

4th October 2021, Brussels

Request to reject amendments to AI and criminal law 2020/2016(INI) - Vitanov report

Dear Members of the European Parliament,

We the undersigned call on you to uphold the protection of fundamental rights and freedoms in the LIBE Committee report on *Artificial intelligence in criminal law and its use by the police and judicial authorities in criminal matters* (2020/2016(INI) - Vitanov report), which will be voted on at the EP Plenary session on 5th October.

We urge you to reject the amendments listed below in order to ensure full compliance with fundamental rights and EU values. The adoption of these amendments would undermine the rights to a fair trial, a private and family life, non-discrimination, freedom of expression and assembly, data protection rights, and fundamentally, the presumption of innocence.

- **Amendment 1 (A9-0232/1, 29.9.2021) - Predictive Policing**

The amendment proposes to enable systems which purport to use AI to predict future criminality, which is both technically questionable and by definition contravenes EU values and a range of fundamental rights, including non-discrimination, fair trial and administration rights as well as undermining the presumption of innocence.

As emphasised by the European Network Against Racism ([ENAR](#)), [Fair Trials](#), [EDRi](#) and [many other civil society stakeholders](#), such practices are already having serious and profound harms on people's lives, leading to the deprivation of liberty, increasing inequality and punishing poor people, migrants and racialised people. A report by the [EU Fundamental Rights Agency](#) (FRA) also highlights the profound negative impact of police profiling on racialised people in Europe.

- **Amendment 2 (A9-0232/2, 29.9.2021) - Facial Recognition**

This amendment significantly weakens the fundamental rights principles outlined in the original report against facial recognition in publicly-accessible spaces. Further, the amendment includes un-evidenced claims about purported benefits, but fails to engage with the ways in which such practices are inherently undemocratic, and discriminate against racialised people, women, persons with disabilities, and LGBTQ+ people in ways that cannot be mitigated by improving data quality.

Together, this amendment and the following one also stand in direct contravention of stark warnings about the threat of biometric surveillance as provided by the [European Data Protection Supervisor and Board](#); [Data Protection Authorities from several EU countries](#); the [UN High Commissioner for Human Rights](#); and numerous [human rights and social justice groups](#) including [digital rights organisations](#), [trade unions](#) and more.

- **Amendment 3 (A9-0232/3, 29.9.2021) - Biometric mass surveillance**

This amendment explicitly calls to allow "biometric [...] mass surveillance", despite the fact that untargeted surveillance of whole populations is fundamentally disproportionate under fundamental rights law. We further believe that if the European Parliament were to vote for such an amendment,

it would pose a serious threat to the Parliament's legitimacy as a democratic institution, given the fundamentally unnecessary and disproportionate nature of mass surveillance.

We strongly believe the report in the iteration adopted by the LIBE Committee took the most balanced and proportional stance on AI in law enforcement from a fundamental rights perspective. AI in the field of law enforcement offers particular challenges for fundamental rights, in particular rights to liberty, security, privacy, a fair trial and non-discrimination, and as such, require particular fundamental rights scrutiny and democratic oversight.

For these reasons, **we urge you to reject amendments A9-0232/1, A9-0232/2, and A9-0232/3 and vote in favour of the overall report** on Tuesday 5th October.

We thank you for your support in this matter.

Signed,

Organisations:

European Digital Rights (EDRI) – International

Access Now – International

AI Now Institute, NYU – International

AlgorithmWatch - Germany

App Drivers and Couriers Union (ADCU) – International

ApTI – Romania

Bits of Freedom- the Netherlands

Chaos Computer Club e.V. - Germany

Civil Liberties Union for Europe

D3 – Defesa dos Direitos Digitais - Portugal

dataskydd.net – Sweden

Digitalcourage – Germany

Digitale Gesellschaft (Schweiz) – Switzerland

Državljan D (Citizen D) – Slovenia

Dutch Section of the International Commission of Jurists (NJCM) – the Netherlands

Electronic Frontier Norway (EFN) – Norway

epicenter.works – for digital rights - Austria

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

European Disability Forum - International

European Network Against Racism (ENAR) – International

European Roma Grassroots Organisations (ERGO) Network - International

European Sex Workers' Rights Alliance (ESWA) - International

Fair Trials - International

Future of Life Institute – International

Hermes Center for Transparency and digital rights – Italy

Homo Digitalis – Greece

IT-Pol - Denmark

Iuridicum Remedium (IuRe) – Czech Republic

LEVL - Belgium

Open Society European Policy Institute (OSEPI) – International

Panoptykon Foundation – Poland

Platform for International Cooperation on Undocumented Migrants (PICUM) – International
Privacy International (PI) – International
Privacy Network – Italy
save space e.V. - Germany
SHARE Foundation – Serbia
StraLi for Strategic Litigation – Italy
UNI Europa – International
Vrijschrift.org – The Netherlands

Individuals:

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