

Artificial Intelligence and Democratic Values

Belgium

National Strategy

In October 2020, the Belgium government, along with thirteen other countries, published a position paper on innovative and trustworthy AI.¹⁴⁰ This paper sets out two visions for the EU's development of AI: (1) Promoting innovation, while managing risks through a clear framework and (2) Establishing trustworthy AI as a competitive advantage.

The countries call for a borderless single market for AI in the EU. They state that “The main aim must be to create a common framework where trustworthy and human-centric AI goes hand in hand with innovation, economic growth and competitiveness in order to protect our society, maintain our high-quality public service and benefit our citizens and businesses. This can help the EU to protect and empower their citizens, underpin innovation and progress in society and ensure that their values are protected.”

The 2020 Position Paper follows the 2019 AI4Belgium policy recommendation. The AI4Belgian strategy was commissioned by the Minister of Digital Affairs and written by the AI4Belgium coalition in cooperation with 40 technology experts. The AI4Belgium strategy aims to position Belgium as a leader in the European AI landscape.¹⁴¹ The strategy lays out five areas of implementation:

- Set up a new learning deal
- Develop a responsible data strategy
- Support private sector AI adoption
- Innovate and radiate”
- Improve public service and boost the ecosystem

¹⁴⁰ Position Paper on Behalf of Denmark, Belgium, the Czech Republic, Finland, France Estonia, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Spain and Sweden, *Innovative and Trustworthy AI: Two Sides to the Same Coin* (Oct. 8, 2020), <https://www.permanentrepresentations.nl/binaries/nlatio/documents/publications/2020/10/8/non-paper---innovative-and-trustworthy-ai/Non-paper+-+Innovative+and+trustworthy+AI+-+Two+side+of+the+same+coin.pdf>

¹⁴¹ AI4Belgium, *AI4Belgium Strategy*, https://www.ai4belgium.be/wp-content/uploads/2019/04/report_en.pdf

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The Responsible Data Strategy specifically targets the ethical use of AI and proposes to:

- Share guidelines and best practices on how to address ethical topics in business and public institutions
- Demand from the private and public sectors to communicate and be transparent about their AI ethics policies
- Create a Belgian ethical committee to provide industry, authorities and society with guidance on ethical and regulatory topics

In the introduction on the AI4Belgium website, the president of Belgium, Alexander De Croo and Philippe De Backer, the Minister of Administrative Simplification, Digital Agenda, Postal Services and Telecom write: “This is an initial step towards an ambitious and official Belgian AI strategy. We will start implementing some of the coalition’s recommendations. It will also be up to our next government to uphold this ambition and put recommendations into practice, together.”¹⁴² The AI4Belgium coalition also encouraged the federal government to commission a National AI strategy.¹⁴³

In 2019 the “Information Report on the necessary cooperation between the Federal State and the federated entities regarding the impact, opportunities, possibilities and risks of the digital “smart society” was released by a working group created by the Belgian Senate that has been meeting since 2018.¹⁴⁴ Their findings are grouped in six chapters:

- 1) Governance, ethics and human rights, and legislation
- 2) Economy, labour market and taxation
- 3) Education and training
- 4) Attention economy: impact on people
- 5) Privacy and Cybersecurity
- 6) Research and development

¹⁴² AI4Belgium, *About: Introduction*, <https://www.ai4belgium.be/introduction/>

¹⁴³ European Commission, *Belgium AI Strategy Report*, August 2020, https://ec.europa.eu/knowledge4policy/ai-watch/belgium-ai-strategy-report_en

¹⁴⁴ US Library of Congress, *Regulation of Artificial Intelligence: Europe and Central Asia: Belgium* (July 2020) [DT], <https://www.loc.gov/law/help/artificial-intelligence/europe-asia.php#belgium>

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Further, recommendations are made for each of these areas. The report states: “The development and use of artificial intelligence shall be based on the following guiding principles: prudence, vigilance (3), loyalty (4), reliability, justification and transparency, accountability, limited autonomy, humanity (5), human integrity (6), and balancing of individual and collective interests.” and “Fundamental rights, in particular human dignity and freedom, and privacy, must be the basis and starting point for all actions and legislation in the field of artificial intelligence.”¹⁴⁵

The Chamber of Representatives also formed the Working Group on a Robo-Digital Agenda in Parliament which was tasked with designing an agenda for the establishment of an “inclusive and sustainable robo-digital agenda.”¹⁴⁶¹⁴⁷ This Working Group held its first meeting in 2018.¹⁴⁸

Regional/Community Strategies

Belgium is a federal government. This means that there are many different levels of government. Belgium has three regions as well as three communities, all of which have their own governments and many of which have also developed strategies and initiatives on digitalization or AI. The German, French and Flemish-speaking communities are language based. They are responsible for language, culture, education, audiovisual things and aid to people in need. The regions, Flemish, Brussels Capital and Wallon-region, are territory based. They are responsible for economy, employment, housing, public works, energy transportation, environmental and spatial planning and have some things to say concerning international

¹⁴⁵ Sénat de Belgique, Rapport d’information relatif à la nécessaire collaboration entre l’État fédéral et les entités fédérées en ce qui concerne les retombées, les opportunités, les potentialités et les risques de la « société intelligente » numérique (Mar. 2019) <https://www.senate.be/www/webdriver?MItabObj=pdf&MIcolObj=pdf&MINamObj=pdf&MItypeObj=application/pdf&MIvalObj=100664119>

¹⁴⁶ US Library of Congress, *Regulation of Artificial Intelligence: Europe and Central Asia: Belgium* (July 2020), <https://www.loc.gov/law/help/artificial-intelligence/europe-asia.php#belgium>

¹⁴⁷ Chambres des Représentants de Belgique, *Proposition de Résolution relative à la création d’un agenda robonumérique inclusif et durable* (July 2020), <https://www.lachambre.be/doc/flwb/pdf/54/2643/54k2643001.pdf#search%3D%22intelligence%20artificielle%20%2054%20%3Cin%3E%20keywords%22>

¹⁴⁸ Gilles van den Burre, *Première réunion du groupe de travail sur l’agenda robonumérique au Parlementn* (Jan. 2018) <https://gillesvandenburre.be/2018/01/18/premiere-reunion-groupe-de-travail-lagenda-robonumerique-parlement/>

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affairs. The federal government is responsible for foreign affairs, defense, justice, finance, social security, healthcare and internal affairs.¹⁴⁹

The Flemish region released the *Vlaanderen Radicaal Digitaal* in 2019 which is an action plan to foster AI which also includes supporting awareness and training skills needed for new technology. This also entailed 5 million euros for initiatives specifically related to AI ethics and education.¹⁵⁰ The Walloon government published a the “Digital Wallonia 2019-2024” strategy “based on values including a cross-disciplinary approach, transparency, coherence, openness and flexibility.”¹⁵¹ The government also launched *DigitalWallonia4.ai* which, amongst other things, calls for “awareness-raising and training initiatives” and “it includes practical actions to support companies that want to incorporate artificial intelligence into their business through to developing prototypes.”¹⁵² The Brussels region also funds several awareness and educational programs through its regional innovation funding body, *Innoviris*.¹⁵³ Finally, the Federation Wallonie Bruxelles, which is the French community of Belgium, has appointed a digital ethics coordinator and is also planning to set up an ethics boaffard.¹⁵⁵

Public Opinion

A 2019 opinion survey by *AI4Belgium* examined the public perception of AI, the perceived impact, and the role the government should play in AI implementation.¹⁵⁶ According to the survey, 76% of the

¹⁴⁹ Wikipedia, *Communities, regions and language areas of Belgium*, https://en.wikipedia.org/wiki/Communities,_regions_and_language_areas_of_Belgium

¹⁵⁰ Flanders: Department for Economy, Science and Innovation, *Vlaams actieplan Artificiële Intelligentie gelanceerd* (Mar. 22, 2019), <https://www.ewi-vlaanderen.be/nieuws/vlaams-actieplan-artificiele-intelligentie-gelanceerd>

¹⁵¹ *Digitalwallonia.be*, *Digital Wallonia 2019-2024* (June 2018), <https://www.digitalwallonia.be/en/posts/digital-wallonia-2019-2024>

¹⁵² *Digitalwallonia.be*, *DigitalWallonia4.ai*, <https://www.digitalwallonia.be/en/projects/digitalwallonia4-ai#contacts>

¹⁵³ *Innoviris.brussels*, *Get funded*, <https://innoviris.brussels/get-funded>

¹⁵⁴ European Commission, *Belgium AI Strategy Report* (Aug. t 2020), https://ec.europa.eu/knowledge4policy/ai-watch/belgium-ai-strategy-report_en

¹⁵⁵ *OECD.ai*, *Approach of the Federation Wallonie Bruxelles* (Oct. 2019), <https://www.oecd.ai/dashboards/policy-initiatives/2019-data-policyInitiatives-24911/>

¹⁵⁶ *AI4Belgium*, *Perceptie Artificiële Intelligentie* (Feb. 2019), https://www.ai4belgium.be/wp-content/uploads/2019/04/enquete_en.pdf

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respondents hold a positive attitude towards technological developments, while only 6% hold a negative attitude. Most respondents were worried about the loss of privacy, security and integrity of their personal information (85%), less use of human common sense (85%), less human interaction (83%) and the loss of trust and control over robots and artificial intelligence (77%).

When asked which activity to prioritize, the highest priority was "The management of ethical risks around AI. For example, discrimination, privacy, etc." (74%). This was followed by "supporting employees and employers in the transition to AI in the workplace" (65%), "improving public service through AI" (58%), "supporting research and development (R & D) and innovation in the field of AI" (52%), "facilitating and supporting enterprise access to AI technologies" (48%), and "supporting start-ups engaged in AI" (45%). The majority of citizens suspect that AI will increase inequality between highly educated and low- or unskilled people (66%) and between persons with a privileged background and persons without a privileged background (60%).

Independent AI oversight

The Belgium Privacy Commission was reformed in 2018 due to the implementation of GDPR. It is now called the Belgian Data Protection Authority and has direct sanctioning powers as well as extended enforcement competencies. It also completely restructured the entire entity into six bodies.¹⁵⁷¹⁵⁸

As a further result of GDPR, the Supervisory Body for Police Information, "the oversight body which looks at how the police use information (Controleorgaan op politionele infomatie, COC) was reformed to function as an independent data protection body." This body is intended to oversee how the police use data.¹⁵⁹¹⁶⁰

¹⁵⁷ PWC Legal, *The new Belgian Data Protection Authority: who's who and how will it work* (Jan. 23, 2019), <https://www.pwclegal.be/en/news/the-new-belgian-data-protection-authority---whos-who-and-how-wil.html>

¹⁵⁸ Hunton Andrews Kurth, *Belgium Adopts Law Reforming the Belgian Privacy Commission* (Jan. 18, 2018), <https://www.huntonprivacyblog.com/2018/01/18/belgium-adopts-law-reforming-belgian-privacy-commission/>

¹⁵⁹ Algorithm Watch, *Automating Society Report 2020: Belgium*, 2020, <https://automatingsociety.algorithmwatch.org/report2020/belgium/>

¹⁶⁰ Supervisory Body for Police Information, <https://www.controleorgaan.be/en/>

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Furthermore, in 2019 the Parliament established the National Human Rights Institution (NHRI). This step was welcomed by the UN and many human rights organizations, as there were gaps in human rights oversight on a national level. The Institution's main goal is to facilitate cooperation between the existing human right oversight mechanisms and fill the gaps in the existing landscape.¹⁶¹¹⁶²¹⁶³

Public Participation

AI4Belgium.be not only provides information on the national AI strategy but also offers information on AI implementation. The section "News" lists news articles on the latest happenings related to AI policy and industry.¹⁶⁴ Further, there is a form to contact the coalition as well as an opportunity to join the coalition.¹⁶⁵¹⁶⁶ Anyone can join, including organizations, technology experts, policy makers as well as civil society are encouraged to join. According to Alexander De Croo and Philippe De Backer: "This is a coalition open to anyone who wants to build a better Belgium."¹⁶⁷

Further, several regional websites, such as digitalwallonia.be, provide information on the region's specific initiatives and projects.¹⁶⁸

Facial Recognition

According to AlgorithmWatch, the Belgian government is using AI for facial recognition at the Brussels Airport, at school registrations, football matches, and for healthcare.¹⁶⁹ A "smart" video surveillance system is also

¹⁶¹ LibertiesEU, *Belgium Approves Law Creating Long Overdue Human Rights Institution, 15th June 2019*, <https://www.liberties.eu/en/news/civicus-monitor-belgium-update-june-2019/18043>

¹⁶² European Networks of National Human Rights Institutions, *ENNHRI welcomes new law adopted on National Human Rights Institution in Belgium* (May 9, 2019), <http://ennhri.org/news-and-blog/ennhri-welcomes-new-law-adopted-on-national-human-rights-institution-in-belgium/>

¹⁶³ Amnesty International, *Belgium 2019*, <https://www.amnesty.org/en/countries/europe-and-central-asia/belgium/report-belgium/>

¹⁶⁴ AI4Belgium, *News*, <https://www.ai4belgium.be/news/>

¹⁶⁵ AI4Belgium, *Join*, <https://www.ai4belgium.be/join-ai4belgium/>

¹⁶⁶ AI4Belgium, *Contact*, <https://www.ai4belgium.be/contact/>

¹⁶⁷ AI4Belgium, *About: Introduction*, <https://www.ai4belgium.be/introduction/>

¹⁶⁸ Digitalwallonia.be, <https://www.digitalwallonia.be/fr/projets>

¹⁶⁹ AlgorithmWatch, *Automating Society 2020*, (Oct. 2020), <https://automatingsociety.algorithmwatch.org/report2020/belgium/>

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in use to locate criminals, solve theft cases and collect statistical information. According to AlgorithmWatch, there is no legal framework governing this activity by police. The Belgian Oversight Body for Police Information (COC) has criticized the use of facial recognition at the Brussels airport, stating that there is “too little information about the implementation and risks of the technology as there was no clear policy or data protection impact assessment conducted to come to a conclusion or offer advice.” They are asking for a temporary ban of the pilot project.¹⁷⁰

Algorithmic Transparency

Belgium is subject to the General Data Protection Regulation which established rights to “meaningful information about the logic involved” as well as about “the significance and the envisaged consequences.”¹⁷¹ The scope of protection in Belgium is wide, meaning that “any “significant effect” can trigger the protection of Article 22.” Further, only one of several safeguards is mentioned, namely: the right to obtain human intervention. The right to contest, express his/her view, or receive information/explanation is not mentioned.¹⁷²

Lethal Autonomous Weapons Systems

In 2018, the Belgian Parliament passed the “Resolution to prohibit use, by the Belgian Defense, of killer robots and armed drone.”¹⁷³ In this resolution the Parliament states that Belgium should:

- 1) Participate in international working groups within the framework of the United Nations and the Convention on Certain Conventional Weapons (CCW) in particular to work towards an internationally recognized definition of killer robots and to

¹⁷⁰ COC, *Visitatie-Toezichtrapport Executive Summary Publieke Versie*, 2020, https://www.controleorgaan.be/files/DIO19005_Onderzoek_LPABRUNAT_Gezichtsherkenning_Publiek_N.PDF

¹⁷¹ [GDPR Art. 22, Art. 13.2.f]

¹⁷² Malgieri, Gianclaudio, *Automated decision-making in the EU Member States: The right to explanation and other “suitable safeguards” in the national legislations*, *Computer Law & Security Review*, 35(5), October 2019, <https://www.sciencedirect.com/science/article/pii/S0267364918303753#sec0005>

¹⁷³ *Chambre des représentants de Belgique [Belgian Chamber of Representatives], Proposition de résolution relative à la création d’un agenda robonumérique inclusif et durable [Proposal for a Resolution Regarding the Creation of an Inclusive and Sustainable Robo-Digital Agenda]* (July 27, 2017) [DT], <http://www.lachambre.be/doc/flwb/pdf/54/2643/54k2643001.pdf>,

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determine which types of weapons will fall into this category in the future;

- 2) Advocate in international fora, together with like-minded countries, for a global ban on the use of killer robots and fully automated armed drones;
- 3) Ensure that the Belgian Defense never deploys killer robots in military operations; and
- 4) Support the development and use of robotic technology for civilian purposes.

However, on an international level, the Belgian government has opposed a ban on killer robots and the creation of new international law on killer robots.¹⁷⁴

OECD/G20 AI Principles

Belgium has endorsed the OECD/G20 AI Principles.

Human Rights

Belgium is a signatory to many international human rights treaties and conventions. Belgium typically ranks among the top nations in the world for the protection of human rights and transparency.¹⁷⁵

Evaluation

Belgium does not yet have a full-fledged official national AI strategy and AI ethics is not a central topic in any other national strategy. However, the regions and communities work in this area and the AI4Belgium recommendation is a promising start. There is, at the moment, no express support for the Universal Guidelines for AI or the Social Contract for the Age of AI.

¹⁷⁴ US Library of Congress, *Regulation of Artificial Intelligence in Selected Jurisdictions* (Jan. 2019), <https://www.loc.gov/law/help/artificial-intelligence/regulation-artificial-intelligence.pdf> (Campaign to Stop Killer Robots, Report on Activities, April 2018, <https://perma.cc/2M7K-SLGD>)

¹⁷⁵ Freedom House, *Freedom in the World 2020: Belgium* (2020), <https://freedomhouse.org/country/belgium/freedom-world/2020>