

AI and Education. A view through the lens of human rights, democracy and the rule of law. Legal and organizational requirements.

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Abstract. How can we develop and implement legal and organisational requirements for ethical AI introduction and usage? How can we safeguard and maybe even strengthen human rights, democracy, digital equity and rules of law through AI-supported education and learning opportunities? And how can we involve all educational levels (micro, meso, macro) and stakeholders to guarantee a trustworthy and ethical AI usage? These open and urgent questions will be discussed during a full-day workshop that aims to identify and document next steps towards establishing ethical and legal requirements for Artificial Intelligence and Education.

Keywords: ethics, Artificial Intelligence, human rights, democracy, rule of law.

1 Introduction

It is evident and required, as demonstrated in the latest publications, studies, and events, that Artificial Intelligence – in the context of education and beyond – requires legal (that is, laws) and organisational requirements (for example, regulatory actions such as data protection regulations) for enabling, monitoring, and governance. This is widely reflected in the contributions of the Artificial Intelligence in Education (AIED) community where we come across rich collections of research works about the Ethics of AI in Education [3, 4], Fairness, Accountability, Transparency, and Ethics in AIED [9], educational stakeholders' perceptions of AI [1] and Scrutable AI [6]. A similar picture is depicted by the public announcements and actions of national (e.g.,

Norwegian governmental task force report¹) and international organisations such as the EU (AI Act²), UNESCO (International Forum on Artificial Intelligence and Education 2022³, AI and Education: Guidance for policy -makers [8]) and the CoE (AI, Human rights, Democracy and the Rule of Law: A Primer Prepared for the Council of Europe [7]).

In particular, in 2021, the Council of Europe (CoE) – an international organisation founded in 1949 to uphold human rights, democracy and the rule of law in Europe⁴ – established an Expert Group to investigate, and propose a legal instrument for the application of AI in education (AIED) and a recommendation for the teaching of AI (AL Literacy). The project is working towards developing an actionable set of recommendations for Member States, helping ensure that the application and teaching of AI in education (collectively referred to as “AI&ED”) is for the common good.

To that end, the CoE Expert Group published the report “AI and Education. A Critical View Through the Lens of Human Rights, Democracy and the Rule of Law” [2] that discusses AI&ED from the perspective of the fundamental values of the CoE, aims to bring forward challenges, opportunities and implications of AI&ED, and is designed to stimulate and inform further critical discussion. In addition, the Expert group has undertaken a survey of Member States, which has been designed to inform the project and to stimulate further critical debate. The report and preliminary findings of the survey were presented in the two-day working conference “Artificial Intelligence and Education”⁵ held by the CoE on 18th and 19th of October 2022 in Strasbourg. The conference attracted participation of experts from various domains (such as policy makers, academia, non-profit organisations and industry).

All workshop organisers are members of the CoE Expert Group and/or were invited by the CoE and contributed to the CoE Expert Conference. Drawing on their collective experience, the workshop organisers aimed to further the discussion about ethical AI and Education; that is, learning with AI, learning about AI, and preparing for AI. We envision that these discussions are necessary to set solid foundations regarding the development, deployment, and use of AI systems in educational contexts in ways that respect human rights and principles, ensure fair and ethical use and promote human agency [10].

2 Objectives, Relevance, and Importance

2.1 Workshop Objectives

The workshop intends to achieve the following objectives:

¹ NOU Report from the Norwegian Ministry of Education Expert Task Force on Learning Analytics. 6 June 2023 <https://laringsanalyse.no/>

² <https://artificialintelligenceact.eu/>

³ <https://www.unesco.org/en/articles/international-forum-artificial-intelligence-and-education-2022>

⁴ Currently, the CoE has 46 member states (19 more than the European Union), with a population of approximately 675 million.

⁵ <https://rm.coe.int/0900001680aa58ac>

- To explore potential guidelines for trustworthy and ethical AI usage and to critically assess their structure and usage scenarios
- To develop ideas around personal future ramifications (including trustworthiness and ethical implications) and AI usage in education, and to collate, present and discuss these
- To explore in group work and in the plenary how legal guidelines for trustworthy and ethical AI usage can be developed and designed, in particular related to legal and organisational requirements
- To identify methods for dealing with the quick changing developments in AI, providing a legal framework that is flexible but also appropriately effective

To achieve these objectives, we will address the following questions to guide and contextualise the discussions:

- How can we develop and implement legal and organisational requirements for ethical AI introduction and usage?
- How can we keep and maybe even strengthen human rights, democracy, digital equity and rules of law through AI-supported education and learning opportunities?
- And how can we involve all educational levels (micro, meso, macro) and stakeholders to guarantee a trustworthy and ethical AI usage?

The main focus will be on the legal and organisational requirements to achieve a regulation in the fields of AI and Education (AI&ED). As a basis we will use the work and activities of the Council of Europe (CoE) and its appointed AI&ED Expert Group, such as the report “AI and Education. A Critical View Through the Lens of Human Rights, Democracy and the Rule of Law”. Finally, we will seek to define what next is necessary in relation to the established requirements and goals.

2.2 Workshop relevance and importance to the AIED community

To prepare for the Council of Europe Council of Ministers meeting in 2024, when the proposed text of the legal instrument on AI in Education will be debated and (hopefully) agreed, and when a final report from the CoE Expert Group will be published, the CoE Expert Group is currently eliciting expert input from key stakeholder groups: students, teachers, commercial organisations, NGOs, and academia.

The members of the AIED community are key stakeholders, such that it is critical that their views are properly addressed by the Council of Europe’s in their work (particularly the proposed legal instrument) on AI and education. The workshop is also closely aligned with the AIED 2023 conference theme - “AI in Education for Sustainable Society”. It will provide an arena for the AIED community to familiarise themselves with the CoE initiative and to engage in follow on activities. Therefore, the results from CoE Expert Conference "Artificial Intelligence and Education" (held on 18th and 19th of October 2022 in Strasbourg) will be presented and the initial report of the CoE Expert Group: *Artificial Intelligence and Education. A critical view through*

the lens of human rights, democracy and the rule of law (2022)⁶, will be introduced. The workshop will also facilitate the forming of a wider community of practice within the AIED community to consider the wider societal implication of AIED.

3 Workshop Format

The workshop will take place as a full-day interactive event with the intention to trigger discussions between participants. To do so, the workshop consists of two sessions – the morning and the afternoon sessions - that are interrelated and complement each other. The whole workshop will be hybrid with small working groups that are on-site as well as online and always followed by plenary sessions where the working groups are given the opportunity to inform each other on the discussions and results.

3.1 Program

The workshop will begin with an introduction to the program, the objectives, and a summary of the key messages from the initial report on AI&ED by the CoE Expert Group. The core part of the morning session will centre on four key questions:

- **Q1.** What issues does the report misunderstand or misrepresent, and how should this be corrected?
- **Q2.** What issues does the report ignore, miss or forget, and what other information should be included?
- **Q3.** What regulations, if any, should be put in place to protect human rights, democracy and the rule of law whenever AI is applied (AIED) or taught (AI Literacy) in educational contexts?
- **Q4.** What case studies can the participants suggest to enhance the public understanding of the issues raised in the report?

We will introduce each question with a 5-minute presentation. Then, participants will form small groups to discuss and to respond to the issues introduced, and to reflect on potential theoretical and practical implications, before reporting back their views and ideas to the workshop. This session will conclude with a discussion (one of the workshop organisers) summarising the participants' input and offering a wrap-up.

In the afternoon, the workshop will follow the World Café format and will consist of three parts. In the first, introductory part (15 mins), we will briefly present the World Café method and the topic "Legal and organisational requirements for ethical AI introduction and usage". In the second core part, we will discuss different and pre-prepared themes and aspects in groups of ideally 4 to 10 participants. The procedure will be identical on all group tables:

1. The theme will be read that always consists of an open question and clarified.

⁶ <https://rm.coe.int/artificial-intelligence-and-education-a-critical-view-through-the-lens/1680a886bd>

2. Afterwards, the contributions (= answers on the open question of the theme) will be collected as post-it at a flipchart next to the group table.
3. Finally, all collected contributions will be sorted in open discussion and be clustered according to defined categories or criteria so that they can be presented. That can be done independently or using the categories or criteria from the other rounds before.

In the third part (30 to 45 mins), the results from the group tables will be presented in the plenary and critically discussed and reflected. These can then be provided as summaries for publication after the event.

Table 1. The proposed agenda of the workshop "AI and Education. A view through the lens of human rights, democracy and the rule of law. Legal and organisational requirements."

Sessions	Agenda Item	Duration (minutes)
Morning session	Welcome / Introduction to the workshop	15'
	Group discussions on the CoE AI&ED report	105'
	Summary and reflections of group discussion	15'
	Wrap-up of morning session	10'
Afternoon session	Introduction to the World Café	15'
	Thematic group work about "Legal and organizational requirements for ethical AI introduction and usage"	60'
	Plenary talks / presentations	45'
	Open discussion with CoE Expert group	15'
Closing	Envisioning future steps and directions	10'

To conclude the workshop, we will collect all issues that the workshop participants wish to discuss and bring to the attention of the CoE Expert Group (15 mins). Finally, we will define next steps and activities and conclude with a wrap up of the whole workshop (10 mins). The proposed agenda is presented in Table 1.

3.2 Target Audience

We aim to reach out and involve all AIED community members regardless their expertise and experience. The interactive workshop is dedicated to interested beginners without any pre-knowledge as well as to experts. To promote inclusiveness, we chose a hybrid participation format (on-site and online) that we envision to foster discussions with all AIED community members worldwide.

3.3 Expected Outcomes

We envision that this workshop will result in three main outcomes. First, the presentation, discussion and collection of legal and organizational criteria, dimensions and requirements that are needed for the development and design of strategies and guidelines defining and regulating trustworthy and ethical AI and its introduction and usage (in education and beyond). Second, the workshop discussions will directly inform the Council of Europe's Expert Group on AI&ED's work towards the final report and the potential for a legal instrument to be debated by Council Ministers in 2024. Third, we intended to collaborate on a common publication based on the workshop discussions and results.

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