



Conference of European Churches
Conférence des Églises européennes
Konferenz Europäischer Kirchen
Конференция Европейских Церквей

A Conference of European Churches Response to the Draft Ethics Guidelines for Trustworthy AI

Working document for stakeholder's consultation by the European Commission's High-level Expert Group on Artificial Intelligence (AI HLEG).

1 February 2019

Rationale and Foresight of the Guidelines

The Conference of European Churches (CEC) is a fellowship of 114 Orthodox, Protestant, and Anglican churches from across Europe, plus more than 40 National Council of Churches and Organisations in Partnership. CEC was founded in 1959. It has offices in Brussels and Strasbourg.

While this section does a generally good job of establishing context for the guidelines, it requires further consideration and development on a few points.

- We challenge the confidence that “no legal vacuum currently exists” (page 2) with respect to European AI regulation. We urge extreme caution on this front considering the flexibility of legal interpretation and the rapidly changing AI landscape that will ultimately subvert existing regulation and legislation. For example, how will regulation handle shifting intellectual property rights, civil rights, and complex liability issues as new technologies emerge that do not fit well into the scope of current regulation?
- It is impossible to speak of “the goal” of AI ethics in the singular—the unresolved debates in the AI HLEG speak directly to this. We also challenge the notion that AI is a “scientific discipline”, when it is so clearly an interdisciplinary pursuit drawing on an extensive range of research traditions including linguistics, developmental psychology, anthropology, and social sciences, among others.
- We would argue, instead, for an approach to ethics that decentralizes the individual human and seriously considers the ethics of community life, society, the common good, as well as ecological concerns in light of global catastrophic climate change. Such an approach does not find a home within these guidelines, but we are hopeful that “the *beginning* of a new and open-ended process of discussion” will inevitably take up these essential perspectives.
- We argue for a more expansive understanding of stakeholders to include all those passively or actively impacted by—not just directly developing, deploying, or using—AI. Passive and hidden applications increasingly shape life in Europe and beyond, despite the call for

BRUSSELS

Rue Joseph II, 174
BE-1000 Brussels, Belgium
tel.: +32 2 230 17 32
fax: +32 2 231 14 13

e-mail: cec@cec-kek.be

STRASBOURG

8, rue du Fossé des Treize
FR-67000 Strasbourg, France
tel.: +33 3 88 15 27 60
fax: +33 3 88 15 27 61

e-mail: cec-strasbourg@cec-kek.be

www.ceceurope.org



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transparency later in the text. These include applications like vehicle-to-vehicle communication, traffic management, surveillance and facial recognition, which touches the lives of many who fall out of the prescribed stakeholders group. We urge special consideration for minors, who have decisions made on their behalf about their interaction with these technologies. In this sense all Europeans and *all* who cross its borders—virtual and real—are stakeholders in this process.

Respecting Fundamental Rights, Principles and Values – Ethical Purpose

- There is a tension throughout the document between the individual and the common good that requires clarification in the final version. At some moments, the individual human is at the centre of concern, at others individual wellbeing and the common good are given equal footing (e.g., the guidelines say that AI should “improve individual and collective wellbeing”). The guidelines mention the importance of the treaties in resolving the tension between the individual and the common good (page 8), but this needs to be dealt with in a much more robust way. The Conference of European Churches recommends re-examining the relationship of the individual human to its context and clarifying how these correspond in the final guidelines.
- The section on vulnerable demographics should include women, refugees, Indigenous and traditional peoples. Also, recent examples of bias in AI show that racialized and queer people are especially vulnerable to the harmful effects of AI.
- While we appreciate the nod to “environmentally friendly” applications of AI, this brief mention must be developed much further in the final guidelines. Ecological concerns must be placed on par with concerns for human wellbeing and prosperity. The final guidelines should address rights and responsibilities toward all life, ecosystems, and existing international commitments like the Paris Agreement and Sustainable Development Goals.
- The section on critical concerns, raises important unresolved questions. The challenge of covert systems is significant—whether it is identifying an autonomous vehicle on the highway, or a “bird of prey” that may in fact be a surveillance drone. This section leaves out the *necessity* for some of these technologies to be covert by design, especially in security and military applications.
- The section on LAWS makes no mention of the EU’s direct relationship with military application of robotics and AI through the European Defence Fund. The possibility for conflict here is significant. The section makes no mention of already existing arms races, or the difficulty in dealing with illegal arms trade or negotiating arms trade treaties for AI, and the likelihood of guerilla and terrorist groups and others to subvert even the best-intentioned regulatory initiatives.
- On the point of the longer-term consequences, we consider that they go beyond the question of law and injustice, and concern the natural disposition of the human being. This is especially

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Rue Joseph II, 174
BE-1000 Brussels, Belgium
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fax: +32 2 231 14 13

e-mail: cec@cec-kek.be

STRASBOURG

8, rue du Fossé des Treize
FR-67000 Strasbourg, France
tel.: +33 3 88 15 27 60
fax: +33 3 88 15 27 61

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pertinent in artificial consciousness and moral decision-making. Religions are concerned with precisely these meta-ethical questions, and are as such an indispensable interlocutor in these conversations.

Realising Trustworthy AI

Remarks for this section are already well covered in similar comments for the other sections of the draft guidelines.

Assessing Trustworthy AI

- The section on accountability requires some further clarification, especially with respect to the kinds of accountability that are at stake in developing Trustworthy AI. For example, the guidelines do not make a clear distinction between moral, legal, financial, and technical accountability for these technologies. There is a further need in this section to address the ever-present tension between accountability and the desire for secrecy for reasons of competitiveness or national security. Trustworthy AI demands, in part, full disclosure which is often incompatible with the needs and ambitions of governments and corporations.
- The section on design for all only considers the individual human and not the status or wellbeing of communities. The impact on communities and relationships is of great importance and must be reflected in such guidelines.
- The section on non-discrimination must take into account that bias and discrimination can take place long before data is collected, and technologies developed. The choosing of research agendas, and the problems we seek to solve, is an inherently biased undertaking that can only be remedied through the intentional diversification of the research field.
- The guidelines should also ask how the technologies contribute to the diversification of knowledge and how these technologies contribute directly to equity, justice, and the elimination of discrimination.
- The section on privacy should explicitly address existing applications of AI that are readily used to identify persons in public and virtual places. This includes facial recognition software and applications like speeding and toll cameras.
- The section on robustness should be expanded to include more questions about how to handle attacks, security breaches, theft and illegal trade of technologies, and open source AI (and related technology). We must assume that these technologies will end up like any other commodity with problematic trade, illegal or unauthorised use, including ending up in the hands of terrorist groups. A much stronger appreciation for this is needed in this section.

BRUSSELS

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BE-1000 Brussels, Belgium
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e-mail: cec@cec-kek.be

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fax: +33 3 88 15 27 61

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- The section on human autonomy requires significant reconsideration and development. There is far more to developing “human centric” AI than simply attending to the preservation of individual human autonomy. Guidelines for Trustworthy AI must include many more questions about the impact on humans, their communities and societies, and the ecosystems that support all life on Earth. These questions could include: Does it threaten language or culture, especially vulnerable or Indigenous ones? Does the system commodify human beings and their relationships? How does the supply chain contribute or detract from the trustworthiness of the system (e.g., use of conflict minerals, slave and child labour, and so on)? How do we negotiate hybridity (virtual or actual) with the human being (e.g., brain-machine interfaces)? Does a technology or system contribute to the concentration of power in its various forms (e.g., social, political, military, and so on)? What are its effects on climate change? On ecosystems? How will this affect future generations?

General Comments

The rise of robotics and AI is an important concern for the Conference of European Churches and its constituency. We appreciated that the Commission and the AI HLEG approached the ethical challenges of AI as an ongoing process that requires a diversity of stakeholders. We are grateful that the European Commission has taken up this work within the scope of the Article 17 dialogue, and hope that it will continue.

Preparation for this consultation and the related dialogue seminar, however, did not provide ideal timing or opportunity for dialogue. With the guidelines delivered shortly before Christmas, when it is busy for our churches and others are on holiday, it was too difficult for the Conference to consult with its membership before the dialogue seminar in early January.

Broad public consultation and debate can only serve to strengthen the spirit of these guidelines and the resultant text. The churches in particular are an excellent forum for such work as they have a longstanding interest in issues of ethics relating to all manner of technologies. This is coupled with ultimate concern for the human being, human communities and the flourishing of all life on Earth.

We look forward to the next version of these guidelines incorporating the remarks made above and those from other faith-based stakeholders.

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fax: +33 3 88 15 27 61

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