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# Artificial Intelligence and Criminal Law – A Global and European Perspective

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# Defining Artificial Intelligence

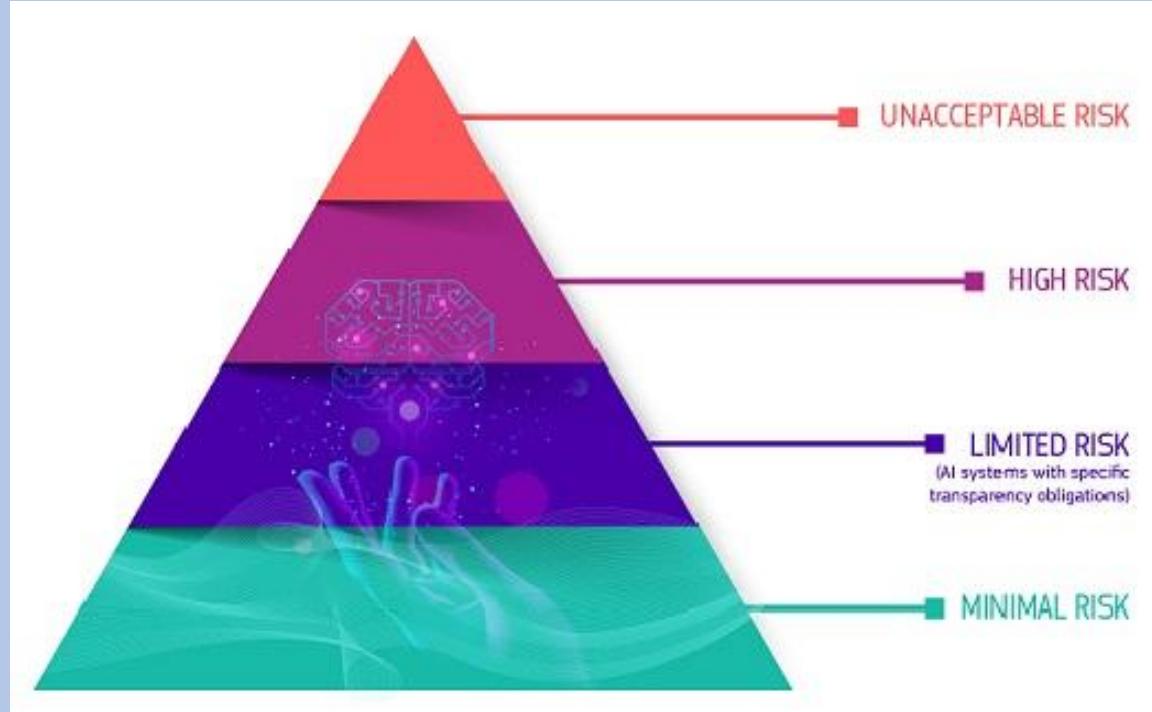
- ‘AI system’ means a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments [EU AI Act, 2024 Article 3 (1)]

# The regulatory landscape

- Ethical standards
- Private sector commitments
- EU Artificial Intelligence Act 2024 plus DSA, DMA
- Human rights standards e.g. Council for Europe Framework Convention



# European AI Act (fully implemented by 2027)



- First comprehensive legal framework
- Risk based, product safety approach
- **Criticisms**
  - Doesn't take a human rights approach
  - Can you have fundamental rights in what is essentially product safety legislation?
  - Regulatory barriers to innovation
  - Will it address the monopoly by a number of tech companies?
  - Over-complex governance system

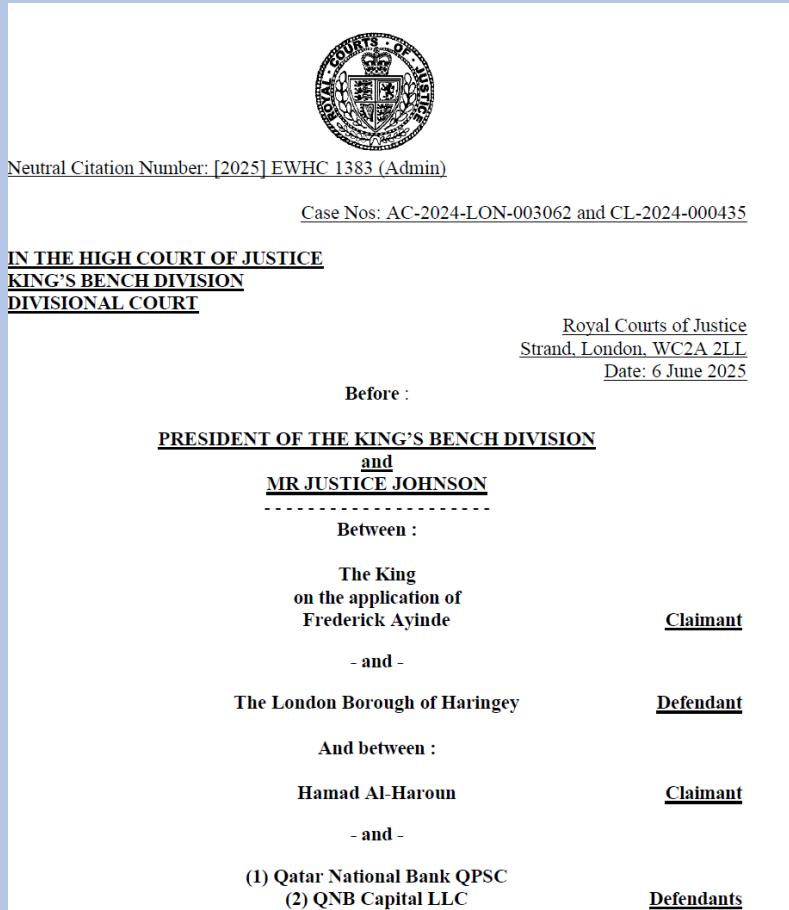
# Key risks and challenges #1

- Bias and discrimination
  - Training bias
  - Algorithmic bias
  - Cognitive bias
- Privacy and surveillance
- ‘Red-lines’ in AI system use

# Key risks and challenges #2

- Human v technology
  - Which decisions should be reserved for humans?
  - What is the ‘gold standard’?
- Automated decision making
  - Adjudication or assistance

# A risk for lawyers?



“In the most egregious cases, deliberately placing false material before the court with the intention of interfering with the administration of justice amounts to the common law criminal offence of perverting the course of justice, carrying a maximum sentence of life imprisonment”