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(Final version)

Technological convergence, artificial intelligence and human rights

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A. Draft Recommendation

1. The convergence between nanotechnology, biotechnology, information technology and cognitive sciences and the speed at which the applications of new technologies are put on the market have consequences not only for human rights and the way they can be exercised, but also for the fundamental concept of what characterises a human being.
2. The pervasiveness of new technologies and their applications is blurring the boundaries between human and machine, between online and offline activities, between the physical and the virtual world, between the natural and the artificial, and between reality and virtuality. Humankind is increasing its abilities by boosting them with the help of machines, robots and software. Today it is possible to create functional brain-computer interfaces. A shift has been made from the "treated" human being to the "repaired" human being, and what is now looming on the horizon is the "augmented" human being.
3. The Parliamentary Assembly notes with concern that it is increasingly difficult for lawmakers to adapt to the speed at which science and technologies evolve and to draw up the required regulations and standards; it strongly believes that safeguarding human dignity in the 21st century implies developing new forms of governance, new forms of open, informed and adversarial public debate, new legislative mechanisms and above all the establishment of international co-operation making it possible to address these new challenges most effectively.
4. In this regard, the Assembly welcomes the initiative of the Council of Europe Committee on Bioethics to organise, in October 2017 on the occasion of the 20th anniversary of the Council of Europe Convention on Human Rights and Biomedicine (ETS No. 164, "Oviedo Convention"), an international conference to discuss the prospect of the emergence of these new technologies and their consequences for human rights, with a view to developing a strategic action plan during the next biennium 2018-19.
5. In addition, the Assembly considers that it is necessary to implement genuine world internet governance that is not dependent on private interest groups or just a handful of States.
6. The Assembly calls on the Committee of Ministers to:
 - 6.1. finalise the modernisation of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) in order to have new provisions making it possible to put rapidly in place more appropriate protection;

Amendment 1 Tabled by the Committee on Legal Affairs and Human Rights

In the draft recommendation, after paragraph 3, insert the following paragraph:

"The Assembly recalls the principle enshrined in Article 2 of the Convention on Human Rights and Biomedicine (ETS No. 164, also known as 'the Oviedo Convention') which affirms the primacy of the human being by stating that "the interests and welfare of the human being shall prevail over the sole interest of society or science.""

Amendment 2 Tabled by the Committee on Legal Affairs and Human Rights

In the draft recommendation, paragraph 6.1, after the word "finalise", insert the following words: "without further delay".

- 6.2. define the framework for the use of care robots and assistive technologies in the Council of Europe Disability Strategy 2017-2023 in the framework of its objective to achieve equality, dignity and equal opportunities for people with disabilities.
7. In the light of the above, the Assembly urges the Committee of Ministers to instruct the relevant bodies of the Council of Europe to consider how intelligent artefacts and/or connected devices and, more generally, technological convergence and its social and ethical consequences related to the field of genetics and genomics, neurosciences and big data, challenge the different dimensions of human rights.
8. Moreover, the Assembly proposes that guidelines be drawn up on the following issues:
 - 8.1. strengthening transparency, regulation by public authorities and operators' accountability concerning:
 - 8.1.1. automatic processing operations aimed at collecting, handling and using personal data;
 - 8.1.2. informing the public about the value of the data they generate, consent to the use of those data and the length of time they are to be stored;
 - 8.1.3. informing everyone about the processing of personal data which have originated from them and about the mathematical and statistical methods making profiling possible;
 - 8.1.4. the design and use of persuasion software and of information and communication technology (ICT) or artificial intelligence algorithms, that must fully respect the dignity and rights of all users and especially the most vulnerable, such as elderly people and people with disabilities;
 - 8.2. a common framework of standards to be complied with when a court uses artificial intelligence;
 - 8.3. the need for any machine, any robot or any artificial intelligence artefact to remain under human control; insofar as the machine in question is intelligent solely through its software, any power it is given must be able to be withdrawn from it;

Amendment 3
Tabled by the Committee on Legal Affairs
and Human Rights

In the draft recommendation, before paragraph 8.1.1, insert the following paragraph:

"the fact that responsibility and accountability lies with the human being, no matter the circumstances. References to "independent" decision-making by artificial intelligence systems cannot exempt the creators, owners and managers of these systems from accountability for human rights violations committed with the use of these systems, even in cases where the action that caused the damage was not directly ordered by a responsible human commander or operator;"

- 8.4. the recognition of new rights in terms of respect for private and family life, the ability to refuse to be subjected to profiling, to have one's location tracked, to be manipulated or influenced by a "coach" and the right to have the opportunity, in the context of care and assistance provided to elderly people and people with disabilities, to choose to have human contact rather than a robot.
9. The Assembly calls for close co-operation with the institutions of the European Union and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to ensure a consistent legal framework and effective supervisory mechanisms at international level.

**Amendment 4
Tabled by the Committee on Legal Affairs
and Human Rights**

In the draft recommendation, before paragraph 9, insert the following paragraph:

"The Assembly reiterates its call made in Resolution 2051 (2015) on all member States and observer States, as well as States whose parliaments have observer status with the Assembly, to refrain from any automated (robotic) procedures for selecting individuals for targeted killings or any sort of injury based on communication patterns or other data collected through mass surveillance techniques. This should be true not only for drones but also for other combat equipment with artificial intelligence systems, as well as other equipment and/or software which might potentially inflict damage on people, property, personal data or information databases, or interfere with privacy, freedom of expression, or the right to equality and non-discrimination."