

German Council Presidency Conclusion on Fundamental Rights and AI



euclid

European Law Forum: Prevention • Investigation • Prosecution

News

Thomas Wahl

On 21 October 2020, the German Council Presidency published [presidency conclusions on the Charter of Fundamental Rights in the context of artificial intelligence and digital change](#). The EU should ensure that fundamental rights are always respected when using, developing, deploying or designing artificial intelligence (AI), placing emphasis on a human-centric approach to AI. Human oversight and transparency of AI systems are essential for this. The conclusions stress that digital technologies, including AI, are essential for European digital sovereignty, security, innovations and economic development. They are also risks, however, which the use of AI may pose for fundamental rights, democracy and the rule of law. Hence, the EU must make an effort to ensure that fundamental rights as enshrined in the Charter remain guaranteed. The EU's approach, i.e. the promotion of human rights and democracy in the use of digital technologies, should also be heeded in the global debate on the use of AI, in accordance with the [EU Action Plan for Human Rights and Democracy 2020-2024](#). The conclusions provide particular guidance on the following issues:

- AI and dignity;
- AI and freedoms;
- AI and equality;
- AI and solidarity;
- AI and citizens' rights;
- AI and justice.

The Presidency stresses that Europe should make use of the opportunities offered by AI, particularly in the context of the digital economy to achieve climate neutrality by 2050, and in the fight against the COVID-19 pandemic. AI can benefit the justice system, e.g., by improving access to legal information and by reducing the duration of proceedings. However, AI in the justice system should acknowledge the following issues:

- Ensure transparency and explicability of judicial processes and decision-making;
- Maintain an independent judiciary and legal certainty;
- Prevent from adverse effects, e.g. through biased algorithms;
- Guarantee effective legal remedies;
- Continue non-digital access to law and justice.

AUTHOR

Thomas Wahl

Senior Researcher
Max Planck Institute for the
Study of Crime, Security and
Law

ISSN: 1862-6947

<https://euclid.eu>



The Conclusions call on EU institutions and Member States to follow the guidance provided in them and to consider effective measures for identifying, predicting and responding to the potential impacts of digital technologies, including AI, on fundamental rights. “Civil society” should be involved as far as possible when legal and regulatory frameworks are developed.

The Conclusions largely follow the Commission's White Paper on AI ([eucrim 1/2020, 8-9](#)) and the Council conclusions on digitalisation to improve access to justice ([separate news item](#)). The conclusions were published as Presidency conclusions and not as Council conclusions, because one Member State did not support them. It objected to the use of the term “gender equality”, as neither the Charter nor the Treaties use the term “gender”. Other Member States opposed the deletion of this term, because it is commonly used in more recent Union documents. The text of the German Presidency was backed by 26 delegations.

About eucrim

eucrim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eucrim.eu/news/>

Stay informed by emailing to eucrim-subscribe@csl.mpg.de to receive alerts for new releases of issues.

The project is co-financed by the Union Anti-Fraud Programme (UAFP), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by
the European Union**