

Open Letter - Parliament must stand strong on AI Act fundamental rights protections (October 23, 2023)

For the attention of Brando Benifei MEP and Dragoş Tudorache MEP,

We, the undersigned organisations, are writing to you in advance of the trilogue negotiation on the Artificial Intelligence Act on October 24 to encourage you to uphold the vital fundamental rights protections included in the Parliament's position. It is absolutely essential that the AI Act puts people first, and regulates the [use of AI in law enforcement, migration, and national security](#).

As the true democratic representatives of the people of the European Union in these negotiations, the responsibility lies with you to resist pressure to reduce essential fundamental rights protections, and to overcome the intransigence of the co-legislators on key issues related to law enforcement, migration, transparency, and accountability.

The Parliament's position added essential protections for fundamental rights, such as bans on biometric mass surveillance in public spaces, emotion recognition, predictive policing, and biometric categorisation, as well as prohibiting the export of such systems. These are truly dystopian uses of AI that undermine the core of our rights, our freedoms, and our democracy. These uses of AI are objectively incompatible with our fundamental rights, and this has been confirmed by the European Data Protection Board and European Data Protection Supervisor in their joint opinion on the AI Act, where they called for precisely these prohibitions.

In the Council's general approach, as well as in recent compromise texts, dangerous loopholes have been presented to allow law enforcement and migration authorities to escape essential public transparency obligations. This would deprive affected people of essential, basic information about the most harmful AI systems that can be used and misused against them. A blanket exemption has also been added for systems developed or used for national security purposes, which contradicts both the treaties and the jurisprudence of the courts.

The fundamental rights of people affected by AI cannot be compromised. Sacrificing essential protections for fundamental rights would render the AI Act unacceptable and unfit for purpose.

We call on you to resist attempts to dilute these essential protections, as well as other key achievements of the Parliament position, such as fundamental rights impact assessments (FRIAs). If a political deal is reached at the expense of these vital issues, then two and a half years of work on this file will have been for nothing.

Please stand up for the rights of the people of the European Union, defend the Parliament mandate, and ensure that the AI Act brings real protections for people.

Yours sincerely,

Access Now,

European Digital Rights (EDRi)

The Border Violence Monitoring Network (BVMN)

European Center for Not-for-Profit Law (ECNL)

Amnesty International

Lafede.cat – Organitzacions per la Justícia Global

Panoptikon Foundation

Elektronisk Forpost Norge (EFN)

Algorights

European Network Against Racism (ENAR)

AlgorithmWatch

Fair Trials