



IA Ciudadana Statement on European Regulation of Artificial Intelligence

At **IA Ciudadana**, a coalition of 16 social organizations leading the social response to the policies of regulation and implementation of Artificial Intelligence in Spain, we express our deep commitment to safeguarding human rights and social justice in the digital era.

In this regard, we recognize the importance of technologies, but we insist that their development and implementation must respect the fundamental rights and freedoms of all individuals.

In the specific case of Spain, it is noteworthy that the country has positioned itself as a reference in Artificial Intelligence. To achieve this, Spain has taken a series of measures, such as the establishment of the first Agency for Supervision of Artificial Intelligence (AESIA) and the creation of sandboxes to analyze the application of the future regulation of Artificial Intelligence (AI Act).

Therefore, in the particular context of Spain's presidency of the EU Council and its key role in negotiating the final text of the European AI Act, we urge regulators to protect and promote human rights in the context of Artificial Intelligence. We reaffirm our commitment to work together with authorities and other relevant actors to ensure that AI regulation guarantees this. To achieve this, we consider it a priority that:

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Civil society participates in the definition of artificial intelligence policies

Transparency and participation are basic requirements in any democracy. It is essential that citizens have accessible and transparent information about the functions, agendas, and mechanisms of participation in the bodies responsible for regulating and controlling the application of Artificial Intelligence.

The whole populace has the right to participate in public affairs that, like AI systems, impact their lives, rights and opportunities. Effective public participation, encompassing diverse perspectives, allows for more equitable decisions with greater democratic legitimacy.

The determination of the risk level of an AI system cannot be left in the hands of large companies developing it

The AI Act project adopts a risk-based approach and establishes specific obligations for AI systems that pose "high risk" (enumerating their use cases in Annex III), including the need to implement human oversight, conduct risk assessments, and take mitigation measures. In other words, most obligations envisaged by the regulation fall on these high-risk systems. However, big tech companies have managed to introduce an escape route from this category and modify the text so that the companies themselves evaluate whether their system is of "high risk."

"IA Ciudadana" urges lawmakers to eliminate this loophole in the classification of high-risk systems, and hence, all systems listed in Annex III of the AI Act should be considered high risk. The wolf should not be the one deciding if it wants to guard the hens.

Without necessary requirements, Artificial Intelligence can endanger fundamental rights globally

European regulation will be pioneering worldwide, and therefore, Europe has the opportunity to produce a standard that ensures the highest protection of fundamental rights of the population and democratic values. The only way to guarantee the responsible and respectful development and implementation of high-risk AI systems is by requiring the conduct of an impact assessment on fundamental rights (FRIA) before these systems are put into operation. This assessment must be carried out ensuring the active participation of affected groups, and its results must be made public. Only in this way can AI technologies respect, promote, and protect fundamental rights.

We must not address social problems with purely technological solutions

In today's digital society, we have ample evidence that the techno-solutionism offered by big tech does not work: attempting to solve complex social problems with technological tools, without including multidisciplinary experts and the affected social groups in their design and evaluation, exacerbates inequality and social injustice. Beyond that, there are systems that simply cannot be accepted in a Social and Democratic Rule of Law. Remote biometric identification in public spaces, systems for profiling or risk assessments to predict crimes, evaluation and profiling systems in the context of migration, emotion recognition, and the use of AI that can manipulate people in vulnerable contexts are particularly concerning.

IA Ciudadana demands that these be prohibited as their use contradicts basic fundamental rights and freedoms, including the right to privacy, freedom of expression and association, and non-discrimination.

Who is IA Ciudadana and why does it advocate for participation?

We are a coalition of 16 social organizations working to protect Human Rights in processes based on artificial intelligence systems and decision automation from a participatory democracy approach. Our goal is to expand society's participation in the regulation processes of AI and

algorithmic governance, ensuring AI technology that respects human rights and promotes social justice.

Coalition organizations



AlgoRace



Institut de Drets Humans de Catalunya



Observing organizations

