

EdTech Congress Barcelona

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Coping with and anticipating digital evolution

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The Council of Europe: Our mandate and our values

- The Council of Europe is the continent's **leading human rights organisation**.
- It comprises **46 member states** today.
- It is an intergovernmental political organisation, founded on three main values: **human rights**, **democracy** and **the rule of law**.
- It is active in **all areas affecting European societies** and addresses **modern-day challenges** such as:



Council of Europe and Digital Evolution

- **Budapest Convention:** International agreement on cybercrime
- **Ethical Charter on the use of artificial intelligence in judicial systems**
- Convention for the **protection of individuals with regard to the processing of personal data** (Convention 108+)
- Additional protocol to **Convention 108** regarding independence of supervisory authorities and transborder data flows (ETS No. 181)
- Guidelines on **Artificial Intelligence and Data Protection**
- Ad hoc Committee on Artificial Intelligence CAHAI was established (2019-2021) to examine the feasibility and essential components of a **legal framework for AI.**
- CAHAI transitioned to CAI in 2022 - draft for an **international convention** (DFC)

The NEW Draft Framework Convention on Artificial Intelligence

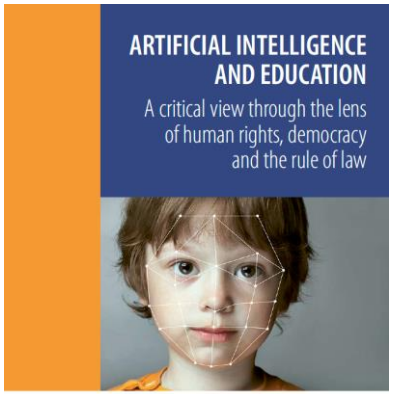
- **Framework convention** on artificial intelligence, human rights, democracy and the rule of law
- Common **definition** of AI Systems, General **Obligations** and **Principles** related to activities within the lifecycle of artificial intelligence systems –
  - Human dignity and individual autonomy
  - Transparency and oversight
  - Accountability and responsibility
  - Equality and non-discrimination
  - Privacy and personal data protection
  - Reliability
  - Safe innovation
  - **Article 20 – Digital literacy and skills**

    Each Party shall **encourage and promote adequate digital literacy and digital skills for all segments of the population**, including specific expert skills for those responsible for the identification, assessment, prevention and mitigation of risks posed by artificial intelligence systems.

	Draft Framework Convention (May 2024)	EU- AI act 2023
Type of instrument	**International** Convention (DFC) – Binding obligations for States	**EU**-wide legislation – providers deployers authorities
Scope	Activities within the **lifecycle of [AI systems**] that have potential to interfere with human rights, democracy and the rule of law	Ensure AI systems used in the EU are safe, transparent, traceable, non-discriminatory and environmentally friendly.
Approach	**Human Rights based approach** - Covers all AI systems "*that have potential to interfere with human rights, democracy and the rule of law".* Requires appropriate risk assessment and mitigation measures to be implemented for all of them.	**Risk-based approach**: the obligations for a system are proportionate to the level of risk that it poses.
Sectors	Do not address specific needs of each public policy sector	Do not address specific needs of each public policy sector

Artificial Intelligence and Education

In 2022, we publish our report "***Artificial Intelligence and Education – A critical view through the lens of human rights, democracy and the rule of law***".



The report

- examines the **connections** between AI and education
- presents some **challenges** for AI and education
- looks critically into AI, education, and **human rights**, **democracy**, and the **rule of law**
- concludes with a preliminary **needs analysis.**

Dual Facets of AI in Education

Opportunities	Risks
Personalised Learning	Potential for Bias
Efficient Administrative Processes	Data Privacy Concerns
Enhanced Accessibility	Reduced Human Interaction
Improved Learning Analytics	Questionable Pedagogical Approaches
Support for Educators	Corporate interests over educational policies and practices

Critical view on Artificial Intelligence and Education

- Almost all current commercial student-supporting AI tools:
  - **undermine student agency** (and can amount to surveillance),
  - **disempower teachers** (and parents),
  - **automate poor pedagogic practices** (e.g. instructionism and e-proctoring exams),
  - **do not 'save teacher time' nor 'personalise learning'**,
  - have **little evidence** for their efficacy.
- The impact of AI tools **on developing human cognition** is unknown.
- The **ethics of AI in classrooms** (which involves the ethics of data, algorithms and education) is yet to be fully worked out.

AI, Education, and the Imperatives of Human Rights and Democracy

AI, education and **human rights**

- It can also **undermine** the child's right to **dignity**, to **autonomy**, to be **heard**, to **not suffer from discrimination**, to **privacy**, to be **protected from economic exploitation**, and to have the opportunity of **redress**.

AI, education and **democracy**

- To promote democracy and democratic values, AIED systems should support **enhancement**, **inclusion**, **open access** and **equity**.

AI, education and the **rule of law**

- There are currently **no international laws** focused specifically on AI and education, although AI is subject to human rights legislation.

AI, Education, and the Imperatives of Human Rights and Democracy

Human Rights	Democracy	Rule of Law
Right to Education	Participatory decision-making	Legal compliance
Right to Human Dignity	Foster critical thinking and civic engagement	Accountability mechanisms
Informed Consent	Safeguard academic Freedom	Transparency and Explainability
Freedom of Thought, Conscience, and Expression	Protection against surveillance and profiling	Protection Against Arbitrary or unlawful interference

Artificial Intelligence and Education – A special Case

- For **more than a decade but without much public awareness**, AI-enabled technologies have increasingly been used in education. This has been accelerated by the arrival of ChatGPT and other generative AI.
- There is **no robust independent evidence at scale for the efficacy, safety or positive impact** of AI systems being used in education.
- The possible impact of AI systems on children and teachers includes **generic issues** (focused on data, privacy, and biases) but also includes **education-specific issues**
- Existing legislation sets out to address most of these generic AI issues but does not specifically address the **particular impact of such issues on children or education settings**.
- The use of AI systems in education is likely to **exacerbate the digital divide**, both within and between member states

Artificial Intelligence and Education – A Special Case

- Children and education are **special cases** because of their physical, emotional, cognitive, and spiritual immaturity
- Current policies **do not sufficiently protect learners, educators, or education institutions** when AI-enabled technologies are used in education.
- A new legal instrument to regulate the use of **AI systems in education is needed.**

2022 Survey: The state of artificial intelligence and education across Europe

- **Capacity of member states** to engage with the subject: 25 out of 46 member states provided valid responses in education
- Reported a lack of sufficient evidence and research to demonstrate the implications of using AI systems
- Member states explicitly stated the need to address the **Council of Europe core values** when it comes to establishing policies, strategies and legal frameworks for monitoring and regulating AI, especially when using AI systems in education.
- Member states are working to some extent on AI teaching and learning policies, but without a **specific budget** dedicated to their development.

Survey: The state of artificial intelligence and education across Europe

- **Key takeaways** from the Council of Europe Survey
  - There is the need to establish supervisory and **regulatory mechanisms** to protect stakeholders
  - Need for a **collaborative approach** and active involvement of the key stakeholders
  - Need to equip citizens, learners, and professionals in education, with the necessary **competences to use AI responsibly** and understand its implications
  - Member states have established general AI policies and strategies, however **AI and education** is not addressed as **a special case**

Better education for better democracies

- The Council of Europe **supports** its member States in developing their policies, legislation and practices with a view to promoting **democratic**, **quality**, **inclusive** and **corruption-free** education systems.
- The Education Department develops policies to help member states **build a culture of democracy through education**.
- We cover all areas and levels of education.
- It is engaged in both **standard setting** and **capacity building** and co-operation.

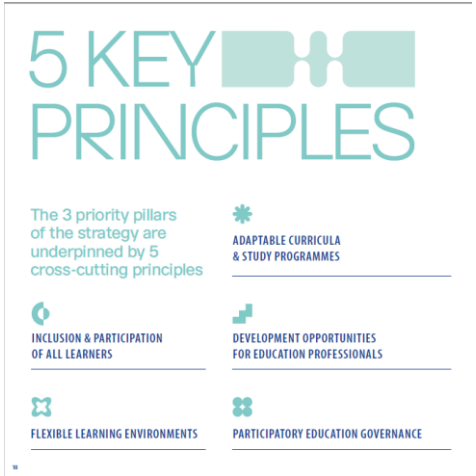


Council of Europe Education Strategy 2024-2030

Learners first – Education for today's and tomorrow's democratic societies

The learners (**citizen** learner, **intercultural global** leaner, **digital** learner) are central to the Strategy.







Council of Europe Education Strategy 2024-2030 (cont'd)

Pillar 3: **Advancing education through a human rights-based digital transformation**

- The digital transformation of education should be **guided by a human rights-based approach**.
- It is essential to create **inclusive**, **equitable** and **empowering** learning environments.
- It involves ensuring that the use of digital technologies **respects and protects** the fundamental rights and freedoms of individuals.



Regulating Artificial Intelligence in Education

- In 2019, the Council of Europe's Committee of Ministers adopted **Recommendation CM/Rec(2019)10 on developing and promoting digital citizenship education**. This noted:

  *"AI, like any other tool, offers many opportunities but also carries with it many threats, which make it **necessary to take human rights principles into account** in the early design of its application."*

- 26th Session of the Standing Conference of Ministers of Education, September 2023

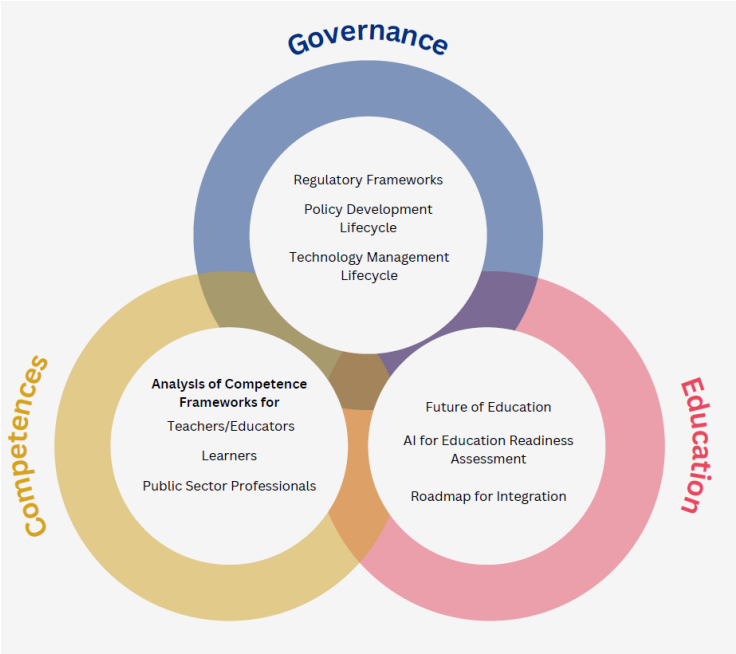
  Resolution 3 on harnessing the potential of Artificial Intelligence in and through education

  *We, Ministers responsible for Education, **WELCOME the proposals** for developing a (i) legal instrument to regulate the use of Artificial Intelligence systems in education to promote and to protect human rights, democracy and the rule of law …; (ii) a Committee of Ministers recommendation to ensure that teaching and learning about AI incorporates the impact of AI on human rights, democracy and the rule of law and prioritises the active participation and agency of teachers and learners …;*

Regulating Artificial Intelligence in Educatiom

- **Call for more evidence** and less reliance on hyperbole.
- **appropriate regulation**, addressing human and children's rights, **before AI tools are introduced into classrooms**.
- school and life-long-learning curricula that addresses **both the human** and **technical dimensions of AI**.
- **multi-disciplinary approaches**, bringing together educators, students and parents, learning scientists and philosophers, computer scientists and AI engineers, **commercial developers** and governments.
- the use of AI in education to **prioritise and facilitate** human rights, democracy, and the rule of law.

Regulating Artificial Intelligence in Education- Looking into the future



- A **regulatory framework/legal instrument** to regulate the use of AI in education
- **CM recommendation** on teaching and learning with and about AI
- A **Policy toolbox**
- A European review framework for AI EdTech systems