Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2341 (2020)[1]

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 never as direct, tangible and wide-ranging as they are now, on the verge of the fourth industrial revolution. Artificial intelligence (AI), which is the key driver of it, is broadly considered to be a determining factor in 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 individuals, both in a personal and an 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 to advance economic and social progress, it also presents a series of complex challenges. On the one hand, it is hoped that AI will bring about a substantial increase in productivity and economic growth, scientific breakthroughs, improvements in healthcare, higher life expectancy, security and ever-increasing convenience. On the other hand, there are fears that AI might severely disrupt labour markets around the globe, lead to increased inequality of income and 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 the social and political behaviour of citizens. Its use may produce both beneficial and damaging impacts 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 for 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 to establish greater trust between the State and society and between citizens themselves.

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' behaviour and manipulating public opinion. Furthermore, AI has seemingly been used to amplify the spread of misinformation, "echo chambers", propaganda and hate speech, thus 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 the automated filtering of information amounting to censorship, mass surveillance using smartphones, the gathering of personal data and tracking one's activity online 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. The concentration of data, information, power and influence in the hands of a few major private companies involved in developing and providing AI-based technologies and services, and the 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 that prioritise the profits of shareholders over the common good, these actors may be a threat to democratic order and should be subject to democratic oversight.

9. The Assembly notes that, in recent 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 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 welcomes 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 inadequate and insufficient 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 the 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 the 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 procedures 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, based on broad multistakeholder consultations, the feasibility and potential elements 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 with 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, the 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 the possible positive impact of AI on the functioning of democratic institutions and processes, including, *inter alia* to:

14.3.1. improve government accountability;

14.3.2. help fight corruption and economic crime;

14.3.3. facilitate democratic action, participation and pluralism;

14.3.4. make democracy more direct, efficient and responsive to citizens' needs;

14.3.5. broaden the space for democratic representation by decentralising information systems and communication platforms;

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;

14.3.7. improve transparency in public life and help to establish greater trust between the State and society and between citizens themselves;

14.4. contain provisions to prevent and/or limit the risks that AI is misused to weaken 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;

14.4.2. amplifying the spread of misinformation, "echo chambers" and propaganda;

14.4.3. eroding individual and societal critical thinking;

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 threats to democratic order resulting from the concentration of data, information, power and influence in the hands of a few major private companies involved in developing and providing AI-based technologies and services, and the growing dependence of individuals, institutions and society as a whole on these services, as well as 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, which would guarantee effective compliance with its provisions. Such a mechanism would require a highly competent body (*inter alia* in technical, legal and ethical terms), capable of following the new developments in digital technology and evaluating accurately and authoritatively its risks and consequences.

16. With regard 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 technological 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.