

Governing the Game Changer Impacts on human rights, democracy and the rule of law



HIGH-LEVEL CONFERENCE

Co-organised by the Finnish Presidency of the Council of Europe Committee of Ministers and the Council of Europe Helsinki, Finland 26-27 February 2019

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Governing the Game Changer

Impacts of artificial intelligence development on human rights, democracy and the rule of law

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26 – 27 February, 2019, Helsinki, Finland

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CONCEPT NOTE

With the emergence of new tools that employ artificial intelligence (AI) in the form of machine learning techniques, we are witnessing another technological revolution. Progress and innovation have always been driving factors for societies and the way we live, yet, AI-based technologies stand out as a game changer with the potential of affecting the core of our societies. While their benefits can be manifold, they raise complex and urgent legal, ethical, policy and economic questions with thus far uncertain implications. Clearly, however, their impact on peoples' enjoyment of human rights and fundamental freedoms and on the functioning of democratic institutions and processes is significant. As a result, they require careful analysis and decisive action.

As AI development affects individuals, communities and institutions at multiple, interconnected and interdependent levels, the topic must be approached comprehensively. The Conference's objective is to engage in a critical and inclusive discussion with global leaders from different spheres for a multi-disciplinary and multi-stakeholder dialogue.

Organised around the three main pillars that constitute the Council of Europe core values, human rights, democracy, and the rule of law, panel discussions will address the challenges and opportunities of AI development for individuals, for societies, and for the viability of our legal and institutional frameworks, and will explore options for ensuring that effective mechanisms of democratic oversight are in place.

Coordinated action at global level is indispensable to build an atmosphere of credibility and accountability around the development and application of AI, to make the most of its potential for societies, their peace and prosperity, and to prevent any use of AI to the detriment of human rights and democratic systems.







PROGRAMME

DAY 1 26 February 2019

9:00 Opening of the conference

Overall moderation of the Conference

• **Jussi-Pekka Rantanen**, Senior News Presenter and Producer, YLE - Finnish Broadcasting Co.

Speakers:

- Timo Soini, Minister for Foreign Affairs, Finland
- Thorbjørn Jagland, Secretary General, Council of Europe
- Nicole Belloubet, Minister of Justice, France

9:45 Setting the scene

Artificial intelligence and human accountability

Joanna Bryson, Associate Professor, University of Bath

Artificial intelligence and human rights

Dunja Mijatović, Council of Europe Human Rights Commissioner

Artificial intelligence and the information environment

 David Kaye, UN Special Rapporteur on Freedom of Opinion and Expression

10:30 Session I: Al and human rights

This session explores the impacts of AI powered techniques on the access to and exercise of the human rights enshrined in the European Convention, such as privacy and the freedom of expression.

Moderator:

 Karen Yeung, Professor, Birmingham Law School & School of Computer Science

Panelists:

- Michael O'Flaherty, Director, EU Agency for Fundamental Rights
- Tamar Kaldani, Data Protection Commissioner, Georgia
- Aidan White, President, Ethical Journalism Network
- Nani Jansen Reventlow, Director, Digital Freedom Fund
- Oliver Süme, Chairman of the Board of the Internet Industry Association (eco)

12:30 Visit the 'Al in Action' exhibition space

13:50 Opening of the afternoon

 Snežana Samardžić-Marković, Director General of Democracy, Council of Europe

14:00 Session II: Al and democracy

This session explores the effects of AI on democratic processes, including elections, as well as on equality and inclusiveness of societies and the prohibition of discrimination. It will further consider what conditions are necessary for AI to enhance democracy and inclusiveness of societies.

Moderator:

• Damian Tambini, Associate Professor, London School of Economics

Panelists:

- Moez Chakchouk, Assistant Director-General for Communication and Information, UNESCO
- **Christian Ahlünd**, Member of the Bureau of the European Commission against Racism and Intolerance (ECRI)
- Wolfram von Heynitz, Head of Cyber Policy Coordination Staff, German Federal, Foreign Office
- Lorena Jaume-Palasí, Executive Director, Ethical Tech Society
- Frederike Kaltheuner, Programme Lead, Privacy International
- Pekka Ala-Pietilä, Chairman of the Board, Huhtamäki / Chair, EU High-Level Expert Group on Artificial Intelligence

16:00 'Al in Action'

This exhibition space allows different actors and stakeholders engaged in the development of AI tools to present their work.

Opening address:

 John Frank, Vice President, European Union Government Affairs, Microsoft

18:30 Evening reception

Helsinki City Hall's Banquet Hall

DAY 2 27 February 2019

o9:00 Opening of the second day of the Conference

- Antti Häkkänen, Minister of Justice, Finland
- Liliane Maury Pasquier, President, Parliamentary Assembly of the Council of Europe

09:30 Session III: Al and the Rule of Law

This session will explore the challenges and opportunities posed by AI for the rule of law, discussing the impact of AI on civil and criminal law and liability regimes, examining the effects of AI applications on the justice system, and analysing implications for the enforcement of individual rights.

Moderator:

 Jean Lassègue, Research Fellow, French Centre for Scientific Research (CNRS)

Panelists:

- **Tiina Astola**, Director General, Directorate-General for Justice and Consumers, European Commission
- Paul Mahoney, Former Judge of the European Court of Human Rights
- Georg Stawa, Former President of the Council of Europe European Commission for the Efficiency of Justice (CEPEJ)
- Clara Neppel, Senior Director of the European Office, IEEE
- Tuomas Pöysti, Chancellor of Justice, Finland
- Tonis Saar, Secretary General of the Ministry of Justice, Estonia

11.30 Tying it all together and adoption of the Conference Conclusions

This inter-active session takes stock of the findings from the three previous panels, exploring what principles regulation should be based on, what kind of democratic oversight of AI related tools is needed and what solutions can be found in technologies themselves.

Moderator:

• Markku Suksi, Professor, Åbo Akademi University

Speakers:

- Karen Yeung, Report from the first panel
- Damian Tambini, Report from the second panel
- Jean Lassègue, Report from the third panel

12:15 Closing remarks

- Pekka Puustinen, Under-Secretary of State, Ministry for Foreign Affairs, Finland
- Jan Kleijssen, Director, Information Society Action against Crime Directorate, Council of Europe

CORE POINTS EMERGING FROM THE DISCUSSION

The growth of artificial intelligence in its various forms has a wide range of impacts on our society. We are very much at the beginning of this phenomenon, with the challenges and opportunities, risks and possible risks becoming more obvious as new technologies and applications start to be used.

It is therefore clear that it is important to facilitate a critical, open and inclusive discussion, in order to maximise the benefits and minimise the risks to society of such technological developments. To achieve this goal, the Finnish Presidency of the Council of Europe Committee of Ministers and the Council of Europe worked together to organise a multistakeholder discussion of the impact of artificial intelligence on the three pillars on which the Council of Europe is founded, namely its impact on human rights, democracy and the rule of law.

The conference was marked by a strong recognition from all high-level speakers of the central role that the Council of Europe can and does play in this policy area.

During the discussions, several points emerged as themes, raised by multiple speakers:

- ➤ the Council of Europe has a significant and global role in promoting human rights compliant and supportive AI. This is due to its core competence and its responsibility for key Conventions that are open for signature globally.
- ➤ all special rapporteurs, all monitoring bodies of the Council of Europe, all relevant national regulatory authorities, should play their role to the full in addressing Alrelated issues.
- ➤ action is needed now, in order to equip society with the tools necessary to defend core societal values. Speakers repeatedly stated that it is important to act now. Put starkly, either we will rule the "game" or the "game" will rule us.
- there are potential positive and negative impacts anticipated in the area of AI. While being clear about the risks, speakers were broadly positive about future developments.
- referring back to the title of the conference, speakers repeatedly stated that it is important to act now. Put starkly, either we will rule the "game" or the "game" will rule us.
- accountability rules have been developed in other complex policy areas, so they should also be possible in relation to AI.
- > speakers who referred to soft law and "ethics" were highly sceptical of reliance on this approach as a replacement for hard law. However, many saw soft law and ethical guidelines as useful complements to hard law.
- the Cambridge Analytica scandal was mentioned repeatedly as evidence of the need to ensure the existence and powers of strong regulatory authorities, of how late we become aware of problems and of the scale of the problems that can arise.

- > several speakers stressed the need for individuals to be equipped with both knowledge of, and control over, Al applications.
- warnings, in various forms, were heard in relation to stasis that would come from relying on old data for new problems. How can our society evolve, if tomorrow is governed by data from yesterday?

Full version of the Conference report is available on the Conference website: www.coe.int/freedomofexpression/AIHelsinki2019



QUOTES

"People are right to ask whether a society driven by statistical models and machine learning might remain human but stop being humane; whether innovation might undermine the human rights, democracy and rule of law which have been so hard won in Europe, and which the Council of Europe was established to protect."

Thorbjørn Jagland, Secretary General of the Council of Europe

"The Council of Europe has an important role in reacting to these human rights challenges arising from a changing world, including challenges posed by new technology, digitalization and, in particular, artificial intelligence."

Timo Soini, Minister for Foreign Affairs, Finland

« La thématique choisie pour nos travaux, celle de l'intelligence artificielle, a trop longtemps été 10egulati sous le seul angle technique et scientifique des 10egulation10on10 infinies qu'offraient le 10egulati informatique et le traitement de données en masse. Or elle est aujourd'hui au cœur d'enjeux cruciaux pour nos démocraties, et 10egula très important que nous nous en saisissions sans tarder.»

Nicole Belloubet, garde des Sceaux, 10egulati de la Justice, France

"Artificial intelligence is an artefact that is built intentionally. This intent incurs responsibility. Humans can be held to account for all of the building blocks of AI."

Joanna Bryson, Bath University

"It is clear to me that either we govern the game, or the game will govern us. We need to act now and put human beings, their dignity and their rights at the centre of automated decision making designs."

Dunja Mijatović, Council of Europe Human Rights Commissioner

"The development of codes of ethics and accompanying institutional structures may be an important complement to, but not a substitute for, legally binding commitments to human rights."

David Kaye, UN Special Rapporteur on the promotion and protection of Freedom of Opinion and Expression

"Democracy requires freedom. We are not sure yet if it requires algorithms."

Snežana Samardžić-Marković, Director General of Democracy at the Council of Europe

"The current legal framework, self-regulation and ethical guidelines must ensure that technological progress occurs in line with principles of human rights, democracy and the rule of law. But in the future there may also be new areas where legislators must be ready to act, if needs arise."

Antti Häkkänen – Minister of Justice, Finland

« Les 11egula principaux devant nous sont d'abord celui de la 11egulation11on et ensuite celui de la 11egulation.»

Liliane Maury Pasquier, President of the Parliamentary Assembly of the Council of Europe

"This conference had set a benchmark on which the necessary future work can build."

Pekka Puustinen, Under-Secretary of State, Ministry for Foreign Affairs, Finland

"We will be helping our member states to gradually, step by step, map the way towards fulfilment of their human rights, democracy and rule of law commitments in the age of AI."

Jan Kleijssen, Director, Information Society – Action against Crime Directorate, Council of Europe

"Challenges are possibly existential – previously it was impossible to know what was going on inside your head, but increasingly technology makes it possible to infer what you are thinking. This goes to the heart of what individual autonomy means, to our own capacity for self-determination. We must govern these technologies responsibly and we need to act now."

Karen Yeung, Birmingham Law School and School of Computer Science

"What is democracy? It combines representative and direct elements, but also deliberations between elections that feed into the formation of public opinion. In all these areas, AI will have a huge impact and has it already now. Controversies about bots, fake profiles and the way social media algorithms constrain people's choices can shape public debate and affect democratic outcomes. This is not a theoretical debate - we are in something of a democratic emergency."

Damian Tambini, London School of Economics

"Al is a revolution and history at the same time. Laws are written texts – Al is written code. Law is accessible to read and to interpret, while code is mute writing. How do we locate the source of legality in Al?"

Jean Lassègue, of the French Centre for Scientific Research

"While the phenomenon of AI itself cannot be regulated, its procedures, consequences and liability can and must be regulated. We must go beyond regulatory restraint, but ensure that AI is enabled through regulation."

Markku Suksi, Åbo Akademi University

'AI IN ACTION' EXHIBITION SPACE

The 'AI in Action' exhibition space hosted demo stands from a wide range of actors and stakeholders engaged in AI, allowing them to present their work.

It also provided a platform for a vast array of flash sessions addressing impacts of AI in specific fields, such as in bioethics, data protection, culture, education, justice and elections, and looking at the challenges posed by the use of AI in the public sector.

Microsoft Europe opened the event, drawing the audience attention to the important responsibilities of private actors engaged in Al development and current efforts towards their realisation.

CEPEJ (CoE) took a snapshot of the current state of affairs in the talk 'Towards robot judges? Going beyond science fiction to grasp the real use of AI in European judicial systems today and challenges ahead'

UNICEF presented a new initiative launched in 2018 called "Generation AI" that looks at risks and opportunities of AI for children, and aims at developing global policy guidance on the matter.

'Al and Bioethics' session (CoE) explored the importance of embedding ethical values and human rights in Al systems in the field of biomedicine.

VTT (Technical Research Center of Finland) organised a session to discuss 'The Ethics and acceptability of AI and software robotics in the Public Administration'

'E-Relevance of Education and Culture in the Age of Al' session (CoE) looked at the role of education, culture and arts in empowering people for life in the environment marked by humanmachine interactions.

Valohai Ltd, a Finnish deep learning management platform, held a talk on 'Transparency in Al Applications in Practice'.

Theimpact of AI on electoral campaigns was discussed at the 'IA and elections: opportunities to strengthen representative democracy'session (CoE)

The Finnish Ministry of Justice presented its Project on the Anonymization of Court Judgments with Language Technology and Machine Learning Apps (ANOPPI)

"Anatomy of an AI system", a visual essay uncovering the matrix of human labour, energy consumption and resource extraction hidden behind AI was presented by its co-author Vladan Joler (CoE).

AlgorithmWatch and the University of Helsinki held a joint session entitled 'Blind spots: Automated decision-making in the Public Sector in EU-countries'

'Al and data protection' session (CoE) explored the necessary path of development of Al applications, why data protection matters, how it is relevant and what is of relevance.

Pravoved.ru, a Russian legal tech company, presented an Al robot-lawyer designed to make law and legal assistance more accessible.







CONCLUSIONS FROM THE CONFERENCE

Information processing technology and machine learning tools rationalise services and deliver enormous efficiency gains in task and systems performance in a wide range of public and private fields. Increasing numbers of people reap many of the benefits of artificial intelligence (AI), as new tools for communication, news consumption, education, entertainment, commercial transactions and multiple other facets of daily life, are fundamentally transforming societies.

Technological advancement can enhance human development and contribute to creating optimal conditions for the exercise of human rights. At the same time, there are broader implications from its use, and possible misuse, for the core values of democratic societies, including equality and fairness.

The following guidance for the way forward to ensure that AI development occurs safely and for the benefit of all is inspired by the conference's open, inclusive, inter-disciplinary and multi-stakeholder debate:

- 1. Al impacts, positively and negatively, on the exercise of human rights, the functioning of democratic societies, and the rule of law. It requires timely and thoughtful policy responses and must be placed at the top of governments' political agendas;
- Al holds significant potential for economic growth and innovation. These goals are
 essentially rooted in the shared values of democratic societies. The economic benefits
 deriving from Al cannot be realised without duly respecting these values;
- 3. All affects all aspects of human life globally and transversally. All states and all stakeholder groups are therefore required to coordinate efforts and, inter alia, share information and good practices, and proactively develop synergies;
- 4. Al should be developed in a human-centric manner to produce benefits for individuals and for societies. A transparent and accountable assessment of the appropriateness of its application in a specific context, its benefits and risks, should be incorporated throughout the life-cycle of development;
- 5. It is important to develop a clearer understanding of AI and its impacts on human rights, democracy and the rule of law. This requires investment in inter-disciplinary and independent research into its direct and indirect effects on individuals and societies in concrete contexts;
- 6. Effective supervisory mechanisms and democratic oversight structures regarding the design, development and deployment of AI must be in place;
- 7. Functioning democratic processes require an independently informed public, and the encouragement of open and inclusive debates. Public awareness of the potential risks

- and benefits of AI must be enhanced and necessary new competencies and skills developed. Due public trust in the information environment and AI applications must be fostered;
- 8. Human rights are the core value of democratic societies, their protection and promotion requires active engagement from all actors, paying particular attention to the needs of vulnerable groups who may face marginalisation. Effective and legitimate mechanisms to prevent human rights violations and thwart discrimination, inequality and bias are necessary;
- 9. The design, development and deployment of AI tools must be subject to risk assessment in line with applicable principles. All automated processes should be designed to make them scrutinisable to a human reviewer. Effective remedies must be in place within public and private remits in all cases where human rights violations are alleged. Algorithmic transparency is crucial for building trust and ensuring due rights protection;
- 10. Equality before the law should not be compromised by algorithmic calculation. Al tools can support trained judges, while the content and contours of the laws and the legal systems of democratic societies must remain authoritatively governed by humans;
- 11. Existing landmark international instruments, including the Universal Declaration of Human Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms, are applicable irrespective of contextual changes brought about by AI and must be complied with to ensure that technological progress occurs in line with the principles of human rights, democracy and the rule of law. Ethical guidelines and self-regulation constitute additional tools to promote these values;
- 12. All relevant stakeholders should engage in in-depth exploration and research into the impacts of AI on human rights, democracy and the rule of law. The Council of Europe, in a multi-stakeholder approach, should continue to develop sector-specific recommendations, guidelines and codes of conduct to promote human rights and the viability of democratic institutions and processes. It should monitor the impact of AI on the collective foundations of democratic societies, continue to identify possible gaps in applicability and enforceability of existing regulatory frameworks, and on this basis, assess the need for further measures to ensure human rights compliant development, design and deployment of AI.

SPEAKERS' PROFILES



Timo Soini is the Minister for Foreign Affairs of Finland. He has been serving in his current position since May 2015. Mr Soini has made a long career in politics. He is one of the four founding fathers of the Finns Party, established in 1995, and was the party chair during 1997-2017. He became a member of the Finnish Parliament in 2003 and the current term as an MP is his fourth one. Between 2009 and 2011, he served as a member of the European Parliament. He has also served as the Deputy Prime Minister in Mr Juha Sipilä's coalition government during 2015-2017. Since June 2017 Mr Soini has been an MP of the Blue Reform parliamentary group. Mr Soini has substantial experience in foreign and security policy as well as EU affairs. From 2011 until

2015, he worked as the Chairman of the Foreign Affairs Committee in the Finnish Parliament. He is regarded as one of the most prominent political figures in Finland and is a demanded and popular speaker in various arenas in Finland, Europe, and beyond. Mr Soini has also written two books.

Thorbjørn Jagland was elected Secretary General of the Council of Europe in September 2009. In June 2014, he was re-elected, and his second term in office commenced on 1 October, 2014. He was the President of the Storting (Norwegian Parliament) from 2005 to 2009. He is a member of the Norwegian Nobel Committee, which awards the Nobel Peace Prize every year. He has held two of the most influential governmental positions in Norway: Prime Minister (1996-97) and Minister of Foreign Affairs (2000-2001). After serving as Foreign Minister, he was Chairman of the Standing Committee on Foreign Affairs and the enlarged Foreign Affairs Committee in the Storting for four years (2001-2005). He also served as Chairman of



the EEA Consultative Committee during this period (2000-2005). In addition, he has held a number of other parliamentary positions. Mr Jagland was Leader of the Norwegian Labour Party for ten years (1992-2002), and Party Secretary of the Labour Party for five years (1987-1992). He is currently the Chairman of the Board of Directors at the Oslo Centre for Peace and Human Rights. Over the last 20 years, Mr Jagland has published widely on a range of issues, in particular on European and international affairs. He has published four books in Norway. He holds a degree in Economics from the University of Oslo (1975).



Nicole Belloubet has been the French Minister of Justice since 2017.

Her academic qualifications include a postgraduate degree in Public Law, a Diploma in Advanced Studies in the History of Law, a Doctorate of State in Public Law (University Paris I) and the title of Associate Professor of Public Law. She worked as a university professor and Rector of the Academy of Limoges (1997-2000) and Toulouse (2000-2005). She acted as president of the Interministerial Steering Committee for the Promotion of Gender Equality in Education Systems between 2000 and 2005. She also held the

Chair of the Board of Directors of the Centre for Studies and Research on Qualifications (CEREQ). Since March 2013, Ms Belloubet has been a member of the French Constitutional Council. She has also held a number of electoral mandates: City Councillor of Saint-Rémy-lès-Chevreuse (1989-1996), First Deputy Mayor of Toulouse (2008-2010), Regional Councillor of Midi-Pyrénées, Senior Vice President, Education, Higher Education and Research since 2010.

Joanna Bryson is a Reader (tenured Associate Professor) at the University of Bath. She has broad academic interests in the structure and utility of intelligence, both natural and artificial. Venues for her research range from reddit to Science. She is best known for her work in systems AI and AI ethics, both of which she began during her PhD in the 1990s, but she and her colleagues publish broadly, in biology, anthropology, sociology, philosophy, cognitive science, and politics. Current projects include "The Limits of Transparency for Humanoid Robotics" funded by AXA Research, and "Public Goods and Artificial Intelligence" (with Alin Coman of Princeton University's

Department of Psychology and Mark Riedl of Georgia Tech) funded by Princeton's University Center for Human Values. Other current research includes understanding the causality behind the correlation between wealth inequality and political polarization, generating transparency for Al systems, and research on machine prejudice deriving from human semantics. She holds degrees in Psychology from Chicago and Edinburgh, and in Artificial Intelligence from Edinburgh and MIT. At Bath she founded the Intelligent Systems research group (one of four in the Department of Computer Science) and heads their Artificial Models of Natural Intelligence.



Dunja Mijatović was elected Commissioner for Human Rights on 25 January 2018 by the Parliamentary Assembly and took up her position on 1 April 2018. She is the fourth Commissioner, succeeding Nils Muižnieks (2012-2018), Thomas Hammarberg (2006-2012) and Alvaro Gil-Robles (1999-2006). National of Bosnia and Herzegovina, she has been working to promote and protect human rights for the past two decades, thus acquiring extensive knowledge in the field of international monitoring, in particular as regards freedom of expression. Prior to her appointment as Commissioner for

Human Rights, she has served as OSCE Representative on Freedom of the Media (2010-2017), Director of Broadcast of the Communications Regulatory Agency of Bosnia and Herzegovina (2001-2010), Chair of the European Platform of Regulatory Agencies (2007–2010) and of the Council of Europe's Group of Specialists on Freedom of Expression and Information in Times of Crisis (2005-2007). Dunja Mijatović has regularly given lectures in national and international fora and has been awarded several human rights prizes. She has also being active in supporting NGO activities in the field of human rights education and asylum.

David Kaye is a professor of law at the University of California, Irvine, and the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. Appointed by the UN Human Rights Council in June 2014, he is the global body's principal monitor for freedom of expression issues worldwide. His thematic reporting has addressed, among other things, growing repression of freedom of expression globally, encryption and anonymity, the protection of whistleblowers and journalistic sources, the roles and responsibilities of



private Internet companies, the regulation of online content by social media and search companies and the ways in which Artificial Intelligence technologies implicate human rights issues. He began his legal career with the U.S. State Department's Office of the Legal Adviser and is a member of the Council on Foreign Relations and former member of the Executive Council of the American Society of International Law.



Karen Yeung is Interdisciplinary Professorial Fellow in Law, Ethics and Informatics at the University of Birmingham in the School of Law and the School of Computer Science. Her research expertise lies in the regulation and governance of, and through, emerging technologies, with her more recent and on-going work focusing on the legal, ethical, social and democratic implications of a suite of technologies associated with automation and the 'computational turn', including big data analytics, artificial intelligence (including various forms of machine learning), distributed ledgers (including

blockchain) and robotics. Her work has been at the forefront of nurturing 'law, regulation and technology' as a sub-field of legal and interdisciplinary scholarship, reflected in the publication of The Oxford Handbook of Law, Regulation and Technology (co-edited with Roger Brownsword and Eloise Scotford) in 2017. Karen is actively involved in several technology policy and related initiatives in the UK and worldwide, including membership of the EU's High Level Expert Group on Artificial Intelligence, as a member and rapporteur for the Council of Europe's Expert Committee on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) and ethics advisor and member of the Expert Advisory Panel on Digital Medicine for the Topol Independent Technology Review for the NHS. She is admitted to practice as a Barrister and Solicitor of the Supreme Court of Victoria (Australia) and is on the editorial boards of Big Data & Society and Public Law.



Michael O'Flaherty is Director of the EU Agency for Fundamental Rights. Previously, he was Established Professor of Human Rights Law and Director of the Irish Centre for Human Rights at the National University of Ireland Galway, and served as Chief Commissioner of the Northern Ireland Human Rights Commission. From 2004-2012, he was a member of the United National Human Rights Committee, latterly as a Vice-Chairperson. He is currently adjunct Professor of Law at the National University of Ireland Maynooth. Michael O'Flaherty has held a number of senior posts at the United Nations, including the establishment of the UN human rights field missions in Bosnia and Herzegovina

and Sierra Leone. Prof. O'Flaherty came to NUI Galway from the University of Nottingham where he was Professor of Applied Human Rights and Co-director of the Human Rights Law Centre. His publications include volumes on the law and practice of human rights field operations, the professionalization of human rights field work and on human rights diplomacy.

Tamar Kaldani was appointed first Personal Data Protection Inspector of Georgia in 2013 and in 2016 she was re-elected by the Parliament. Prior to this Tamar has held senior positions in Open Society Georgia Foundation, Georgian Young Lawyers' Association and Kordzadze Law Firm. She has worked extensively with Georgian Government agencies, international organizations and civil society on Anti-Corruption, criminal justice and legal aid reforms. Since 2014, she is a member of Consultative Committee (T-PD) of the Council of Europe Convention 108 and from 2018 she is elected First Vice-Chair of the Committee Bureau. Tamar is actively involved in academic activities. She is



invited lecturer at four leading Georgian Universities. She is co-author and editor of more than 10 publications, including civic education textbooks. Mrs. Kaldani holds a law degree from Tbilisi State University (Georgia) and a Master of Business Administration degree from Delta International University (US). Currently she is PhD student at Georgian-American University and her doctoral research explores independent oversight mechanisms over the processing of personal data for investigative purposes.



Aidan White is the Founding President of the Ethical Journalism Network, the global organisation of the world's major media professional groups which promotes ethics, good governance and self-regulation of journalism across all media platforms. White has worked on numerous publications including The Guardian and the Financial Times and for 24 years was General Secretary of the International Federation of Journalists, during which time he helped create the world's largest organisation of journalists with members in 126 countries. He

founded the EJN in 2012 and today the Network has more than 60 members and supports programmes to strengthen journalism in the Middle East, South Eastern Europe, Africa and Asia. He is the author of the book To Tell YOU the Truth (2008), on ethical journalism, and also an author who has produced reports on media, human rights and journalism ethics for the Council of Europe, the Organisation for Security and Co-operation in Europe, UNESCO, the International Labour Organisation and the International Centre of Migration Policy Development.

Nani Janssen Reventlow is the founding Director of the Digital Freedom Fund, which supports partners in Europe to advance digital rights through strategic litigation. Nani is also an Associate Tenant at Doughty Street Chambers and a Lecturer in Law at Columbia Law School. She is Affiliate at the Berkman Klein Center for Internet & Society at Harvard University, where she was a 2016-2017 Fellow. Nani has been an advisor to Harvard's Cyberlaw Clinic since 2016.



Oliver Süme, is a German lawyer and chair of the Internet Industry Association (eco.de), representing more than 1000 international companies from the IT and Internet sectors. Oliver is a technology law and data protection expert and partner of the European law firm Fieldfisher. He is chairing the data protection committee at EuroISPA and served as president of the world's largest ISP association from 2013 to 2018. The legal impact of new technologies like Artificial Intelligence, the regulatory framework and the international discussions about ethical guidelines for AI are very much in the focus of Oliver's work.





Snežana Samardžić-Marković is the Director General of Democracy at the Council of Europe since 2002. Under her responsibility, the Directorate General works to help our member states in creating a favourable environment for sustainable democracy and democratic security in Europe. Three directorates and eight partial agreements under her responsibility are providing guidance, assistance and innovation in the areas of democratic governance, participation and diversity. Her responsibilities include the policy areas of education and youth, local democracy, cultural policies, election assistance, the protection of human dignity, gender equality, children's rights, and the rights of minorities,

work against discrimination, democratic citizenship and democratic responses to crisis situations. Previously, Ms Samardžić-Marković has held numerous positions in the Serbian Government including as Deputy Director in the Ministry of Foreign Affairs for Neighbouring Countries; Assistant Minister of Defence (2005- 2007) and Co-President of the Serbia-NATO Defence Reform Group; member of the Foundation Board of WADA, Minister of Youth and Sports (2007-2012) and President of the Fund for Young Talents.



Damian Tambini is an expert in media and communications regulation and policy, and active in policymaking as well as academic research. He is frequently called to give evidence to parliamentary committees and provide formal and informal policy advice to government. From 2014-2015 he served on the UK Government Expert Panel advising on the value of electromagnetic spectrum. He was called to give evidence to the Leveson Inquiry in 2012, and from 2009-2010 he served on the Communications Consumer Panel, a non-executive role at the communications regulator Ofcom.

Moez Chakchouk has served as UNESCO's Assistant Director-General for Communication and Information since May 2018, where he is responsible for the Organization's programmes on fostering freedom of expression and building inclusive knowledge societies. From 2015 to 2018, Mr Chakchouk was Chairman and CEO of the Tunisian Post, a leading institution for social and financial inclusion in Tunisia. A graduate of the Sup'Com Engineering School, Moez received an MS in Telecommunications from ENIT Engineering School in 2001. In 2009, he obtained a PhD in telecommunications and applied mathematics, under the joint tuition of El Manar University, Tunisia and Paris



Desc-artes University, France. He started his career as a research engineer in CERT, the Tunisian Center for Research and Studies in Telecommunications. In 2005 Mr Chakchouk joined the Tunisian Telecommunication Regulation Authority (INT), first as chief of the technical department, later becoming the Head of Interconnection & Access. In March 2010, he was appointed as Adviser to the Minister of Communications Technology in charge of internet development. In February 2011, after the Tunisian revolution, Moez was appointed Chairman and CEO of ATI (the former Tunisian Internet Agency), the leading internet operator in Tunisia since 1996. After his nomination, despite the difficult transitional situation in his country and with the support of the Tunisian internet community, he made significant progress in the development of the internet in Tunisia. In June 2013, while organizing and hosting the Freedom Online Conference, he launched an open innovation labs in Tunisia (404Labs) in the same place that used to host online censorship equipment. Moez is a strong defender of human rights online, has participated in numerous international forums and conferences and was selected in 2015 to serve as a member of the Global Commission on Internet Governance.

Christian Ahlund is Member of the Bureau of the European Commission against Racism and Intolerance (ECRI) and the Executive Director of the International Legal Assistance Consortium (ILAC). He is also a senior partner of the Swedish law firm Sju Advokater and a member of the Swedish Bar. Since the mid '80s Ahlund has had recurring international assignments in the fields of human rights and international law. In 1997, he was posted in Sarajevo as Director General for Human Rights for the Organisation of Security and Cooperation in Europe (OSCE) Mission to Bosnia-Hercegovina,



tasked with monitoring the implementation of the human rights aspects of the Dayton Agreement. In December 1999 he was appointed jointly by the Office of the High Representative in Bosnia-Hercegovina and OSCE to chair a commission of national and international experts with the task of drafting legislation in the fields of defamation and freedom of information. From 2003 to 2006, Ahlund chaired the Human Rights Committee of the CCBE (the Council of Bars and Law Societies in the European Union). In 2004, Ahlund received the International Bar Association's annual "Rule of Law Award". Ahlund has published articles in Swedish and international press on human rights and international law.



Wolfram von Heynitz is the Head of the Cyber Policy Coordination Staff of the German Federal Foreign Office. Previous positions include a term as Research Commissioner of the German Foreign Office and a member of its Policy Planning staff, specializing in Cyberpolicy, Cybersecurity, and, in the face of emerging challenges, the development of future directions and strategies for the Foreign Office. He also served as Head of the Division for Foresight, in the Ministry's EU Enlargement Division, as the Political Counsellor in the German Embassy in Tel Aviv dealing with the Middle East Peace Process and Israeli interior politics, in the private office of the Minister for European Affairs and in the Office of the Federal President. He was also posted as Deputy Head of Mission to Ireland and Azerbaijan. Before joining the Foreign Service, he

graduated from the Université Paris-Sorbonne with a master thesis (Maitrise) on Artificial Intelligence and lectured philosophy at Berlin university. He studied also in the Universities of Marburg, Berlin as well as in Harvard and holds degrees in both Law and Philosophy.

Lorena Jaume-Palasí is founder and CEO of The Ethical Tech Society. She researches the ethics of digitisation and automation and in this context also deals with legal philosophical questions. In 2017 she was appointed by the Spanish government to the Council of the Wise on Artificial Intelligence and Big Data. She is one of the 100 experts of the Cotec Foundation for her work on automation and ethics. She is also a Bucerius Fellow of the Zeit Foundation. She has co-founded AlgorithmWatch and the IGF Academy as well as the Dynamic Coalition on Publicness of the UN Internet Governance



Forum (IGF). Lorena is a member of the advisory board of the Code Red initiative against mass surveillance. Additionally, she heads the secretariat of the German national section of the IGF as well as projects on Internet Governance in Asia and Africa. Lorena is regularly consulted by international organisations, associations and governments. She has co-authored and edited various publications on internet governance and regularly writes on data protection, privacy and publicity, the common good and discrimination.



Frederike Kaltheuner leads Privacy International strategic work on data exploitation. Privacy International is a global civil liberties organisation that litigates to ensure that surveillance is consistent with the rule of law and advocates for strong regional, national and international laws that protect the right to privacy. As a representative of Privacy International, Ms. Kaltheuner has given expert evidence in the European Parliament, the Belgium Parliament and the UK House of Lords. She regularly speaks at international conferences and comments on the privacy implications of emerging technology in the British and

international press. Ms. Kaltheuner holds an MSc in Internet Science the University of Oxford and a BA in Philosophy and Politics from Maastricht University and was a visiting fellow at the philosophy

department of Bogazici University Istanbul. Her book DatenGerechtigkeit was published by Nicolai Publishing & Intelligence in Berlin in 2018.



Pekka Ala-Pietilä (born 1957) is the Chairman of the Board of packaging company Huhtamaki, media company Sanoma and IT consulting company Netcompany A/S, as well as a member of the Supervisory Board of SAP. In addition, he operates in several expert groups, for example as the Chairman of the steering group that prepares for artificial intelligence in TEM. Pekka Ala-Pietilä acts as a mentor for many young future experts and decision makers. Pekka Ala-Pietilä was a Co-founder and CEO of Blyk Services Oy during 2006-2011. In 1984-2005 Pekka Ala-Pietilä worked in several different positions in Nokia Corporation. From 1992 onwards, he was a member of Nokia

Corporation's Group Executive Board. During 1992-1998, he was the President of the Mobile Phones segment and during 1999-2005 the President of Nokia Corporation. Pekka Ala-Pietilä has a M.Sc. (Econ), D.Sc. (Econ) h.c. and D.Sc. (Tech) h.c.

John Frank is Microsoft's Vice President, EU Government Affairs. In this role, John leads Microsoft's government affairs teams in Brussels and European national capitals on EU issues. John was previously Vice President, Deputy General Counsel and Chief of Staff for Microsoft President and Chief Legal Officer Brad Smith based at Microsoft's corporate- headquarters in Redmond Washington. In this role, he managed several teams including the Law Enforcement and National Security team, the Industry Affairs group, Corporate, Competition Law and Privacy Compliance teams and the department's technology and business operations team. For his first eight years at Microsoft, John was based at Microsoft's European headquarters in



Paris. Initially he was responsible for the legal and regulatory issues involved in the launch of the Microsoft Network (now MSN). From 1996 to 2002, Mr. Frank led Microsoft's Legal and Corporate Affairs group for Europe, Middle East and Africa focusing on issues including privacy, security, consumer protection and antitrust. Mr. Frank began the company's European Government Affairs program, which focused on advocacy on software and online policy issues. Prior to joining Microsoft, John Frank practiced law in San Francisco with Skadden, Arps, Slate, Meagher & Flom. Mr. Frank received his A.B. degree from the Woodrow Wilson School of Public and International Affairs at Princeton University and his J.D. from Columbia Law School.



Antti Häkkänen is the Minister of Justice of Finland. He is a Member of Parliament and a former member of its Constitutional Law Committee. He is also the Vice Chair of the National Coalition Party. Lawyer (LL.M) by training, Minister Häkkänen has emphasized the importance of the rule of law for inclusive democracy and the full realization of human rights. He has played an active role in the European Union regarding the promotion of the rule of law. Minister Häkkänen has launched initiatives related to engaging citizens and is in particular interested in the possibilities provided by new technologies. Although artificial intelligence may well open new horizons, Minister Häkkänen has

actively voiced the different legal and ethical challenges AI development may pose. He has underlined the need of an active discussion for a European approach for the development of AI, guaranteeing that individuals can trust their fundamental rights being fully respected.

Liliane Maury Pasquier, President of the Parliamentary Assembly of the Council of Europe since June 2018, is a Swiss parliamentarian from the city of Geneva. From 1983-1991 she was a municipal councillor in Veyrier (Switzerland) and from 1993-1996 a member of the Grand Council in Geneva. A national parliamentarian since 1995, she has exercised several important functions in the National Council and the Council of States, including Chair of the National Council and of the Federal Assembly in 2002, Chair of the Delegation for the Relations with the French Parliament (2009-2011 and since 2018), Chair of the



Committee for Social Security and Public Health (2013-2015). After joining the Parliamentary Assembly in 2007, she chaired the Assembly's Swiss delegation from 2011-2013 and presided over the Group of Socialists, Democrats and Greens (January to June 2018). She was a member of several committees: Rules of Procedure, Immunities and Institutional Affairs (chairing from 2016-2018); Social Affairs, Health and Sustainable Development; Political Affairs and Democracy; as well as Monitoring. She is a qualified independent midwife and from 2009-2013 was Chair of the Swiss Federation of Midwives.



Jean Lassègue, Research Fellow at the French Centre National de la Recherche Scientifique (CNRS) - philosophy section. My research has been focused on the epistemology of computer science in the 1930s, 40s and 50s (especially the work of Turing) and its consequences on cognition, from computational to cultural models. My interest in the relationship between computer science and law originates from an intense collaboration with judge Antoine Garapon at Institut des Hautes Études sur la Justice (Paris) where we organise a seminar dedicated to the relationship between Law and the epistemology of Mathematics and Computer Science.

Since 1 February 2016, **Tiina Astola** is Director-General for Justice and Consumers at the European Commission. The DG deals with civil justice, including contract and company law, criminal justice, fundamental rights, data protection and free movement, equality and consumer law and policy. Before joining the Commission, Ms Astola was Permanent Secretary of the Finnish Ministry of Justice, with overall responsibility for both international and domestic law matters, including courts and prisons. Prior to that, she



headed units responsible for civil law and European law at the Department of Legislation of the Ministry and has also worked for the Finnish Ministry of Finance and the Finnish Foreign Trade Association. Ms. Astola has been awarded an Honorary Doctorate by the Faculty of Law of the University of Helsinki in May 2017.



Sir Paul Mahoney, KCMG, sat as the United Kingdom judge on the European Court of Human Rights from 2012 till 2016, having previously been the Registrar of that Court (2001-2005). In the intervening period, he served as President of the European Union Civil Service Tribunal (a specialist chamber of the Court of Justice of the European Union) (2005-2011) and Chair of the Appeals Board of the European Space Agency (2011-2012). He was for many years an associate editor of the Human Rights Law Journal (1980-2012). He received an honorary doctorate from the Aristotle University of Thessaloniki in 2011 and was knighted by the British Crown in 2018 (for services to international justice). He has coedited three books and published 50 or so articles on international human rights

law and European civil service law. He is currently a member of the Council of Europe's Advisory Panel on Candidates for Election as Judge to the European Court of Human Rights, as well as being Chair of the European Patent Office's internal Appeals Committee.

Georg Stawa, former Judge, Head of Department for strategy, consulting and information-management in the Austrian Ministry of Constitutional Affairs, Reforms, Deregulation and Justice, acting as National Coordinator of EU-SRSS projects as well. He participates in international research projects, is Guest Lecturer at the Plekhanov University of Economics Moscow and has been engaged in justice reform projects in countries of Central and Eastern Europe in leading positions. Mr. Stawa has a rich international experience consulting judicial reforms, mainly on issues ranging from justice reform strategies and actions plans, standardized methods, benchmarks and



guidelines for monitoring and assessment of court performance and design of change management. Georg Stawa was Secretary General in the Ministry of Justice for Deputy Prime Minister Brandstetter,

is long-term member of the Commission for Efficiency of Justice (CEPEJ) of the Council of Europe, for which he served as President.



Dr. Clara Neppel is the Senior Director of the IEEE European office in Vienna, where she is responsible for the growth of IEEE's operations and presence in Europe, focusing on the needs of industry, academia, and government. Clara serves as a point of contact for initiatives with regard to technology, engineering and related public policy issues that help implementing IEEE's continued global commitment to fostering technological innovation for the benefit of humanity. She joined IEEE in 2017 after working with the European Patent Office (EPO) where she was involved in various aspects relating to innovation, intellectual property and public policy in the field of information and communication technologies. Before joining EPO, Neppel worked in research, in the area of

parallel database optimization, and in industry, as program manager for archiving solutions. She holds a Ph.D. in Computer Science from the Technical University of Munich and a Master in Intellectual Property Law and Management from the University of Strasbourg.

Doctor luris Tuomas Pöysti is the Chancellor of Justice of the Government of Finland, by Constitution of Finland the Supreme Guardian of the Law in Finland. The Chancellor of Justice supervises the legality of the official actions of the Government, the Ministries and the President of the Republic. The Chancellor of Justice attends all the plenary sessions of the Government as well as presidential sessions at which the President of the Republic makes decisions on proposals presented by the Government. The Chancellor of Justice also ensures that the courts of law, other authorities and other persons or bodies assigned to perform public tasks comply with the law and fulfil their assigned

obligations. The Chancellor of Justice additionally oversees by law the professional conduct of advocates, public legal aid attorneys and licensed attorneys in law. Previously Dr Pöysti served as the Under-Secretary of State of Governance Policy and Digitalization and as Auditor General of Finland. Dr. Pöysti has the Title of Docent in Administrative law (University of Helsinki) and approx. 50 scientific publications on administrative law, information law and legal informatics discussing among other things information security, digitalization and ethics of public and legal services, artificial intelligence and trust.



Tõnis Saar has been the Secretary General of the Ministry of Justice of Estonia since 2017. Before that he served as the Undersecretary of the Ministry of Foreign Affairs and the Director General of the National Audit Office. Tõnis Saar has MSc in Management from the London City University of CASS Business School. In the Ministry of Justice he is in charge of the work of the structural units and co-ordinates the activities of the authorities in the Ministry's area of governments including e-services in Estonian justice system.

Markku Suksi is Professor of Public Law at the Department of Law, Åbo Akademi University, in Finland (msuksi [at] abo.fi). He teaches within the areas of constitutional law, administrative law and comparative law. He has published, inter alia, the following books and edited volumes: Bringing in the People — A Comparison of Constitutional Forms and Practices of the Referendum (Martinus Nijhoff, 1993), Sub-State Governance through Territorial Autonomy (Springer, 2011), First Fundamental Rights Documents in Europe (co-ed.; Intersentia, 2015), Access to Information and Documents



as a Human Right (together with Mariya Riekkinen; Institute for Human Rights, Åbo Akademi University, 2015) and Double Enumeration of Legislative Powers in a Sub-state Context - A Comparison between Canada, Denmark and Finland (Springer, 2018). He has authored a number of articles in the area of linguistic rights and minority rights and two articles relevant within the area of artificial intelligence, namely 'On the Openness of the Digital Society: from Religion via Language to

Algorithm as the Basis for the Exercise of Public Powers' (pp. 285-317 in Anna Sara Lind - Jane Reichel - Inger Österdahl (eds), Transparency in the future - Swedish openness 250 years. Tallinn: Ragulka Press, 2017) and 'Förvaltningsbeslut genom automatiserat beslutsfattande – statsförfattnings- och förvaltningsrättsliga frågor i en digitaliserad myndighetsmiljö' (JFT 5/2018 s. 329–371).



Ambassador Pekka Puustinen took up his duties as Under-Secretary of State at the Foreign Ministry of Finland, on January 1, 2019. In his present position he is in charge of Internal and External Services including Administration, Personnel, Finances, Legal and Consular Affairs as well as Communications. From September 2016 until his appointment, Mr Puustinen served as Finland's Ambassador to the OECD and UNESCO in Paris, France. Before that he worked in, inter alia, as Director General of the Department for Development Policy, Deputy Director General of the Department for the Americas and Asia, and Director for Sectoral Policies. He has served as a diplomat in Paris, Berlin, Bonn

and Brussels. His areas of competence include foreign and security policy, international development, trade, finance and administration.

Jan Kleijssen was born in 1958 in Almelo (The Netherlands). He studied International Law at Utrecht State University (LLM in 1981) and International Affairs at the Norman Paterson School of International Affairs, Carleton University, Ottawa (MA 1982). Jan joined the Council of Europe in 1983 as a Lawyer with the European Commission of Human Rights. He was Secretary to the Parliamentary Assembly's Political Affairs Committee from 1990 to 1999. Jan then served as Director of the Secretary General's Private Office and afterwards as Director and Special Advisor to the President of the

Parliamentary Assembly. Jan is currently the Director of Information Society and Action against Crime, Directorate General Human Rights and Rule of Law, of the Council of Europe. His Directorate carries out standard-setting, monitoring and co-operation activities on a wide variety of issues, including freedom of expression, data protection, internet governance, cybercrime, terrorism, money-laundering and corruption.



Joe McNamee has worked on internet regulation since 1998. Up to the end of 2018, he was Executive Director of European Digital Rights, the association of organisations defending online human rights in Europe. He participated in the Council of Europe expert committee on the roles and responsibilities of internet intermediaries and is currently a member of the Council of Europe Committee of Experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence. He holds Masters Degrees in European

Politics and International Law.

ARTIFICIAL INTELLIGENCE (Al) development is already affecting individuals, communities and institutions at multiple, interconnected and interdependent levels.

With the emergence of new tools that employ AI in the form of machine learning techniques, we are witnessing another technological revolution. Progress and innovation have always been driving factors for societies and the way we live, yet AI-based technologies stand out as a game changer with the potential of affecting the core of our societies. While their benefits can be manifold, they raise complex and urgent legal, ethical, policy and economic questions with thus far uncertain implications.

THE CONFERENCE gathered governments, businesses, civil society, the academia and the technological community for critical and inclusive discussions with global leaders from different spheres. The multi-disciplinary and multi-stakeholder dialogue was organised around the three main pillars that constitute the Council of Europe's core values: human rights, democracy, and the rule of law. Panel discussions addressed the challenges and opportunities of AI development individuals, for societies, and for the viability of our legal and institutional frameworks, and explored options for ensuring that effective and legitimate mechanisms of democratic oversight are put in place.



Finland assumed the Presidency of the Committee of Ministers of the Council of Europe during the period from 21 November 2018 to 17 May 2019.

The Finnish Presidency's selected priorities are:

- Strengthening the system of human rights and the rule of law in Europe;
- Supporting equality and women's rights;
- Openness and inclusion with a focus on young people and the prevention of radicalisation.

The **Council of Europe** is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.





