



Concept note

Artificial Intelligence and organised crime

July 2024 – December 2024

Component(s):	Direction – Innovation Lab of EL PACCTO 2.0
Area of intervention:	Artificial Intelligence and organised crime
Action line:	
Activity(ies) code(s):	
Main output (OP) related:	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> OP 1. Regional strategic dialogue and cooperation on justice and security matters are increased. <input checked="" type="checkbox"/> OP 2. Criminal justice institutions technical and methodological capacities strengthened and human rights, gender, youth, conflict-sensitivity, and human-centred approaches and involving effective civil society oversight are applied. <input checked="" type="checkbox"/> OP 3. Operational capabilities to prosecute organised crime in key criminal markets are enhanced. <input type="checkbox"/> Not applicable
Partner country(ies) participating:	Latin America and the Caribbean. European Union.
Partner institution(s) participating:	<ul style="list-style-type: none"> • Justice authorities: ministries of justice, prosecutors' offices and the judiciary of the participating countries. • Security authorities: ministries of interior and public security, police of the participating countries. • European authorities: European Commission (DG INTPA, JUST and HOME), Eurojust, Europol. • Regional or international bodies: Council of Europe, AIAMP, COMJIB, AMERIPOL. • Private sector: where necessary in order to enhance public-private coordination and cooperation and strengthen the Global Gateway.

1. Context

Artificial intelligence (AI) technology in all its aspects offers great possibilities, but also carries serious potential risks for the enjoyment of human rights, the functioning of democracy and the maintenance and promotion of the rule of law.

The versatility and presence of AI means that a part of society and businesses have integrated it into their daily lives. Organised crime groups have not been left out either, and are increasingly and systematically using AI tools to commit crimes such as fraud, cyber-attacks, virtual kidnapping, stock market manipulation, crimes against honour, privacy and image, and child sexual abuse, among others.

In this sense, the use of AI has both positive aspects for the rule of law, justice and security, as well as negative aspects such as those mentioned above, which should be taken into account and minimised as far as possible.

Positive aspects and use of AI in justice and security and the tools that currently exist:

- Collection and analysis of large amounts of data, and machine learning.
- Faster court procedures, procedural management and reduction of court delays.
- DNA analysis and new scientific techniques.
- Crime scene, ballistics and firearms.
- Fraud detection.
- Defence against computer attacks (firewalls with deep learning technology, phishing simulations, ethical hacking).
- Border security, defence and autonomous patrols in maritime and land areas with low human and State presence.

Negative aspects of AI linked to new crimes and transnational organised crime:

- Deepfake and crimes against persons.
- Intellectual property-related offences.
- Cyber-attacks (phishing, phishing, phishing, malware, denial of service attacks – DDoS, etc.).
- Use of autonomous vehicles in drug and arms trafficking.
- Theft, fraud, forgery and impersonation.
- Media and electoral manipulation.

Regulatory framework

On 17 May 2024, the 133rd session of the Committee of Foreign Ministers of the 46 member states of the Council of Europe adopted the [Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#). This is the first international treaty on AI, with the participation of 11

non-member countries, including Argentina, Costa Rica, Mexico, Peru, the United States and Uruguay, as well as representatives of civil society and the private sector.

The Framework Convention on IA introduces a legal framework that covers the entire life cycle of IA systems and addresses issues that may put human rights, democracy and the rule of law at risk. In doing so, it provides transparency and control criteria (Article 8 of the Framework Convention) to assess the need to establish prohibitions or guidelines (Articles 7 to 11) on the use of certain tools. In addition, it is legally binding and requires the adoption of an independent monitoring mechanism (Article 23) to ensure effective implementation, as well as that users are informed about the use of AI applications and will have to ensure accountability and responsibility for negative impacts.

While the Framework Convention on IA can be considered an important milestone, the European Union (EU) and some Latin American and Caribbean countries have already launched various initiatives to regulate the scope of IA in relation to its impact on the rule of law and, particularly, its use by organised crime.

At the proposal of the EC in April 2021, the European Parliament (EP) has been working on a Community regulation framework, slightly modified from the proposal sent by the EC on AI, which was finally politically agreed between the EU Council and the EP negotiators in December 2023; and approved by the European Parliament on 13 March 2024. However, in parallel, the European Council, in its decision EU 2022/2349 of 21 November 2022 authorised the European Commission (EC) to open negotiations on behalf of the EU with a view to finalising and adopting the Framework Convention on IA of 17 May 2024.

The so-called "[European Union's AI Act](#)" (hereinafter EU AI Act) will enter into force in June 2024 and will be the most comprehensive legislation on IA that has been passed to date in any country or region of the world. The AI Act complements the Framework Convention signed in the framework of the Council of Europe (CoE) because it addresses different and complementary aspects of AI.

The EU AI Act aims to ensure that AI systems placed on the European market, and used in the EU, are safe and respect fundamental rights and EU values, while at the same time stimulating investment and innovation in AI in Europe. In addition, the EU AI Act imposes strict transparency obligations on high-risk AI systems, while such requirements will be less stringent for general- purpose AI models. It restricts governments' use of real-time biometric surveillance in public spaces to cases of certain crimes, the prevention of terrorist attacks and searches of persons suspected of the most serious crimes ([European Parliament, 2024](#)). Finally, an aspect of utmost relevance for the prosecution of crime is the transparency requirement that the new EU AI Act imposes on AI developers and marketers.

In particular, the EU's AI Act "prohibits certain applications of artificial intelligence that infringe on citizens' rights, such as biometric categorisation systems based on sensitive characteristics and the indiscriminate capture of facial images from the internet or surveillance camera recordings to create facial recognition databases. Emotion recognition in the workplace and in schools, citizen scoring systems, predictive policing (when based solely on a person's profile or assessment of their characteristics) and AI that manipulates human behaviour or exploits people's vulnerabilities will also be banned' ([European](#)

[Parliament, 2024](#)). However, there are certain exemptions to the use of biometric identification systems by law enforcement for very specific, well-defined situations and under strict safeguards, limiting their use in time and place, and requiring prior judicial or administrative authorisation.

"General-purpose AI systems and the models on which they are based must meet certain transparency requirements, respect EU copyright law and publish detailed summaries of the content used to train their models. More powerful models that could pose systemic risks will have to meet additional requirements, such as conducting model assessments, analysing and mitigating systemic risks and reporting incidents" ([European Parliament, 2024](#)). In this sense, generative AI, such as ChatGPT, will not be considered high-risk (high-risk characteristics are defined in Chapter III of the EU AI Act), but will have to comply with transparency requirements and EU copyright law: (1) disclose that the content has been generated by AI; (2) design the model to avoid generating illegal content; and, (3) publish summaries of the copyrighted data used for training. In addition, artificial or manipulated images, audio or video content ("ultra-fakes") must be clearly labelled as such.

2. Intervention framework and background

EL PACCTO 2.0 Innovation Lab

Since its inception in 2017, EL PACCTO has been characterised as an innovative programme that addresses the various challenges of justice and security, as well as the fight against transnational organised crime, from a new perspective of designing modern and renewed strategies, and seeking transformative results in the short, medium and long term. Examples of this were the programme's commitment to Specialised Multidisciplinary Teams (Task Forces), in a moment when inter-institutional and specialised work was very scarce, the promotion of Joint Investigation Teams (JITs), the creation of specialised networks for exclusively operational purposes and the exchange of information and intelligence, or the launch of actions linked to environmental crimes (2017) and the collection, transmission and use of evidence for procedural purposes in countries other than where the crimes had been committed.

In this second phase, EL PACCTO wants to continue to promote innovation and develop new themes and modern working tools adapted to new challenges. This is why the "EL PACCTO 2.0 Innovation Lab" has been created. The Innovation Lab is a conceptual and practical approach anchored to the Leadership component of the programme that will develop ideas, strategies, ways and methods of working in order to go a step further both conceptually and practically in the fight against transnational organised crime. In this sense, the Innovation Lab will function as a think and do tank for the programme and will launch ideas for reflection to which the programme's management, expertise and technical teams can contribute.

While the second phase of the programme remains mainly anchored to the principle of demand from partner institutions, the Innovation Lab will work as a tool to propose and develop ideas and actions that may or may not have a specific demand but will always be linked to respond to new trends and needs of

justice and security institutions. In this context, the first topic to be addressed by the EL PACCTO 2.0 Innovation Lab will be the relationship between AI and crime.

Coordination and cooperation with other EU-funded initiatives

Given the growing importance of AI in the digital life of citizens and institutions in the EU, Latin America and the Caribbean, it will be important to analyse, coordinate, cooperate and seek to create working synergies with the different initiatives and programmes funded by the EU or other relevant donors.

In this case, taking into account that the [EU-LAC Digital Cyber Alliance](#) project is just starting its work on the subject, organising working meetings, coordinating and even trying to co-organise a bi-regional event would be key.

The EU is also formulating the Team Europe Initiative on AI and disinformation. In relation to AI and disinformation, several EU-funded projects have been identified that are already working at European level on the topic: [vera.ai](#), [AI4TRUST](#), [TITAN](#) and [AI4MEDIA](#).

Intervention framework

This concept note addresses the relationship between AI and crime from the perspective of the AI tools that exist to prosecute crimes, but will also consider those crimes committed using AI mentioned above. In addition, the focus of the programme in this area will also be on the establishment of national, regional and international standards on the use of tools taking into account existing legal frameworks linked to the new CoE Framework Convention on AI and the EU AI Act.

In this sense, and without being a closed list of initiatives to be developed, EL PACCTO 2.0 will seek to promote the use of AI tools, establish standards and strategies provided in terms of the measures adopted, transparency and knowledge of the codes and algorithms of AI tools used by state authorities, the prevention of bias of the same tools, the legal definition of what and how they can be used and the measures and times in which AI tools can be used to investigate crimes, predict behaviours or support their development in justice systems, among others. Its work dimension will be mainly bi-regional and regional.

The objective of this line of action is to support Latin American, Caribbean and European institutions in, on the one hand, establishing standards, agreements and common work strategies related to the use of AI tools in the framework of the administration of justice and the fight against organised crime with security, justice and penitentiary authorities; and, on the other hand, to address from a bi-regional and regional perspective the use of AI in the better detection of crime and the investigation of the most relevant crimes committed by criminal groups using AI.

In addition, it is planned to strengthen the interaction between the public and private sectors in the framework of the [EU Global Gateway](#) in order to promote new ways of working, best practices, standards and the use of tools to improve and strengthen the administration of justice and the performance of law enforcement agencies.

Within this framework, the following specific activities will be developed in 2024 and 2025 by the EL PACCTO 2.0 management:

- 1) **Product on artificial intelligence and organised crime.** Diagnostic document, guidance and working recommendations to align EL PACCTO 2.0 action. The product will include a visual normative analysis with explicit references to countries belonging to the EL PACCTO 2.0 consortium, the EU, Latin America and the Caribbean and the Council of Europe; the main crimes committed using AI; existing tools and good practices to strengthen the administration of justice and the fight against organised crime; experiences in using AI to better detect crime and fight it efficiently; work carried out by other EU-funded programmes; and recommendations and working guidelines for EL PACCTO.
- 2) **Bi-regional conference on artificial intelligence and crime.** Presentation of the product developed, the orientation of strategic actions of EL PACCTO in both regions and the start of a more sectoral and comprehensive work within the programme in relation to AI and crime. In addition, it will be the moment to launch the idea of a strategic alliance on AI between EL PACCTO and the private sector in the framework of the Global Gateway.
- 3) **Impact event on the use of AI by organised crime.** Guided by the 4 experts selected for the drafting of the initial product of the action, the event will be defined with the EL PACCTO team, the 4 experts and the partner countries in order to have the desired impact and allow it to be an activity that launches other actions of the programme.

3. Objectives and expected action results

➤ **General objectives of the planned action:**

- Conceptually and practically develop the "EL PACCTO 2.0 Innovation Lab" initiative.
- Promote constant innovation in the fight against transnational organised crime and new criminal trends.
- Unify standards, strategies and procedures linked to AI and crime.
- Support the use and development of AI tools to effectively combat bi-regional organised crime.

➤ **Specific objectives of the activity 1:**

- Diagnose the state of play and the bi-regional relationship on AI and crime.
- Establish work priorities and identify activities to be developed within the scope of AI.

➤ **Specific objectives of the activity 2:**

- Diagnosis launched and lines of action identified bi-regionally.
- Addressing the challenges of AI and crime with the private sector.
- Support the design and creation of activities linked to the Global Gateway.
- To constitute a forum for dialogue and debate on new criminal and AI trends in Latin America, the Caribbean and the EU on a bi-regional, regional and multi-country basis.

➤ **Specific objectives of the activity 3:**

- Design, create and launch an impact event.
- To reach as many people as possible in Latin America, the Caribbean and the EU.

The results expected and achieved in the framework of the activities carried out are aligned with the indicators set out in the logical framework of EL PACCTO 2.0, which were approved by the European Union and are mandatory for all implementing partners of the Programme. In this context, the present activity(ies) expect or have achieved the following results.

➤ **Expected results:**

- Diagnosis launched and lines of action identified bi-regionally.
- Impact event successfully launched.
 - Specific KPI: reach a target of 500,000 people from at least 10 different EU- LAC countries.

➤ **Achieved results:**

- Not applicable

➤ **Relevant indicators established in the programme logical framework (specify):**

- Outcome 1.
 - OC 1.6. Number of regional and bi-regional political and technical mechanisms for cooperation on justice and security and penitentiary matters operational.
- Output 1.
 - OT 1.1.1. Number of regional and bi-regional cooperation strategies and/or agreements to fight organised crime designed, revised and/or ready to be implemented with the programme's support.
 - OT 1.1.2. Number of strategic and policy dialogue processes on justice and security matters supported.
 - OT 1.1.3. Number of individuals participating in national, regional, and international dialogues and awareness-raising events on organised crime.
- Output 2.

- OT 1.2.3 Number of national laws, policies, or other norms designed, revised and/or ready to be implemented with the support of the intervention.
- **Specific mention (if applicable) to the contribution to the gender marker implemented by the programme:** <https://www.oecd.org/dac/gender-development/Minimum-recommended-criteria-for-DAC-gender-marker.pdf>

The link between gender bias and AI has been evident for several years. The [conclusions on the "Charter of Fundamental Rights in the context of artificial intelligence and digital change"](#) of the Presidency of the Council of the European Union (2020) already called for addressing the complexity, unpredictability and biases derived from certain technological systems, which learn through information and data that in many cases have a significant gender, racial, linguistic and religious bias. In this sense, EL PACCTO 2.0 will seek to promote the use of AI tools, as well as standards, legislation and strategies that are gender-neutral and transparent in terms of code and method of "AI training".

4. Methodology of the action

The working methodology will be flexible and varied depending on the type of activity organised. However, all conferences and expert meetings will follow a specific pattern of dialogue and exchanges of good practices, views and ways of proceeding.

It is envisaged that the work to be carried out will be phased and specific milestones will be achieved as the phases are completed. The first phase is linked to diagnosing the current situation and identifying threats, good practices and requests for cooperation. The second phase will be linked to the implementation of regional and bi-regional activities, as well as consolidating AI and crime partnerships. Subsequently, with the achievement of milestones and intermediate results, other phases will be advanced.

It is important to note that the objective of this action is not to work with all 33 partner countries of the programme, but only with those interested and concerned by the impact of the issue.

5. Indicative timeline

Activity	Indicative date	Start of preparation
Product on artificial intelligence and organised crime	July 2024 – October 2024	June 2024
Conference on AI and crime	November – December 2024	September 2024

Awareness-raising campaign	November 2024 – February 2025	October 2024
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7. Participants

- Justice authorities: ministries of justice, public prosecutors' offices and the judiciary of the participating countries.
- Security authorities: ministries of interior and public security, police of the participating countries.
- European authorities: European Commission (DG INTPA, JUST and HOME), Eurojust, Europol.
- Regional or international bodies: Council of Europe, AIAMP, COMJIB, AMERIPOL.
- Private sector: where necessary in order to enhance public-private coordination and cooperation and strengthen the Global Gateway.