

Aan:

Committee on Artificial Intelligence
European Center for Non-Profit Law

Onderwerp:

Protecting human rights in the
regulatory framework on AI

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Dear Committee on Artificial Intelligence, dear European Center for Non-Profit Law,

Bits of Freedom is, awaiting the regulatory framework on AI of the European Commission in which we expect to find a solution for the proliferation of Artificial Intelligence use in which human rights are neglected and social inequalities are increased. We write your Committee to share the most pressing concerns we, as a digital rights organization, would need to see included in the regulatory framework.

Binding guidelines to prevent violation of human rights Protecting fundamental rights need to be a top priority. We've encourage how the European Commission in its White Paper on AI has included awareness on risks of Artificial Intelligence as an area for attention. We believe the proposed Human Rights Impact Assessments could be effective in detecting risks of violation of human rights. However, knowlegde of possible risks alone do not encourage sufficiently to discontinue the use of specific Artificial Intelligence. When risks on the violation of human rights appear, organizations need to act accordingly and adopt necessary decisions. Therefore a [rights-based approach](#), instead of a risk-based approach is required. To enforce protection of human rights, binding guidelines are necessary.

Beyond transparency Citizens need to be able to find out how decisions are being make, and need to be able to defend their rights. In order to do so, transparency alone is insufficient. Artificial Intelligence needs to be traceable, verifiable and comprehensible.

Effective oversight The European Commission's approach aims to promote Europe's innovation capacity in the area of Artificial Intelligence, which is already evolving fast. Meanwhile oversight authorities who are able to foster and monitor the protection of human rights, are lacking. Data Protection Authorities are already lacking the recources they need to

be able to carry out their statutory tasks. Therefore it is necessary to guarantee effective oversight.

Call for red lines Civil society organizations expects the regulatory framework on Artificial Intelligence to guarantee protection from the most harmful, egregious violations of fundamental rights. Therefore [European Digital Rights \(EDRI\) has called](#) the European Union for AI red lines in the European Commission's Artificial Intelligence proposal. As stated in that call, we want to emphasise that it is vital that the upcoming regulatory proposal unequivocally addresses, amongst other things, the enabling of biometric mass surveillance. We support that call and would like to see the proposed limitations adopted.

We look forward to a regulatory framework in which human rights are effectively protected, and await to hear your response on how our concerns are addressed by the Committee on Artificial Intelligence. Naturally, we would be pleased to clarify our concerns in a personal conversation.

Yours sincerely,

Nadia Benaissa
On behalf of Bits of Freedom