



**EESC Fundamental Rights and Rule of Law Group
and European Commission DG JUST**

Safeguarding fundamental rights in the digital age

11 February 2022
ONLINE EVENT



EESC Fundamental Rights and Rule of Law Group and the European Commission DG JUST

Conference

Safeguarding fundamental rights in the digital age

- 11 February 2022 -

Background

Europe is facing a digital transformation, and the EU has been clear that the future of Europe is digital. Digital solutions can open up new opportunities across the fields of business, technology and the economy as a whole. Moreover, digital solutions can positively affect the green transition and foster an open and democratic society. However, digital transformation brings not only opportunities but also challenges and risks. As Europe strengthens its digital sovereignty, the EU must ensure that people's fundamental rights in the EU are protected. This is urgent, as research indicates that the COVID-19 pandemic has accelerated the pace of digital transformation and simultaneously has put the protection and guarantees of our fundamental rights and freedoms to the test.

As of 2021, following its [strategy](#) to strengthen the application of the Charter in the EU, the European Commission's annual reports on the implementation of the Charter of Fundamental Rights of the European Union adopt a thematic angle. This year, the [report](#) takes stock of digital developments and focuses on fundamental rights in the digital age. Civil society organisations and independent national human rights bodies are key partners for the EU institutions and for the Member States in promoting and protecting fundamental rights, democracy and the rule of law.

To offer a space for dialogue on the findings of the report and the opportunities and challenges of safeguarding fundamental rights in the digital age, this joint EC and EESC conference will bring together EU institutions, civil society representatives and other stakeholders across different sectors. Two expert panels will zoom in on two developments that increasingly shape the daily lives of people, namely the use of artificial intelligence (AI) and online content moderation on digital platforms. Looking ahead, participants will share best practices and discuss how the digital sector can, and should, be regulated to ensure respect for fundamental rights. The latter part feeds into the French presidency's priority of looking at the regulation of the digital sector, particularly in the areas of ePrivacy Regulation; a future Data Act; a European digital identity, and making the development of reliable human-centred artificial intelligence a priority.

1. Artificial intelligence and the right to non-discrimination

While AI technologies bring a number of benefits, certain technologies entail unprecedented risks of discrimination. These risks relate for instance to bias in AI, which can stem from prejudice that is reflected in the data used to generate an AI system, or in its code. AI is increasingly used for decisions that have potentially important impacts on the lives of European citizens, such as its use in hiring procedures, in education, targeted political advertising, the provision of personalised information to public service users, or the creation of risk profiles in the area of insurance, and biased AI can lead to discrimination when it reflects and reproduces societal biases about race, gender, biological sex, age and culture that already exist in society.

The EU digital strategy has prioritized the development of AI in ways that respect people's rights and earn their trust, and the European Commission has recently presented its draft Artificial Intelligence Act. Against this background and the French priority of regulating the digital sector, the conference will seek to highlight opportunities, but also key challenges and risks, that the use of AI technologies present to the fundamental right to non-discrimination. Civil society has responded by creating initiatives to make AI more inclusive¹. Building on these initiatives and on lessons learned from, for example, the enforcement of the General Data Protection Regulation, discussions will focus on how the development and use of AI is, and could be, regulated to safeguard the right to non-discrimination. The conference will highlight two topical issues that are centred in the debate on AI and non-discrimination, namely the use of AI systems in the labour market and facial recognition systems.

2. The Fundamental Rights impact of Content Moderation on Online Platforms

As Union citizens increasingly interact digitally, the benefits of the services provided by digital platforms become obvious. Online platforms are the principal key medium for the exchange of information, including news and political and social communications. At the same time, the perils of online platforms are increasingly revealing themselves as well. The use of online platforms is amplifying societal problems like polarization or the dissemination of illegal content, often with significantly negative effects on fundamental rights. Moreover, the COVID-19 crisis has put a spotlight on the spread of online content that is not in itself illegal, such as disinformation and conspiracy theories, but may affect the democratic discourse, trust in institutions, health, safety and equal treatment. Lastly, democracy in the EU faces many challenges, including populism, an increasingly polarised political debate and the erosion of public trust in democratic processes caused by disinformation.

Having a view to the exponential rise of online content and exchanges, the question of online content moderation is becoming prominent, which itself raises many questions about the responsibilities to defend certain fundamental rights and values online. Some platforms rely on automated solutions to replace human-made content moderation, such as automated moderation systems driven by AI to identify and remove discriminatory or hateful content. However, the automation of online moderation can give rise to numerous risks to fundamental rights as well, including the freedom of expression and to receive information, the right to privacy, the right to non-discrimination. This can leave the door open to widespread censorship practices, and effective remedies for wrongfully removing users' content who sometimes cannot challenge this decision.

Recent legal developments within the EU include the Digital Services Act, which aims to regulate how tech companies moderate their platforms. Moreover, the French presidency has prioritized the regulation of the digital sector.

The conference will offer a space for representatives from EU institutions, civil society actors and other stakeholders to discuss the regulation and enforcement of content moderation on online platforms.

¹ See for example the initiatives mentioned in [The UNESCO Mobile Learning Week \(MLW\) 2020 Compendium of Promising Initiatives](#), which highlights the potential of AI in and for education to accelerate progress and bridge digital, gender, wealth, ability and other divides to create inclusive knowledge societies.

Some stakeholders have advocated for a "holistic, not techno-centric, approach"² to ensure that regulations neither increase the market dominance of Big Tech nor decrease democratic oversight. Civil society organisations have pointed out that instead of focusing only on stricter rules for content moderation, regulations should address the root cause of the amplification of illegal or harmful content online - the data and advertising-driven business model of Big Tech companies.

Programme

09:00 - 10:00	– Registration / on line tests –
10:00 - 11:30	<p>Opening Session</p> <p><u>Welcome</u></p> <ul style="list-style-type: none"> • Christa Schweng, EESC President – <i>remotely</i> • Ana Gallego, Director General, European Commission DG Justice and Consumers – <i>remotely</i> <p><u>Discussion on fundamental rights in the digital age</u></p> <p><i>Moderation: Cristian Pîrvulsecu</i>, President of the FRRL Group</p> <ul style="list-style-type: none"> • MEP Dragoş Tudorache (Renew Europe, Romania), Chair of the Special Committee on Artificial Intelligence in a Digital Age (AIDA) – <i>remotely</i> • Michael O'Flaherty, Director of the European Union Agency for Fundamental Rights (FRA) • Pauline Dubarry, Justice Advisor, Permanent representation of France to the European Union • Max Schrems, Honorary Chairman, None of Your Business (European Center for Digital Rights) – <i>remotely</i>
11:30 - 12:00	Coffee break
12:00 - 13:00	<p>An in-depth presentation of the 2021 European Commission Fundamental Rights Report "Fundamental Rights in the Digital Age"</p> <p><i>Moderation: Cristian Pîrvulsecu</i>, President of the FRRL Group</p> <ul style="list-style-type: none"> • Louisa Klingvall, Team Leader, European Commission DG Justice and Consumers, Unit C.2: Fundamental rights policy – <i>remotely</i> • Eike Gräf, Policy Officer, European Commission DG Justice and Consumers, Unit C.2: Fundamental rights policy – <i>remotely</i>
13:00 - 14:30	Lunch break

² <https://edri.org/our-work/a-losing-game-moderating-online-content-fuels-big-tech-power/>

<p>14:30 - 15:30</p>	<p>Expert Panel on <i>Artificial Intelligence and the right to non-discrimination</i></p> <p><i>Moderation: Ozlem Yildirim, Vice-president of the FRRL Group</i></p> <p><i>Panellists:</i></p> <ul style="list-style-type: none"> • Sarah Chander, Senior Policy Advisor at European Digital Rights (EDRi) – <i>remotely</i> • Prof Théodore Christakis, Professor of International and European Law, University of Grenoble-Alpes – <i>remotely</i> • Laura Nurski, Research fellow, Bruegel Think Tank – <i>remotely</i>
<p>15:30 - 16:00</p>	<p><i>Coffee break</i></p>
<p>16:00 - 17:30</p>	<p>Expert Panel on <i>the Fundamental Rights impact of Online Content Moderation</i></p> <p><i>Moderation: Helena de Felipe Lehtonen, Vice-president of the FRRL Group</i></p> <p><i>Panellists:</i></p> <ul style="list-style-type: none"> • Asha Allen, Advocacy Director for Europe Centre for Democracy and Technology (CDT) – <i>remotely</i> • Prof Joris van Hoboken, Professor of Law, Vrije Universiteit Brussels, appointed to the Chair "Fundamental Rights and Digital Transformation" – <i>remotely</i> • Eliska Pirkova, Europe Policy Analyst and Global Freedom of Expression Lead, Access Now – <i>remotely</i>
<p>17:30 - 18:00</p>	<p>Concluding Session</p> <ul style="list-style-type: none"> • Rasha Abdul Rahim, Director, Amnesty Tech – <i>remotely</i> • Cristian Pîrvulescu, President of the FRRL Group