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**3<sup>rd</sup> Standing Committee on Dialogue among Civilizations and Human Rights**

**“Protecting Human Rights in an increasingly automatized world:**

**Artificial Intelligence, opportunities for parliamentarians”**

Rapporteur: Hon. Marianne Amir Azer (Egypt)

**Report**

**EXECUTIVE SUMMARY**

Technological advances, ease and comfort in our daily lives, conquests of unknown territories, Artificial Intelligence (AI) is also a synonym for invasion of our privacy, discrimination, use of data without clearly-expressed consent ... Existing legal frameworks are still unclear and do not match the speed of new technological applications. It is therefore essential for public authorities to seize themselves of this subject in order to ensure the respect of Human Rights and to preserve the confidence of their fellow citizens, especially when AI’s mains innovators originate from the private sector in different continents (mainly from the USA and China), with different legal standards. This report presents the work and warnings of institutions, such as the Organization for Economic Cooperation and Development (OECD), the Council of Europe and the European Union, and that of individual PAM members. It calls on PAM parliamentarians to engage in deep reflections on the use of AI and its limitations. They are encouraged to be as informed as possible and to work together to exchange on best practices and legal instruments that can be set in place in the Euro-Mediterranean and Gulf regions.

**INTRODUCTION**

1. In February 2020, through the resolution adopted on the occasion of PAM 14<sup>th</sup> Plenary Session, held in Athens, Greece, delegates expressed interest in and the need for PAM, given IA’s speedy development worldwide, to focus on this subject matter, and to ensure in particular that new conceived technologies comply with national and international Human Rights frameworks.
2. In light of the growing relevance of AI as a transnational topic, Euro-Mediterranean cooperation is paramount to analyze its increased use and its potential to reinforce or threaten the protection of Human Rights, in particular concerning women and children.

3. In addition, enhancing the role of parliaments in the protection and realization of human rights has emerged as a crucial way to bridge the "implementation gap" related to AI. Considering the poor, fragmented normative framework relevant to AI, which exists to date, parliamentarians, as global actors, can play a major role in addressing the use of such technologies in the right direction, in recognition of AI capability having both positive and negative impacts on societies and businesses.
4. The aim of this report is to stimulate an AI-dedicated debate, and to consider the possibility to take common steps with regards to legislative formulation and a commonly-agreed strategy, optimally in collaboration with partners, such as the OECD and the Council of Europe, given their outstanding efforts in providing guidance on AI.

## **I. ARTIFICIAL INTELLIGENCE: A TECHNOLOGY PRESENTLY AMONG US**

5. There is no agreed-upon definition of AI. Some international organizations<sup>1</sup> have referred to a wide array of different wordings. The CoE adopted the following:

*AI is used as an umbrella term to refer generally to a set of sciences, theories and techniques dedicated to improving the ability of machines to perform tasks requiring intelligence. An AI system is a machine-based system that makes recommendations, predictions or decisions for a given set of objectives<sup>2</sup>.*

Nonetheless, the absence of a common, universally-recognized definition underlines the severe fragmentation that exists, and this matter supports the need - and is an ideal starting point- for cooperation and codification.

6. Some of the main features of AI can be summarized as follows: any AI-related system works through the interpretation of large amount of data collected in real-world settings, on the basis of which a machine can take decisions and perform given tasks. The basic idea is to turn for advice, or turn over decisions altogether, to algorithms<sup>3</sup>. It relies upon a series of connected and sub-disciplines, such as machine learnings<sup>4</sup>, natural language processing, robotics, artificial neural networks, data mining and more. The goals of AI include reasoning, perception, simulation, prediction, planning, problem-solving in order to mimic, or optimistically overcome, human action. If in the past, machinery substituted men for physical effort, now cognitive skills are also being reproduced, making humans increasingly vulnerable to replacement. While the collective imagination relates these abilities only to sophisticated

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<sup>1</sup> The European Commission extensively addressed this matter in a Joint Research Centre (JRC) technical report, "AI Watch: Defining Artificial Intelligence. Towards an operational definition and taxonomy of artificial intelligence" (2020). In collecting a broad spectrum of definitions, it sustains, among other aspects, that "most definitions found in research, policy or market reports are vague and propose an ideal target rather than a measurable research concept".

<sup>2</sup> Council of Europe Commissioner for Human Rights. "Unboxing Artificial Intelligence: 10 steps to protect Human Rights" (2019). This definition resembles the one provided by the OECD in its 2019 report "Recommendation of the Council on OECD Legal Instruments Artificial Intelligence": "An AI system is a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. AI systems are designed to operate with varying levels of autonomy".

<sup>3</sup> CARR Centre for Human Rights Policy. "Human Rights and Artificial Intelligence: An Urgently Needed Agenda". (2018)

<sup>4</sup> Machine learning is a field of AI made up of a set of techniques and algorithms that can be used to "train" a machine to automatically recognize patterns in a set of data [and] derive models that explain the data and/or predict future data. In summary, it is a machine that can learn without being explicitly programmed to perform the task. Council of Europe Commissioner for Human Rights. "Unboxing Artificial Intelligence: 10 steps to protect Human Rights". (2019)

and lab-confined robots, these are currently carried out by smartphones, personal computers, tablets and other similar electronic devices available to the population at large, at least in the industrialized countries.

7. The early studies of AI took place in the 1950s. However, it really and exponentially improved<sup>5</sup> only from the new millennium onward, in what is often referred to as the Fourth Industrial Revolution<sup>6</sup>, and when products using AI entered commercial markets. Future development of AI domain is the most worrisome, as dystopic futuristic scenarios in which IA monitors and impacts nearly every aspects of societal daily life can be portrayed. Instead, today we look at what is called “narrow” or “weak” AI: simple, single-tasked requests such as image recognition and language translation<sup>7</sup>. “Strong” or “general” AI on the other hand, forecasted to be developed in the next decades, would be able to carry out more complex assignments, in greater autonomy and increasingly human-like. The use we make of AI today is simply a limited portion of its potential. AI also expands at a very fast pace.
8. Since the 2010s, AI entered our homes through a variety of commercial products and services<sup>8</sup>. GPS, targeted marketing (i.e. Amazon), automated personal assistants (i.e. Siri and Alexa), smart vehicles (i.e. Tesla), tailored entertainment proposals (i.e. Netflix) represent only a few of many ways in which AI facilitates the scope of individuals’ everyday routine. Such tools, in fact, undoubtedly modernized day-to-day living of millions of people assisting them with their calendars, mails, agendas, messages and providing direction, latest news, entertainment, texts grammar check and much more (hence, improving both work and leisure activities). However, the greater use of AI happens outside of people’s home, although still at their advantage, moving from household and office support to policy and welfare<sup>9</sup>. The fields of application, which benefits the most from it today, are: healthcare, transportation and automotive industry, finance and banking, telecommunication, agriculture and manufacturing chains of production, security and other sectors, often linked with the creation of so-called smart cities<sup>10</sup>. From driverless cars and faster diagnostic of diseases to simple movie and shopping recommendations, it is easy to understand that areas, which can be optimized via the employment of AI, are ever-growing and potentially advancing societal well-being.
9. A range of examples can be instrumental in analyzing how AI already improves and/or speeds up many activities. For instance, sectors such as defense, military<sup>11</sup> and even space exploration<sup>12</sup> take advantage

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<sup>5</sup> According to Accessnow, “increasing availability of big data, thanks to society’s ever-expanding internet use, and coupled with rapid improvements in computing power” are the main factors which made this expansion possible.

<sup>6</sup> According to the World Economic Forum: “The Fourth Industrial Revolution represents a fundamental change in the way we live, work and relate to one another. It is a new chapter in human development, enabled by extraordinary technology advances [...] [which] are merging the physical, digital and biological worlds in ways that create both huge promise and potential peril”.

<sup>7</sup> Accessnow. “Human Rights in the Age of Artificial Intelligence” (2018);

<sup>8</sup> NATO Parliamentary Assembly. “Artificial Intelligence: Implications for NATO’s armed forces”. (2019)

<sup>9</sup> CARR Centre for Human Rights Policy. “Human Rights and Artificial Intelligence: An Urgently Needed Agenda”. (2018)

<sup>10</sup> According to the European Commission, a “smart city is a place where traditional networks and services are made more efficient with the use of digital and telecommunication technologies for the benefit of its inhabitants and business”. [https://ec.europa.eu/info/eu-regional-and-urban-development/topics/cities-and-urban-development/city-initiatives/smart-cities\\_en](https://ec.europa.eu/info/eu-regional-and-urban-development/topics/cities-and-urban-development/city-initiatives/smart-cities_en)

<sup>11</sup> NATO Parliamentary Assembly widely addressed the use of AI in the military sector in its report “Artificial Intelligence: Implications for NATO’s armed forces” (2019). “[AI] has the potential to be a transformative national security technology, on a par with nuclear weapons, aircraft, computers, and biotech”.

<sup>12</sup> NASA is already collaborating with companies such as IBM, Google and Intel to apply advanced computer algorithms to problems in space science. <https://www.nasa.gov/feature/goddard/2019/nasa-takes-a-cue-from-silicon-valley-to-hatch-artificial-intelligence-technologies>

of the “expendability” of AI devices to carry out dangerous task or to reach inhospitable environments<sup>13</sup>. AI is also helping: farmers, by maximizing production and protecting crops from weeds; manufacturers when anticipating market change and upgrading supply chains; retailers through making E-commerce one of the fastest moving industries in the world. Lastly, the healthcare industry represents one of the most prolific fields for a wider use of AI applications: vaccines and drugs could be obtained more easily; diagnosis would be less time-consuming; AI predictive skills would help mitigating disease outbreaks<sup>14</sup>. Numerous were the applications of AI in monitoring peoples’ movements during the COVID-19 pandemic.

10. Nonetheless it is even more useful to underline the possible negative impacts that an extensive recurrence to AI has (or is estimated to have) on human life. It appears clear that the ability of AI to perform a widening range of activities lead to an automatization of more and more jobs previously carried out by humans. Unemployment is the threat, which most often emerges, as robots and algorithms take over jobs<sup>15</sup>. As an example, it is already possible to assist to the employment of AI-related technology in places of work like call centers and customer services (robotic, automated voices, able to detect and react to human voice have replaced thousands of receptionists). A second, frequently mentioned threat posed by AI, is bias: humans bear prejudice and it appears inevitable, or very difficult, to avoid that such prejudices are inherited by the machine humans create (it can happen either when building the software up or through the data provided for it to function). Hence, when recurring to AI, there is a great chance to perpetuate discrimination through the creation of discriminatory profiling (more often in the forms of sexism and racism) and this is particularly damaging in fields such as criminal justice, counter terrorism, predictive policing and job markets<sup>16</sup>.
11. There are other limitations and shortcoming of AI, which can overshadow its immense potential. First and foremost, it is possible to understand civil society’s widespread distrust towards the new technology due to the opacity and lack of transparency over how and who operates it, and for which scopes it is used. For AI to be truly beneficial to societies, the imperative is to create a climate of trust, enhanced by an open and clear dialogue with governments, the scientific community and all AI-related industries. Info-sharing and public participation appear to be very relevant to this end and, in this regards, the role of parliamentarians, natural bridge-gappers between the citizens and the government, is essential. The possibility of criminal use of this technology and cybersecurity (AI systems are particularly vulnerable to various types of adversarial attacks, among others, data poisoning, tampering of the categorization model, or backdoors)<sup>17</sup> often arises as source of concern, which Member of Parliaments also need to take

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<sup>13</sup> So-called “Robonauts” are already a reality. <https://www.nasa.gov/audience/forstudents/5-8/features/nasa-knows/what-is-robonaut-58.html> . Bomb disposal robots can provide an additional example: <https://www.bbc.com/future/article/20160714-what-does-a-bomb-disposal-robot-actually-do>

<sup>14</sup> Not mentioning visually impaired people or individuals affected by diabetes, which can benefit from a variety of AI appliances facilitating their lives.

<sup>15</sup> The Telegraph <https://www.telegraph.co.uk/science/2018/09/05/artificial-intelligence-greater-concern-climate-change-terrorism/>

<sup>16</sup> See press coverage over highly worrying tendency of facial recognition systems misidentifying non-white faces. Here just some examples: <https://www.wired.com/story/best-algorithms-struggle-recognize-black-faces-equally/>; <https://www.technologyreview.com/2019/12/20/79/ai-face-recognition-racist-us-government-nist-study/>; <https://www.forbes.com/sites/mzhang/2015/07/01/google-photos-tags-two-african-americans-as-gorillas-through-facial-recognition-software/#5967d37c713d>

<sup>17</sup> <https://www.iai.it/en/pubblicazioni/beyond-europes-ai-strategy-global-governance-fourth-industrial-revolution>

in due care in their parliamentary reports and in the drafting of their legislative work, for example proposing strong cooperation with national intelligence services.

## II. NORMATIVE FRAMEWORK AND BEST PRACTICES

12. Although there is general consensus on the need of a universally shared, solid legal framework of reference governing AI, the absence of clear regulation on the matter still arises as one of the main problems linked to the new technology. Indeed, AI development and growth should go hand-in-hand with the formulation of tailored national and international norms, in order to ensure respect of International Human Rights Laws. Many countries tend to prioritize a race to discovery and innovation in the field, rather than its normative consolidation (often losing sight of possible threats)<sup>18</sup>. However, these two aspects are inevitably interrelated and need to be mutually reinforcing. While not neglecting the urge to be leader in this sector, precaution and safety are cardinal. Hence, there is a great opportunity for PAM to be pioneer in the AI parliamentary arena. Whereas a regimented governance of AI would allow achieving its potential, the existing normative gap is directly tied to the risk of misuse, harming the very subjects that should benefit from it. The sharing of best practices and lessons learned, as those reported here, is pivotal to filling such a gap.
13. The OECD established an AI Policy Observatory<sup>19</sup>, which overviews AI-related initiatives from over 60 countries worldwide. It provides very much needed data and a multi-disciplinary analysis of AI, exploring how it affects a wide array of policy areas (just to mention a few: agriculture, education, employment, environment, finance and insurance, health, public governance, science and tech, social and welfare issues, tax, trade and transport). It builds on the OECD AI principles adopted in May 2019 by OECD member countries<sup>20</sup>. There are five complementary values-based principles<sup>21</sup> for the responsible stewardship of trustworthy AI, defining its target (benefit people and the planet by driving inclusive growth, sustainable development and wellbeing) and how it has to be designed (in a way that respects the rule of law, human rights and democratic values and diversity). Moreover, according to such principles, there should be transparency and responsible disclosure around AI systems, and they should operate in a robust, secure and safe way throughout their life cycles. Eventually, organizations and individuals developing, deploying or operating AI systems should be held accountable. In addition to the above mentioned principles, OECD also provides five recommendations expressively directed to governments, namely: investing in AI research and development; fostering a digital ecosystem for AI; shaping an enabling policy environment for AI; building human capacity and preparing for labor market transformation; and international co-operation for trustworthy AI.
14. The Council of Europe stands out for its guidelines for the ethical use of algorithms applicable within justice systems. In fact, its European Commission for the Efficiency of Justice (CEPEJ) adopted, in December 2018, the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems

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<sup>18</sup> See: <https://www.technologyreview.com/2020/02/19/906156/artificial-intelligence-development-should-be-regulated-says-elon-musk/>  
<https://www.telegraph.co.uk/science/2018/09/05/artificial-intelligence-greater-concern-climate-change-terrorism/>  
<https://www.forbes.com/sites/cognitiveworld/2019/03/02/artificial-intelligence-regulation-will-be-impossible/#26d199db11ed>

<sup>19</sup> <https://oecd.ai/>

<sup>20</sup> In occasion of the approval of the OECD “Recommendation of the Council on Artificial Intelligence”. Not legally binding, but highly influential.

<sup>21</sup> They are: inclusive growth, sustainable development and well-being; human-centred values and fairness; transparency and explainability; robustness, security and safety; and accountability.

and their Environment. It calls for respect of fundamental principles, such as non-discrimination, transparency, impartiality and fairness, when processing judicial decisions and data. The Council of Europe devoted much effort and attention to AI<sup>22</sup> as proved by the establishment of uniquely dedicated bodies. The Committee of Experts on Human Rights Dimensions of Automated Data Processing and Different Forms of Artificial Intelligence (MSI-AUT), met for the first time in March 2018. It published several documents on the implications of the use of AI for human rights<sup>23</sup>, providing guidance for future standard-setting and encouraging CoE Member States to take all necessary measures to ensure that private actors respect human rights when designing and developing AI. This was later accompanied by the newly established Ad Hoc Committee on Artificial Intelligence (CAHAI)<sup>24</sup> tasked to examine the feasibility of a legal framework for the development, design and application of AI, on the basis of broad multi-stakeholder consultations. Instead, data protection is governed by the 1981 Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.<sup>25</sup>

15. As for the European Union, it provides some of the most recent sets of instruments specifically dedicated to AI, offering a wide example of how to limit risks and respect people's rights. Current EU Commission President, Ursula von der Leyen, made AI a priority of her mandate. In February 2020, the Commission laid down a normative structure based on three pillars. First, the White Paper on AI presented policy options to enable a trustworthy and secure development of AI in Europe. According to this document, AI has to be used for: a. citizens (reap new benefits), b. business development (new generation of products), c. services of public interest (i.e. reducing costs or improving sustainability of products). It aims at doing so building an "ecosystem of excellence" and "trust" and aligning efforts at European, national and regional level.<sup>26</sup> A report on Safety and Liability Implications of AI, the Internet of Things and Robotics<sup>27</sup> followed. Lastly, the European Data strategy<sup>28</sup> aspires at creating a single market for data, so that it can flow freely within the EU and across sectors to benefit businesses, researchers and public administration, and where European rules, in particular privacy and data protection, as well as competition law, are fully respected. The Commission had already established a High-Level Expert Group, which, in April 2019, published Guidelines on Trustworthy AI, setting up key requirements for its implementation (i.e. human agency and oversight, transparency, accountability). In addition to these documents, a General Data Protection Regulation (GDPR) is in place since April 2016<sup>29</sup> and the Data Protection Board is the designed body to ensure its application. Since data is one of the key ingredients powering AI, this regulatory framework helps guiding developers and users in their lawful and transparent handling.

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<sup>22</sup> <https://www.coe.int/en/web/artificial-intelligence>

<sup>23</sup> Study of the Implications of Advanced Digital Technologies (Including AI Systems) for the Concept of Responsibility Within a Human Rights Framework; Draft Recommendation of the Committee of Ministers to Member States on Human Rights Impacts of Algorithmic Systems; Draft Declaration of the Committee of Ministers on the Manipulative Capabilities of Algorithmic Processes.

<sup>24</sup> Set up in September - 2019 in occasion of the 1353rd meeting of the Committee of Ministers of the Council of Europe.

<sup>25</sup> Update in 2018 by an amending protocol to cover most recent technologies.

<sup>26</sup> Yet, it received critics for being weaker compared to its previous drafts. Moreover, the COVID-19 pandemic in Europe and the rest of the world, pressured EU leaders to rethink these instruments, in a trade-off between privacy and public health, risking to lessen control over use of AI.

<sup>27</sup> Overall objective of safety and liability framework "is to ensure that all products and services, including those integrating emerging digital technologies, operate safely, reliably and consistently and that damage having occurred is remedied efficiently, which contribute to better protect consumers and create trust in these technologies, a prerequisite for their uptake by industry and users".

<sup>28</sup> <https://ec.europa.eu/digital-single-market/en/policies/building-european-data-economy>

<sup>29</sup> Entered into force in 2018, replacing the Data Protection Directive 95/46/ec as the primary law regulating how companies protect EU citizens' personal data.

16. Civil society plays a major role in safeguarding best use of AI through accurate codification, as demonstrated especially by the Toronto Declaration<sup>30</sup>. It calls on both governments and tech companies to ensure that algorithms respect basic principles of equality and non-discrimination. It focuses on the obligation to prevent machine learning systems from discriminating, and, in some cases, violating, existing human rights legislations. The academic and scientific realms, very conscious of the threats posed by AI, also gave their contribution. For instance, in 2017, the Future of Life Institute in Cambridge<sup>31</sup> held a conference on Beneficial AI, which resulted in the adoption of the so-called “Asilomar Principles” to guide further development of AI; Thirteen of the principles adopted are devoted to “Ethics and Values” and focus on themes such as responsibility, safety, privacy and value alignment<sup>32</sup>. Another example is provided by the Harvard Humanitarian Initiative’s Signal Program on Human Security and Technology, which published “The Signal Code” in response to concerns that advances in information communication technologies (ICTs), integrated in humanitarian responses to crises<sup>33</sup>, lack a rights-based approach. For this reason, the Code has the purpose of identifying, defining, articulating, and translating existing international human rights standards into the use of information, data, and ICTs in humanitarian contexts. Lastly, IBM<sup>34</sup> has widely discussed the role and problems of bias in AI, suggesting how to mitigate its negative effects (the goal is to build machines that apply human values in decision-making; they also devised an independent bias rating system that can determine the fairness of an AI systems).
17. Looking at best practices, PAM Members already stand out for initiatives adopted at national level. For instance, many governments (Croatia, France, Serbia, Tunisia, Israel, Romania, Slovenia) are currently working on (or, in some cases, have already presented) a national strategy for AI, in which they show their country’s potential and interest in encouraging AI implementation and development. At times, some countries also integrate such strategy with an ethical dimension and a focus on the environment, the impact on labor, and inclusivity. In addition, France is co-designing, in collaboration with the World Economic Forum (WEF), a policy framework to specifically address human rights concerns arising from the use of facial recognition technology. In November 2019, the Prime Minister of the Hashemite Kingdom of Jordan, Omar Razzaz, approved the establishment of a national committee on AI to oversee the introduction of the technology into different governmental economic sectors, as the first stage of a national strategy to promote the use of AI to improve government performance<sup>35</sup>. Within the Italian parliament, an Intergroup specifically devoted to AI, has been created in April 2020; moreover, in 2018, the Agency for Digital Italy published a white paper on AI at the services of citizens. The Moroccan

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<sup>30</sup> Adopted in the occasion of the RightCon, annual meeting on the intersection between Human Rights and Technology, in May 2018 by a coalition of human rights and technology groups. Among them: Amnesty International, Human Rights Watch, Algorithm Watch, Business and Human Rights Resources Centre, Future Advocacy, GLAAD and more.

<sup>31</sup> Founded around MIT physicist Max Tegmark and Skype co-founder Jaan Tallinn.

<sup>32</sup> Principles n. 10 “Highly autonomous AI systems should be designed so that their goals and behaviors can be assured to align with human values throughout their operation.” <https://www.wired.com/beyond-the-beyond/2018/06/asilomar-ai-principles/>

<sup>33</sup> According to the document, “this include natural disasters, armed conflict, other forms of complex emergencies, and political unrest”. “The Signal Code: A Human Rights Approach to Information During Crisis”. Harvard Humanitarian Initiative. (2017)

<sup>34</sup> <https://www.research.ibm.com/5-in-5/ai-and-bias/>

<sup>35</sup> [https://www.zawya.com/mena/en/business/story/Jordan\\_to\\_harness\\_artificial\\_intelligence\\_for\\_boosting\\_services\\_\\_ICT\\_minister-SNG\\_159323769/](https://www.zawya.com/mena/en/business/story/Jordan_to_harness_artificial_intelligence_for_boosting_services__ICT_minister-SNG_159323769/)

Government promoted Africa's first AI Training School in Fez, the Euromed School of Digital Engineering and Artificial Intelligence (EIDIA)<sup>36</sup>.

18. Other States also worked on valid contributions: Vatican officials released voluntary guidelines for the development and use of AI technology “in order for [it] to act as a tool for the good of humanity and the planet”<sup>37</sup>; Malta presented an Ethical AI Framework (2019) to ensure that AI development is ethically aligned, transparent and socially responsible. Among the several bodies, which focused on AI, the UN Human Rights Council (UNHRC) is particularly relevant for this work: in 2017, two reports on the implications of AI technologies on human rights were submitted to the UNHRC, while in October 2018, David Kaye, the UN Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression, released his report to the General Assembly on the implications of AI technologies for human rights<sup>38</sup>.
19. International Law instruments, related to other fields, may also apply in some specific cases to AI. This is true, for instance, for the United Nations principles on Business and Human Rights, which provide a set of standards for preventing and addressing human rights violations linked to business activities in general (as such, AI may fall within it). Nonetheless, a too large gap remains, and a specifically devoted and tailored normative framework is much needed. It is important to acknowledge that AI is ever-present in today's public and private life and that the lack of appropriate governance can have disastrous effects on enjoyment of human rights, livelihood, and wellbeing of millions of people.

### III. AI AND HUMAN RIGHTS: FUTURE APPLICATIONS AND POSSIBLE SIDE EFFECTS

20. According to UNDP, “AI shows great potential to help solve some of the world's most challenging development problems”<sup>39</sup>. In support of this, the automatization of UNDP's Rapid Integrated Assessment (RIA) has been giving promising results:

*a tool that helps governments assess the alignment of national development plans and sectoral strategies with the 169 targets of the Sustainable Development Goals (SDGs) to determine a country's readiness for implementation of the global development agenda*

In addition, AI is believed to be a potentially relevant contributor to the mitigation of climate change<sup>40</sup> through, for example, pollution and resources depletion monitoring or even designing low-carbon materials. Another interesting endeavor is that of the European Court of Human Rights testing AI

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<sup>36</sup> <http://venturesafrica.com/248963-2/> ; <https://www.morocoworldnews.com/2019/07/278026/artificial-intelligence-school-open-fez/>

<sup>37</sup> Vatican's Pontifical Academy for Life. “Rome Call for AI Ethics”. (28<sup>th</sup> February 2020) <https://romecall.org/>

<sup>38</sup> <https://www.ohchr.org/EN/Issues/FreedomOpinion/Pages/ReportGA73.aspx>

<sup>39</sup> [https://www.undp.org/content/undp/en/home/blog/2019/Using\\_AI\\_to\\_help\\_achieve\\_Sustainable\\_Development\\_Goals.html](https://www.undp.org/content/undp/en/home/blog/2019/Using_AI_to_help_achieve_Sustainable_Development_Goals.html)

<sup>40</sup> Combat climate change and its impacts is Goal n. 13 of the SDGs. On the use of AI in this ambit:

<https://www.nationalgeographic.com/environment/2019/07/artificial-intelligence-climate-change/>  
<https://www.theverge.com/2019/6/25/18744034/ai-artificial-intelligence-ml-climate-change-fight-tackle>



application to human rights litigation, with nearly 80% rate of success when predicting verdicts<sup>41</sup>. As for the civil society realm, Amnesty International is increasingly recurring to AI when advocating for human rights causes and, for instance, teamed up with Element AI<sup>42</sup> to individuate online women's abuse. Finally, machine learning has come to the rescue in natural disaster and emergency relief, both during crisis and in their immediate aftermath (i.e. identify safe escape routes and relieve overloaded dispatch centers, as well as predictive analytics).

21. However, AI may serve also as a force negatively affecting the respect of human rights. As a consequence of the already-cited racism and sexism bias possibly embedded in AI, the principle of non-discrimination and right to equality<sup>43</sup> are easily violated. It is even possible that existing prejudice and hate crimes are radicalized. The right to privacy and to data security follow as most affected, due to AI capacity to trace our digital movements<sup>44</sup>. The idea of being constantly watched may also have inhibitory effects, resulting in weakened freedom of speech, expression, thought, conscience, and the right to political participation and association. More extensive forecasts see AI hampering enjoyment of fundamental rights, such as to education and to health, whenever AI is called to determine access to educational offers<sup>45</sup> or determine health insurance premiums<sup>46</sup>. Investigating and addressing either direct or indirect effects, in a wide range of sectors, is the only way to mitigate risk connected with AI technologies and achieve its most beneficial potential.
22. The management of the Covid-19 pandemic has provided policymakers and researchers with perfect examples of both favorable and deleterious consequences of AI use in public affairs. In view of this, it is clear how such advanced technologies were pivotal for containing the spread of the virus<sup>47</sup>, meanwhile, at the same time, threatened peoples' rights, especially privacy. In fact, on the one hand, AI-related systems: a. predicted the coronavirus outbreak in some areas<sup>48</sup>; b. enhanced info-sharing in the scientific community<sup>49</sup>; c. allowed time-saving forms of both contact tracing and screening; d. have been explored as possibly helping to find a vaccine<sup>50</sup>. On the other, however, human rights violations and application of AI for mass surveillance scopes, taking advantage of the time of crisis, have been claimed by the New York Times in several countries, such as China, Israel and South Korea<sup>51</sup>. Indeed, justified by the need to ensure people are respecting lockdowns, to accelerate diagnosis and to trace coronavirus

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<sup>41</sup> <https://www.bbc.com/news/technology-37727387>

<sup>42</sup> <https://www.forbes.com/sites/daniblum/2018/12/18/amnesty-international-says-twitter-trolling-is-a-human-rights-abuse/#27af13c34ec4>

<sup>43</sup> Which can be extended to rights of fair trial and equality before the courts if we consider application of AI to the justice sectors, as showed in the second section of this report.

<sup>44</sup> According to Accessnow "Although the individual pieces of this data may seem innocuous, when aggregated they reveal minute details about our lives".

<sup>45</sup> UNESCO has drafted an entire document devoted to the education sector and AI: "Artificial intelligence in education: challenges and opportunities for sustainable development". (2019)

<sup>46</sup> <https://www.dig-in.com/opinion/exploring-ai-and-machine-learning-in-health-insurance>

<sup>47</sup> <https://www.technologyreview.com/2020/03/11/905366/how-baidu-is-bringing-ai-to-the-fight-against-coronavirus/>

<sup>48</sup> Initiatives such as the HealthMap at Boston Children's Hospital, demonstrates that AI-driven early warnings can save lives. <https://www.wsj.com/articles/online-map-tracks-coronavirus-outbreak-in-real-time-11583354911>

<sup>49</sup> <https://www.technologyreview.com/2020/03/16/905290/coronavirus-24000-research-papers-available-open-data/#Echobox=1584730140>

<sup>50</sup> While some experts in the field believe so, others think is still too early to invest so much hope in AI at the stage of advancement it is today. <https://www.technologyreview.com/2020/03/12/905352/ai-could-help-with-the-next-pandemic-but-not-with-this-one/>

<sup>51</sup> <https://www.nytimes.com/2020/03/23/technology/coronavirus-surveillance-tracking-privacy.html?referringSource=articleShare>  
<https://www.amnesty.org/en/latest/news/2020/03/coronavirus-how-human-rights-help-protect-us/>

patients' last movements, governments have accessed surveillance camera footage, credit card statements, smartphones locations data, travel records; they have deployed drones and facial recognition systems. They accessed people health information and sometimes even disclosed it. Tracing apps, instead, need to answer some very strict criteria in order to respect human rights. The technology must be necessary, proportionate, temporary, and voluntary, upon consent, and data must be kept private<sup>52</sup>.

23. Such measures can also be applied in other crime-preventing fields like counter-terrorism, which as well shows conflicting results. A mild application of AI in this sense can be found in attempts to limit and trace extremists' contents on social networks. It is well known that platforms such as Facebook and Telegram have provided "safe space" for terrorists (for both recruitment and propaganda), reason for which their creators and/or managers are recurring to algorithms to dig up language associated with terrorism activity<sup>53</sup>. In Europe, the UK and France, and their security services, are leading the way<sup>54</sup> revealing the intention to recur to big data analysis in order to scan the population for counter-terrorism investigations (for instance, a British AI start-up has worked with the Home Office to hunt down terrorist videos<sup>55</sup>). Looking at the United States, the so-called USA Patriot Act is often invoked by human rights and democracy advocates, as a panic-dictated decision risking to eclipse AI, prospects favoring national security due to excessive invasiveness. Indeed, following the 9/11 attacks, a revision of national surveillance laws, while providing tools against crimes of terror<sup>56</sup>, also expanded governments authority to spy over its citizen<sup>57</sup>. The French parliament is currently debating new tools on how to maximize use AI to identify potential terror activists. In fact, the use of predictive AI in countering terrorism is often assumed to have a deleterious effect on human rights, generating specters of 'pre-crime' punishment and surveillance states<sup>58</sup>.
24. In both cases, governments have to deal with trade-offs between people's rights and public interest, such as collective security and public health. As for the COVID-19, many European countries have been trying to adapt the "Asian model" (a set of coercive forms of surveillance, which however are not easily applicable in Western democracies due to higher privacy standards to be respected) to a wider degree of guarantees to citizens<sup>59</sup>. The final goal is to create a way to improve research, screening, monitoring, info sharing, national security, criminal investigations, ultimately saving lives, without sacrificing human rights. Sometimes, helpful measures had undesirable side effects, such as scapegoating and witch-hunting, lack of access to health and information, unfair judicial proceedings, widespread harassment. Moreover, besides the short-term limitations and impacts, the concern is for long-term forms of social control, which would go beyond the principle of necessity: allowing governments to pry over people in a moment of urgency, could have the effect to see privacy rights watered down forever.

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<sup>52</sup> <https://www.nature.com/articles/d41586-020-01578-0>

<sup>53</sup> <https://www.technologyreview.com/2017/06/16/151174/facebook-is-enlisting-human-experts-and-ai-to-fight-terrorism/>

<sup>54</sup> <https://www.theguardian.com/uk-news/2019/jun/11/uk-security-services-could-get-facebook-style-data-analysis-tools>

<sup>55</sup> <https://www.telegraph.co.uk/technology/2019/11/29/home-office-partner-faculty-raises-fresh-cash-investors-pile/>

<sup>56</sup> Such as electronic surveillance of many ordinary crimes, law enforcement investigation without tipping off terrorists, info-sharing. The aim was to "update the law to reflect new technologies and new threats". "USA Department of Justice – Patriot Act: Preserving life and liberty"

<sup>57</sup> <https://www.aclu.org/other/surveillance-under-usapatriot-act>

<sup>58</sup> Chatham House and Stanford Internet Observatory have comprehensively addressed the issues within their reports, respectively "Artificial Intelligence Prediction and Counterterrorism" (cited) and "Artificial Intelligence and Counterterrorism: Possibilities and Limitations".

<sup>59</sup> Based, for example, on people's voluntary participation and successive deletion of data <https://www.nytimes.com/2020/03/19/us/coronavirus-location-tracking.html?referringSource=articleShare;https://www.nytimes.com/2020/04/17/world/europe/coronavirus-france-digital-tracking.html>

This possibility to repurpose AI-technology<sup>60</sup>, together with the lack of transparency over how employed algorithms function, fed popular configuration of AI as an adverse agent, rather than an advantageous tool.

25. One last source of reflection for lawmakers is the discussion about data ownership. Socio-economic changes are already *en route*, as result of power and richness developing around it. While “in the past, status in complex societies was determined first by ownership of land and after the Industrial Revolution by ownership of factories”<sup>61</sup>, today, information constitute one of the most valuable commodity in our economic system, and wealth is concentrating in the hands of those accessing and collecting large amount of data<sup>62</sup> (digital giants such as Facebook and Google). In addition, “data ownership” regards responsibility for the security of the information, defining the subjects to be held accountable in case of fraudulent use. This is only one of the many issues related to AI, in which PAM MPs are called into play to fill existing governance deficiencies by discussing, mapping current issues, and legislating to protect citizens from any breach of their human rights.

#### IV. ROLE OF PAM PARLIAMENTARIANS

26. National and International Parliaments share the responsibility to respect, protect and fulfil human rights and to implement the State’s obligations, alongside the executive and the judiciary. Legislative bodies can issue decisions directly supporting human rights (ratifying treaties, scrutinizing legislations), and they play a fundamental role in supervising the functioning of National Human Rights Institutions (NHRIs), in line with the Paris Principles. Moreover, parliaments provide a significant contribution along with international and regional human rights mechanisms, including the Universal Periodic Review. In that vein, the UN Human Rights Council-drafted a set of principles and guidelines on the role of parliaments in the protection and realization of the rule of law and human rights<sup>63</sup>, but also initiated a strong movement for appointing a UN Special Rapporteur to tackle these issues<sup>64</sup>.
27. PAM commitment in addressing issues related to AI has already been expressed in the framework of the ongoing activities of the Assembly and its 3<sup>rd</sup> Standing Committee on Dialogue among Civilizations and Human Rights, and more specifically in its report entitled “PAM MPs for Human Rights”.
28. In consideration of the compelling role that Parliaments play in translating international commitments into national policies and laws, there is much that PAM MPs can achieve in this relatively new field.

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<sup>60</sup> Advancing other political agenda like, for example, China use of AI facial-recognition surveillance systems to track ethnic minorities, especially Uighur Muslim minority, in the Xinjiang autonomous region. <https://www.forbes.com/sites/zakdoffman/2019/05/03/china-new-data-breach-exposes-facial-recognition-and-ethnicity-tracking-in-beijing/#6f61cbee34a7> ; [https://www.ft.com/content/e47b33ce-1add-11ea-97df-cc63de1d73f4?accessToken=zwAAAXEWPcCwkdpkeZPOGt0R6tOX38xj3h1z9A.MEQCIARlFjFqKcmx0mmzhVILv18wIMMXqqUiT03ISoE-vl-rAiB6K\\_IKDILJMi0LH7OFZKUL4Q9OcO3cGjlq\\_FtsvIsZAQ&sharetype=gift?token=b0ccda56-0d98-44db-82ba-ab85d2985e9c](https://www.ft.com/content/e47b33ce-1add-11ea-97df-cc63de1d73f4?accessToken=zwAAAXEWPcCwkdpkeZPOGt0R6tOX38xj3h1z9A.MEQCIARlFjFqKcmx0mmzhVILv18wIMMXqqUiT03ISoE-vl-rAiB6K_IKDILJMi0LH7OFZKUL4Q9OcO3cGjlq_FtsvIsZAQ&sharetype=gift?token=b0ccda56-0d98-44db-82ba-ab85d2985e9c). Chinese government’s justification to act to prevent terrorism shows that the two examples provided are also somehow interrelated. Israel converted tools initially designed for counter-terrorism into pandemic management instruments. <https://www.technologyreview.com/2020/03/16/905290/coronavirus-24000-research-papers-available-open-data/#Echobox=1584730140>

<sup>61</sup> CARR Centre for Human Rights Policy. “Human Rights and Artificial Intelligence: An Urgently Needed Agenda”. (2018)

<sup>62</sup> <https://www.chathamhouse.org/expert/comment/data-ownership-and-cost-free-digital-services>

<sup>63</sup> Draft Principles on Parliaments and Human Rights, A/HRC/38/25, Annex I, [https://www.ohchr.org/Documents/HRBodies/UPR/Parliaments/DraftPrinciplesParliament\\_EN.pdf](https://www.ohchr.org/Documents/HRBodies/UPR/Parliaments/DraftPrinciplesParliament_EN.pdf)

<sup>64</sup> Oxford University’s research project on Parliaments, the Rule of Law and Human Rights, [https://www.law.ox.ac.uk/sites/files/oxlaw/brian\\_chang\\_-\\_an\\_emerging\\_consensus.pdf](https://www.law.ox.ac.uk/sites/files/oxlaw/brian_chang_-_an_emerging_consensus.pdf)

First and foremost, parliamentarians can contribute to the beneficial development of AI, for instance by drawing inspiration from the principles set by other international organizations, such as the CoE and the OECD, so to enhance and guarantee transparency, lawfulness and consistency with International Human Rights Law. If properly governed and deployed, progressive use of AI, and consequent automatization of an increasing number of aspects of private and societal life, does not have to translate into weakened individual rights. The mitigation of possible negative impacts of the new technology depends on policy-makers' effort towards codification, info-sharing and awareness-rising so as to obtain a fair and correct use of AI.

29. Second, OECD and PAM are already exploring joint work between the PAM's Economic Panel and the OECD Working Party on SMEs and Entrepreneurship. Furthermore, PAM decided to invest and be represented at the OECD Global Parliamentary Network Meeting<sup>65</sup> and actively contributed to its discussions over the challenges resulting from the digitalization of the economy with the active participation of its parliamentarians from the southern and northern shores of the Mediterranean. PAM also welcomed the decision of OECD to organize the 1<sup>st</sup> meeting of the OECD Parliamentary Group on AI, based on the adoption of the 2019 OECD Principles on Artificial Intelligence. PAM delegates shall benefit from this strategic partnership in shaping legislative harmonization and regulatory frameworks in accordance with the technological and financial "revolution" the world is witnessing, to foster a sustainable, innovative and inclusive development model in the Mediterranean region.
30. Third, PAM encourages its member parliamentarians to conduct work on Artificial Intelligence and Human Rights, under the aegis of the Assembly, work which shall aim at analyzing and supervising its potential to improve and not undermine people's rights. The importance of appointing a specific PAM Rapporteur on the subject is supported by the fact that strategies, projects, documents dedicated to AI and adopted by States and International Organizations, are already discussed by task forces specifically dedicated to AI. The work carried out by the PAM Rapporteur should instigate the exchange of good practices, and when possible, enable the sharing and the exchange of legislative expertise and lessons learned in enacting national legislation to protect human rights. A number of dedicated seminar, organized by the PAM Secretariat with its partner organizations, would be beneficial and essential to this end.
31. There is an urgent need to create a stronger, more comprehensive, and more widely shared framework of reference for a safe development and deployment of AI devices. To this end, PAM MPs need to initiate a discussion aimed at finding common values and rules which have to guide AI application, in order to achieve normative harmonization at regional level , by developing the first set of AI Euro-Mediterranean guidelines for parliamentarians.
32. Lastly, considering the numerous gaps that exist in the AI-devoted literature, and the lack of a universally-shared understanding of this field at international level, the production of informative reports, dedicated researches and analytical documents is cardinal to a better comprehension of this technology. A wider spread of information and awareness rising, aimed at reaching all Mediterranean citizens and other relevant stakeholders, is equally fundamental to PAM's scope of safeguarding human

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<sup>65</sup> Jointly organized with the NATO Parliamentary Assembly and in partnership with Women Political Leaders, held in Paris from 24 to 26 February 2020.

rights in this new technological era. This can be achieved through engaging the unique PAM network composed by members of the PAM Academic Platform.

## CONCLUSIONS

33. Technological advances always carry both hopes and fears, with questions over their potential benefit or harm to people. Thus, there is an urgency to acknowledge these two aspects when it comes to AI and to ensure that its development and ever-growing use embark on a path of societal advancement, shared benefits and human rights commitment.
34. Looking at best practices and lessons learned worldwide, but especially at weaknesses and shortcomings regarding AI here reported, PAM members should familiarize with this relatively new field and eventually achieve common understanding of the issue and a shared view on governance and policy setting in its regard. This way PAM MPs can bring the topic to both PAM fora, national parliaments and domestic competent bodies.
35. As shown throughout the report, national and international parliaments' contribution to global AI governance is fundamental to avoid risky application of a rapidly developing technology and to fill the current gaps, especially when it comes to standard-setting. These two aspects (normative and technical) are mutually reinforcing: AI has a greatly beneficial potential, provided it is human-centric, ethical, sustainable and respects fundamental rights and values, and MPs can ensure it is codified in this direction at both national and international level. Accordingly, the regulations developed, led by parliamentarians do not only protect people's rights but also become cardinal for the progressive technical advancements of AI itself, so that PAM Member States can fulfill their AI national strategy and take full advantage of the newest technologies.
36. Moreover, PAM parliamentarians can play a major role in awareness-rising and AI-related education within civil society, in consideration of the fact that "the ethical and legal implications of the data science behind them often go unnoticed by the public at large"<sup>66</sup>. As mentioned earlier in this report, citizens need to be informed about every aspect of AI development and deployment, through transparent communication, so to obtain widespread confidence towards the new technology. Clarity is undoubtedly a key aspect to fulfill AI advantageous possibilities and MPs, liaison between governments and the population, are best positioned to ensure it.

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<sup>66</sup> Words used by Dunja Mijatović, current CoE Commissioner for Human Rights <https://www.coe.int/en/web/commissioner/-/safeguarding-human-rights-in-the-era-of-artificial-intelligence>