Ethical AI and Education:
The need for international regulation to foster human rights, democracy and the rule of law

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Abstract. The need for AI regulation is true in particular in the fields of education. Education is a special case and different from other sectors. Therefore, it reuqires careful considerations: 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 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 obvious and demanded from latest publications, studies and events that Artificial Intelligence (AI) requires legal and organizational regulations [10, 13, 15]. That is reflected in the research of the Artificial Intelligence and Education (AI&ED) community on the needs of ethics in AI and Education [3, 4], Fairness, Accountability, Transparency, and Ethics in AI&ED [9], educational stakeholders' perceptions of AI [1] and Scrutable AI [6]. A similar picture is depicted by the public announcements and actions of international organisations such as the EU (AI Act[1]), UNESCO (International Forum on Artificial Intelligence and Education 2022[2], and the Council of Europe (CoE) leading to their first guidelines for policy makers [7, 8].

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[1]   https://artificialintelligenceact.eu/

[2]   https://www.unesco.org/en/articles/international-forum-artificial-intelligence-and-education-2022

The need for AI regulation is true in particular in the fields of education. Education is a special case and different from other sectors: It does not deliver a product like all producing sectors but it offers a promise for future learning processes that cannot be predicted and pre-assessed [14, 16]. Furthermore, education is a human right and learners are often in a particular situation (mandatory school education).

Therefore, the Council of Europe (CoE) took action as it is the international organisation founded in 1949 to uphold human rights, democracy and the rule of law in Europe. Currently, it has 46 member states (19 more than the European Union), with a population of approximately 675 million.

In 2021, the CoE established an Expert Group to investigate, and propose a legal instrument for, the application (AIED) and teaching (AI Literacy) of AI in education. The project, entitled, "Artificial Intelligence and Education" (AI&ED), is working towards developing an actionable set of recommendations for Member States, helping ensure that the application and teaching of AI in education is for the common good.

To that end, the CoE AI&ED Expert Group have researched and written an initial report ("AI and Education. A critical view through the lens of human rights, democracy and the rule of law.") and undertaken a survey of Member States, both of which have been designed to inform the project and to stimulate further critical debate [2]. Currently the AI&ED Expert Group appointed by the CoE is working on the analysis of the survey and developing the legal instrument as international convention [11, 12].

All workshop organizers are members of the CoE AI&ED Expert Group and contributed to the two CoE Expert Conferences "Artificial Intelligence and Education" held by the CoE in Strasbourg on 18th / 19th of October 2022 and on 21st / 22nd of November 2023.

To establish the context, in advance of the workshop, the CoE Expert Group's initial report and results will be shared with the workshop participants [2, 13]. We envision that our discussions as planned for the workshop are necessary to set solid foundations regarding the ethical development, deployment, and use of AI systems in education respecting human rights and principles, ensuring fair and ethical use and promoting human agency [10, 15].

2 Objectives, Relevance, and Importance

2.1 Workshop Objectives

This workshop is the continuation of the very successful workshop held at the AIED 2023 Conference in Tokyo, Japan (see: http://aied2023.learning-innovations.eu) [13]. That allows ongoing updates and awareness raising on the important topic of ethical AI&ED as well as direct communication and discussions for contributions to the current Council of Europe (CoE)'s development of an international regulation as binding law in Europe and design of comprehensive AI literacy tools.

The workshop intends to achieve the following objectives:

- 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 regulations and guidelines for trustworthy and ethical AI usage can be developed and designed, in particular related to legal and organizational requirements
- To identify methods for dealing with the quick changing developments in AI, providing a legal framework that is flexible but also appropriately effective

Therefore, these guiding aspects will be addressed:

- How can we develop and implement legal and organizational 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?

Main focus will be on the legal and organizational requirements to achieve a regulation in the fields of AI and Education (AI&ED). Basis will be the work and activities of the Council of Europe (CoE) and its appointed AI&ED Expert Group and in particular its initial report. All these open and urgent issues will be discussed and next steps in relation to these requirements and goals will be defined.

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 2024 conference theme - "AI in Education for a World in Transition". It will provide an arena for the AIED community to familiarise themselves with the CoE initiative and to engage in follow on activities. Therefore, it will present the results from CoE AI&ED Expert Conference "Artificial Intelligence and Education" (held on 21st / 22nd of November 2023 in Strasbourg) and introduce in 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) [2].

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

This half-day workshop will be conducted in a highly interactive manner. It consists of two sections that are interrelated and complement each other. In the first section, the workshop will follow traditional collaboration in small working groups on four questions. In the second section, the workshop will follow the World Café method offering up to 10 prepared questions that can be selected. The whole workshop will be hybrid with small working groups that are on-site as well as online and always followed by plenary sessions. Thus, the groups inform each other on the discussions and results.

3.1 Program

In the first section, the interactive Workshop will begin with an introduction to the workshop and a summary of the key messages from the CoE work on ethical AI including the initial report by the AI&ED Expert Group appointed by CoE (15 minutes).
The core part of the first section will centre on four key questions related the CoE work and results developed by the AI&ED Expert Group. These four questions are:

- 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?

Each question will be introduced by a 2-minute presentation. Participants will then work in small groups, to respond to the issues introduced, before reporting back their views and ideas to the workshop.
The first section will conclude with a discussant summarising the workshop participants' input (15 mins) followed by a wrap up (5 mins).

In the second section, the interactive Workshop follows the World Café method and consists of four parts:
In the first short part (5 mins), we will briefly present the World Café method and the topic "Legal and organizational 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.
We will prepare 10 themes before the conference and will decide depending on the number of participants how many group tables we will offer during the workshop. The participants will work on one selected group table focusing the presented open question of this table and documenting the discussion. Afterwards, they will change the group

table and work on another open question. In total, three rounds of group table work will be facilitated (each round of 25 mins).
The procedure will be identical on all group tables in each round:

1. The theme will be read that always consists of an open question and clarified.
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 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 (35 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 agenda of the AIED 2024 Workshop "Ethical AI and Education: The need for international regulation to foster human rights, democracy and the rule of law"

Sessions	Agenda Item	Duration (minutes)
1. Start	Welcome to the workshop	5'
	Introduction to the CoE work on AIED	10'
	Discussion of four questions (Q1 to Q4)	40'
	Summarising participants' input and wrap up	20'
2. World Café	Introduction to the World Café	5'
	First round of group discussions	25'
	First round of group discussions	25'
	First round of group discussions	25'
3. Plenary	Results from the group tables	35'
4. Closing	Collecting participants' input for future CoE work	15'
	Envisioning future steps and directions	5'

In the fourth part, 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 (5 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 results 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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