THE **COUNCIL OF EUROPE** & **ARTIFICIAL INTELLIGENCE**

While the application of artificial intelligence (AI) offers numerous benefits to society, public concern is growing about its potential impact on human rights, democracy, and the rule of law.

The Council of Europe, an international organisation with a unique mandate to establish legal standards for human rights, has responded by adopting the Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law.

This document provides an overview of completed and ongoing efforts by the intergovernmental committees and other entities of the Council of Europe in the field of artificial intelligence.

Overview of the Council of Europe activities in the field of artificial intelligence

Thematic Focus

Transversal Priority

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COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Foreword

The founders of the Council of Europe and authors of the European Convention on Human Rights could not have imagined a world in which Artificial Intelligence (AI) would take the important role that it now does. Nonetheless, it was their foresight that allows us to ensure that the rise of AI upholds common European values, rather than undermining them. This is because the standards that they envisaged were not designed for the specific moment and circumstances in which they lived. Rather, they are principles that should be applied to the circumstances of our times.

The Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law maintains this approach. It is designed to ensure that AI systems maintain our standards and, ultimately, uphold human dignity throughout their entire life cycle. This landmark, transversal international treaty benefits from the input of our member states, the European Union and countries throughout the wider world, giving it a global reach. It has also been strengthened by the input of experts, industry and civil society, ensuring that it is both balanced and effective. It is a unique, timely and much-need instrument.

The Framework Convention takes its place among the range of other tools that the Council of Europe has produced to address specific challenges brought about by AI technology and that work will continue. In doing this, the Council of Europe is seeking to ensure that the advantages of technical innovation can be experienced by people throughout or continent and beyond, while the risks that come with innovation are mitigated. This is the right way forward.

Alain Berset

Secretary General of the Council of Europe

About the Council of Europe
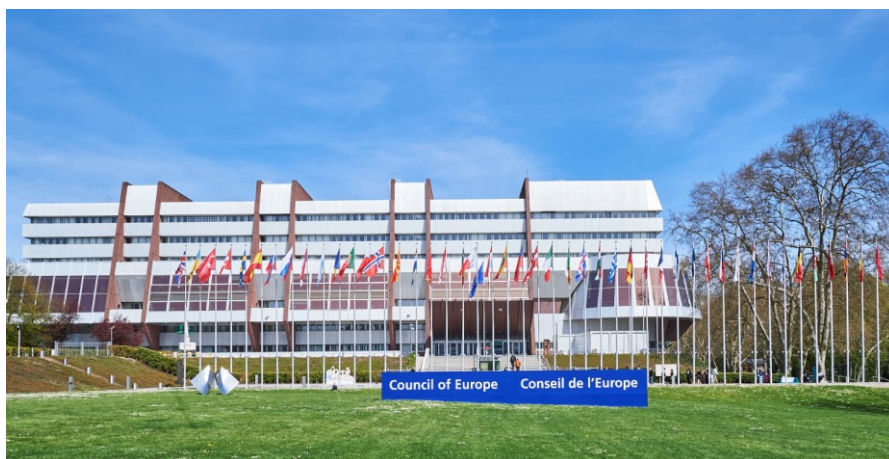
The Council of Europe comprises **46 member States**, 27 of which are members of the European Union. It is the guarantor of human rights, democracy and the rule of law on the continent.

All Council of Europe member States have signed up to the **European Convention on Human Rights**, an international treaty designed to protect human rights, democracy and the rule of law. The **European Court of Human Rights** oversees the implementation of the Convention in the member States.

A cross-cutting priority

AI technologies offer humanity great possibilities, but also comes with serious potential risks to the enjoyment of human rights, the functioning of democracy, and the observance of rule of law. The Council of Europe has undertaken to address these risks in a comprehensive manner conducive to innovation.

Most Council of Europe committees, intergovernmental bodies and specialised bodies, as well as its monitoring structures, are considering the impact of AI on their field of activity.

The Committee of Ministers of the Council of Europe decided in the Terms of Reference of the Committee on Artificial Intelligence (CAI), to task it with "*maintaining a transversal approach, also by co-ordinating its work with other intergovernmental committees and Council of Europe's entities equally addressing the implications of artificial intelligence in their respective field of activity, by providing these committees and entities with guidance […] and by assisting them in resolving problems*".

This document contains an overview of the work done so far, or planned, by the intergovernmental committees and other entities of the Council of Europe in the area of AI.

Committee of Ministers

The Committee of Ministers (CM) is the Council of Europe's statutory decision-making body, composed of the Ministers for Foreign Affairs of member States. It decides on the action required to further the aim and values of the organisation, including the conclusion of international conventions and agreements.

The CM has decided to adopt a **transversal approach** to AI across the various sectors of the Council of Europe, establishing the Committee on Artificial Intelligence (CAI) and tasking it with preparing a Framework Convention on Artificial Intelligence and maintaining this approach through coordination with other intergovernmental committees and entities of the Organisation. The CAI is also instructed to prepare a legally non-binding guidance for the Risk and Impact Assessment of AI Systems from the point of view of Human Rights, Democracy and Rule of Law (HUDERIA) to support the implementation of the Framework Convention.

Main decisions and principal documents

The CM adopted the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law at its 133rd Session on 17 May 2024. The Framework Convention was opened for signature in Vilnius, Lithuania, on 5 September 2024. It requires 5 ratifications, including at least 3 member States of the Council of the Council of Europe of Europe, to enter into force.

- ✓ Recommendation CM/Rec (2020)1 on the human right impacts of algorithmic systems
- ✓ Recommendation CM/Rec (2024)5 regarding the ethical and organisational aspects of the use of artificial intelligence and related digital technologies by prison and probation services

Parliamentary Assembly

The Parliamentary Assembly of the Council of Europe brings together parliamentarians from the Council of Europe's 46 member States. Its mission is to uphold the shared values of human rights, democracy and the rule of law. The Assembly uncovers human rights violations, monitors whether states keep their promises and makes recommendations. In the field of AI, it has adopted a set of resolutions and recommendations, examining the opportunities and risks of AI for democracy, human rights and the rule of law.

The Assembly endorsed a set of basic ethical principles that should be respected when developing and implementing AI applications, including transparency, justice and fairness, human responsibility for decisions, safety and security, privacy and data protection. It identified a need to create a **cross-cutting regulatory framework for AI, with specific principles based on the protection of human rights, democracy and the rule of law**, and called on the CM to elaborate a legally binding instrument governing AI. In its Opinion 303 (2024) on the draft Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, the Assembly welcomed the finalisation of such a convention and called on all member States to recognise the full applicability of its principles to private actors. The Assembly has a Sub-Committee on AI and Human Rights.

Main documents

- ✓ The need for democratic governance of AI: Resolution 2341 **(2020)** and Recommendation 2181 **(2020)**
- ✓ Preventing discrimination caused by the use of AI: Resolution 2343 **(2020)** and Recommendation 2183 **(2020)**
- ✓ Justice by algorithm – the role of AI in policing and criminal justice systems: Resolution 2342 **(2020)** and Recommendation 2182 **(2020)**
- ✓ Artificial intelligence in health care: medical, legal and ethical challenges ahead: Recommendation 2185 **(2020)**
- ✓ Artificial intelligence and labour markets: friend or foe?: Resolution 2345 **(2020)** and Recommendation 2186 **(2020)**
- ✓ Opinion 303 **(2024)** Draft Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law

Congress of Local and Regional Authorities

The Congress of Local and Regional Authorities is a political assembly responsible for **strengthening local and regional democracy** in the 46 member States and assessing the application of the European Charter of Local Self-Government. As the voice of Europe's municipalities and regions, it works to foster consultation and political dialogue between national governments and local and regional authorities. Supporting the digitalisation of local and regional administrations and their use of AI are among the Congress' priorities for 2021-2026.

Main documents

- ✓ Report on Home sharing platforms: challenges and opportunities for municipalities **(2021)**
- ✓ Report on Smart Cities and Smart Regions – prospects of a human rights-based governance approach **(2022)**
- ✓ Report on Hate speech and fake news: the impact on the working conditions of local and regional elected representatives **(2022)**
- ✓ Report on Beyond elections: The use of deliberative methods in European municipalities and regions **(2022)**
- ✓ European Urban Charter **(2023)**

Commissioner for Human Rights

The Commissioner raises awareness on the human rights impacts of AI systems in his dialogue with national authorities, national human rights structures, and other relevant stakeholders, including civil society actors. He also provides guidance on the way in which the negative impacts of AI systems on human rights can be prevented or mitigated. The Commissioner's work is based on existing standards and builds on work done in this area by the Council of Europe and other international organisations.

Main documents

- ✓ Safeguarding human rights in the era of artificial intelligence **(2018)**
- ✓ Unboxing AI: 10 steps to protect human rights **(2019)**
- ✓ Ethnic profiling: a persisting practice in Europe **(2019)**
- ✓ Opinion: Coronavirus concerns are not carte blanche to snoop **(2020)**
- ✓ Highly intrusive spyware threatens the essence of human rights **(2023)**
- ✓ Follow-up Recommendation: Human rights by design - future-proofing human rights protection in the era of AI **(2023)**

Conference of International Non-Governmental Organisations


The subject of artificial intelligence is among the current priorities of the Conference of International non-Governmental Organisations (CINGO), as per its strategic plan 2024-2027, adopted in April 2024 which refers to "the rapid rise of Artificial Intelligence and its human rights implications". The strategic plan also provides (under priority 2: Strengthening the effectiveness of the European Convention on Human Rights' system and rule of law") that CINGO shall "Engage in monitoring of new convention rights and evolution of law in the ECtHR including the Framework Convention on Artificial Intelligence (…)". In similar terms, this priority was already a feature of the previous strategic plan 2021-2024.

In the current thematic committee setting of CINGO, artificial intelligence falls under the remit of the Committee on "Human rights, Democracy and artificial intelligence: civil society in action" approved in April 2024; the terms of reference state that the new committee shall focus "on the responsibility of civil society and its representatives in the decision-making processes that enable the development of artificial intelligence, particularly in the fields of security, media and health".

In 2020, CINGO adopted Resolution CONF/PLE(2020)RES1 "on access to digital technology in Europe and the responsibility of member States adopted" in which it "calls on Member States to closely monitor the utilisation of newest technologies, like Artificial Intelligence, and their impact on the rights of citizens." More recently, in 2023, CINGO adopted Recommendation CONF-AG(2023)REC4 "on the impact of AI on the education sector".

Committee on Artificial Intelligence (CAI)
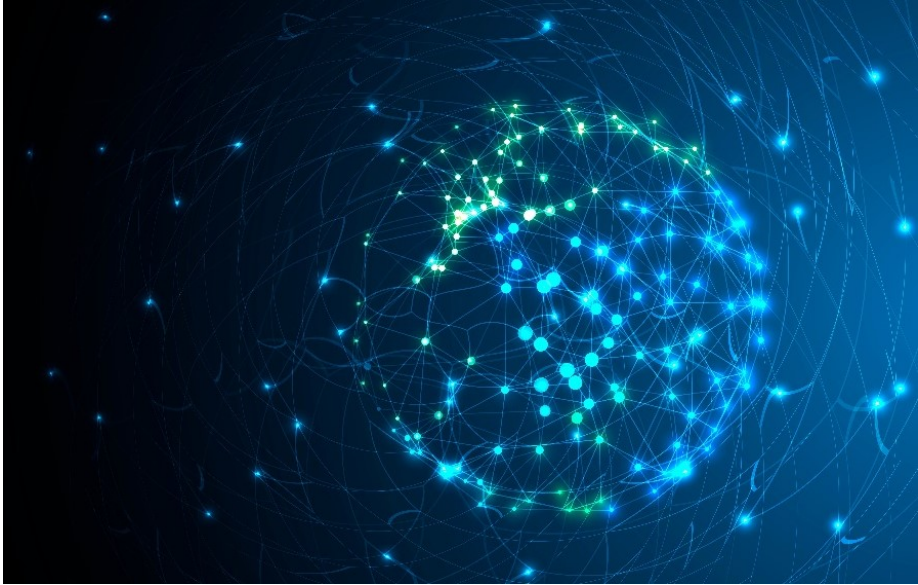
The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was adopted on 17 May 2024 by the CM of the Council of Europe at its 133th Session held in Strasbourg, and was opened for signature on the occasion of the Conference of Ministers of Justice in Vilnius (Lithuania) on 5 September 2024.

The Framework Convention is the outcome of two years' work of the Committee on Artificial Intelligence, which brought together to draft the treaty the 46 Council of Europe member States, the European Union and 11 non-member States (Argentina, Australia, Canada, Costa Rica, the Holy See, Israel, Japan, Mexico, Peru, the United States of America, and Uruguay), as well as representatives of the private sector, civil society and academia, who participated as observers.

Main documents

✓ The Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law **(2024)**
✓ Methodology for the Risk and Impact Assessment of Artificial Intelligence Systems from the point of view of Human Rights, Democracy and the Rule of Law (HUDERIA Methodology) **(2024)**

Future documents

The CAI is preparing the HUDERIA Model – a library of knowledge containing supporting materials and resources (such as flexible tools relevant for different elements of the HUDERIA process and scalable recommendations) that can aid in the implementation of the HUDERIA Methodology. Developed with the participation of governments, industry and civil society, the HUDERIA provides support to the authorities and AI project teams in assessing and managing risks to human rights, democracy, and the rule of law.

Steering Committee for Human Rights (CDDH)

The principal aim of the CDDH is to ensure that AI standard-setting activities are compatible with human rights norms as set out in the European Convention on Human Rights, as interpreted by the European Court of Human Rights, the European Social Charter, as interpreted by the European Committee on Social Rights, and other relevant human rights instruments.

Future documents

The CDDH is tasked with the preparation of a Handbook on human rights and AI by the end of 2025. The Handbook will provide for the target audience of government officials and policymakers of Council of Europe member States a practical, sectoral approach to States' obligations regarding the potential risks posed by AI to human rights.

European Committee on Legal Co-operation (CDCJ)

The CDCJ oversees the Council of Europe's work in the field of public and private law, by developing common standards and fostering legal co-operation. The CDCJ is mandated to address new and emerging challenges arising because of the use of AI in its area of competence, that is of public law, private law, and the administration of justice.

Main document

- ✓ Comparative study on administrative law and the use of AI and other algorithmic systems in Administrative Decision-Making in the member States of the Council of Europe **(2022)**
- ✓ Updated Handbook "The Administration and You" sets out and explains the substantive and procedural principles which govern relations between public authorities and individuals. The 3rd edition, published in June 2024, the Handbook considers the impact of the increasing use of AI systems and automated decision making by public authorities in their dealings with individuals.

Future documents

The CDCJ will work on a draft legal instrument covering the use of AI for policing, the administration of justice and borders/migration as part of its future work in the area of administrative law and AI by 2027.

Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO)

The CDBIO has released its report on the [Application of AI in healthcare and its impact on the "patient-doctor" relationship](#), highlighting the role of healthcare professionals in respecting the autonomy, and right to information, of the patient, and in maintaining transparency and patient trust as critical components of the therapeutic relationship. This report focuses on selected human rights principles, as referred to in the "Oviedo Convention", of particular relevance to the "patient-doctor" relationship, namely patient autonomy, professional standards, self-determination regarding health data, and equitable access to health care. The [report](#), the [essential elements](#) and the [flyer](#) are available for download.

Main document

✓ Report by consultant expert, Brent Mittelstadt, commissioned by the Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO), on the impact of artificial intelligence on the doctor-patient relationship **(2022)**

✓ [Report](#) on the Application of AI in healthcare and its impact on the 'patient-doctor' relationship, prepared by the Steering Committee for Human Rights in the fields of Biomedicine and Health **(2024)**

Future documents

The CDBIO is currently preparing its new strategic action plan 2026-2030, which includes further reflections on AI to be considered by the Committee in 2024-25.

Steering Committee on Media and Information Society (CDMSI)

The CDMSI, in charge of steering the Council of Europe's work on freedom of expression, media, internet governance and other information society-related issues, has been a pioneer within the Council of Europe in exploring the challenges posed by AI and its tools. It has contributed substantially to putting the issue high on the agenda of the political discussion.

Main documents

- ✓ Recommendation on the human rights impacts of algorithmic systems **(2020)**
- ✓ Guidance note on content moderation **(2021)**
- ✓ Guidance note on the prioritisation of public interest content online **(2021)**
- ✓ Recommendation on the impacts of digital technologies on freedom of expression **(2022)**
- ✓ Recommendation on combating hate speech **(2022)**
- ✓ Recommendation on promoting a favourable environment for quality journalism in the digital age **(2022)**
- ✓ Recommendation on principles for media and communication governance **(2022)**
- ✓ Recommendation on electoral communication and media coverage of election campaigns **(2022)**
- ✓ Guidelines on the responsible implementation of artificial intelligence systems in journalism **(2023)**
- ✓ Guidance note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions **(2023)**
- ✓ Report on the Metaverse and its Impact on Human Rights, Rule of Law, and Democracy **(2024)**

Future documents

The Committee is currently working on a draft recommendation on online safety and empowerment of content creators and users, a guidance note on the implications of

generative AI for freedom of expression, and a feasibility study of an instrument on freedom of expression in immersive realities.

Gender Equality Commission (GEC)

The GEC helps ensure the mainstreaming of gender equality into all Council of Europe policies and to bridge the gap between commitments made at international level and the reality of women in Europe.

Together with the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), it adopted a study on the impact of AI on equality, gender equality and anti-discrimination in 2023. The Committee of Experts on AI, Equality and Discrimination (GEC/ADI-AI), a joint subcommittee to the GEC and CDADI, is mandated by the CM to draft a Recommendation on equality and AI by the end of 2025.

Main documents
- ✓ Recommendation on preventing and combating sexism **(2019)**
- ✓ Recommendation on protecting the rights of migrant, refugee and asylum-seeking women and girls **(2022)**
- ✓ Study on the impact of artificial intelligence systems, their potential for promoting equality, including gender equality, and the risks they may cause in relation to non-discrimination **(2023)**

Future documents

The GEC/ADI-AI, under the authority of CDADI and GEC, will draft a Recommendation on equality and AI by the end of 2025.

Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)

The CDADI steers the Council of Europe's intergovernmental work to promote equality for all and build more inclusive societies that offer adequate protection from discrimination and hate, ensure equal participation in political and public life for all without discrimination on any ground, and where diversity is respected.

Together with the GEC, the CDADI adopted a study on the impact of AI on equality, gender equality and anti-discrimination in 2023. The Committee of Experts on AI, Equality and Discrimination (GEC/ADI-AI), a joint subcommittee to GEC and CDADI, is mandated by the CM to draft a Recommendation on equality and AI by the end of 2025.

Main documents

- ✓ Recommendation on combating hate speech **(2022)**
- ✓ Study on the impact of artificial intelligence systems, their potential for promoting equality, including gender equality, and the risks they may cause in relation to non-discrimination **(2023)**
- ✓ Recommendation on combating hate crime **(2024)**

Cooperation project and future documents

The European Union – Council of Europe Technical Support project "Upholding equality and non-discrimination by Equality bodies regarding the use of AI in public administrations" (2024-2026) is expected to strengthen the administrative capacity of the equality bodies of Belgium, Finland, and Portugal and increase their readiness to uncover discrimination in public administration's deployment of AI, including providing legal assistance to those who are discriminated against by AI, in line with the EU and Council of Europe standards and national legislation. The project, co-funded by the European Union, will reach its goal by producing an online training programme, policy guidelines, assessment protocols to assess cases of discrimination resulting from AI systems, and action plans on the topic for the use of equality bodies.

The GEC/ADI-AI, under the authority of the CDADI and GEC, will draft a Recommendation on equality and AI by the end of 2025.

Steering Committee for the Rights of the Child (CDENF)

The CDENF has identified three key challenges in relation to the access to and safe use of technology for all children, namely the lack of legal frameworks that address children's rights in the context of AI combined with the insufficient enforcement of existing legal frameworks; the fact that AI systems are designed in a way that does not consider the specific needs of and risks for children; and the need for better scientific evidence about the impact of AI on children's development.

Main documents

- ✓ Recommendation on Guidelines to respect, protect and fulfil the rights of the child in the digital environment **(2018)** also available in a child-friendly version
- ✓ Handbook for policy makers on the rights of the child in the digital environment **(2020)**
- ✓ Mapping study on "The rights of the child and artificial intelligence: Legal Frameworks that Address AI in the Context of Children's Rights" **(2024)**

Future document

The Committee is preparing a concept note for future action in view of the feasibility, timeliness, and pertinence of elaborating a Child rights Impact Assessment tool on AI, which will include further reflections and recommendations to be considered by the Committee in 2025.

Committee of the Parties to the Convention on the Protection of Children from Sexual Exploitation and Sexual Abuse (Lanzarote Committee)

The Lanzarote Committee monitors the implementation of the Lanzarote Convention and facilitates the collection, analysis and exchange of information and good practice between States to improve their capacity to prevent and combat sexual exploitation and sexual abuse of children. The Lanzarote Convention uses technology-neutral language and existing offences in the Convention remain criminalised whatever the means used by sexual offenders to commit them, including in the context of AI.

Main documents

- ✓ Opinion on solicitation of children for sexual purposes through information and communication technologies (Grooming) **(2015)**
- ✓ Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of ICTs **(2017)**
- ✓ Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children **(2019)**
- ✓ Implementation report on the protection of children against sexual exploitation and sexual abuse facilitated by ICTs: addressing the challenges raised by child self-generated sexual images and/or videos **(2022)**
- ✓ Declaration on protecting children against sexual exploitation and sexual abuse facilitated by emerging technologies **(2024)**

Social Rights

The European Committee for Social Cohesion (CCS) is mandated to promote the Council of Europe's work in the area of social cohesion, in particular the European Social Charter and its collective complaints procedure in order to ensure equal and effective access to social rights. It is tasked to examine new trends in and challenges to social cohesion, and AI developments in the area of social rights are thus within the priorities of the Committee's work.

In June 2023, the CCS organised a conference on "The Transition of Jobs: Changing Labour Markets and the Impact on Social Cohesion" – in Attard, Malta, and via videoconference. The Conference provided a forum for discussions, on the one hand, about new risks stemming from digitalisation and IT developments and, on the other, from the transition to a green economy, and ways they impact the labour market.

In the context of an exchange of views in the Drafting Group on Human Rights and AI that took place in September 2024 Professor Miriam Kullmann, member of the CCS, delivered a presentation on "The use of automated decision-making systems and their impact on social and economic rights under the European Social Charter".

Main documents

- ✓ Declaration on the risks of computer-assisted or artificial-intelligence-enabled decision making in the field of the social safety net **(2021)**
- ✓ Report on the Impact of Digitalisation and IT Developments on Social Rights and Social Cohesion **(2022)**
- ✓ Declaration on social cohesion at the crossroads **(2024)**
- ✓ Declaration on preserving social cohesion in the transition to a green economy **(2024)**

European Committee on Crime Problems (CDPC)

The CDPC develops legal instruments and policies to combat crime and strengthen international cooperation in criminal matters within the Council of Europe framework. The CDPC's Drafting Committee tasked with developing an instrument on AI and criminal law is concentrating on issues related to vehicles and automated driving.

The CDPC, jointly with the Gender Equality Division set up the Committee of Experts on Combating Technology-Facilitated Violence against Women and Girls (GEC/PC-eVIO), is to prepare a draft Recommendation in this field, to be finalised by the end of 2025. The expected Recommendation will align with existing CoE instruments, including the Istanbul Convention on preventing and combating violence against women and domestic violence, the Budapest Convention on Cybercrime, and the Convention on Mutual Assistance in Criminal Matters, as well as GREVIO General Recommendation No. 1.

Main document

- ✓ Feasibility Study on a future Council of Europe instrument on artificial intelligence and criminal law **(2020)**
- ✓ Recommendation regarding the ethical and organisational aspects of the use of artificial intelligence and related digital technologies by prison and probation services **(2024)**
- ✓ Discussion paper on a future legal instrument addressing criminal liability related to the use of artificial intelligence **(2024)**

Steering Committee on Democracy (CCDEM)

The CCDEM assists member States in ensuring that their political and legal systems are resilient and continue to improve rather than erode democracy, which includes questions related to the use of digital technologies and especially AI for the benefit of sustainable and cohesive democratic societies.

The CDDEM is focusing on how to harness the benefits of digital transformation and artificial intelligence while tackling the risks they pose to democracies, democratic processes and civic space.

Main document[1]

- ✓ Recommendation on standards for e-voting **(2017)**
- ✓ Handbook on e-democracy **(2020)**
- ✓ Study on the impact of the digital transformation, including artificial intelligence and automated decision-making, on democracy and good governance **(2021)**
- ✓ Guidelines on the use of information and communication technology (ICT) in electoral processes **(2022)**

Future documents

The Committee is tasked with preparing a study on advantages and risks of the use of artificial intelligence in public debate relating to democratic processes and on artificial intelligence literacy for democratic life by the end of 2025. It will furthermore review the implementation of the Committee of Ministers' Recommendation on standards for e-voting by the end of 2026.

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[1] These documents were elaborated by the former European Committee on Democracy and Governance (CDDG).

European Commission for Democracy through Law (Venice Commission)

The Venice Commission is the Council of Europe's advisory body on constitutional matters. It provides legal advice to its member States in the areas of democratic institutions and fundamental rights, constitutional justice and ordinary justice, as well as elections, referendums and political parties. The Commission also prepares transversal reports and has already adopted two documents concerning digital technologies and elections. Furthermore, it has dedicated the 19th European Conference of Electoral Management Bodies to the topic "Artificial intelligence and electoral integrity".

Main documents:

✓ Joint Report of the Venice Commission and the Directorate of Information Society and Action against Crime of the Directorate General of Human Rights and Rule of Law (DGI) on Digital Technologies and Elections **(2019**)

✓ Principles for a fundamental rights-compliant use of digital technologies in electoral processes **(2020)**

✓ Conclusions of the 19th European Conference of Electoral Management Bodies "Artificial intelligence and electoral integrity" **(2022)**

✓ Interpretative declaration to the Code of good practice in electoral matters on digital technologies and AI **(2024)**

Steering Committee for Education (CDEDU)
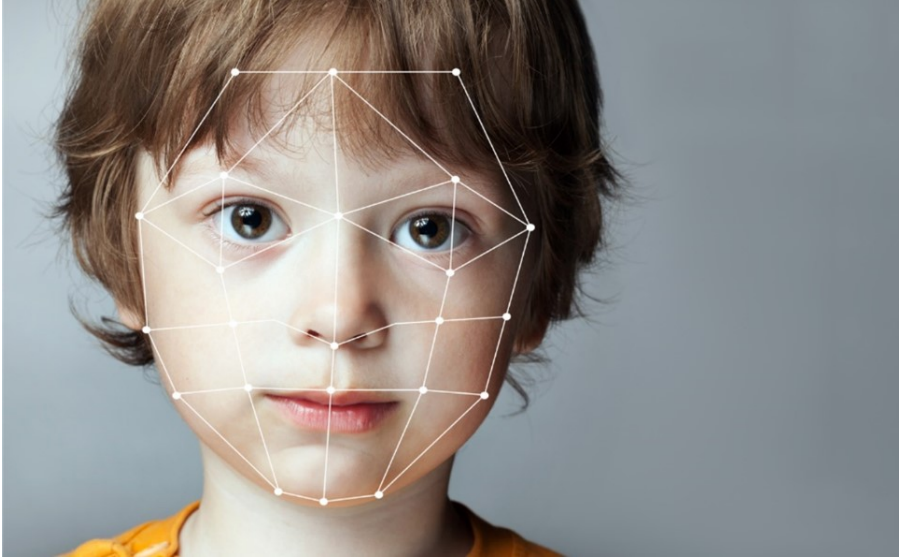
As noted by the Council of Europe's CM in 2019, AI is increasingly having an impact on education, bringing opportunities as well as numerous threats. It was these observations that led to the commissioning of a report, which sets out to examine the connections between AI and education. The report provides a provisional needs analysis of open challenges, opportunities and implications of artificial intelligence and education, designed to stimulate, and inform further critical discussion.

The Education Department has conducted a survey "State of artificial intelligence and education in Council of Europe member States" to gather data from the 46 member States of the Council of Europe to enable a better understanding of the different connections between AI and education.

The provisional needs analysis of the Report, the results of the Survey and the discussions held in the working conference in October 2022 will constitute the first steps towards establishing an actionable set of recommendations for member States on the application and teaching of AI in education for the common good.

The Standing Conference of Ministers of Education of the Council of Europe adopted a resolution on the use of AI in education at its 26th session on 29 September 2023. The resolution underlines the importance of ensuring that the use of artificial intelligence systems and data analytics in educational settings protects human rights, supports democracy and promotes the rule of law, and highlights the potential added value and contribution of a sectoral instrument setting out for education the principles and commitments for the implementation of the (then draft) Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.

In this context, Ministers of Education welcomed the proposal to develop a legal instrument to regulate the use of AI systems in education for the promotion and protection of human rights, democracy and the rule of law, applying the provisions of the Framework Convention

to the education sector. They also welcomed the proposal to develop a Recommendation of the CM to ensure that teaching and learning about AI takes into account the impact of AI on human rights, democracy and the rule of law and prioritises the active participation and agency of teachers and learners.

A preparatory study was commissioned to set out the case for the legal instrument proposed in the above-mentioned Resolution. The preparatory study for the development of a legal instrument to regulate the use of Artificial Intelligence in education highlights the increasing use of Artificial Intelligence (AI) technologies in education systems and their potential to influence educational practices.

A Policy Toolbox on teaching and learning with and about AI is prepared to guide the policy development in the member States.

Main documents

- ✓ Recommendation on developing and promoting digital citizenship education **(2019)**
- ✓ Artificial Intelligence and Education - A critical view through the lens of human rights, democracy and the rule of law" **(2022)**
- ✓ 1st Working Conference on Artificial Intelligence and Education -Conference highlights **(2022)**
- ✓ Resolution on harnessing the potential of Artificial Intelligence in and through education **(2023)**
- ✓ The state of artificial intelligence and education across Europe – Results of a survey of Council of Europe member States **(2024)**
- ✓ Towards a European review framework for AI EdTech systems (Article by Beth HAVINGA) **(2024)**
- ✓ Regulating artificial intelligence in the education domain: a general approach (Article by Ilkka TUOMI) **(2024)**
- ✓ Regulating the Use of Artificial Intelligence Systems in Education – Preparatory study on the development of a legal instrument **(2024)**

Future documents

In the framework of Education Strategy 2024-2030 and Programme and Budget 2024-2027 the Education Department will develop:

- ✓ a legal instrument to regulate the use of AI systems in on artificial intelligence and education within the scope of the 2024-2027 programme;
- ✓ a CM recommendation on teaching and learning about AI;
- ✓ a European reference framework to review Education Technologies (EdTech) including AI-Ed systems

Steering Committee for Culture, Heritage and Landscape (CDCPP)

The CDCPP has been tasked, in cooperation with experts and policy-makers, with developing guidelines given the last technological developments, such as Artificial Intelligence, complementing Council of Europe standards in the fields of culture, creativity and cultural heritage. It also aims to meet the challenges and opportunities of digitisation and artificial intelligence in the sectors under its supervision and promote cultural diversity and intercultural dialogue.

Main documents

- ✓ Recommendation on the Internet of citizens **(2016)**
- ✓ Recommendation on Big Data for culture, literacy and democracy **(2017)**
- ✓ Recommendation on culture's contribution to strengthening the internet as an emancipatory force **(2018)**
- ✓ Brochure on Platform Exchanges on Culture and Digitisation
- ✓ Recommendation on the role of culture, cultural heritage and landscape in helping to address global challenges **(2022)**
- ✓ "E-relevance: The Role of Arts and culture in the Age of Artificial Intelligence" **(2022)**

Future documents

The Committee is completing the guidance document given the latest technological developments, such as Artificial Intelligence, complementing Council of Europe standards in the fields of culture, creativity, and cultural heritage.

European Commission for the Efficiency of Justice (CEPEJ)

The CEPEJ works with its members to master the digital transformation in line with the rule of law and fundamental rights by exchanging good practices, providing analysis, guidance and promoting a responsible use of AI. In 2018, the CEPEJ adopted the "European Ethical Charter on the use of AI in judicial systems and their environment", laying down the key principles to be respected in the field of AI and justice. The Charter is complemented by guidance on its concrete application and targeted dissemination activities. The CEPEJ Artificial Intelligence Advisory Board (AIAB) supports the CEPEJ in monitoring the actual emergence of AI systems in the justice sector and advise on related technical aspects. The Resource Centre on Cyberjustice and AI helps to gain an overview of AI systems and other key cyberjustice tools applied in the digital transformation of the judiciary, providing a starting point for further examination on their risks and benefits for professional and end-users in line with the AI Ethical Charter.

Main documents

- ✓ European Ethical Charter on the use of artificial intelligence in judicial systems and their environment **(2018)**
- ✓ Revised roadmap for ensuring an appropriate follow-up of the CEPEJ Ethical Charter on the use of artificial intelligence in judicial systems and their environment **(2021)**
- ✓ Guidelines on videoconferencing in judicial proceedings **(2021)**
- ✓ Guidelines on electronic court filing (e-filing) and digitalisation of courts **(2021)**
- ✓ 2022 – 2025 CEPEJ Action plan: "Digitalisation for a better justice"
- ✓ Assessment Tool for the operationalisation of the European Ethical Charter on the use of artificial intelligence in judicial Systems and their environment **(2023)**
- ✓ Guidelines on online alternative dispute resolution **(2023)**
- ✓ Information note on the Use of Generative AI by judicial professionals in a work-related context **(2024)**

Future activities

The CEPEJ is piloting the assessment tool to ensure a better application of the AI Ethical Charter principles. Furthermore, Guidelines for the online publication of judicial decisions and access to legal knowledge are under development, as well as a Glossary on AI and other Technology terms, relevant for the work of legal professionals.

Consultative Committee for the Protection of Individuals with regard to Automatic Processing of Personal Data Convention 108 (T-PD)

The Consultative Committee is tasked with the interpretation of the data protection standards enshrined in Convention 108/108+, reflects and sets the commonly acceptable level of protections in the digital era as Convention 108/108+ remains the only legally binding multilateral instrument on the protection of privacy and personal data and the landmark instrument facilitating free flow of data and respecting human dignity in the digital age. It expands on all continents and provides for a principle-based framework for the protection of individuals' privacy and a viable forum for cooperation to supervisory authorities. The Committee also produces reference documents in related areas such as Artificial Intelligence and aims to provide data protection related guidance in the use of AI systems and technologies that may lead to algorithmic deduction, control or surveillance.

Main documents:

- ✓ Guidelines on the protection of individuals with regard to the processing of data in a World of Big Data **(2017)**
- ✓ Guidelines on Artificial Intelligence and Data Protection **(2019)**
- ✓ Guidelines on Facial Recognition **(2020)**
- ✓ Guidelines for Political Campaigns **(2021)**
- ✓ Guidelines on children's data protection in an educational setting **(2021)**
- ✓ Declaration on the need to protect children's privacy in the digital environment **(2021)**
- ✓ Recommendation on the protection of individuals with regard to automatic processing of personal data in the context of profiling **(2021)**
- ✓ Guidelines on National Digital Identity **(2022)**

Cybercrime Convention Committee (T-CY)

The T-CY represents the currently 76 Parties to the "Budapest" Convention on Cybercrime and facilitates the effective use and implementation of this treaty. The Convention uses technology-neutral language so that its provisions may be applied to both current and future technologies. Including within the context of AI. The same is true for its first additional Protocol on xenophobia and racism and its second additional Protocol on electronic evidence.

In December 2024, the T-CY decided to set up a working group tasked to prepare a mapping study on the specific links between cybercrime, electronic evidence and artificial intelligence, and address issues such as:

• Offences committed against and by means of AI systems, and applicability of current criminal law, including the Convention on Cybercrime and its First Protocol on Xenophobia and Racism.
• The use of AI systems for the prevention, detection, investigation and prosecution of offences, for the collection of electronic evidence and for international cooperation, and the applicability of current criminal law and agreements, including the Convention on Cybercrime and its Second Protocol.
• The applicability of human rights and rule of law safeguards, chain of custody, territoriality and jurisdiction, and other conditions and principles in this regard.

The working group is expected to complete its work by June 2026.

Joint Council on Youth (CMJ)
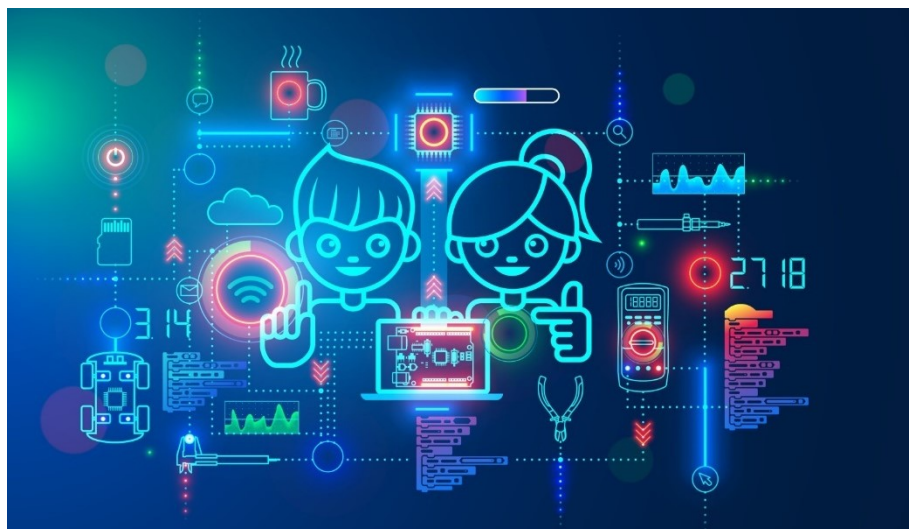
The partners in the co-management system of the Youth Department – the Advisory Council on Youth (CCJ) and the European Steering Committee for Youth (CDEJ) - took an early interest in the connection between AI and youth policy, focusing on youth participation in AI governance matters and AI literacy for and with young people. This has been reflected in the priorities of the Youth for Democracy programme since 2020 and applied in activities with youth organisations. The Youth Department has developed educational resources focusing on AI literacy with youth, as well as activities to collect young people's views on AI literacy, youth participation in AI governance and human rights issues. This work resulted in 2020 in a declaration on youth participation in AI governance which has been endorsed by the CMJ.

The Joint Council on Youth has also given AI a central role in the youth campaign for revitalising democracy – Democracy Here | Democracy Now. The expectations of young people are reflected in the Call for Action that participants in the Youth Action Week prepared in 2022 and in the Message Confidence in Tomorrow, prepared by the youth event at the occasion of the 75th anniversary of the Council of Europe. The impact and relation between AI, young people and youth policy has also been at the centre of inter-regional youth cooperation, including a seminar with the Asia-Europe Foundation and a Euro-Arab youth forum on AI and intercultural dialogue.

Main documents:
✓ Conclusions of "AI and its impact on young people" seminar **(2019)**
✓ Declaration on youth participation in AI governance **(2020)**
✓ Artificial Intelligence: How can youth take part? **(2021)**
✓ Youth Action Week Democracy Now: Call for Action **(2022)**
✓ Luxor Declaration on Youth and Intercultural Dialogue in the Age of Artificial Intelligence **(2024)**
✓ Message Confidence in Tomorrow! **(2024)**

Future documents:

The EU/Council of Europe Youth Partnership is also preparing studies aimed at assessing the impact of artificial intelligence systems on young people and youth professionals.

THE COUNCIL OF EUROPE AND **ARTIFICIAL INTELLIGENCE**

The **Council of Europe** is the continent's leading human rights organisation. It comprises 46 member States, including all members of the European Union. All Council of Europe member States have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy, and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member States.

The Council of Europe ensures that **human rights**, **democracy,** and the **rule of law** are protected and promoted in the digital environment. It has on many occasions demonstrated its ability to pioneer new standards, which have then become global benchmarks, and addresses artificial intelligence in this tradition.

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