Responsible AI and robotics
Enhancing national legal frameworks

SIENNA project Policy Brief #3   February, 2021

Highlights

National policy-makers should ensure that any changes in legislation responding to AI and robotics **are fit for purpose** and in accordance with the country's international obligations, especially with regards to human rights and societal values. There is need for legal clarity and guidance. Our key messages:

Improve protection of human rights and societal values

Ensure AI and robotics products and services are **reliable and secure**

Restrict the proliferation of **harmful** AI and robotics applications; **set clear rules on what is not permissible**

Effectively **enforce** existing laws

Reduce mass and disproportionate surveillance of individuals by public and private actors
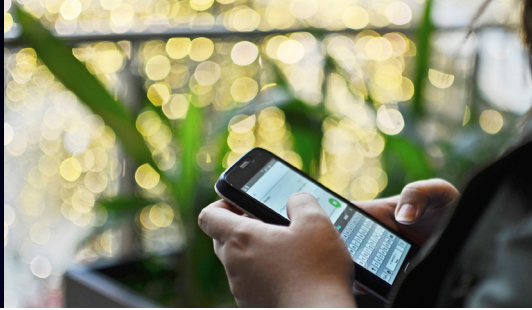
Who is this for?

National policy-makers, i.e., government ministries and departments (particularly ICT), parliaments, public authorities, national human rights institutions (NHRIs), supervisory bodies, and regulators.

Introduction

In many countries, including EU Member States, there is a great deal of interest in artificial intelligence (AI) and robotics. National AI strategies are being developed to support these technologies. Existing laws and regulations which address ethics and human rights issues may fail to adequately consider the special status, role and impacts of AI and robotics. Therefore, amendments to regulatory frameworks are necessary to support responsible AI and robotics. Further, some calls for regulatory bodies are evident where the remit of existing bodies falls short. This policy brief presents critical recommendations to support AI and robotics that is ethical and respectful of human rights.

sienna.
Technology, ethics and human rights

Recommendations

Improve protection of human rights and societal values

- Develop a national action plan (NAP) to identify existing relevant laws and policies, articulate desired policy goals and outcomes, and outline implementation measures.

- Carry out in-depth regulatory analysis/impact assessment of specific rights, e.g., non-discrimination, freedom of movement.

- Implement special protective measures to protect children, women, racial and religious minorities, political opposition and activists.

- Prohibit the use of automated facial recognition technology in public places and review its use where implemented.

- Set out procedures and develop guidance to carry out human rights impact assessments (HRIAs) for AI and robotics applications.

Make AI and robotics products and services reliable and secure

- Set up/Designate a national regulator/advisory body to monitor developments, provide guidance, share best practice and clarify how existing laws apply to new technologies.

- Revise old laws and/or create new liability law to address issues related to AI and robotics and new business models that will be created.

- Procurement processes should support AI and robotics products and services that facilitate high standards, particularly transparency.

- Use regulatory sandboxes to test the safe and effective use of AI and robotics technologies in real-world environment.

Restrict the proliferation of harmful AI and robotics applications; set clear rules on what is not permissible

- Carry out legal reviews to assess whether potential weapons systems based on emerging technologies in the area of Lethal Autonomous Weapons Systems (LAWS) would be prohibited by any rule of international law applicable to that State in all or some circumstances (e.g., Convention on Certain Conventional Weapons).
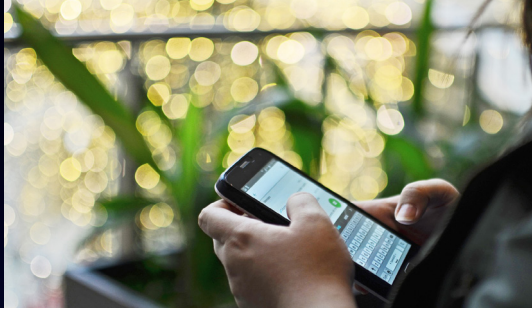
Effectively enforce existing laws

- Review regulatory enforcement measures on a regular basis.

- Create effective complaints and redress mechanisms and ensure they are accessible to stakeholders.

- Make explicit in National Human Rights Institutions (NHRIs) mandate that they can investigate, report and have redress mechanism for abuses related to AI and robotics.

- Set up a register of algorithms/algorithmic systems used in government (e.g., in policing, criminal justice) to promote transparency, accountability and trust

Reduce mass and disproportionate surveillance of individuals by public and private actors

- Make explicit commitments and take actions to reduce technological surveillance of individuals.

Final thoughts & take-aways

One key take-away is to ensure that any changes in legislation are fit for purpose and in accordance with the country's international obligations, especially with regards to human rights. Another is the need for legal clarity and guidance. The national level is also the point at which greater direct oversight and enforcement of laws is possible and this should be strongly ensured and reviewed continuously (especially to evaluate whether existing mechanisms are working or not and considering technological developments and deployments). The actions required at the national level also come with their own challenges and these could be addressed by:

- putting specific legal issues of AI and robotics high on the policy agenda (for urgent addressing where not yet in the forefront),

- inclusive and wide stakeholder consultations when assessing legal issues and/or need for regulation (also in particular, paying attention to the public's views),

- not jumping the gun on new regulation but carefully assessing this, considering the country's international obligations and the national interest, and

- using and/or requesting guidance from international or regional bodies on issues of common interest, given the transboundary nature of AI and robotics.

Further reading

For the detailed set of recommendations, please read Siemaszko, Konrad, Rowena Rodrigues, & Santa Slokenberga, "SIENNA D5.6: Recommendations for the enhancement of the existing legal frameworks for genomics, human enhancement, and AI and robotics", 2020 (Version 2.0). https://doi.org/10.5281/zenodo.4121082.

🐦 @SiennaEthics   www.sienna-project.eu

This policy brief was prepared in February 2021 by Trilateral Research Ltd. on behalf of the SIENNA project. The opinions expressed here do not represent the views of the European Commission.