



2020/2017(INI)

16.7.2020

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Culture and Education

on artificial intelligence in education, culture and the audiovisual sector
(2020/2017(INI))

Rapporteur for opinion (*): Ondřej Kovařík

(*) Associated committee – Rule 57 of the Rules of Procedure

SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Culture and Education, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Underlines that the use of AI in the education, culture and audiovisual sectors must fully respect fundamental rights, freedoms and values, including privacy, the protection of personal data, non-discrimination and freedom of expression and information, as enshrined in the EU Treaties and the Charter of Fundamental Rights of the European Union; welcomes the Commission's White Paper on Artificial Intelligence in this regard, and invites the Commission to include the educational sector, limited to areas posing significant risks, in the future regulatory framework for high-risk AI applications;
2. Recalls that AI may give rise to biases and thus to various forms of discrimination based on sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; in this regard, recalls that everyone's rights must be ensured and that AI initiatives must not be discriminatory in any form;
3. Emphasises that such bias and discrimination can arise from already biased sets of data, reflecting existing discrimination in society; stresses that AI must avoid bias leading to prohibited discrimination and must not reproduce discrimination processes; underlines the need to take these risks into account when designing AI technologies, as well as, the importance of working with AI technology providers to address persistent loopholes facilitating discrimination, and recommends that AI designing and developing teams should reflect the diversity of society;
4. Notes that the use of AI in education brings a wide range of possibilities and opportunities, for instance to facilitate access to information, to improve research methods or to understand how pupils learn and to offer them customisation, while at the same time posing risks regarding equal access to education and learning equalities at an increasingly younger age and for vulnerable and historically disadvantaged groups; calls for a sufficient data-sharing infrastructure between AI applications and public research entities; points out that equity and inclusion are core values that should be duly taken into account when designing policies for AI in education; calls for the non-discriminatory use of AI in the education sector; recalls the risks and discrimination that may arise from recently developed AI tools used for purposes of school admissions, and calls for them to be rectified as soon as possible; underlines the need for a proper assessment of the AI tools used in the education sector to identify their impact on the rights of the child;
5. Acknowledges that using digital and AI technologies can help develop increasingly effective educational tools and lead to a more inclusive society, by countering traditional forms of discrimination including lack of access to services, by bringing education to disadvantaged communities, persons with disabilities in line with the EU Accessibility Act, and other categories of European citizens lacking proper access to education, and by providing access to adequate learning opportunities;

6. Underlines that the benefits of AI should be shared with all parts of society, leaving no one behind; stresses the need to fully take into consideration the specific needs of the most vulnerable groups, such as children, persons with disabilities, elderly people and other groups at risk of exclusion; expresses its concerns about limited accessibility of the internet in some regions across the EU, and calls on the Commission and the Member States to deploy sustained efforts to ameliorate telecommunications infrastructures;
7. Recognises the possibilities of AI in the culture sector in terms of developing music, art and other cultural expressions; emphasises that freedom of expression is an important freedom and value and that a pluriform cultural landscape is of great value to society; calls on the Commission to keep these values in mind when drafting its proposals on AI;
8. Welcomes the Commission's plan to update the Digital Education Action Plan so as to make it more ambitious and integrated with a view to making educational systems fit for the digital age, notably through making better use of data and AI-based technologies; calls on all stakeholders, both public and private, to closely cooperate in implementing these educational reforms;
9. Stresses the need to ensure more general public awareness of AI at all levels, as a key element to enable the public to make informed decisions and help strengthen the resilience of our societies; underlines that this must also include public awareness of the risks in terms of privacy and biases related to AI; invites the Commission and the Member States to include the above in educational programmes and programmes which support the arts;
10. Underlines the urgent need to educate the public at every level in the use of AI and to equip all European citizens, including vulnerable groups, with basic digital skills enabling equal social and economic opportunities, as well as the need to have high-quality ICT programmes in education systems, at all levels; calls for the digital gender gap not to be underestimated and for measures to be taken to remedy it; welcomes the upcoming update of the Skills Agenda aimed at allowing everyone to benefit from EU digital transformation; emphasises the importance of training teachers and educators in the use of AI, especially those responsible for underage students; notes that significant skills shortages still exist in the digital and technology sectors; underlines the importance of diversifying this sector and to encourage students, in particular women and girls, to enrol in Science, Technology, Engineering and Mathematics (STEM) courses, in particular in robotics and AI-related subjects, in addition to those related to their career aspirations; calls for more financial and scientific resources to motivate skilled people to stay in the EU and to attract those with skills from abroad; furthermore, notes that there are a considerable number of start-ups working with AI and developing AI technologies; stresses that small and medium-sized enterprises (SMEs) will require additional support and AI-related training to comply with digital and AI-related regulation;
11. Recalls that data protection and privacy can be particularly affected by AI; underlines the principles established in Regulation (EU) 2016/679 of the European Parliament and of the Council (the General Data Protection Regulation (GDPR))¹ as binding principles

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and

for AI deployment; recalls that all AI applications need to fully respect Union data protection law, namely the GDPR and Directive (EC) 2002/58 of the European Parliament and of the Council (the ePrivacy Directive)² (currently under revision);

12. Recalls that children constitute a vulnerable public who deserve particular attention and protection; recalls that automated decisions about natural persons based on profiling, where they have legal or similar effects, must be strictly limited and always require the right to human intervention and to explicability under the GDPR; underlines that this should be strictly adhered to, especially in the education system, where decisions about future chances and opportunities are taken; observes that a few private companies are dominating the educational technology (edtech) sector in some Member States, and believes this should be scrutinised through EU competition rules; strongly recalls that data of minors is strictly protected by the GDPR, and that children's data can only be processed if completely anonymised or where consent has been given or authorised by the holder of parental responsibility over the child; therefore calls for stronger protection and safeguards in the education sector where children's data are concerned; calls for clear information to be provided to children and their parents, including via awareness and information campaigns, about the possible use and processing of children's data;
13. Underlines the specific risks existing in the use of AI automated recognition applications, which are currently developing rapidly; recalls that children are a particularly sensitive public; recommends that the Commission and the Member States ban automated biometric identification, such as facial recognition for educational and cultural purposes, on educational and cultural premises, unless its use is allowed in law;
14. Calls on the Commission and the Member States to implement an obligation of transparency and explainability of AI-based automated individual decisions taken within the framework of prerogatives of public power, and to implement penalties to enforce such obligations; calls for the implementation of systems which use human verification and intervention by default, and for due process, including the right of appeal, and access to remedies; recalls that automated decisions about natural persons based on profiling, where they have legal or similar effects, must be strictly limited and always require the right to human intervention and to explainability under the GDPR;
15. Calls for independent audits to be conducted regularly to examine whether AI applications being used and the related checks and balances are in accordance with specified criteria, and for those audits to be supervised by independent and sufficient overseeing authorities; calls for specific stress tests to assist and enforce compliance;
16. Points out that AI can play a major role in the rapid spread of disinformation; therefore calls on the Commission to assess the risks of AI assisting the spread of disinformation in the digital environment, and to propose recommendations, among others, for action against any AI-powered threats to free and fair elections and democracy; observes that deep fakes can also be used to manipulate elections, to disseminate disinformation and for other undesirable actions; notes furthermore that the immersive experiences

repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

² Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

facilitated by AI can be exploited by malicious actors; asks the Commission to propose recommendations, including possible restrictions in this regard, in order to adequately safeguard against the use of these technologies for illegal purposes; also calls for an assessment of how AI could be used to help counter disinformation; calls on the Commission to ensure that any future regulatory framework does not lead to censorship of legal individual content uploaded by users; recalls that critical thinking and the ability to interact with skill and confidence in the online environment are needed more than ever;

17. Notes that AI is often used to enable automated decision-making algorithms to disseminate and order the content displayed to users; stresses that these algorithms are a ‘black box’ for users; calls on the Commission to address the ways in which content moderation algorithms are optimised towards engagement of their users; also calls on the Commission to propose recommendations to increase user control over the content they see, and to ask AI applications and internet platforms to give users the possibility to choose to have content displayed in a neutral order, in order to give them more control on the way content is ranked to them, including options for ranking outside their ordinary content consumption habits and for opting out completely from any content curation;
18. Notes the potential negative impact of personalised advertising, in particular micro-targeted and behavioural advertising, and of assessment of individuals, especially minors, without their consent, by interfering in the private life of individuals, asking questions as to the collection and use of the data used to personalise advertising, and offering products or services or setting prices; calls, therefore, on the Commission to introduce strict limitations on targeted advertising based on the collection of personal data, starting by introducing a prohibition on cross-platform behavioural advertising, while not hurting SMEs; recalls that currently the ePrivacy Directive only allows targeted advertising subject to opt-in consent, otherwise making it illegal; calls on the Commission to prohibit the use of discriminatory practices for the provision of services or products;
19. Underlines that what is illegal offline shall be illegal online; notes that AI tools have the potential and are already used to fight illegal content online, but strongly recalls ahead of the Digital Services Act expected for the end of this year that such tools must always respect fundamental rights, especially freedom of expression and information, and should not lead to a general monitoring obligation for the internet, or to the removal of legal material disseminated for education, journalistic, artistic or research purposes; stresses that algorithms should be used only as a flagging mechanism in content moderation, subject to human intervention, as AI is unable to reliably distinguish between legal, illegal and harmful content; notes that terms and conditions should always include community guidelines as well as an appeal procedure;
20. Notes the benefits and risks of AI in terms of cybersecurity and its potential in combating cybercrime, and emphasises the need for any AI solutions to be resilient to cyberattacks while respecting EU fundamental rights, especially the protection of personal data and privacy; stresses the importance of monitoring the safe use of AI and the need for close collaboration between the public and private sectors to counter user vulnerabilities and the dangers arising in this connection; calls on the Commission to evaluate the need for better prevention in terms of cybersecurity and mitigation

measures thereof;

21. Stresses that next-generation digital infrastructure and internet coverage are of strategic significance for providing AI-powered education to European citizens; in light of the COVID-19 crisis, calls on the Commission to elaborate a strategy for a European 5G that ensures Europe's strategic resilience and is not dependent on technology from states who do not share our values;
22. Calls on the Commission and the Member States to support the use of AI in the area of digitalised cultural heritage.

INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

Date adopted	16.7.2020
Result of final vote	+: 59 -: 7 0: 1
Members present for the final vote	Magdalena Adamowicz, Konstantinos Arvanitis, Katarina Barley, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareş Bogdan, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Lena Düpont, Laura Ferrara, Nicolaus Fest, Jean-Paul Garraud, Sylvie Guillaume, Andrzej Halicki, Balázs Hidvéghi, Evin Incir, Sophia in 't Veld, Patryk Jaki, Livia Járóka, Fabienne Keller, Peter Kofod, Moritz Körner, Juan Fernando López Aguilar, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Paulo Rangel, Terry Reintke, Diana Riba i Giner, Ralf Seekatz, Michal Šimečka, Martin Sonneborn, Sylwia Spurek, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Tomas Tobé, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Abir Al-Sahlani, Bartosz Arłukowicz, Malin Björk, Delara Burkhardt, Gwendoline Delbos-Corfield, Nathalie Loiseau, Erik Marquardt, Sira Rego, Domènec Ruiz Devesa, Paul Tang, Hilde Vautmans, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Sven Mikser

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

59	+
PPE	Magdalena Adamowicz, Bartosz Arłukowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Lena Düpont, Andrzej Halicki, Balázs Hidvéghi, Livia Járóka, Nuno Melo, Roberta Metsola, Nadine Morano, Emil Radev, Paulo Rangel, Ralf Seekatz, Tomas Tobé, Tomáš Zdechovský
S&D	Katarina Barley, Pietro Bartolo, Delara Burkhardt, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Juan Fernando López Aguilar, Sven Mikser, Javier Moreno Sánchez, Domènec Ruiz Devesa, Sylwia Spurek, Paul Tang, Bettina Vollath, Elena Yoncheva
Renew	Abir Al-Sahlani, Sophia in 't Veld Fabienne Keller, Moritz Körner, Nathalie Loiseau, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Hilde Vautmans
Verts/ALE	Saskia Bricmont, Damien Carême, Gwendoline Delbos-Corfield, Erik Marquardt, Terry Reintke, Diana Riba i Giner, Tineke Strik
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Nicola Procaccini, Jadwiga Wiśniewska
GUE/NGL	Konstantinos Arvanitis, Malin Björk, Clare Daly, Sira Rego
NI	Laura Ferrara, Martin Sonneborn, Milan Uhrík

7	-
PPE	Javier Zarzalejos
ID	Nicolas Bay, Nicolaus Fest, Jean-Paul Garraud, Marcel de Graaff, Peter Kofod, Tom Vandendriessche

1	0
ID	Annalisa Tardino

Key to symbols:

+ : in favour

- : against

0 : abstention