Resolution 2341 (2020)[1]
Provisional version

Need for democratic governance of artificial intelligence

Parliamentary Assembly

1.   Technology has always had a strong impact on the course of human history. Yet, the pace of technological progress has never been as swift, and its effects on humans as direct, tangible and wide-ranging as they are now, at the edge of the fourth industrial revolution. Artificial intelligence (AI) which is the key driver of it, is broadly considered to be a determining factor for the future of humanity as it will substantially transform individual lives and impact on human communities.

2.   AI-powered devices are already widely present in our daily lives and carry out multiple tasks previously fulfilled by human individuals, both in personal and official capacity. Predictive algorithms, inherent to AI, are frequently deployed for important decisions, such as university admissions, loan decisions and human resources management but also for border control (including at airports) and crime prevention (through predictive policing practices and the use, within the criminal justice system, of risk-assessment instruments in repeat offending). As all our societies are struggling to fight the ongoing Covid-19 pandemic, AI is also used to enhance pharmaceutical research and help analyse medical data.

3.   However, the long-term effects of AI on humans and society are still far from being clear. While AI may generate great opportunities in advancing economic and social progress, it also presents a series of complex challenges. On the one hand, AI is hoped to bring about a substantial increase in productivity and economic growth, scientific breakthroughs, improving health care, higher life expectancy, security and ever-rising convenience. On the other hand, there are fears that AI might severely disrupt labour markets around the globe, lead to an increased income, wealth and social inequality, and jeopardise social and political stability, as well as international security.

4.   AI-based technologies have an impact on the functioning of democratic institutions and processes, as well as on social and political behaviour of citizens. Its use may produce both beneficial and damaging impact on democracy. Indeed, the rapid integration of AI technologies into modern communication tools and social media platforms provides unique opportunities for targeted, personalised and often unnoticed influence on individuals and social groups, which different political actors may be tempted to use to their own benefit.

5.   On the positive side, AI can be used to improve government accountability and transparency, help fight corruption and produce many benefits for democratic action, participation and pluralism, making democracy more direct, efficient and responsive to citizens' needs. AI-based technologies can broaden the space for democratic representation by decentralising information systems and communication platforms. AI can strengthen informational autonomy for citizens, improve the way they collect information about political processes and help them participate in these processes remotely by facilitating political expression and providing feedback channels with political actors. It can also help establish greater trust between the State and the society and between citizens themselves.

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1.   *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 22 October 2020 (see Doc. 15150, report of the Committee on Political Affairs and Democracy, rapporteur: Ms Deborah Bergamini).
        See also Recommendation 2181 (2020).

6.   However, AI can be – and reportedly is – used to disrupt democracy through interference in electoral processes, personalised political targeting, shaping voters' behaviours, and manipulating public opinion. Furthermore, AI has seemingly been used to amplify the spread of misinformation, "echo chambers", propaganda and hate speech, eroding critical thinking, contributing to rising populism and the polarisation of democratic societies.

7.   Moreover, the broad use by States and private actors of AI-based technologies to control individuals such as automated filtering of information amounting to censorship, mass surveillance using smartphones, gathering of personal data and tracking one's activity on- and offline may lead to the erosion of citizens' psychological integrity, civil rights and political freedoms and the emergence of digital authoritarianism – a new social order competing with democracy.

8.   Concentration of data, information, power and influence in the hands of a few big private actors involved in developing and providing AI-based technologies and services, and growing dependence of individuals, institutions and society as a whole on these services, are also a cause for concern. These big companies no longer serve as simple channels of communication between individuals and institutions but play an increasingly prominent role on their own, controlling and filtering information flows, exercising automated censorship of content published on social media, setting the agenda and shaping and transforming social and political models. Acting on the basis of business models prioritising profits of shareholders over common good, these actors may be a threat to democratic order and should not stay beyond democratic oversight.

9.   The Assembly notes that, in the last years, governments, civil society, international institutions and companies have been engaged in extensive discussions with a view to identifying a set of commonly accepted principles on how to respond to the concerns related to AI use. It welcomes the fact that the Council of Europe, as a leading human rights organisation, has been actively involved in these discussions on the future of AI and its governance, and in particular the contribution to this process by the Committee of Ministers, the Commissioner for Human Rights and the intergovernmental co-operation bodies.

10.   The Assembly considers that self-regulatory ethical principles and policies voluntarily introduced by private actors are not adequate and sufficient tools to regulate AI as they do not necessarily lead to democratic oversight and accountability. Europe needs to ensure that the power of AI is regulated and used for common good.

11.   Therefore, the Assembly strongly believes that there is a need to create a cross-cutting regulatory framework for AI, with specific principles based on the protection of human rights, democracy and rule of law. Any work in this area needs to involve all stakeholders, including in particular citizens and major private companies involved in developing and providing AI-based technologies and services.

12.   The Council of Europe, as a leading international standard-setting organisation in the field of democracy, must play a pioneering role in designing ways and formats to ensure that AI-based technologies are used to enhance, and not to damage democracy.

13.   In this context, it welcomes the setting up, by the Committee of Ministers, of an Ad hoc Committee on Artificial Intelligence (CAHAI), to examine the feasibility and potential elements based on broad multi-stakeholder consultations, of a legal framework for the design, development and application of AI. It calls on the Council of Europe member States and other observer States participating in CAHAI to work together towards a legally binding instrument aimed at ensuring democratic governance of AI and where necessary complement it by sectoral legal instruments.

14.   The Assembly deems that such instrument should:

14.1.   guarantee that AI-based technologies are designed, developed and operated in full compliance with, and in support of, Council of Europe's standards on human rights, democracy and the rule of law;

14.2.   promote a common understanding and provide for the respect of key ethical principles and concepts and the implementation of the above-mentioned standards, including:

14.2.1.   transparency, including accessibility and explicability;

14.2.2.   justice and fairness, including non-discrimination;

14.2.3.   human responsibility for decisions, including liability and the availability of remedies;

14.2.4.   safety and security;

14.2.5.   privacy and data protection;

14.3. seek to maximise possible positive impact of AI on the functioning of democratic institutions and processes, including, *inter alia*:

> 14.3.1. improve government accountability;
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> 14.3.2. help fight corruption and economic crime;
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> 14.3.3. facilitate democratic action, participation and pluralism;
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> 14.3.4. make democracy more direct, efficient and responsive to citizens' needs;
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> 14.3.5. broaden the space for democratic representation by decentralising information systems and communication platforms;
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> 14.3.6. strengthen informational autonomy for citizens, improve the way they collect information about political processes and help them participate in these processes remotely by facilitating political expression and providing feedback channels with political actors;
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> 14.3.7. improve transparency in public life and help establish greater trust between the State and the society and between citizens themselves;

14.4. contain provisions to prevent and/or limit possibilities that AI is misused to damage and disrupt democracy, including, *inter alia*, through:

> 14.4.1. interference in electoral processes, personalised political targeting, shaping voters' political behaviours, and manipulating public opinion;
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> 14.4.2. amplifying the spread of misinformation, "echo chambers" and propaganda;
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> 14.4.3. eroding individual and societal critical thinking;
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> 14.4.4. contributing to rising populism and the polarisation of democratic societies;

14.5. contain provisions to limit the risks of the use of AI-based technologies by States and private actors to control people, which may lead to an erosion of citizens' psychological integrity, civil rights and political freedoms;

14.6. contain safeguards to prevent the threat to democratic order resulting from concentration of data, information, power and influence in the hands of a few big private actors involved in developing and providing AI-based technologies and services, and growing dependence of individuals, institutions and society as a whole on these services, and provisions that the activity of such actors is subject to democratic oversight.

15. Furthermore, the Assembly believes that, in order to ensure accountability, the legal framework to be put in place should provide for an independent and proactive oversight mechanism, involving all relevant stakeholders, that would guarantee effective compliance with its provisions. Such mechanism would require a highly competent body (*inter alia* in technical, legal and ethical terms), capable of following the new developments on digital technology and evaluating accurately and authoritatively its risks and consequences.

16. When it comes to algorithms and social media platforms, the Assembly deems it necessary to:

16.1. make more transparent the decision-making factors behind algorithmically generated content;

16.2. give users more flexibility to decide how algorithms shape their online experience;

16.3. urge platforms to conduct more systematic human rights due diligence in order to understand the social impact of their algorithms;

16.4. consider establishing an independent expert body to provide oversight over tech platforms and the operation of their algorithms;

16.5. tighten privacy controls on user data so that algorithms have less ability to exploit data in the first place.