>
<p><b>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</b></p>	<p>A definition focusing on automated decision-making</p>
<p><b>2bis. If “other” please explain below</b></p>	

<p><b>3. What are the reasons for your preference?</b></p>	<p>To reach to a decision you need learning (machinr since we are using machines) and cognitive abilities simple or more sophisticated with time.</p>
<p><b>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</b> <b>4bis. If other, which areas and why?</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;National security and counter-terrorism;</li> <li>• Environment and climate;</li> </ul>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>Facial recognition supporting law enforcement ;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Health is a basic human right and safety and lawful living is another. AI will help prevent fatal deseases and illegal actions.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>There is a thin line between privacy and the massive data an AI system needs to be effective. We need more experience in practice to reach conclusions.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• National security and counter-terrorism;</li> <li>• Election monitoring;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Any unauthorized tinkering with the algorithm will have profound implication in our society.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Scoring / scoring of individuals by public entities;</p> <ul style="list-style-type: none"> <li>• AI applications to prevent the commission of a criminal offence;</li> <li>AI applications aimed at predicting recidivism ;</li> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> <li>• AI applications for personalised media content (recommender systems);</li> </ul>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Predicting behaviour and reacting as if it will happen punishing people is not the rule of law.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Any application that acts assuming an AI prediction is not to be questioned. AI in waepon systems</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Used as support systems under strict laws and quidlines</p>
<p><b>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:</b></p>	<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:	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;• 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;
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;• 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 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 systems to ensure compatibility with the standards for human rights, democracy and the rule of law	Medical Insurance can not be denied based on past medical history or AI or DNA predictions.
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 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;



<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	We must make sure that data analytics like AI do not create a new type of discrimination as we have today basrd on gender, race, volour, religion etc.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I rather disagree
<b>38. Member States should establish public oversight mechanisms for AI systems that may</b>	I fully agree

<b>breach legally binding norms in the sphere of human rights, democracy and the rule of law.</b>	
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	Among other the use of AI in weapons, like face recognition. Privacy and the right to know and review the decision.
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Highly useful Rather useful Rather useful Rather useful Highly useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;</li> <li>• Certification and quality labelling;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>AI is a very technical and complicated issue. Therefore a special law enforcement and Judiciary branch will be helpful.</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>09/04/2021 18:31:08</p>

## VeriUs Tech.

<p><b>State (where your institution is based)</b></p>	<p><b>Turkey</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>VeriUs Tech.</p>

<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	A definition focusing on machine learning systems
<b>2bis. If "other" please explain below</b>	
<b>3. What are the reasons for your preference?</b>	AI is a broad umbrella term which is fuzzy to define in detail. On the other hand the practical applications almost always include machine learning algorithms.
<b>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</b>	Justice;• Education;• Healthcare;•
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• 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 determining the allocation of educational services;• AI applications determining the allocation of social services;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Some of the choices you include above is quite dangerous like facial recognition systems... ???
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	analysis of the speeches and statements of public office holders and representatives using AI, simplify to the level that majority of the public can understand and track, at the mean time continuous monitoring to improve strengthening human rights, democracy and the rule of law
<b>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</b> <b>8bis. Other</b>	• Justice;• Law enforcement;• National security and counter-terrorism;•
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	by organised attempts to distort public view, and filtering certain groups or individuals from public services
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 for personalised media content (recommender systems);• Deep fakes and cheap fakes;

<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Same here, It is about tweaking AI models to filter out certain groups or individuals to access public services</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Without the use of AI, e-goverment services can have the same problems</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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?</b></p>	<p>Political pluralism;Respect for human dignity;Equality;Freedom of expression, assembly and association;• Transparency;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Justice;Law enforcement;Public administration;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>Indifferent/no opinion</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b></p>	<p>Ethics guidelines</p>

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 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):	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 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

<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather disagree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather disagree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g.</b>	Indifferent/no opinion

elections) should be strictly regulated.	
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Rather useful Rather useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Certification and quality labelling;• Regulatory sandboxes;
<b>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.</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument Non-binding instrument
<b>47.bis. Other</b>	



<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Indifferent/no opinion Highly useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>09/04/2021 18:31:08</p>

## Volkswagen AG

<p><b>State (where your institution is based)</b></p>	<p><b>Germany</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Volkswagen AG</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Private business sector</p>
<p><b>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</b></p>	<p>A definition focusing on automated decision-making</p>

2bis. If "other" please explain below	
3. What are the reasons for your preference?	It is important that the definition is both not too temporal but also not too broad. Whereas ML is now a key factor in AI, restricting to that definition creates loopholes.
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"> <li>• Education;</li> <li>• Environment and climate;</li> <li>• Public administration;</li> </ul>
4bis. If other, which areas and why?	The restriction to 3 only is difficult, but a #1 would be EDUCATION with ENVIRONMENT following close.
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"> <li>• Smart personal assistants (connected devices);</li> <li>• AI applications determining the allocation of educational services;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	An important potential of AI systems is the removal of bias, by checking it for explicitly.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Certification of AI Methodologies.
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"> <li>• Education;</li> <li>• Welfare;</li> <li>• Customs and border control;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Apart from abuse, Through bias which goes undetected.
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;Smart personal assistants (connected devices);
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Through infringement on personal 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	regulated

<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Social security; Freedom of expression, assembly and association;</li> <li>• Non-discrimination; Privacy and data protection;</li> <li>• Explainability;</li> </ul>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Banking, finance and insurance; Law enforcement; Justice;</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Both ethic guidelines and voluntary certification</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>none exist that follow that, but several are being built up. Some by government organisation, but also by private-public partnerships, e.g. etami.</p>

<b>and use of AI systems to ensure compatibility with the standards for human rights, democracy and the rule of law</b>	
<b>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):</b>	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;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I rather agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I rather agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I rather agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	Indifferent/no opinion
<b>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.</b>	I rather agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	Indifferent/no opinion
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	Indifferent/no opinion
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>35. The code behind AI systems used in the public and private sectors should always be</b>	I rather agree

accessible to the competent public authorities for the purposes of external audit.	
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather disagree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I rather agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I rather agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No
<b>44. If yes, what aspects should be covered?</b>	

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

- 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?	
Date of submission	05/05/2021 12:25:46

## VTB Bank (PJSC)

State (where your institution is based)	Russian Federation
Institution: Name of the institution/body/company	VTB Bank (PJSC)
Personal capacity: Your socio-professional category	Lower 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	Other
2bis. If "other" please explain below	A comprehensive definition approved by the scientific community and applicable to legal issues.
3. What are the reasons for your preference?	The need to create a unified conceptual framework for the effective development and integration of artificial intelligence technologies in all areas.
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?	If the right conditions are created and human rights are respected, AI technology can have a positive impact and be useful for any of these areas.

<p><b>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?</b></p>	<p>• Automated fraud detection (banking, insurance); • AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications); Facial recognition supporting law enforcement ;</p>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>If the right conditions are created and human rights are respected, AI technology can have a positive impact and be useful for any of these areas.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>no opinion</p>
<p><b>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</b> 8bis. Other</p>	<p>In the context of a well-developed system of regulation and audit of the development of artificial intelligence technologies, the risk of such violations is minimal.;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>In the context of a well-developed system of regulation and audit of the development of artificial intelligence technologies, the risk of such violations is minimal.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p><input type="checkbox"/> Emotional analysis in the workplace to measure employees' level of engagement;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>In the context of a well-developed system of regulation and audit of the development of artificial intelligence technologies, the risk of such violations is minimal.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>no opinion</p>
<p><b>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</b> 13bis. Other</p>	<p>No opinion</p>
<p><b>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:</b></p>	<p>No opinion</p>
<p><b>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:</b></p>	<p>No opinion</p>
<p><b>16. In your opinion, should the development, deployment and use of AI systems that pose high risks with low probability to human</b></p>	<p>No opinion</p>



rights, democracy and the rule of law be:	
<b>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?</b>	Respect for human dignity; Equality; • Transparency; • Legal certainty; Privacy and data protection;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	All of these fields
<b>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.</b>	Indifferent/no opinion
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	Indifferent/no opinion
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	No opinion
<b>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.</b>	Indifferent/no opinion
<b>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</b>	no opinion
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view</b>	no opinion

<b>need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	Indifferent/no opinion
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	Indifferent/no opinion
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	Indifferent/no opinion
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	Indifferent/no opinion
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	Indifferent/no opinion
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	Indifferent/no opinion
<b>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</b>	Indifferent/no opinion

in the field of consumer protection.	
<b>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.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	Indifferent/no opinion
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	No opinion
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion Indifferent/no opinion
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect</b>	<ul style="list-style-type: none"> <li>• Audits and intersectional audits;</li> <li>• Certification and quality labelling;</li> <li>• Human rights, democracy and rule of law impact assessments ;</li> </ul>

<p><b>human rights, democracy and the rule of law</b>  <b>46bis. Other</b></p>	
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion  No opinion  No opinion  No opinion  No opinion</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Indifferent/no opinion  Indifferent/no opinion  Indifferent/no opinion  Indifferent/no opinion</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>30/04/2021 16:29:17</p>

<b>State (where your institution is based)</b>	<b>California</b>
<b>Institution: Name of the institution/body/company</b>	Wikimedia Foundation
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	Other
<b>2bis. If "other" please explain below</b>	We might define AI as "the theory and practice of reproducing or enhancing advanced cognitive behavior through artificial means". We wish to explicitly disassociate the definition of AI from specific techniques used to implement it, such as neural networks decision trees, or other classification schemes. As the field develops, the issues posed by AI are likely to reach beyond the characteristics of specific implementation, and should be regarded more broadly; similarly regulations should account for the breadth of definitions when proposing specific solutions.
<b>3. What are the reasons for your preference?</b>	As stated, we wish to explicitly dissociate the definition of AI from specific techniques used to implement it.
<b>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</b>	• Education;• Environment and climate;• Other;
<b>4bis. If other, which areas and why?</b>	Identifying information gaps or disinformation Training and skill development
<b>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?</b>	• Medical applications for faster and more accurate diagnoses;• AI applications to predict the possible evolution of climate change and/or natural disasters;
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>Access to free knowledge about critical crises--like climate change and health risks--can promote essential human rights. AI can play a role in easing people's access to and understanding of freely available information.</p> <p>The proper frame for understanding how AI can benefit human rights, democracy, and the fair rule of law is to apply it to cases that enhance the agency of people exercising human rights, democratic rights, and in enhancing the fairness of how the rule of law is applied. The most powerful way to apply AI is to promote the public's ability to enjoy and exercise their rights by enhancing the public's awareness and understanding of those rights. A close second to that is enhancing the ability of the public to educate themselves and to determine their own futures, individually and collectively.</p>

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Following on our understanding (described in the previous answer) of the most powerful way to apply AI being to promote and enhance public awareness and understanding of their rights, and in recognition of our role as an organization whose mission is to enhance access to human knowledge, these larger goals can be served by enhancing accessibility for users and sorting through publicly available data. This could be achieved by improving editor productivity (using structured tasks and by lowering the barrier to participation), organizing content, identifying and making it easy to find information, image recommendations, disinformation detection.</p>
<p><b>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</b> 8bis. Other</p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Public administration;</li> <li>• Employment;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The use of AI systems without transparency or safeguards for human rights has the potential to enhance the asymmetric power of public or private actors to apply oppressive and repressive policies and practices against people. Absent transparency and safeguards, including access to remedy, this creates the conditions for worsening inequality, undermines the rule of law and produces a host of related outcomes that negatively impact the ability of the public to exercise their rights.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 educational services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>These applications will enable, amongst other things, mass surveillance, an increase in inequality, and freedom limitation. Some applications risk harm because of the magnitude of harm that can result from poor implementation; some applications create harm from having automated decision-making applied to them at all; and some applications create harm from the inability for safeguards to be applied to them.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>All applications that further exacerbate existing inequalities including mass surveillance tools</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>

<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<p>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;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Law enforcement;Education;Public administration;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Voluntary certification</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>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</b></p>	<p>Current attempts, such as the Toronto Declaration, form the basis of useful guidance, but cannot be substitutes for regulation in areas where regulation is needed.</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• 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;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>There will be legal gaps so long as key terms are still not defined.</p> <p>Furthermore, existing frameworks on privacy and self-determination rights may be applicable to many AI</p>

	considerations, but for exceptions (like those for proprietary information) that are prevalent, if not universal, in AI systems.
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I fully agree
<b>38. Member States should establish public oversight mechanisms for AI systems that may breach legally binding norms in the</b>	I fully agree



<p><b>sphere of human rights, democracy and the rule of law.</b></p>	
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;</li> </ul>

<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion No opinion Binding instrument Binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>Ensure inclusion of under-represented groups throughout the process and promote shared decision-making throughout.</p>
<p><b>Date of submission</b></p>	<p>09/05/2021 14:14:20</p>

## Wolters Kluwer Romania

<p><b>State (where your institution is based)</b></p>	<p>Romania</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Wolters Kluwer Romania</p>

<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	A broader description would be able to include future developments not seen in the present. A special chapter should be awarded to automated decision vs human controlled
<b>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</b>	Law enforcement;• Public administration;• Healthcare;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	Facial recognition supporting law enforcement ;• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI applications);• Automated fraud detection (banking, insurance);• Deep fakes and cheap fakes;• Smart personal assistants (connected devices);
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	AI must protect the person against abuses and help identify such events.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	Identify court decisions which represents exceptions/ potential unfairness to point them out for a further, higher court interpretation.
<b>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</b>	• Election monitoring;• Social networks/media, internet intermediaries ;• Banking, finance and insurance;
<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Social networks - by automated cancellation of different opinions Election monitoring - by tagging all voters and be able to influence the actual persons which vote Banking - automatic access to finance might limit one's access based on labels scoring
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	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 ;• AI applications in the field of banking and insurance;

<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Deep fakes - use one image to promote other's ideas Scoring - unauthorized change of scoring. Use the scoring to differentiate access to services etc Facial recognition - lock down wrong persons based on resemblance.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>When human decision would be hard to accept vs the "arguments" of AI</p>
<p><b>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</b> <b>13bis. Other</b></p>	<p>Regulated in order to obtain the maximum benefits while protecting the human rights</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> <li>• Legal certainty;</li> <li>Respect for human dignity;</li> <li>Privacy and data protection;</li> <li>• Transparency;</li> </ul>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Justice; Law enforcement; Customs and border control;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do</b></p>	<p>Ethics guidelines</p>

<p>you consider to be the most efficient? 21bis. Other</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>	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>	don't know.
<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;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 view need to be addressed at the level of the Council of Europe</p>	Use of certain techniques are not even recognized as such
<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
<p>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</p>	I rather 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

<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I rather disagree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I rather disagree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I fully agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I completely disagree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g.</b>	I fully agree

elections) should be strictly regulated.	
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Highly useful Highly useful Rather useful Highly useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Certification and quality labelling; • Human rights, democracy and rule of law impact assessments ; • Audits and intersectional audits;
<b>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.</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Non-binding instrument Non-binding instrument Binding instrument
<b>47.bis. Other</b>	

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>It would be hard for a human to contradict an AI algorithm which analyzed 100 million cases. So, when we say a human control the AI, we would need to have also the tools and knowledge of doing that. At the moment, the complexity of developing the AI would make finding such a person very hard...</p>
<p><b>Date of submission</b></p>	<p>15/04/2021 10:34:47</p>

## Women at the Table

<p><b>State (where your institution is based)</b></p>	<p><b>Switzerland</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Women at the Table</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Civil society</p>
<p><b>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</b></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?	We need a proactive framework supple enough to guide technology and ensure no one is left behind and that we all thrive. In order to realise technology’s full power to positively transform lives on a massive scale -- technology must serve humanity - not the other way around. Any formal technological definition risks becoming ridiculously out of date, too narrow + too ossified for usefulness as the technology inevitably morphs + grows. The purpose of a framework (and AI) should be to serve 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	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Education;</li> </ul>
4bis. If other, which areas and why?	Any allocation of resource system has the potential to positively (or negatively) change a system dynamic if its assumptions are reassessed and reconceived with a human rights-based approach at the center.
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"> <li>• AI applications determining the allocation of social services;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications for personalised media content (recommender systems);</li> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> </ul>
6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.	This is a highly charged list. And all the applications have a potential to be used to either retard or enhance human rights, democracy, rule of law depending on the intersectionality and clarity of the model and the pipeline; as discrimination can creep into to any portion of the data/model cycle. The applications themselves do not necessarily benefit anything or anyone, only the intentions and assumptions behind the model do. False dichotomy in these questions in our opinion.
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	Innovative allocation systems that are (re)conceived to correct for historic inequities; inclusive by design to redress imbalance in equalities and opportunity. These would make democracy more robust and resilient as they would be more fair and just, restoring faith in the democratic system; set firmly in the spirit of international human rights 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"> <li>• Law enforcement;</li> <li>• Customs and border control;</li> <li>• National security and counter-terrorism;</li> </ul>
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Potential for abuse here is sky high.
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"> <li>• Emotional analysis in the workplace to measure employees’ level of engagement;</li> <li>• Deep fakes and cheap fakes;</li> <li>AI applications aimed at predicting recidivism ;</li> <li>Scoring / scoring of individuals by public entities;</li> </ul>
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	Algorithmic Decision Making systems --most especially ones without explainability, transparency, an well funded independent empowered ombudsman to protect, the ability to redress -- could create strict irreversible pathways that narrow citizen choices and

	freedoms (particularly the options of the marginalised who may be without awareness of the ADM system or redress) could create grave human rights violations in the form of unregulated systems
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	Allocation systems that do not have a human rights-based approach at their centre- Ones focused on privacy /surveillance protection, that forget discrimination and bias built into the core of the system.
<b>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</b> <b>13bis. Other</b>	Banned
<b>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:</b>	Banned
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	Respect for human dignity;• Possibility to challenge a decision made by an AI system and access to an effective remedy;• Explainability;• Transparency;• Non-discrimination;
<b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b>	Law enforcement;Justice;Public administration;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b>	None of the above. Anything voluntary has proven to be à la carte + toothless.

<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>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</b></p>	<p>Nothing yet. But potentially new draft EU AI legislation; conceptually the US FDA framework as applied to algorithms; potentially the US FTC if they prove to be politically interested in enforcement. Our vote is for an EU-like FDA for AI + ADM</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> <li>• 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;</li> <li>There are too many and they are difficult to interpret and apply in the context of AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I rather agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the</b></p>	<p>I fully agree</p>

<b>public sector and private companies.</b>	
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree

<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>Would make developers, as well as the sellers/companies, and the buyers ( to varying degrees) liable so that all in the AI product life cycle have legal responsibility (which might lead therefore to HR training; perhaps independent certification) and create responsibility and buy in for the impact and effect of the AI on the entire AI ecosystem and particularly its impact on humans</p>
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Rather useful Highly useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Audits and intersectional audits;Continuous automated monitoring;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Non-binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> </ul>	<p>Highly useful Highly useful Highly useful Highly useful</p>

<ul style="list-style-type: none"> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	
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?	Focus on non-discrimination and bias; incentives to actively correct for discrimination not only to mitigate.
Date of submission	27/04/2021 22:46:54

## Women in AI Austria

State (where your institution is based)	Austria
Institution: Name of the institution/body/company	Women in AI Austria
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	Other
2bis. If "other" please explain below	In our view, it would be important to ensure consistent definitions of AI in different areas of policy. For this reason, we believe it would be best to use the same definition as employed by the European Commission in its proposed Regulation on a European Approach for Artificial intelligence.

<p><b>3. What are the reasons for your preference?</b></p>	<p>Shared definitions make it easier to discuss across different fields, whereas different definitions would make it more difficult to discuss or even apply recommendations from different organisations.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>• Election monitoring;</li> </ul>
<p><b>4bis. If other, which areas and why?</b></p>	<p>The benefits AI could bring depend more on the use case than the sector. In general, however, applications where there is a great power asymmetry between AI user and the subject of AI use (e.g., those affected by AI decisions or those having to deliver content to make the AI system work etc.) are more risky and should have better safeguards against potential misuse.</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>These applications enable humans to make better decisions in areas that are more focused on research and not as defined by power asymmetries. Of course, even with these applications, careful measures are necessary to ensure decisions are not biased or disproportionately disadvantageous to some people or areas.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI applications that help civil society organisations pursue greater transparency of the state or businesses vis-a-vis citizens and consumers would help to eliminate or alleviate information asymmetries.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• National security and counter-terrorism;</li> <li>• Welfare;</li> <li>• Justice;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Biased or inaccurate AI applications in the area of justice would clearly violate your right to access to justice and to human judicial review. Discriminatory AI applications in the field of welfare would greatly disadvantage already marginalised communities. Due to their inherent intransparency and secrecy, AI applications for national security and counter-terrorism purposes would run risk of human rights violations without access to recourse.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Facial recognition supporting law enforcement ; Scoring / scoring of individuals by public entities; • AI applications determining the allocation of social services; AI applications aimed at predicting recidivism ; • AI applications determining the allocation of educational services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>All of these applications - and many more on the list - bear the significant risk of discrimination and blocking access to vital resources. This risk is particularly pronounced for marginalised communities, especially if the applications lack transparency and were developed without adequate stakeholder involvement.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Mass surveillance, all AI applications based on pseudoscience - and most AI systems deployed without human rights impact assessments and proper safeguards.</p>
<p><b>13. In your opinion, should the development, deployment and use of AI systems that have</b></p>	<p>These AI systems should be put under a moratorium until appropriate measures have been devised and proven effective to eliminate human rights and related risks.</p>

<p>been 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>	Subject to moratorium
<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>	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy; Respect for human dignity; Freedom of expression, assembly and association; Equality;</li> <li>• Personal integrity ;</li> </ul>
<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; Welfare; Customs and border control;
<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 completely disagree



<p><b>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</b></p>	<p>The EU High-Level Expert Group on AI's Guidelines on Ethical AI are so far the best available, yet they still do not go far enough in specifying principles for the design, development and application of AI systems.</p>
<p><b>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):</b></p>	<ul style="list-style-type: none"> <li>• 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;</li> <li>• They lack specific principles for the design, development and application of AI systems;</li> <li>They do not provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;</li> <li>There are too many and they are difficult to interpret and apply in the context of AI;</li> </ul>
<p><b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b></p>	<p>A prohibition of mass surveillance and a global ban of military AI applications would in our view contribute greatly to furthering human rights, rule of law and democracy.</p>
<p><b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b></p>	<p>I fully agree</p>
<p><b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b></p>	<p>I fully agree</p>
<p><b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b></p>	<p>I fully agree</p>
<p><b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b></p>	<p>I fully agree</p>
<p><b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b></p>	<p>I rather agree</p>
<p><b>33. Public institutions should not use AI systems to promote or discredit a particular way of life</b></p>	<p>I fully agree</p>

or opinion (e.g. “social scoring”).	
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I fully agree
<b>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.</b>	I fully agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I fully agree
<b>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.</b>	I fully agree
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability</b>	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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Highly useful Highly 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"> <li>• Human rights, democracy and rule of law impact assessments</li> <li>• Certification and quality labelling;Continuous automated monitoring;</li> </ul>
<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"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Binding instrument Binding instrument Binding instrument Non-binding instrument Binding instrument</p>
<p>47.bis. Other</p>	<p>Data protection impact assessment - binding Obligation to disclose use and purpose of AI systems - binding</p>

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Highly useful Highly useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>CAHAI should also aim to build capacities in Council Member States to enable computing and data-sharing among researchers and independent auditors and certifiers. We also believe that the Council of Europe should foster interdisciplinary approaches to AI and ensure that guidelines for the design, development and application of AI systems are understandable and helpful for those relying on these guidelines.</p>
<p><b>Date of submission</b></p>	<p>27/04/2021 20:45:36</p>

## World Benchmarking Alliance

<p><b>State (where your institution is based)</b></p>	<p><b>The Netherlands</b></p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>World Benchmarking Alliance</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Civil society</p>
<p><b>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,</b></p>	<p>No opinion</p>

<b>democracy and the rule of law, what kind of definition of artificial intelligence (AI) should be considered by the CAHAI</b>	
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	N/A
<b>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</b>	No opinion;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	The World Benchmarking Alliance's Digital Inclusion Benchmark examined the level of gender equality in the tech industry, and found that diversity is lagging. This in turn hinders innovation, as development of digital goods and services needs to be inclusive to meet the needs of diverse global users. Therefore, it is important diversity and gender equality is promoted in companies to prevent further biases throughout AI systems being developed, and that companies are held to account on this.
<b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b>	N/A
<b>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</b>	No opinion;
<b>8bis. Other</b>	
<b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	N/A
<b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b>	<ul style="list-style-type: none"> <li>• Recruiting software/ AI applications used for assessing work performance ;</li> </ul>
<b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b>	Digital technologies affect jobs and increasingly rely on non-human decisions that can be based on flawed algorithms, with numerous examples emphasising the need for corporate accountability as an essential step in limiting potential societal harms as a result. Amazon's hiring algorithm favouring men when screening job candidates is one such example.
<b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b>	N/A

<b>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</b>	No opinion
<b>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:</b>	No opinion
<b>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:</b>	No opinion
<b>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:</b>	No opinion
<b>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?</b>	Equality; Privacy and data protection;
<b>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</b>	Private sector;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b>	No opinion
<b>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.</b>	Indifferent/no opinion
<b>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</b>	N/A

<b>with the standards for human rights, democracy and the rule of law</b>	
<b>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):</b>	
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	Indifferent/no opinion
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	Indifferent/no opinion
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	Indifferent/no opinion
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	Indifferent/no opinion
<b>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.</b>	Indifferent/no opinion
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	Indifferent/no opinion
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	Indifferent/no opinion
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	Indifferent/no opinion
<b>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.</b>	I fully agree

<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>I rather disagree</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>Indifferent/no opinion</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>Indifferent/no opinion</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Indifferent/no opinion  Indifferent/no opinion  Rather useful  Indifferent/no opinion  Indifferent/no opinion</p>



<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b>  <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Audits and intersectional audits;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion  No opinion  No opinion  No opinion  No opinion</p>
<p><b>47.bis. Other</b></p>	
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Indifferent/no opinion  Indifferent/no opinion  Indifferent/no opinion  Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	<p>The CAHAI has rightfully recognised that while AI has immense potential for solving some of the world’s greatest challenges, it also presents many potential harms. The World Benchmarking Alliance (WBA) welcomes this move to develop a legal framework to protect human rights, democracy and the rule of law as a necessary step to ensure AI is developed and used ethically.</p> <p>The CAHAI proposed framework is in line with the results of the WBA’s Digital Inclusion Benchmark (DIB), which in 2020 assessed 100 of the world’s most influential technology companies on different areas of digital inclusion relevant to the SDGs. One of the four measurement areas assessed by the benchmark is Innovation, which recognises the necessity of corporate commitments and efforts around ethical AI, to ultimately ensure the democratisation of innovation. The</p>

	<p>measurement area examines corporate practices in this space such as through AI ethics committees and implementation of ethical AI frameworks.</p> <p>The DIB results emphasise the need for corporate accountability as a crucial step in ensuring ethical use of AI technologies. As the developers of AI technologies, companies are in control of everything from the datasets used to train systems, to the people involved in the research and development of AI technologies. If these processes are not monitored and key ethical principles are not upheld by companies, current biases will be perpetuated throughout new AI technologies. As such, we strongly encourage corporate accountability to be discussed as key part of the CAHAI framework.</p> <p>Of the 100 companies assessed by the DIB, 56 had a board committee or other executive body overseeing ethics. However, this needs to be put in context. Many companies' ethical considerations focused on traditional ethical issues such as corruption, bribery and harassment. They had not updated their policies to consider ethics in R&amp;D activities. Evidence was found of only 30 companies considering ethics in R&amp;D, and of those, just 16 have adopted ethical AI principles. This low number of companies considering ethical AI emphasises how biases are not being monitored at the key development stages. Companies must be encouraged to further their considerations of AI ethics throughout their operations.</p> <p>Digital technologies affect jobs and increasingly rely on non-human decisions that can be based on flawed algorithms, with numerous examples emphasising the need for corporate accountability as an essential step in limiting potential societal harms. For instance in 2015 Amazon found that its hiring algorithm had been trained to favour men when screening job candidates. So, it is critical to have ethical oversight of research into new technologies, particularly AI. Indeed, such a priori considerations can help reduce the number of cases in which companies later realise the ethical implications of their product and have to withdraw it from sale or use. For instance, in the wake of racial injustice demonstrations in the United States, Amazon placed a one-year moratorium on police using its facial recognition technology. Meanwhile, IBM discontinued sales of its facial recognition software. Alphabet goes further and will not deploy AI for technologies that are likely to cause overall harm, for weapons or other technologies where the main purpose is to injure people, or for surveillance tools that violate international norms. These examples highlight the power that companies have in determining what AI technologies are available in wider society and how these function. This underlines the need to hold corporates to account on their ethical AI principles.</p>
<p><b>Date of submission</b></p>	<p>06/05/2021 17:24:26</p>

<b>State (where your institution is based)</b>	<b>Oregon, USA</b>
<b>Institution: Name of the institution/body/company</b>	World Privacy Forum
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Civil society
<b>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</b>	Other
<b>2bis. If “other” please explain below</b>	AI and machine learning systems are quite complex, and definitions can go awry by either being overly technical or too broad. If possible, a careful and technically neutral AI/ML definition would be paired with human rights , the rule of law, and democratic ideals. All are important for contextualizing the full system(s) of AI and ML.
<b>3. What are the reasons for your preference?</b>	I have conducted extensive AI and ML research in developing and developed countries. I have observed and documented how AI and ML systems can deeply damage human dignity, human rights, and democratic ideals. I have also witnessed how it can assist people. Therefore, a foundational definition of AI and ML systems should cover in a neutral way AI and ML technological systems. However, the full spectrum of risks, impacts, and outcomes of these systems must also be taken into account as well so that there is a balance.
<b>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</b>	<ul style="list-style-type: none"> <li>• Healthcare;</li> <li>• Environment and climate;</li> <li>Banking, finance and insurance;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Smart personal assistants (connected devices);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• AI applications in the field of banking and insurance;</li> <li>• AI applications to promote gender equality (e.g. analytical tools);</li> <li>• Automated fraud detection (banking, insurance);</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	Smart personal assistants have tremendous potential for assisting vulnerable individuals. For example, AI-powered speech to text / text to speech applications are an advancement for people who are deaf or hard of hearing. Automated fraud detection is already utilizing AI and ML, and has been doing so for about 45 years. With recent advances in ML, fraud in some areas (such as credit card fraud) has been diminished greatly, which assists consumers. AI applications which model / predict / seek mitigations for climate change are important to the future of this planet.

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI and ML systems can be used as effective tools to impose privacy protections in data ecosystems. This can be done in a way that creates more privacy, and more data controls; this is an important application of AI. Some very large data ecosystems, including real-time systems, move vast quantities of data in real time or near real-time. The data and privacy protections in such systems will need to be accomplished at the same pace. Some protections can be automated by AI and ML, with variability depending on the use cases. An exemplar use case would be FINRA -- this is a cross-border securities compliance system which now analyzes more than 1 billion daily market events. This AI system is policed in part by AI as well as humans. This system is coded to focus on compliance in real time. Systems could also be coded to focus on privacy in real time.</p>
<p><b>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</b></p>	<ul style="list-style-type: none"> <li>• Customs and border control;</li> <li>• National security and counter-terrorism;</li> <li>• Justice;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The application of AI to justice systems is of great concern. For example, the use of poorly constructed, low-factor AI systems for judicial decision-making should not be permitted. Such systems can have poor accuracy, poor predictability, and they can also introduce harmful and inappropriate bias. For customs and border control, requirements are increasing for the mandatory use of face recognition, a subset of machine learning. Mandatory biometrics are problematic on both technical grounds (age, racial, and gender inaccuracy and bias) and on human rights grounds. The use of AI and machine learning for national security and counter-terrorism purposes is already widespread. We are concerned about transparency of use, the quality of the AI products sought to be utilized, the accuracy of the system, and what types of AI are being utilized, and how. We need much more information from governments in this area. Analysis utilizing AI and machine learning needs skilled human review, particularly when in the context of important decisions affecting human life, as well as decisions involving military conflict, among others.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></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 determining the allocation of educational services;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>Face recognition for law enforcement can be used in an investigative context with controls and human review. But real-time body cam uses, or real-time remote face recognition are problematic due to the risks related to incorrect matching, racial bias, and other factors. Regarding scoring of individuals, we wrote a deeply researched report on this issue in the US context, where data brokers are abundant. We found thousands of scores, some quite meaningful. All but the credit score and a handful of others were secret scores. Given the ubiquity of these individual scores, for all manner of purposes, this is a very important area to consider. See: <a href="http://www.worldprivacyforum.org/wp-content/uploads/2014/04/WPF_Scoring_of_America_April2014_fs.pdf">http://www.worldprivacyforum.org/wp-content/uploads/2014/04/WPF_Scoring_of_America_April2014_fs.pdf</a></p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>It is common now that "prefabricated" chains of coding and algorithms are made available to AI developers. These chunks are very opaque, and this can be a problem. When purchasing a pre-made chunk of an AI algorithm, there are not disclosures nor certifications that the AI has been tested for accuracy, lack of bias, use of only consented data, and so forth. These pre-made algorithms, when joined to form a new product, will bring with them all of their problems. But no one will know what those are. Because pre-fabricated chunks of algorithms are</p>

	becoming very popular, and there is no slowing down in sight, this is an area that will create much opacity.
<b>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</b>	We prefer a regulated ban with procedural checks and regular review.
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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:</b>	Regulated (binding law)
<b>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?</b>	<ul style="list-style-type: none"> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> <li>• Transparency; Privacy and data protection;</li> <li>• Non-discrimination; Equality;</li> </ul>
<b>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</b>	Justice; Public administration; Law enforcement;
<b>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.</b>	I completely disagree
<b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b>	I completely disagree
<b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b>	Codes of Conduct under GDPR, ISO standards, IEEE standards

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 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	<p>-OECD Guidelines on AI - effective as high-level principles (but "soft law.")</p> <p>-US, Fair Credit Reporting Act (regulates credit algorithmic systems and provides redress). This regulation is effective, but extremely narrow. The requirement for government review of the algorithms is a good requirement, and has been in place now since 1974.</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):	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;
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	<p>We have published a paper on applying chemical safety regulations model to AI and ML. For example, in the EU, the REACH and RoHS regulatory model. This model allows a large variety of AI / ML types to co-exist within one overarching regulatory structure. The structure contains many avenues for procedural and administrative and other controls. Our paper on this topic, published last year, discusses biometrics, which are a subset of ML. But this approach could be refined and could be utilized for regulating larger swaths of AI / ML. Regarding biometrics, the regulation of face biometrics without considering all biometrics is an oversight. Face recognition systems are very often utilized as "multimodal" systems, where face is used in combination with gait, ear, or other biometrics. We have proposed to policymakers that all biometrics be regulated "together, but separately" under a model such as REACH or RoHS. Chemical safety models contain excellent procedural and administrative protections, including labeling, which is important in biometrics. Please do not make the mistake of omitting all biometrics - face is not the only biometric which can be acquired from a distance, without intervention. See: <a href="https://www.worldprivacyforum.org/wp-content/uploads/2020/09/WPF_ExpandingSolutions_FaceRecognition_03Sept2020_fs.pdf">https://www.worldprivacyforum.org/wp-content/uploads/2020/09/WPF_ExpandingSolutions_FaceRecognition_03Sept2020_fs.pdf</a></p>
26. Individuals should always be informed when they interact with an AI system in any circumstances.	I rather disagree

<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I fully agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I rather agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I fully agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I fully agree
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I rather agree
<b>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.</b>	I fully agree

<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I fully agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	<p>Highly useful Highly useful Highly useful Rather not useful Highly useful</p>



<p>- <b>Continuous automated monitoring</b></p>	
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Certification and quality labelling; Continuous automated monitoring; The full procedural and administrative protections such as those in REACH and RoHS, applied to AI and ML. Some subcategories of ML in particular need labeling, such as biometrics. (Ex: tested by a scientific body for bias, etc.) ;</li> </ul>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- <b>Human rights, democracy and rule of law impact assessments</b></li> <li>- <b>Certification and quality labelling</b></li> <li>- <b>Audits and intersectional audits</b></li> <li>- <b>Regulatory sandboxes</b></li> <li>- <b>Continuous automated monitoring</b></li> </ul>	<p>Binding instrument Binding instrument Binding instrument No opinion Binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>The procedural controls that are well-understood under the REACH and RoHS regulations -- premarket certification, quality assessment, compliance labeling, registration, product documentation, audit, post-implementation surveillance, safety certification, technological proof of compliance, ongoing review, oversight, and if needed, multistakeholder work under GDPR codes of conduct -- are all of critical importance. Codes of conduct to determine specific guidance (under the auspices of the GDPR and DPA review) should also be part of the toolset to facilitate developing highly specific rules for certain subsets of AI/ML. And finally, if an outright ban is to be considered, there should be specific standards and procedures for enacting a ban, and the ban should be reviewed over time. Sandboxes should be monitored and audited for quality and other factors, and the results made public.</p>

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Highly useful Highly useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Work to bring multilateral institutions into the conversation will be important going forward. It is important that other regions' AI approaches are harmonized.</p>
<p><b>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?</b></p>	<p>In our research of AI and ML systems, we are struck by the diversity of the systems and the diversity of the context in which these systems are utilized. A nuanced framework in which an analysis of these systems is conducted is extremely important. This is why we like the chemical safety model with its mesh of procedural and other protections, which are extensive and monitored in an ongoing fashion. For very high risk systems, this is appropriate. Not all systems will have high levels of risk, though, and tools which assist individuals and others to make finely tuned decision making around AI risk will be important. Standards work within many AI case studies will be helpful. However, any standards work should involve all stakeholders, not just those developing the algorithms, but also those impacted by them. We note again that in designing AI systems, it is common to purchase or use pre-made code or algorithms. These smaller building blocks of modern AI systems also need to be included in regulatory consideration. Along similar lines to pre-made code, we also note that it is possible to “rent” AI and ML systems to analyze data. For example, it is possible to upload data to an AI / ML analytics tool, and then rent the hour or two one needs of using the tool, then download the freshly completed analysis of the dataset. This type of AI rental is the future. Currently, these tools are opaque in many ways. Was the AI analysis tool a quality tool? Currently, there is no set way of ascertaining compliance or quality, among many other issues. We note that as AI/ML analysis becomes required work, that renting high-powered AI/ML tools hosted on cloud environments will become a regular practice.</p>
<p><b>Date of submission</b></p>	<p>07/05/2021 03:59:14</p>

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<b>State (where your institution is based)</b>	<b>Hungary</b>
<b>Institution: Name of the institution/body/company</b>	Zeneszöveg.hu Kft.
<b>Personal capacity: Your socio-professional category</b>	Intermediate occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	It is important to have a brief and summarised wording for everyone to understand what is AI about. Also, the definition above explains that EVERYTHING a living human being can do, calculate, gather, compare, etc. the machine can and will do, so it has to be regulated and the regulation should be already on the table BEFORE we face unforeseen, unthinkable results. I am afraid we are already loosing the game, but we have to try catch up. We see this on the music publishing and copyright law side, already...
<b>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</b>	<ul style="list-style-type: none"> <li>• Education;</li> <li>• Healthcare;</li> <li>• Public administration;</li> </ul>
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	<ul style="list-style-type: none"> <li>• Medical applications for faster and more accurate diagnoses;</li> <li>• Automated fraud detection (banking, insurance);</li> <li>• AI applications to prevent the commission of a criminal offence (e.g. anti-money laundry AI appli-cations);</li> <li>• AI applications used for analysing the performance of pupils/students in educational institutions such as schools and universities;</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> </ul>
<b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b>	<p>AI medical usage can help and improve humanity to maintain good health, ensuring the human rights to live a healthy life. Same as better diagnoses.</p> <p>AI (banking) fraud detection could help avoid the 2008 Lehmann's scandal and similar events in the future.</p> <p>AI could help us to help understand why our climate change (maybe to show that the over-fishing the seas could cause more harm than a plastic straw...).</p>

<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>AI applications could help to avoid plagiarism, especially in music-related fields. Also, could help to ensure and strengthen public/aired music to identify in order to help collecting societies dividing the royalties coming in from different sources. Basic rule-of-law and copyright law.</p>
<p><b>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</b> 8bis. Other</p>	<p>• Justice;• Election monitoring;• Social networks/media, internet intermediaries ;</p>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The AI itself is like a knife in hand - a very sharp, useful tool, in the right hand; it is a blessing to slice of bread. In another hand, it is not... I would keep AI away from fields that can cause more trouble than help. I think the CURRENT technology level could help (without AI!!) to catch more criminals, white-collar fraudsters, etc. as everyone has a mobile phone and other tools which could help counter-terrorism. They (the authorities) either not using it, or they can't afford to use those techniques to catch the "bad" guys. And there is corruption which helps BIG fraudsters to keep intact. This would change with AI, just become worst, IMHO. The social media is already a biased "technology" to influence mass of people. If we allow AI into the field (which is already done...) it might lead to unforeseen circumstances influencing people/youngsters. I would recommend to regulate first.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<p>Scoring / scoring of individuals by public entities;Facial recognition supporting law enforcement ;• Deep fakes and cheap fakes;</p>
<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>The world will become like Orwell's 1984. The system is "watching" the people will become slaves. The deep fake can mislead low educated people and fire up revolutions. Also, as I spoke about the knives before... unfortunately, the current technology level is way over the current Earth habitants handling capabilities. It is sad, but true.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>-</p>
<p><b>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</b> 13bis. Other</p>	<p>Banned</p>
<p><b>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:</b></p>	<p>Subject to moratorium</p>
<p><b>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:</b></p>	<p>Regulated (binding law)</p>

<p><b>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:</b></p>	<p>Banned</p>
<p><b>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?</b></p>	<p>Respect for human dignity;Privacy and data protection;• Transparency;Equality;• Social security;</p>
<p><b>18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human rights, democracy and the rule of law?</b> <b>18bis. Other</b></p>	<p>Banking, finance and insurance;• Social networks/media, internet intermediaries ;Election monitoring;</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I completely disagree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient?</b> <b>21bis. Other</b></p>	<p>Not efficient. Someone will deny it. REGULATE!</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>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</b></p>	<p>-</p>
<p><b>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):</b></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</p>

	provide for specific rights (e.g. transparency requirements, redress mechanisms) for persons affected by AI;
<b>25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe</b>	Copyright law, reuse copyright protected works and create new content - illegally. For example: the "Elvis-like" songs created by original Elvis songs without permission to use the original works...
<b>26. Individuals should always be informed when they interact with an AI system in any circumstances.</b>	I fully agree
<b>27. Individuals should always be informed when a decision which affects them personally is made by an AI system.</b>	I fully agree
<b>28. Individuals should always be informed when an AI system is used in a decision-making process which affects them personally.</b>	I fully agree
<b>29. Individuals should have a right to a meaningful explanation of algorithmic based decisions, in particular how the algorithm reached its output.</b>	I rather agree
<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. "social scoring").</b>	I rather agree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	I rather agree
<b>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.</b>	I fully agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	I completely disagree

<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I fully agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I fully agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I rather agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>No opinion</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	
<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> </ul>	<p>Indifferent/no opinion  Rather useful  Highly useful  Rather useful  Rather useful</p>

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



<b>49. What other mechanisms, if any, should be considered?</b>	
<b>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?</b>	
<b>Date of submission</b>	19/04/2021 15:13:35

## Zorkoczy Law Office

<b>State (where your institution is based)</b>	<b>Hungary</b>
<b>Institution: Name of the institution/body/company</b>	Zorkoczy Law Office
<b>Personal capacity: Your socio-professional category</b>	Higher occupations
<b>Your stakeholder group</b>	Private business sector
<b>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</b>	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)
<b>2bis. If “other” please explain below</b>	
<b>3. What are the reasons for your preference?</b>	speed of development needs broad definitions
<b>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</b>	• Healthcare;• Employment;
<b>4bis. If other, which areas and why?</b>	
<b>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?</b>	• Medical applications for faster and more accurate diagnoses;• Automated fraud detection (banking, insurance);• AI applications for personalised media content (recommender systems);• 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.	access to healthcare
7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?	eJustice
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 ; • Election monitoring;
9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	big brother in social media can investigate people without knowing it
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;
11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.	facial recognition may cause bias in datasets
12. What other applications might represent a significant risk to human rights, democracy and the rule of law?	CCTV in public areas evaluated by AI
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?	• Non-discrimination; Privacy and data protection; • Transparency;
18. In your opinion, in what sectors/areas is a binding legal instrument needed to protect human	Justice; Public administration; Election monitoring;

rights, democracy and the rule of law? 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.	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.	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	Tech Standardsm, Code of conducts, principles of fundamental rights and guidelines how to apply them
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"> <li>• They do not provide enough guidance to the designers, developers and deployers of AI systems;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	indemnity, liability for bad AI
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

<b>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.</b>	I fully agree
<b>31. Individuals should have a right to demand the review of an algorithmic based decision by a human being.</b>	I fully agree
<b>32. There should always be a person responsible for reviewing algorithmic based decisions in the public sector and private companies.</b>	I fully agree
<b>33. Public institutions should not use AI systems to promote or discredit a particular way of life or opinion (e.g. “social scoring”).</b>	I completely disagree
<b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b>	Indifferent/no opinion
<b>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.</b>	I rather agree
<b>36. There should be higher transparency standards for public entities using AI than for private entities.</b>	Indifferent/no opinion
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>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.</b>	I rather agree
<b>40. The use of facial recognition in public spaces should be prohibited.</b>	I rather disagree
<b>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</b>	I rather agree

airplane, upon police arrest or in the framework of judicial proceedings.	
<b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b>	I fully agree
<b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b>	Yes
<b>44. If yes, what aspects should be covered?</b>	liability for operating AI systems, liability as a producer, liability for robots like liability for animals
<b>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?</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Rather useful Rather useful Rather useful Rather useful Rather useful
<b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b>	• Certification and quality labelling;• Audits and intersectional audits;Continuous automated monitoring;
<b>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.</b>  <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	Binding instrument Binding instrument Binding instrument Binding instrument Binding instrument
<b>47.bis. Other</b>	an Internal AI/innovation officer, human supervisor within the institution

<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- <b>Monitoring of AI legislation and policies in member States</b></li> <li>- <b>Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</b></li> <li>- <b>AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</b></li> <li>- <b>Establishing a centre of expertise on AI and human rights</b></li> </ul>	<p>Rather useful Rather useful Rather useful Rather useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	
<p><b>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?</b></p>	
<p><b>Date of submission</b></p>	<p>22/04/2021 17:27:14</p>

## Zvi Meitar Institute for Legal Implications of Emerging Technologies

<p><b>State (where your institution is based)</b></p>	<p>Israel</p>
<p><b>Institution: Name of the institution/body/company</b></p>	<p>Zvi Meitar Institute for Legal Implications of Emerging Technologies</p>
<p><b>Personal capacity: Your socio-professional category</b></p>	<p>Higher occupations</p>
<p><b>Your stakeholder group</b></p>	<p>Academic and scientific community</p>
<p><b>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</b></p>	<p>Other</p>

<p><b>2bis. If “other” please explain below</b></p>	<p>AI has been shown to have different definitions to different people, depending on the sector and the desired regulation. There should be an overarching definition based on scientific principles, but each sector might be better served by having a bespoke definition that best fits the particular sector.</p>
<p><b>3. What are the reasons for your preference?</b></p>	<p>If we regulate too broadly we will impede innovation, if we regulate too narrowly we will do nothing. AI is applied differently depending on the field/sector. to treat it as a monolithic idea that must be treated uniformly is misguided and will serve more to hurt innovation, create barriers to entry and end up being less than useful in the long run as AI advances and the particular definition remains static, artificial, irrelevant and out of touch</p>
<p><b>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</b></p>	<p>Social networks/media, internet intermediaries ;National security and counter-terrorism;• Healthcare;</p>
<p><b>4bis. If other, which areas and why?</b></p>	<p>Social networks are a haven for bad actors, only AI can adequately police this area. Healthcare is ripe for innovative uses of AI, providing the best opportunity for helping those chronically underserved The nature of data that needs to be assessed for increasingly sophisticated bad actors requires AI to comb through all the information in real time</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• AI applications providing support to the healthcare system (triage, treatment delivery);</li> <li>• AI applications to predict the possible evolution of climate change and/or natural disasters;</li> <li>• Medical applications for faster and more accurate diagnoses;</li> </ul>
<p><b>6. Please briefly explain how such applications would benefit human rights, democracy and the rule of law.</b></p>	<p>Most of the options in this question have thus far been abused by the systems implementing them. One of the biggest problems with AI is the inherent bias of the data that is used to train and build the systems. Much of the options suffer greatly from those biases, and until we can best resolve those issues, using AI in those areas will only serve as a bad ambassador for the technology, pushing the public away from its potentially very valuable implementation. By first applying AI in areas where its most likely to do the most good with the data that it already collects (even with some of the biases) we can better steer the public to become increasingly more pro AI.</p>
<p><b>7. What other applications might contribute significantly to strengthening human rights, democracy and the rule of law?</b></p>	<p>Any sector where bias becomes less relevant for the outcome such as scientific research, drug design, traffic management, or the use of the technology in smart cities. As we get better at dealing with the biases in the underlying data, then there ought to be no limits. AI is a tool to optimize outcomes, it should not be perceived as an outcome itself.</p>
<p><b>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</b> <b>8bis. Other</b></p>	<ul style="list-style-type: none"> <li>• Law enforcement;</li> <li>• Employment;</li> <li>• Justice;</li> </ul>
<p><b>9. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>In areas for bias of the underlying data is rampant, employing AI prematurely hampers further innovation by turning the public away from the technology. AI is only as good as the underlying data.</p>
<p><b>10. Please indicate the types of AI systems that represent the greatest risk to human rights, democracy and the rule of law</b></p>	<ul style="list-style-type: none"> <li>• Deep fakes and cheap fakes;</li> </ul>

<p><b>11. Please briefly explain how such applications might violate human rights, democracy and the rule of law.</b></p>	<p>While most of these areas create huge concerns. The trend is toward improving use of AI in these areas. In contrast, advancements in AI only make deep fakes more pernicious undercutting the trust we have with our institutions and our leaders. If any can be fake, then everything can be called fake by those who seek to profit from the uncertainty in society. Democracies will fail if we lose faith in the system.</p>
<p><b>12. What other applications might represent a significant risk to human rights, democracy and the rule of law?</b></p>	<p>Any area where AI is applied without need. Adding complications to simple processes only opens up opportunities to create obtuse, opaque systems that sow distrust and discord.</p>
<p><b>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</b></p>	<p>Technology is inherently agnostic, its how we use it that creates problems. Banning is short sighted at best.</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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:</b></p>	<p>Self-regulated (ethics guidelines, voluntary certification)</p>
<p><b>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?</b></p>	<ul style="list-style-type: none"> <li>• Non-discrimination; Privacy and data protection;</li> <li>• Legal certainty;</li> <li>• Transparency;</li> <li>• Possibility to challenge a decision made by an AI system and access to an effective remedy;</li> </ul>
<p><b>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</b></p>	<p>Banking, finance and insurance;</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>20. Self-regulation by companies is sufficient to prevent and mitigate the risk of violations of human rights, democracy and the rule of law</b></p>	<p>I rather agree</p>
<p><b>21. Which of the following instruments of self-regulation do you consider to be the most efficient? 21bis. Other</b></p>	<p>Depends on the industry. A one size fits all solution will fit no one</p>
<p><b>22. Existing international, regional and/or national binding and/or non-binding legal instruments</b></p>	<p>Indifferent/no opinion</p>



are sufficient to regulate AI systems in order to 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	GDPR
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"> <li>• They create barriers to the design, development and application of AI systems;</li> </ul>
25. Please indicate other specific legal gaps that in your view need to be addressed at the level of the Council of Europe	Not sure as to what the question is referring to. AI, other technologies or anything else?
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 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 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 rather disagree

<p><b>34. States should be obliged to design, develop and apply sustainable AI systems that respect applicable environmental protection standards.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather disagree</p>
<p><b>36. There should be higher transparency standards for public entities using AI than for private entities.</b></p>	<p>Indifferent/no opinion</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>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.</b></p>	<p>I rather agree</p>
<p><b>40. The use of facial recognition in public spaces should be prohibited.</b></p>	<p>I completely disagree</p>
<p><b>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.</b></p>	<p>I completely disagree</p>
<p><b>42. The use of AI systems in democratic processes (e.g. elections) should be strictly regulated.</b></p>	<p>I rather agree</p>
<p><b>43. Should a future legal framework at Council of Europe level include a specific liability regime in relation to AI applications?</b></p>	<p>Yes</p>
<p><b>44. If yes, what aspects should be covered?</b></p>	<p>While a liability regime is useful. it has to be tailored to each sector in which it is applied. AI is not one thing, and its not easily definable. Misguided implementations will serve only to push innovation offshore, where it is still readily available to Europe, just unregulated.</p>

<p><b>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?</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>Rather useful Rather useful Rather useful Highly useful Highly useful</p>
<p><b>46. Please indicate what combination of mechanisms should be preferred to efficiently protect human rights, democracy and the rule of law</b> <b>46bis. Other</b></p>	<p>• Regulatory sandboxes;• Audits and intersectional audits;• Certification and quality labelling;</p>
<p><b>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.</b></p> <ul style="list-style-type: none"> <li>- Human rights, democracy and rule of law impact assessments</li> <li>- Certification and quality labelling</li> <li>- Audits and intersectional audits</li> <li>- Regulatory sandboxes</li> <li>- Continuous automated monitoring</li> </ul>	<p>No opinion Non-binding instrument Non-binding instrument Binding instrument Non-binding instrument</p>
<p><b>47.bis. Other</b></p>	<p>Review both the underlying data and the AI. The AI may be optimal, but will produce undesired results if applied with bad data</p>
<p><b>48. In your opinion, how useful would the following follow-up activities be if implemented by the Council of Europe?</b></p> <ul style="list-style-type: none"> <li>- Monitoring of AI legislation and policies in member States</li> <li>- Capacity building on Council of Europe instruments, including assistance to facilitate ratification and implementation of relevant Council of Europe instruments</li> <li>- AI Observatory for sharing good practices and exchanging information on legal, policy and technological developments related to AI systems</li> <li>- Establishing a centre of expertise on AI and human rights</li> </ul>	<p>Rather useful Rather useful Rather useful Highly useful</p>
<p><b>49. What other mechanisms, if any, should be considered?</b></p>	<p>Establishing centers of AI innovation.</p>

<p><b>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?</b></p>	<p>The precautionary principle (e.g., as applied in the area of Genetically Modified Organisms) only serves to hinder AI development. It will set EU innovation back behind other innovative jurisdictions. And given the exceedingly porous nature of European borders to AI innovations (its just digital) innovation will go off-shore and still end up in Europe, but not controlled in any way by European governance.</p>
<p><b>Date of submission</b></p>	<p>09/05/2021 10:23:24</p>