

# Terms of Reference

## External Expert: Role of NHRIs on AI

---

### 1. Background information

The [European Network of National Human Rights Institutions](#) (ENNHRI) brings together over 40 [National Human Rights Institutions](#) (NHRIs) across wider Europe. ENNHRI's goal is to enhance the promotion and protection of human rights and rule of law in the region, via a platform for collaboration and solidarity for NHRIs.

ENNHRI's second [strategic priority](#) is to support more effective promotion and protection of human rights and the rule of law across the European region. One of the actions ENNHRI undertakes in this regard is to ensure that NHRIs' capacity to promote and protect human rights in Europe is strengthened, including on emerging human rights issues, such as artificial intelligence (AI). The field of AI is evolving rapidly and its use will spread significantly in the coming decade. Further development of AI and new technology creates great opportunities but also poses potential risks for human rights, non-discrimination, rule of law and democracy. For instance, the use of algorithms, automated decision-making, and other processes have led to concerns over access to justice, the right to remedy and to redress for victims of AI systems.

In response to these concerns, national and regional initiatives, both at the legislative and policy level, have been proposed, devised, or even implemented. For example, several European countries have already passed national laws in this regard. In turn, at the levels of the [European Union](#) and [Council of Europe](#), a number of binding (proposed Conventions, frameworks, and EU law) and non-binding instruments (guidelines, recommendations) have been put forward. Notably, two major processes are taking place in Europe that aim to regulate AI, namely the EU Proposal for a Regulation laying down harmonised rules on AI (the [EU AI Act](#)) and the Council of Europe's [Committee on Artificial Intelligence](#) (CAI – formerly CAHAI) negotiations for a transversal legal instrument to regulate the design, development and use of artificial intelligence systems. These two conventions will be historic milestones, both globally and regionally, making Europe a world leader for regulating AI. They may also include the potential for a new role for NHRIs as watchdogs in addition to the other ways that NHRIs can use their specific mandate to work on AI, such as through dealing with complaints, providing education on human rights implications, conducting investigations, and pursuing redress for violations caused by AI.

## 2. ENNHRI's capacity building activities on artificial intelligence (AI)

European NHRIs have identified AI and digital technologies as an emerging human rights issue that they will need to prepare and equip themselves to address in greater depth in the future. As a result, ENNHRI has identified AI as one of its priorities for 2022 and 2023, with a strong focus on NHRI capacity-building. ENNHRI's capacity building activities should also enable ENNHRI and its members to be better able to advocate for a human-rights based approach to AI, particularly in view of the key regulatory instruments currently being negotiated, both nationally and regionally. These activities will build on the NHRI knowledge and good practices already gathered and shared by ENNHRI, most notably during the [NHRI Academy on AI](#), held in June 2022, and should inspire NHRIs with new ideas for activities in the area of AI in Europe.

The centrepiece of these activities will be an in-person ENNHRI capacity building event on AI in the second half of 2023 (provisionally in September 2023). This event will bring together ENNHRI members from across the region to discuss the human rights implications of AI through different thematic lenses, the synergies between those thematic areas, and how NHRIs can use their specific mandate to work and advocate on the topic.

To support ENNHRI's capacity building plans on AI, in particular the AI member event in 2023, a short preparatory paper will be developed by a consultant in close cooperation with ENNHRI's Human Rights Officer (Capacity Building). The preparatory paper will build on the good practices and knowledge already developed during previous ENNHRI activities and aims to provide an overview of the roles that NHRIs can and do play regarding AI in Europe using their specific mandate.

The preparatory paper will also document emerging thematic trends in AI linked to the different [thematic areas](#) that ENNHRI covers through its member working groups<sup>1</sup> and the potential synergies between these different areas. The preparatory paper will identify opportunities for ENNHRI and its members to work on AI using the NHRI mandate. It will also identify any gaps in understanding or practice as well as further NHRI good practices gathered through consultation with relevant ENNHRI members.

---

<sup>1</sup> ENNHRI has 9 member groups which work together on a specific topic or function. These groups are: Legal, asylum and migration, AI, economic and social rights, Older persons, CRPD, business and human rights, communication, and climate crisis.

### 3. Role of the consultant

Consultancy tasks, in close cooperation with the ENNHRI Human Rights Officer - Capacity Building (Sophie Hale), include:

- Develop a preparatory paper (should be short, easy to digest and not too dense) on how NHRIs can work on AI-related human rights issues using their specific mandate.
  - o The paper should explore the particular role that NHRIs can play related to AI issues in each of the NHRI mandate areas, such as complaints-handling, monitoring & reporting, awareness-raising and advice to the government.
  - o The paper should also include an overview of key emerging challenges for NHRIs and their (potential) role on AI, particularly in reference to the key conventions being negotiated in Europe.
  - o This paper should map the relevant AI challenges arising in each of ENNHRI's thematic working group areas (see above), as well as finding synergies between them. This is to provide ideas and guidance for ENNHRI's working groups on what AI-related human rights challenges exist in their thematic area. This paper would then feed into ENNHRI's planned capacity building event in September 2023 where all ENNHRI member groups interested in working on AI will be offered the opportunity to participate and present their work on AI and consider how ENNHRI and its members can best advocate for a human-rights based approach to AI.
- Review existing ENNHRI member good practices on AI and human rights to understand current state of NHRIs' work on topic and as background for the preparatory paper (including good practices gathered from ENNHRI's NHRI Academy on AI in 2022);
- Engage with European NHRIs, in particular with ENNHRI thematic working groups, to gather practices, needs and additional data to ensure the paper is relevant for ENNHRI members and supports ENNHRI and its members to advocate for a human rights-based approach to AI.

## 4. Timeline

Work would begin soon after the conclusion of a contract, and all deliverables are to be completed by the last week of March 2023, taking into consideration the following general timeline.

Action	Nov	Dec	Jan	Feb	March	Who
Recruitment of consultant						Secretariat
Develop AI preparatory paper structure						Consultant & Secretariat
Review of existing ENNHRI materials for background - NHRI good practices and other resources						Consultant
Engage with ENNHRI members/ Working groups (primarily through WG chairs) in support of data collection						Consultant & Secretariat
Collate data and identify any gaps that would require further data collection						Consultant
Draft zero of AI preparatory paper with emerging thematic trends, potential synergies and possible roles for NHRIs re: AI						Consultant
Facilitated discussion with European NHRIs (WG chairs who are interested in AI) on preliminary results (online)						Consultant/ Secretariat
Finalise AI preparatory paper incorporating feedback from WG Chairs meeting						Consultant

## 5. Qualifications

- Track record of research and publications on AI and human rights (in Europe)
- Demonstrated knowledge and understanding of NHRIs
- Excellent English skills

- Cultural sensitivity and experience in working in an international context.

## 6. Submission of Proposals

The proposal should include:

- Updated CV
- Along the proposed timeline plans on how to conduct the work
- A proposed budget; and
- References to relevant previous work (portfolio).

## 7. Selection Criteria

The criteria on the basis of which the successful proposal will be selected are:

- Expertise concerning NHRIs
- Expertise concerning AI
- Organisational approach
- Cost-efficiency

The proposal should be submitted by **23H55 (CET) 4 December 2022** via email to [sophie.hale@ennhri.org](mailto:sophie.hale@ennhri.org).

The email title should read “ENNHRI consultancy on artificial intelligence and human rights”.

Applicants will be informed of the result of their application as soon as possible following the deadline for submission.

