

## **Strengthening the AI regulation proposal “A European Approach to Artificial Intelligence” by the European Commission to prevent surveillance and discrimination**

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening virtually on 11-12 June 2021:

### **Is convinced that:**

- AI should not be used if there is a risk for surveillance or discrimination;
- the European Union should not allow gender reductionism.

### **Underlines:**

- the importance that AI can play in regards to scientific breakthrough. Noting that the US and China has made significant progress in fields regarding AI. The EU must draw on the positive notes of AI science at the same time as being aware of negative aspects.

### **Notes that:**

- a prohibition is crucial because we need to recognise that people must be given the space and freedom to determine and express their own gender identity, and to do so beyond a rigid male-female binary, meaning that gender cannot and should not be determined by a machine. Instead, we should hold space for society to embrace the broad and rich variety of who we uniquely are;
- the automated recognition of other protected characteristics - such as race, ethnicity or sexuality - can be equally harmful. Like the automated recognition of gender, these practices have their basis in flawed, highly contested and discriminatory assumptions. Their use to stratify people for different treatment based on their ethnicity or their sexual orientation simply cannot have a legitimate basis;
- the European Union should support people's rights to human autonomy and self-determination, and therefore address the ethical and social harms that are perpetuated by narrow gender perceptions in emerging technologies and could influence system functionality and facilitate stereotypical expectations of gender in society. The right way to address these concerns does not happen by allowing AI to reinforce more gender-related boxes in which to trap us. Instead, we should encourage and empower European citizens to determine their own identities beyond narrow societal stereotypes encoded into machines;

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- applications that use Artificial Intelligence need to be conform to national and European regulations when it comes to anti-discrimination and privacy.

**Keeps in mind that:**

- if we look at a common method for an AI system to evaluate whether a person is male or female, it is by looking at bone structure, facial hair or if the person is using makeup. But gender is not and should not be reduced to our physical features and fashion choices. A person is not defined by what a developer assumes about them based on their facial hair, their choice to wear make-up (or not), how masculine or feminine they "look", or any other arbitrary stereotype;
- algorithms based on biased data sets as a "norm" can be dangerous;
- these systems have also been shown to have poor accuracy on transgender people, and can compound the harmful misgendering they encounter in their daily lives. Moreover, such systems, which operate according to a male-female binary, inherently discriminate against non-binary and other gender non-conforming people who reject such categorisation of their gender identity;
- even if AI systems do not use these above-mentioned sensitive characteristics, they can still use a range of proxy variables related to them. For example, shopping patterns can be used as a proxy for gender, just as zip codes, last names and several other characteristics are used as a proxy for race;
- these concerns go beyond just automated gender recognition, and extend to equally harmful automated recognition of other sensitive characteristics like race, ethnicity and sexuality, job application screenings, social scoring, credit scoring, searching for criminal suspects and remote biometric identification in publicly accessible places. In all such cases, the protection of fundamental rights must be ensured.

**Call on all member parties of ALDE party, Renew Europe Group, Members of European Parliament, Commissioners and liberal members of national governments to support:**

- a ban on the use of automated recognition of sensitive characteristics such as gender, sexual orientation and race/ethnicity in the proposed regulation on a European approach for Artificial Intelligence;
- strengthen the obligations of the 'High risk' category, so they are sufficient to protect fundamental rights.

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