



29 March 2021

Via email to elenatamayo@presidencia.gov.co

Office of the President
Republic of Colombia

Dear Office of the President of the Republic of Colombia,

We write to you, on behalf of the Center for AI and Digital Policy (CAIDP), regarding the proposal for an Intersectoral Commission for Artificial Intelligence for Colombia.¹ We understand that you are requesting comments and have therefore provided certain recommendations before final decisions are made in this regard.

The CAIDP was established by the Michael Dukakis Institute in 2020 to advise national governments and international organizations on AI and digital policy. We have extended recommendations to bodies such as the United States National Security Commission on AI and European Digital Rights (EDRi). We have recently published *Artificial Intelligence and Democratic Values* (AISCI), a report providing a rigorous assessment of AI policies and practices in 30 countries, undertaken by a team of international experts. These policies and practices were evaluated to determine whether they align with values of fairness, transparency, and accountability as well as the protection of fundamental human rights.

In evaluating different countries' AI policies, the CAIDP developed five recommendations for countries:

- Countries must establish national policies for AI that implement democratic values.
- Countries must ensure public participation in AI policymaking and also create robust mechanisms for independent oversight of AI systems.
- Countries must guarantee fairness, accountability, and transparency in all AI systems.
- Countries must commit to these principles in the development, procurement, and implementation of AI systems for public services.

¹ Government of Colombia, Consejo Internacional de Inteligencia Artificial para Colombia, Para Colombia Respuestas Institucionales para la Implementación de la Política de Inteligencia Artificial (Feb. 2021) <https://dapre.presidencia.gov.co/TD/CONSEJO-INTERNACIONAL-INTELIGENCIA-ARTIFICIAL-COLOMBIA.pdf>

- Countries must halt the use of facial recognition for mass surveillance.

We write to express our support for the Colombian government’s pioneer endeavors in the field of AI policy and to respond to your solicitation of public comments on AI strategies. We are monitoring the developments within Latin America with great care and admire Colombia’s proposed groundbreaking approach. We also note Colombia’s support for the OECD AI Principles² and have promoted your call for public comments on the CAIDP “Public Voice” page.³ We have been particularly meticulous in our analysis of human rights and democratic values in Colombian AI and digital policy given the emphasis placed on such values in the 2019 National Policy for Digital Transformation and AI.

Regarding the March 2021 technical proposal, we want to first acknowledge the substantial work of the authors on this complex and important issue. We also recognize the growing support by multisectoral actors as Colombia seeks to shape its digital transformation.

We believe that the development of such a commission is of great significance for the creation and implementation of national AI policy. The participatory approach with leading international experts as permanent guests supports the promotion of inclusive technology policy. In our evaluation of different countries’ AI policies, the CAIDP identified the approaches of Germany, Spain, and the United Kingdom as very highly ranked for their promotion of human rights and democratic values. The proposal put forward builds on these important precedents.

We recognize the emphasis placed in the 2019 National Strategy on “human rights and democratic values” as Colombia seeks to shape the transformational impact of AI. We support the proposal to create an Intersectoral Commission on Artificial Intelligence. However, we would like to see these principles which were so prominent in the Conpes 3975 of 2019 clearly reflected in the structure and activities of this new Commission.

We specifically recommend the following aspects to be noted for the development of the Commission:

² OECD, *Forty-two countries adopt new OECD Principles on Artificial Intelligence* (May 22, 2019), <https://www.oecd.org/newsroom/forty-two-countries-adopt-new-oecd-principles-on-artificial-intelligence.htm>

³ CAIDP, *Public Voice* (highlighting opportunities for public comments on AI policies), <https://caidp.dukakis.org/public-voice/>

- The Intersectoral Commission for Artificial Intelligence for Colombia should include the *Consejería Presidencial para los Derechos Humanos y Asuntos Internacionales* and the *Ministerio de Justicia y del Derecho* as government members.
- The Commission should install a mechanism by which it can regularly seek meaningful public participation for the development of national AI policy.
- For reasons of transparency, open communication and insight into the Commission's work, the Commission should make substantial information publicly available, including meeting minutes and summaries as well as briefings and statements of any significant decisions.
- The Commission should seek the implementation and strict adherence to the OECD Principles on AI.
- The Commission should utilize the AI Social Contract Index as one of the international indexes with which to study Colombia's performance regarding AI practices and policies.

Finally, the Center for AI and Digital Policy offers its assistance for the work of creating artificial intelligence and digital policies which promote a better, fairer, and more just and accountable society in which technology promotes broad social inclusion based on fundamental rights, democratic institutions, and the rule of law. In this regard, we would be pleased to offer our advice and expertise and would be available to discuss further and answer any inquiries you may have.

Thank you for your highly valued consideration. We look forward to future communications.