

**AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)<sup>1</sup>**

*Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.*

**Type of committee:** Ad hoc Committee

Terms of reference valid from: **11 September 2019 until 31 December 2021**

<b>PILLAR/PROGRAMME/SUB-PROGRAMME</b>
<p><b>Pillar:</b> Human Rights  <b>Programme:</b> Effective ECHR implementation  <b>Sub-programme:</b> Freedom of expression, media and data protection</p>
<b>MAIN TASKS</b>
<p>Under the authority of the Committee of Ministers, the CAHAI is instructed to:</p> <ul style="list-style-type: none"> <li>- examine the feasibility and potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe's standards on human rights, democracy and the rule of law.</li> </ul> <p>When fulfilling this task, the Ad hoc Committee shall:</p> <ul style="list-style-type: none"> <li>- take into account the standards of the Council of Europe relevant to the design, development and application of digital technologies, in the fields of human rights, democracy and the rule of law, in particular on the basis of existing legal instruments;</li> <li>- take into account relevant existing universal and regional international legal instruments, work undertaken by other Council of Europe bodies as well as ongoing work in other international and regional organisation;</li> <li>- take due account of a gender perspective, building cohesive societies and promoting and protecting rights of persons with disabilities in the performance of its tasks.</li> </ul>
<b>SPECIFIC TASKS</b>
<p>Complete the feasibility study and produce the potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe standards on human rights, democracy and the rule of law.</p> <p>A progress report including specific proposals for further action and if need be to its working methods should be presented by 31 May 2020.</p>
<b>COMPOSITION</b>
<p><b>Members:</b></p> <p>Governments of member States are invited to designate one or more representatives of the highest possible rank with recognised expertise in the field of digital governance and the legal implications of the functioning of different forms of AI relevant to the Council of Europe mandate.</p> <p>The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair). Member States may send other representatives without defrayal of expenses.</p> <p>Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.</p> <p><b>Participants:</b></p> <p>The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:</p> <ul style="list-style-type: none"> <li>- Parliamentary Assembly of the Council of Europe;</li> <li>- Congress of Local and Regional Authorities of the Council of Europe;</li> <li>- European Court of Human Rights;</li> <li>- Council of Europe Commissioner for Human Rights;</li> <li>- Conference of INGOs of the Council of Europe;</li> <li>- Committees and other bodies of the Council of Europe bodies engaged in related work as appropriate;</li> <li>- Eurimages, European Audiovisual Observatory.</li> </ul>

<sup>1</sup> Approved at the Deputies' 1353<sup>rd</sup> meeting (cf. CM/Del/Dec(2019)1353/1.5).

The following may send a representative without the right to vote and without defrayal of expenses:

- European Union (including, as appropriate, the Fundamental Rights Agency (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations including: Organisation for Security and Co-operation in Europe (OSCE), Organisation for Economic Co-operation and Development (OECD), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and other UN agencies and international organisations.

**Observers:**

The following may send representatives, without the right to vote and without defrayal of expenses:

- the European Network of National Human Rights Institutions;
- Council of Europe partner internet companies;
- civil society organisations, other private sector and academic communities relevant to the work of the Ad hoc Committee, as appropriate and in accordance with paragraph 8 of Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

**WORKING METHODS**

**Plenary meetings:**

48 members, 2 meetings in 2020, 3 days

48 members, 2 meetings in 2021, 3 days

**Bureau meetings:**

9 members<sup>2</sup>, 2 meetings in 2020, 2 days

9 members<sup>2</sup>, 2 meetings in 2021, 2 days

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

The Committee will appoint a Gender Equality Rapporteur from amongst its members.

The Committee shall co-ordinate and consult with other intergovernmental committees working on the subject.

Whenever appropriate, it will prioritise environmentally sound working methods, such as virtual meetings facilitated by information technology and written consultations.

**BUDGETARY INFORMATION\***

	Meetings per year	Number of days	Members	Plenary €K	Bureau €K	Working groups	Secretariat (A, B)
2020	2	3	48	80.0	19.0	14.6	1A; 0.5B
2021	2	3	48	80.0	19.0	14.6	1A; 0.5B

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of the 2020 standard costs.

<sup>2</sup> Cf. CM/Del/Dec(2020)1384/10.1.