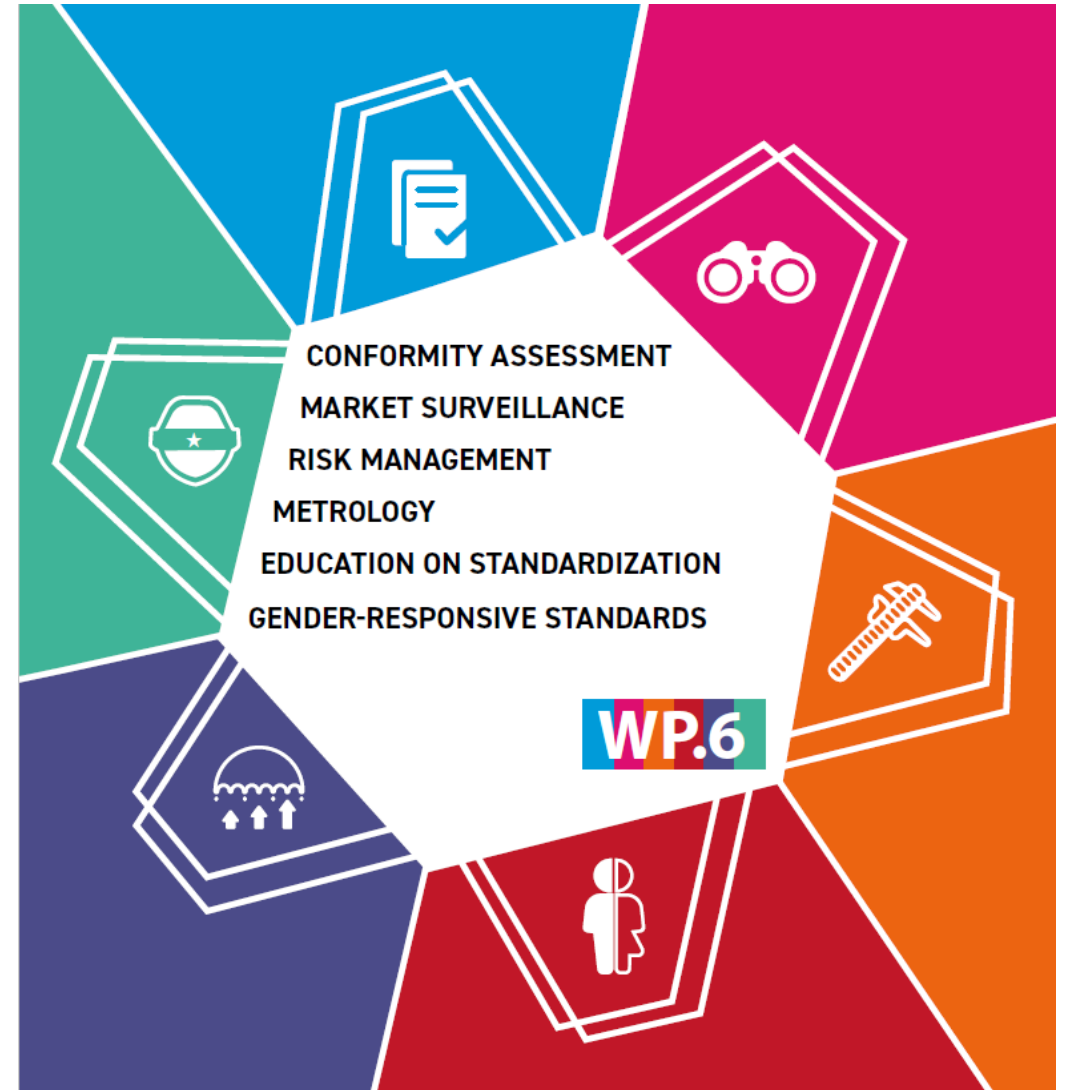


Working Party on Regulatory Cooperation and Standardization Policies

European Union Artificial Intelligence Act and Gender



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Impetus of EU AI Act



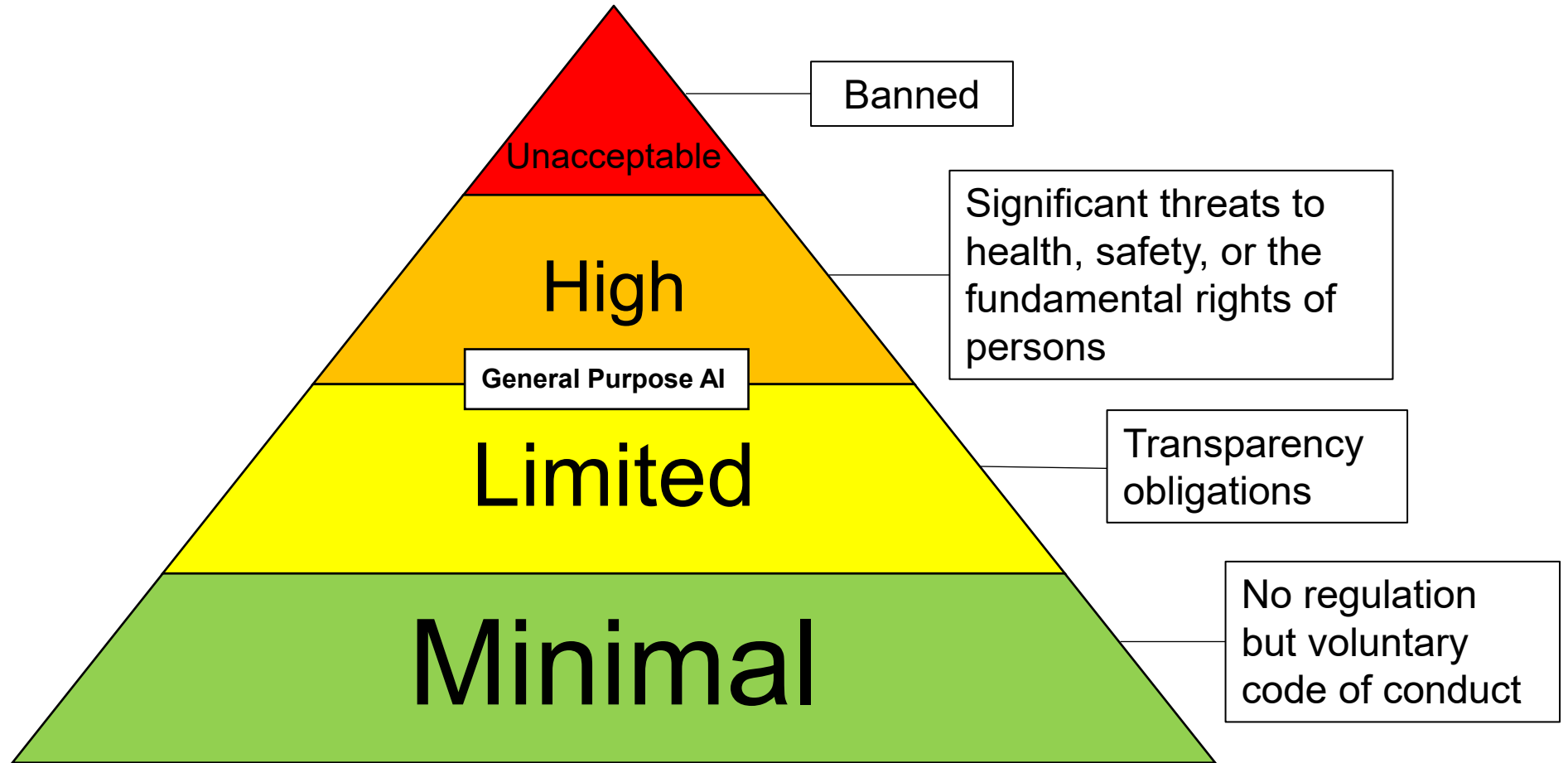
- Response to EU Commission White Paper calling for European approach to AI
- Accelerated by the growth of generative AI
- Act aims to ensure that fundamental rights are protected from high-risk AI, while not limiting innovation in the field of AI
- [EU AI Act Link](#)

EU AI Act Timeline



*Happens 20 days after publishing of the Act in the Official Journal which is expected at the end of May though there are delays in the law before certain aspects such as the ban on “unacceptable risk” AI comes into force

General Structure of Act



Risk Levels for AI Systems

Unacceptable Risk



AI systems that are prohibited (with limited exceptions):

- Subliminal, manipulative, or deceptive techniques
- Exploiting vulnerabilities
- Biometric categorization systems
- Social scoring
- Criminal profiling
- Untargeted facial recognition databases
- Inferring emotions in workplaces or educational institutions
- Real-time biometric identification in publicly accessible spaces

High Risk



Requirements for high-risk AI:

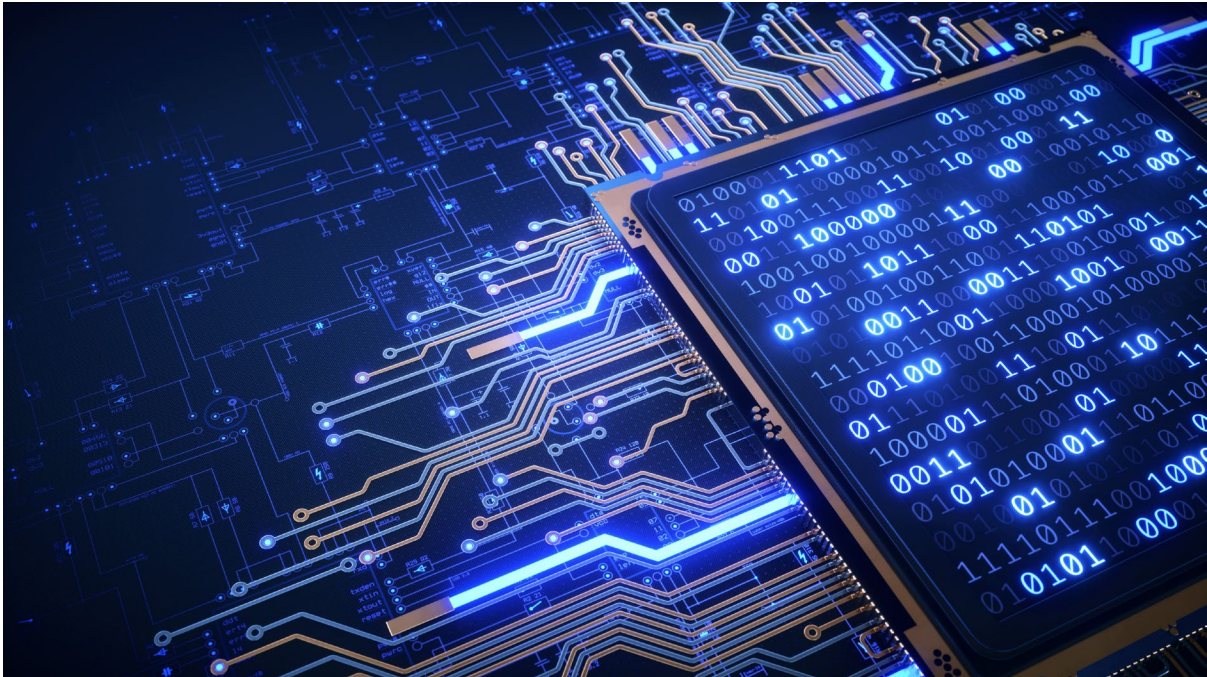
- Adequate risk assessment & mitigation systems
- Datasets that minimize discriminatory outcomes
- Traceability of results
- Detailed documentation of system to assess compliance
- Human oversight
- Internal security and accuracy

Limited Risk



- Limited-risk results from potential issues of humans not recognize that they are interacting with an AI systems
- Requirement for transparency obligations informing the person interacting with system that it is an AI
- AI-generated information and content should also be labeled as such

Minimal Risk



- Majority of AI that exist and are expected to exist fall under this category
- Act leaves minimal-risk systems unregulated but encourages codes of conduct
- Maximum harmonization: EU member-states cannot regulate further

General Purpose AI (GPAI)



- Specific category meant to cover AI models that train with self-supervision on large datasets
- GPAI systems can perform a wide range of distinct tasks that goes beyond what it was placed on market for and can integrate with systems/applications downstream
- Specific requirements for GPAI:
 - Technical documentation of training and testing process
 - Policy to respect Copyright Directive
 - Detailed summary of training material

Gender & EU AI Act



- Act identifies high-risk AI systems by their potential for biased results that could entail discriminatory effects to protected categories including gender
- Adverse impact on fundamental rights covered by EU Charter of Fundamental Rights can also result in AI system being labelled as high-risk (art. 28(a))
 - Charter include principle of non-discrimination and gender equality

High-Risk Systems Because of Gender

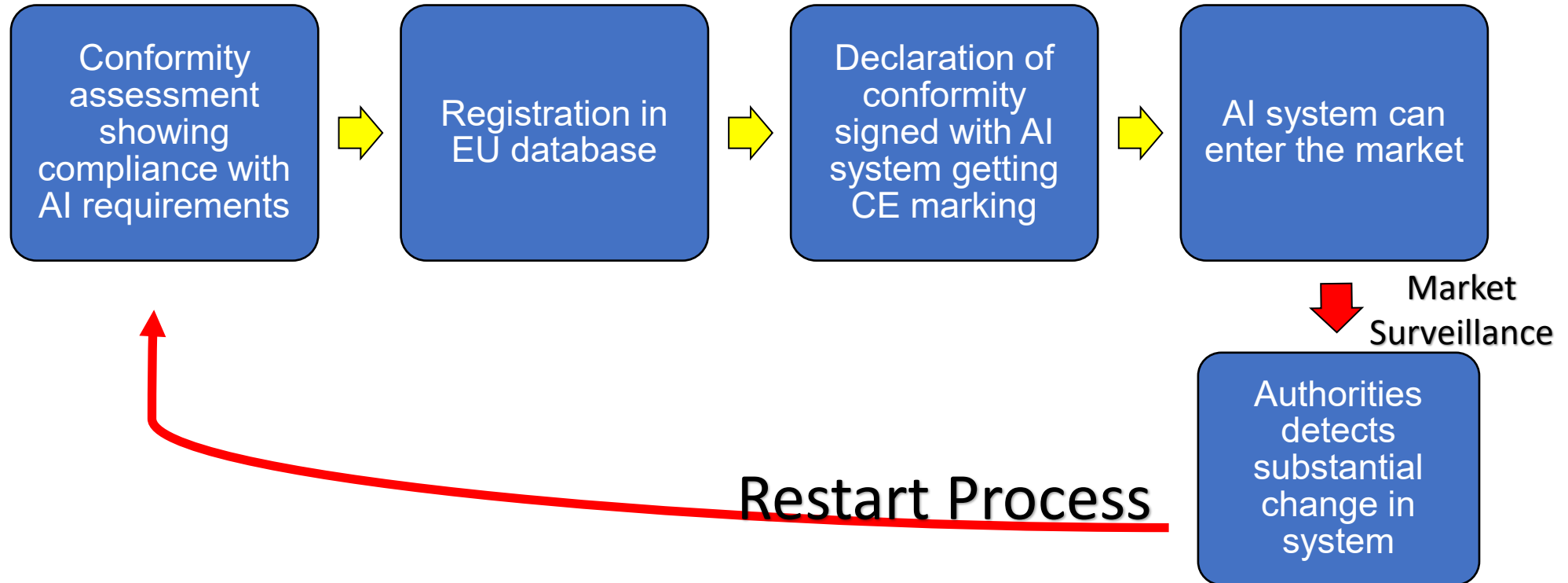


Act specifically mentions certain AI systems are high risk due to their potential discriminatory impact on gender/sex

These high-risk systems include:

- Systems that evaluate biometric data not already banned under unacceptable risk (art. 33(a)),
- Systems that determine admission to educational and vocational training institutions (art. 35),
- Systems used in employment particularly those for recruitment, promotion, and termination (art. 36),
- Systems for determining of access to public services and benefits especially financial resources or essential services (art. 37)
 - Systems that evaluate based on credit score/creditworthiness are high-risk

Process for High-Risk System to Enter Market



Gender in Data (Art. 44)



- The quality of data essential for the performance of most AI systems, so it must not become the source of gender discrimination
- Datasets for training, validation and testing must be relevant, representative and, to the best extent possible, free of error
- There must be active effort to prevent discriminatory feedback loops that perpetuate/amplifying existing discrimination especially when using historical or real-world data



Gender Beyond High-Risk Systems



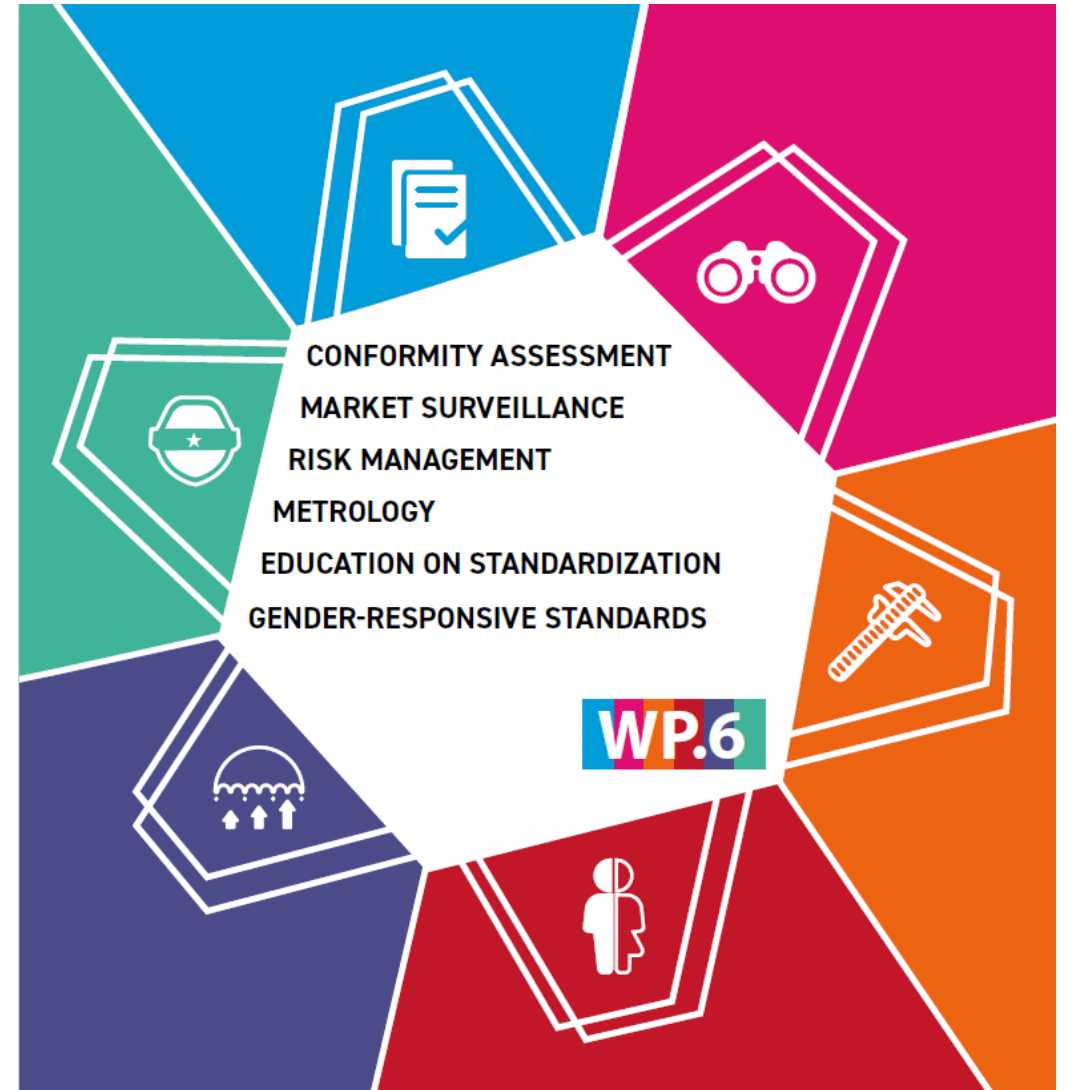
- High-Level Expert Group on AI appointed by EU Commission established seven non-binding ethical principles for AI in 2019 Ethics Guidelines for Trustworthy AI
- Principle that impact gender is that of *diversity, non-discrimination and fairness* (reflect Charter principles)
- AI systems should be designed and used to prevent discriminatory impacts and unfair biased prohibited by EU or national law while promoting equal access and gender equality. (art. 14(a))

Promotion of Ethical Principles for AI



- HLEG's ethical principles are recommended to serve as basis for codes of conduct for AI
- All providers of non-high-risk AI are encouraged to create codes of conduct (art. 81)
- Industry, academia, civil society and standardization organizations are especially encouraged to use these principles when developing best practices and standards for AI (art. 14(a))

Working Party on Regulatory Cooperation and Standardization Policies



Merci ありがとうございました Hvala Ačiū
شكرا جزيلاً Mahalo Дякую Teşekkür ederim
Рахмат Dankon ඔබට ස්තූතියි Sagbol Ευχαριστώ
Tack Çox sağ ol Dziękuję Ci Obrigado
მადლობთ תודה 감사합니다 धन्यवाद Dankon
Natur nuhun Баярлалаа Хвала вам Dankon
Tak skal du have Diolch Хвала вам
Спасибо Go raibh maith agat Faleminderit Paldies
Grazzi Dank je Рахмат сага Faafetai Rahmat
Grazie Mulțumesc Ačiū Благодаря ти Danke
Gracias 谢谢 සුභආඥා Takk skal du ha
Salamat Aitäh Dankie Þakka þér fyrir
Ви благодарам Dėkuji Köszönöm Дзякуй
धन्यवाद Gràcies Asante
Kiitos

Thank you

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