AD HOC COMMITTEE
ON ARTIFICIAL INTELLIGENCE
(CAHAI)

Consultations and Outreach Group (CAHAI-COG)

Draft Progress Report

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1. GENERAL INTRODUCTION

1.1. Composition of CAHAI-COG and terms of reference

1. The present report is submitted by the Consultation and Outreach Group (CAHAI-COG) to the Ad hoc Committee on Artificial Intelligence (CAHAI) and describes the progress achieved to date, taking into account the impact of COVID-19 pandemic measures. It also includes reflections on aims and tasks and actions done by the CAHAI-COG and all the relevant documents that are expected to outcome from CAHAI-COG work to date.

2. The CAHAI-COG acts in accordance with its terms of reference adopted by the CAHAI at its second plenary meeting (6-8 July 2020).

3. On 11 September 2019, the Committee of Ministers adopted the terms of reference of the CAHAI, mandating the CAHAI to examine, on the basis of broad multi-stakeholder consultations, the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law. CAHAI members agreed to establish three thematic working groups in charge of specific tasks pertaining to the CAHAI's feasibility study, namely the preparation of proposals on specific policy aspects, the preparation of multi-stakeholder consultations and the elaboration of legal frameworks, which should ensure that substantive progress in the fulfilment of CAHAI's mandate is achieved over the coming months and until December 2021.

4. During its first plenary meeting, the CAHAI specified that the feasibility study should include a mapping of national and international legal instruments (both of the Council of Europe and other international organizations) and ethical frameworks related to AI applications, as well as a mapping of risks and opportunities arising from the development, design and application of AI, including its impact on human rights, democracy and the rule of law. The findings resulting from the mappings should be considered for deciding the appropriateness of a definition of AI and for defining a suitable legal framework for the design, development and application of AI based on Council of Europe standards. The feasibility study and the potential elements of the future legal framework should be based on a broad multi-stakeholder consultation.

5. The CAHAI roadmap envisages that a preliminary draft of the feasibility study including the main elements of a future legal framework will be considered by the CAHAI at its third plenary meeting. This would provide a first deliverable that could be discussed in an open and transparent manner by the different stakeholders and subsequently be the basis for the multi-stakeholder consultations that would start in 2021.

6. The CAHAI-COG is composed of 13 representatives of Member States of the Council of Europe and of 10 participants and observers which expressed interest in taking part in this working group and contribute professionally and continuously to its work.

1.2. Main tasks of CAHAI-COG

7. The key elements of CAHAI-COG mandate are:

   1) to take stock of the analysis undertaken by the Secretariat of responses to the first online consultation;
   2) to elaborate for CAHAI's consideration and approval a stakeholders' analysis and mapping;
   3) on the basis of an outreach to countries having expressed interest in holding in-country consultations, to elaborate for CAHAI's consideration and approval a methodology and template(s) for use by Member States in in-country consultations
   4) to elaborate for CAHAI's consideration and approval a schedule of thematic consultations and an initial consultative document;
   5) to elaborate for CAHAI's consideration and approval an analysis of ongoing developments and reports which are directly relevant for CAHAI's working groups' tasks as well as an analysis of contributions by respondents to online consultations for consideration by the CAHAI.

8. Given this elements of mandate, the CAHAI-COG members with the support of the Secretariat agreed that CAHAI-COG activities shall include 5 respectful outcomes:

   1) Draft report on international consultations, including:
       a) map of international stakeholders;
       b) proposed tools for each group of stakeholders at international level;

        c) key principles.

2) Draft recommendation to states on methodology of in-country consultations with summary on all available tools.

3) Draft schedules of thematic consultations of different stakeholders and other events:
        a) for international level;
        b) for national level;

4) Draft document with key issues of feasibility study to be put under consultations.

5) The general draft progress report, covering all the other issues within CAHAI-COG mandate.

1.3. Actions done

9.   To date, the CAHAI-COG held its first meeting online from 5 to 6 October 2020 and the second meeting online from 5 to 6 November 2020.

10.   During the first meeting, Mr Andrey NEZNAMOV, Senior researcher of the Russian Academy of Sciences, Executive Director of Sberbank of Russia for AI regulation (Russian Federation), and Ms Victoria ALSINA BURGUES (Spain), Industry Assistant Professor and Academic Director, Center for Urban Science and Progress in New York (Spain) were unanimously designated as Co-Chairs of the CAHAI-COG.

11.   At it`s first meeting CAHAI-COG decided to create two subgroups: SWG1, focusing on the mapping of stakeholders at both international and national levels, and SWG2 focusing on the mapping of relevant tools. The CAHAI-COG agreed to appoint a drafting coordinator for each sub-group, who is in charge of coordinating the preparation and submission of the subgroup's input to the Co-Chairs: SWG1 is coordinated by the representative of the Conference of INGOs (ms. Francesca Fanucci), with the support of the Co-Chair on behalf of the Russian Federation, while SWG2 is coordinated by the representative of the Republic of Moldova (ms. Veronica Cretu), with the support of the Co-Chair on behalf of Spain.

12.   The SWG 1 was tasked to receive written contributions with respect to the following issues:

1) to confirm or suggest amendments or comments to the summarized groups of stakeholders made basing on CAHAI member`s questionnaire and results of the first CAHAI-COG meeting;

2) to propose the methods and criteria of mapping, including:

- the methods or criteria on internal structuring and prioritisation of stakeholders within groups;
- the criteria to be set to ensure that the stakeholders consulted reflect the expected degree of diversity and representativeness;
- the criteria or methods that could ensure that specific audience is effectively engaged;

3) to provide views and input on exact stakeholders, which the CAHAI should engage with and reach out at international level.

13.   The SWG 2 was tasked to collect written proposals on the options and tools which should be considered and proposed by the CAHAI-COG for consultations at international level. On the basis of the above-mentioned proposals, the CAHAI-COG members were invited to make proposals on the methodology to implement them.

14.   Both SWG 1 and SWG 2 collected the written proposals of the Member States and participants to the CAHAI-COG.

15.   Following this stage, all the CAHAI-COG-members were invited to provide inputs and comments on the consolidated contributions received from SWGs 1 and 2. All the CAHAI-COG-members were also invited to provide written contributions to the methodology of in-country consultations based on work done within SWG 1 and SWG 2.

16.   The CAHAI-COG members were invited to provide the following proposals:

- views on and suggestions to schedule of consultations with stakeholders (at international and national level) in 2021 with respect to CAHAI's development;
- opinions on how the CAHAI-COG should advise >25 states on the organisation of consultations at national level;

- views and input on the options/tools which the CAHAI should consider supporting Member States and other interested partners in organising consultations at national level;
- opinion on how national specificities should be taken into account in the preparation and implementation of the consultations;
- proposals on the methodology for consultations at national level and templates for them, taking into account the different political and socio-cultural contexts.

17. The results of the work of SWG 1 and SWG 2, along with general proposals on the methodology of in-country consultations by Member States were presented at the second meeting of CAHAI-COG. The written contributions received were consolidated by the Co-Chairs.

18. The CAHAI-COG members discussed the suggestions and materials, and agreed to summarize the work of the CAHAI-COG for the CAHAI plenary meeting in form of draft report on international consultations; draft recommendation to states on methodology of in-country consultations with summary on whole available tools; draft schedules of thematic consultations with different stakeholders and other events; draft document with key issues of feasibility study to be put under consultations (initial consultative document); the general draft progress report.

19. The CAHAI-COG members agreed that the finalisation of work on this documents should be made online upon the beginning of December by internal communications within the CAHAI-COG. The members agreed to hold the informal online meeting to consider the draft documents in late November – early December.

20. After the second meeting, the Co-Chairs with the assistance of the coordinators of SWG 1 and SWG 2 arranged the written surveys with respect to exact stakeholders to be discussed at international level, and the exact tools to be used for that.

21. Drafting the guidelines for Member States was arranged by the Co-Chairs and the authors group composed of the CAHAI-COG members who expressed their interest to contribute to this work.

1.4. Results of the analysis of the electronic consultation

22. The CAHAI opened a consultation to its members and observers on 6 December 2019 with a view to gathering, following the first plenary meeting (18-20 November 2019), initial views on the main operational lines of work under its mandate. This consultation was carried out in two collection stages, the first of which closed on 28 February 2020 and the second on 30 September 2020.

23. The CAHAI-COG was mandated to take stock of the analysis of responses to the first online consultation undertaken by the Secretariat. The preliminary findings of this latest round were reviewed by the CAHAI-COG in its meeting of 5-6 November 2020.

24. The CAHAI-COG members confirmed that they find extremely valuable the results of the preliminary draft analysis and appreciate the work done by the Secretariat. Members expressed their interest to use questionnaires as an effective tool and agreed that further consultations shall me conducted within the mandate of the CAHAI-COG.

2. DRAFT REPORT ON INTERNATIONAL CONSULTATIONS

2.1. Mapping international stakeholders

32. At its first online meeting on 5-6 October, the CAHAI-COG members discussed how the CAHAI should consult stakeholders at international level. It was agreed that multi-stakeholder consultations at international level should be conducted by the Secretariat with the supervision of the CAHAI-COG group (whose mandate should be extended accordingly) and that such consultations take place at the same time as national-based consultations conducted by Member States.

33. The CAHAI-COG agreed that the identification of stakeholders to be prioritised for consultation processes was essential, and that they should include all groups of society, including marginalised groups, possibly by specific modalities or ad hoc approaches when necessary. As regards the scope, it was considered

important to ensure that consultations should cover the fundamental principles identified in the feasibility study.

34. The CAHAI-COG reviewed the responses to the consultations received to date and discussed the range of stakeholders, including those that should be consulted and prioritised.

35. Taking that into account, the members underlined that the CAHAI should involve stakeholders who have a stated interest in AI regulation progress but also who may not usually have an interest in AI, stakeholders affected both directly and indirectly by AI. The CAHAI-COG underlined that the CAHAI should involve in consultations States' officials, representatives of international organisations, academia, civil society, the private sector, opinion leaders and citizens (including the youth). Specific attention should be given to ensuring diversity and inclusiveness within groups. The CAHAI-COG concluded that the accent should be on including specific audiences, ensuring diversity and inclusiveness and taking regional aspects into account, either between or within states.

The general opportunity to speak

36. Herewith, during the CAHAI-COG discussions the question was raised as to whether the list of stakeholders should be made exhaustive. Most members agreed that it was critical to allow all stakeholders to speak out to implement the CAHAI mandate in the most appropriate way.

37. Considering the results of the discussions, the following measures can be taken to provide an opportunity for a wide range of people to speak out:

1) to publish the draft CAHAI report in the public domain on the website of the Council of Europe, and specify the address for sending comments, objections, and suggestions to anyone interested. The CAHAI-COG is ready to take over the analysis and processing of incoming reviews and to send them to the Policy Development Group (CAHAI-PDG).

2) to place a general questionnaire on the content of consultations (one of the tools used) in the public domain on the website of the Council of Europe. The CAHAI-COG is ready to take over the analysis and processing of incoming reviews and send them to the CAHAI-PDG.

3) to encourage the CAHAI Member States (both those who consult and those who do not), as well as observers, to organize the placement of the questionnaire and links to the full text of the study, preferably in national languages, in the public domain (for example, on the website of a ministry).

In all cases, the questionnaire and the text of the report should be kept publicly available for the entire period of the consultation.

Specific stakeholders

38. At the same time, the CAHAI Member States have identified several specific stakeholders that should be consulted. Similar work was done by the CAHAI-COG.

39. As a result, more than **220 specific stakeholders** were identified, which, in the opinion of the CAHAI Member States, should be involved in the consultations. The CAHAI-COG supported this approach, since the identification of specific stakeholders whose opinions are particularly important in the context of the CAHAI mandate will create all the conditions for their direct involvement in the CAHAI work and thus ensure the fulfilment of its mandate.

40. A survey was prepared and circulated to invite the CAHAI-COG members to provide their views and input on the exact stakeholders the CAHAI should engage with and reach out to at international level. Based on the analysis of the survey's results, the CAHAI-COG Lead Coordinator of SWG 1 prepared an initial extensive and non-exhaustive list of suggested international stakeholders for consultation.

41. The initial list of international stakeholders was shared with the CAHAI-COG members for discussion at their second online meeting on 5-6 November. The list included representatives from international regulators, inter-governmental organisations, science and education, civil societies and NGOs, standardisation bodies, technical communities, multi-stakeholder initiatives, private sector (including telecom companies) as well as globally renowned opinion leaders. The Secretariat also mentioned that stakeholders already involved in the CAHAI – including Member Participants and Observers – should be taken into account as a starting point and that the Council of Europe partners and bodies already involved in AI-related discussions should also be consulted.

42. Therefore, it was agreed that the CAHAI-COG would prepare and disseminate a special survey to its members and invite them to identify top-priority stakeholders within the list, suggest further stakeholders where deemed necessary and/or raise justified objections to any of the proposed ones in the list.

43. Following the circulation of this special survey and the replies received by the CAHAI-COG members, **a map of international stakeholders was finalised (see Annex A)**.

Priorities

44. The map includes international stakeholders within the agreed categories and identified as "top priority" and "normal priority" for consultation as well as a few additions proposed by the respondents. By the "top priority" stakeholders of specific importance considering mandate of the CAHAI are meant. Some additional tools are needed for more thorough approach (e.g. individual consultations, broaden survey etc). Within the "normal priority" a standard set of tools can be used.

45. It should be noted that during the work different approaches to the prioritization of stakeholders were discussed:
    - 3 step criteria: benefits (for debate to stakeholder); contribution and skills (from stakeholder to debate); influence and power (of each stakeholder towards audience);
    - according to levels of interest and influence/power of stakeholders in AI debate (e.g., what benefits of stakeholders by using AI are; in which stage of AI lifecycle the stakeholders are involved; what grade of interactions/synergies is among stakeholders in same groups, etc.);
    - considering different degrees of interest/influence in AI lifecycle/decisions (e.g., high interest/low influence: informed; high interest/high influence: actively involved);4) Additional criteria: readiness and openness to engage in consultations.

45. It should be emphasized that the division into priority groups does not in any way increase or decrease the role, status, competencies, experience, or merits of an individual stakeholder. The priority was determined by the CAHAI-COG member exclusively in the context of the CAHAI mandate. Implying that everyone has the right to express their opinion on the CAHAI procedure in the context established by the Council of Europe, it was decided not to single out other groups (for example, low priority). Instead, a group of stakeholders was identified whose activities, according to the CAHAI-COG, have the greatest impact on the effective implementation of the CAHAI authority and are particularly important in the context of the tasks assigned to the CAHAI (for example, in connection with solving similar tasks in the field of AI).

46. Following the approval of the final map at the CAHAI plenary meeting, the CAHAI-COG will continue assisting the Secretariat in reaching out to the broadest and most inclusive number of international stakeholders and ensuring their feedback to the consultation.

2.2. Proposed tools for each group of stakeholders at international level

47. SWG 2 accumulated specific tools and approaches/methods proposed by the Member States and then proposed tools for each group of stakeholders at international level.

48. During the discussion, a number of positions were expressed, and many experts were interviewed on how to conduct international consultations. In total, more than 40 available tools were initially identified and grouped into several large groups.

Principles and expert opinions

49. The experts highlighted the following key principles of the consultations:
    - Clear scope of the consultations defined for every stakeholder group to be consulted;
    - Realistic time-frame and resources required and available;
    - Presence of an online public consultation element in addition to targeted consultations in order to ensure transparency around the processes in CAHAI-COG and gives any stakeholder (nationally/internationally) the possibility to contribute;
    - Ensure that language needs of the main stakeholder groups, along with length of documents, timing and available translation resources are considered;
    - Ensure that 'clear' language element is considered when addressing stakeholders with non-AI expertise;
    - Gender equality and participation of persons with disabilities in consultations is part of the approach.

50. The experts made the following suggestions regarding mapping of tools. As far as guidelines are concerned it should refer to existing initiatives of public consultation

(i.e. Guidelines of Open Government Partnership, initiatives presented at the CAHAI-COG meeting) and emerging good practices in the field of public consultations, decision making, take into account the Council of Europe principles for meaningful participation. It is also proposed to consider additional principles/guidelines such as to simplify the manner of communication (to make it user friendly), to ensure gender balance and representation of relevant stakeholders (including reaching citizens, especially marginale groups), to put focus on redlines areas, scenario, to make consultations inclusive with a deliberative dialogue both centralised and decentralised. The experts pointed out that it is better to make co-design of questions, work with people who will receive the results, so not particularly suitable for the CAHAI and not to ask question to which there is already a reply; do ask questions where there are doubts or no agreement. As far as examples of tools are concerned the experts proposed the following: interviews, feedback tools (questionnaires, surveys), meetings, events (including single thematic AI day, co-drafting of documents, online resources (special website, crowdsourcing platform), relevant studies, mass communication (media informing, social media), associations (multi-stakeholders' committees, advisory groups). All the activities could held online or face-to-face.

Identified tools

51. Meanwhile, the CAHAI-COG decided that using too many tools would not achieve the desired result. This view was supported by the experts and the Secretariat, who recommended using **1-3 tools for consultation**

52. In addition, it is obvious that depending on the specifics of a particular tool cannot be effectively applied to a separate group of stakeholders and is relevant for one or more of them. For example, the single AI day is a tool that is more applicable to conducting consultations with citizens. While the focus negotiation tool can hardly be applied to this group of stakeholders and is more suitable for consultations with the private sector.

53. In this regard, the CAHAI-COG prioritized the available tools in relation to specific groups by the stakeholder. The presence of internal priority within each group (top / normal) was also taken into account.

54. As a result, for each group of stakeholders the CAHAI-COG identified priority tools that are, in the opinion of the group members, the most effective. **The list of these tools is presented in the separate Annex B.**

Different scenarios

55. Alongside with it, the Co-Chairs of the CAHAI-COG were informed by the Secretariat that there are certain restrictions on the use of the applicable tools in terms of available financial and organizational capabilities. The CAHAI-COG takes into account these restrictions. Although the priority list of tools does not include those that require extraordinary resources (e.g., documentaries), individual priority tools proposed by the CAHAI-COG may also have implementation restrictions for various reasons (e.g., using the single AI tool of the day or publishing on social media).

56. In order to fully comply with the mandate of the CAHAI and the CAHAI-COG, and to avoid any undue delays in consultations, two scenarios were developed.

57. The first, **long run scenario** involves the use of those tools that were objectively selected by the CAHAI-COG member as priority and most effective, which do not require extraordinary financial resources, but require a certain budget and time. It is based on the initial idea of the CAHAI-COG members that consultations with international stakeholders will take place throughout 2021. This scenario involves consistent consultations from group to group, applying a wide range of tools to each group.

58. The second one is expedited scenario. It implies selective use of the simplest tools that do not require a special budget or the allocation of minimal reasonable resources. In this scenario, the sequence of group consultations is not theoretically suggested and is minimal.

59. For example, citizens were generally considered to be a separate focus group of stakeholders. Regarding consultations with citizens, the CAHAI-COG identified three priority tools: a campaign in the media and media; holding a single AI day; and creating a dedicated resource on the CAHAI website with a questionnaire. These tools are suitable for long-run scenarios.

60. For the accelerated scenario, it seems feasible to use only one of these tools: namely, creating a dedicated page on the site with the ability to provide a position for citizens.

61. Both scenarios are proposed for consideration by the CAHAI plenary. Both scenarios are given in Annex B.

62. It is emphasized that if the accelerated scenario is chosen, elements of the long run scenario can be used in subsequent discussions of the draft legal document, if the decision to develop such a document (and to conduct appropriate consultations) is made by the Committee of Ministers of the Council of Europe following the review of the feasibility study as the main result of the CAHAI's activities in 2021.

2.3. Key principles of holding international consultations

63. The CAHAI-COG members agreed that civil participation should be promoted and enabled by the following principles, which apply to all actors involved in civil participation in political decision-making:
    - mutual respect between all actors as the basis for honest interaction and mutual trust;
    - respect for the independence of NGOs whether their opinions are consistent with those of the public authorities or not;
    - respect for the position of public authorities with whom responsibility and accountability for decision-making lies;
    - openness, transparency and accountability;
    - responsiveness, with all actors providing appropriate feedback;
    - non-discrimination and inclusiveness so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account;
    - gender equality and equal participation of all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities or minorities;
    - accessibility using clear language and appropriate means of participation, offline or online, and on any device.
64. The CAHAI-COG members decided to put specific accents on:

    a) specific audience;
    b) ensuring diversity and inclusiveness within groups;
    c) regional aspect.

65. It was decided to identify three phases of consultations:

    Phase 1. Pre-consultation phase (this is relevant for both international and national consultations). The main objectives of this phase are:

    - raising awareness among various stakeholder groups about the nature of consultations being conducted by the CAHAI-COG/CAHAI;
    - sharing the most important aspects which will be consulted and providing clarity on the main objectives of the consultations.

    Phase 2. Consultations with international stakeholders. The main objectives of the consultation phase are to consult with various international stakeholder groups and get their input into the issues of AI, as defined by the CAHAI mandate.
    Phase 3. Post consultations phase (this is relevant for both international and national consultations). The main objective of this phase is to update all those engaged in consultations about the status of the progress made. Additionally, the second objective is to inform the wider public about the status of the consultations and progress made. It is an important accountability and transparency phase around the process and main results, as well as emerging challenges and lessons learnt.

3. DRAFTING RECOMMENDATIONS TO STATES ON METHODOLOGY OF IN-COUNTRY CONSULTATIONS

66. During the CAHAI-COG discussions, there was a consensus that national consultations should be a key element of CAHAI's work. It is extremely important to provide countries that have expressed their support for national consultations with a common methodology. For this purpose, the CAHAI-COG decided to prepare draft Recommendations for national consultations.
67. As a result of face-to-face discussions, various positions on the most effective methodologies were expressed. However, it was noted that the results of national consultations should provide a certain level of uniformity so that they could be processed in a uniform manner and that the same questions were put to

all States. For this purpose, the CAHAI-COG group suggests preparing a specific set of recommendations for consultations, including on the tools used.

68.   At the same time, the view was expressed that States should not be restricted in the nature and scope of consultations, but should have some freedom (e.g., to raise additional issues in discussions, to apply additional tools, taking into account national specifics and available resources).

69.   It was also proposed and approved that the CAHAI-COG could ask from each State to set a public agency responsible for carrying out the consultation at national level. Each national organization would be authorized as the official national contact point being in touch with the CAHAI-COG. Possible responsibilities of this contact person might be as follows:

    •   explaining the CAHAI-COG procedures to the national stakeholders if necessary;
    •   reporting progress to the CAHAI-COG so that adjustments may be made in the process if necessary (e.g. submit additional clarifying questions for discussion by national stakeholders);
    •   coordinating the interaction of national stakeholders;
    •   consolidating their position;
    •   transferring positions to the CAHAI-COG;
    •   representing position at the CAHAI-COG.

Creating bilateral communication channel between the CAHAI and States has significant advantages (encouraging all states to recognize their national AI stakeholders, promoting members the results of various consultations tools and identify the pros and cons of their use, informin the states about best practices)

70.   Based on these considerations, a draft recommendation was created. **It is contained in Annex D**.

71.   It should be emphasized that this draft should be considered as preliminary. It will be finalized after discussion at the plenary session, as well as taking into account:
    a) the approved scenario for consultations;
    b) the agreed text of the initial consultation document, which in turn largely depends on the agreed version of the CAHAI-PDG report;
    c) the positions expressed by the CAHAI members.

4. DRAFTING INITIAL CONSULTATIVE DOCUMENT

72.   One of the key questions of the CAHAI-COG mandate is the question of what exactly should form the subject of the whole multi-stakeholders consultations (e.g. what statements, text, ideas of documents). In this part, the work of the CAHAI-COG is closely related to the work of the CAHAI-PDG. To eliminate possible miscommunication, the co-chairs of the CAHAI-PDG made presentations on the progress of work at the meetings of the CAHAI-COG. The chair of the CAHAI-COG respectively made a presentation at the meeting of the CAHAI-PDG. In addition, face-to-face online discussions were held by the co-chairs of the CAHAI-COG and the CAHAI-PDG.

73.   The CAHAI-COG discussed the need and expediency of submitting the entire draft report for consultation (as was done, for example, in the case of the questionnaire on the UNESCO draft Recommendations on ethics, where the entire draft Recommendations part by part was put under discussion).

74.   The Co-chairs of the CAHAI-PDG and the Secretariat suggested that it would not be appropriate to submit the entire report. The CAHAI-COG members agreed with this opinion in general. It should be noted that the report is not a draft legal document itself. The report to be submitted to the Committee of Ministers of the Council of Europe for approval, and its preliminary approval might not entirely meet the objectives of its drafting. Finally, it should be borne in mind that the presentation of the entire report for discussion significantly limits the available methods of consultations.

75.   Given the above, it seems more effective to identify the key ideas and thoughts of the report, which will further form the basis for the work of the Legal Framework Group (CAHAI-LFG) in accordance with its mandate and, possibly, will influence the content of the elements of the future legal framework.

76.   Thus, a methodology is proposed for selecting thematic pillars, consisting of various key issues, the content of which includes individual issues, principles and proposals that will directly affect (or even become part of) the future legal framework.

77.   The first draft of such a document (long list) will be given in **Annex C1.** It contains 7 thematic pillars, including 23 key issues. The document shall be treated as a long list, subject to further correction and shortening.

78. It shall be noted that at the same time Member States shall set up the conditions where the whole text of the CAHAI-PDG report would be available for familiarization and comments also. This would allow for holding the most transparent way of consultations, and would give the possibilities to comment on issues, that were not put within the framework of the thematic pillars.

79. Co-chairs of the CAHAI-PDG assisted with the draft of initial consultative document in form a specific survey. This might could solve as an example how the core issues might be further transformed to the specific tool for consultation.

5. DRAFTING CALENDARS OF THEMATIC CONSULTATIONS

80. In preparing the draft calendar, the CAHAI-COG developed some key approaches:

    • To hold parallel consultations both at national and at international levels, which has some advantages (on-going incorporation of unplanned views and experiences into discussions; demonstrating progress; improved coordination with other bodies).
    • To split consultations at international level to subsequent series of consultations with groups of international stakeholders, from one group to another, that could ensure the deepest involvement and the highest level of attention. This would ensure a high level of stakeholders involvement and ample room for careful consultation and analysis. Within each group, the tools outlined in Annex B could be used. conducting a general online event.
    • Use pilot projects whenever possible.

81. Meanwhile, the members of the CAHAI-COG have an understanding that, taking into account the existing time and financial constraints, the implementation of these principles will have to be adjusted.

82. In particular, for example, the principles proposed above and a number of proposals for the specific content of the calendar were formulated by the group on the assumption that consultations will take place most of 2021. Meanwhile, at the second meeting, the CAHAI-COG group was informed that the results of the multistakeholder consultations must reach the CAHAI by the beginning of June 2021 in time for the 4th CAHAI plenary meeting in late June/July. This implies the consultations being carried out beginning in February 2021 and ending in April 2021, with May being devoted to the preparation of the report on the multi-stakeholder consultation to be presented to the CAHAI. Moreover, the input of the CAHAI-COG should come in time to influence the work of the CAHAI-LFG which should finalize its output (s) in October 2021.

83. Taking into account the abovementioned, the CAHAI-COG prepared two scenarios for the consultations:

    • **expedited scenario**, designed for a main round of consultations at both levels from February to May 2021 (up to 4 months)
    • **long run scenario**, designed for the period of the main round of consultations at both levels within a calendar year (up to 12 months)

The corresponding versions of the calendars are given in Annex E1 and Annex E2.

6.OTHER

84. The approaches described above and the documents below cover the mandate of the CAHAI-COG to date. The only allegedly open question that might be treated as not entirely clear is the following element of the CAHAI-COG mandate: "to elaborate an analysis of ongoing developments and reports which are directly relevant for the CAHAI's working groups". Considering this task in the context of the work of the CAHAI in general and of the CAHAI-COG in particular, it should be noted that information on the ongoing initiatives in the field of AI regulation, in general, is given in the draft feasibility study of the CAHAI-PDG, and also partially covered in the Analysis of the electronic consultation made by the Secretariat. In addition, some of the questions about open initiatives expected to be identified during the consultation process. Nevertheless, the CAHAI-COG expresses its readiness to further clarify its work in this part of the mandate if necessary upon specific additional proposals coming from the discussions at the plenary meeting.

85. The CAHAI-COG notes that the work of the group is organizationally dependent on the existing conditions, constraints, restrictions, limits and deadlines that are outside the group and therefore unknown to the

CAHAI-COG members. For example, the progress of work of other groups affects the timeline of the consultations; the changes of the content of draft feasibility study might affect the content of the consultations; the available financial and other resources of the Council of Europe and the Secretariat affect the tools that might be used for consultations, etc.

86. Therefore, it is extremely critical to communicate any existing constraints (for example, whether or not there is an organizational capacity to implement a proposal from the CAHAI-COG) in writing to all members of the CAHAI-COG in the most swiftest manner. This could allow the CAHAI-PDG promptly adjust their proposals and, if possible, propose the most effective alternatives.

87. Another alternative option is the presence of a representative of every working group to the other working groups on the permanent basis. We encourage plenary meeting to consider this option.

88. Taking into account the proposed consultation mechanism, which includes, among other things, subsequent interactions with the stakeholders (phase 3), as well as due to the existence of different scenarios for the consultation, the CAHAI-COG considers it appropriate to extend the mandate until the end of 2021.

ANNEX A. Map of international stakeholders to be consulted directly by CAHAI – COG

International regulators/inter-governmental organisations	
Top Priority	**Normal Priority**
UN Office of the Secretary General – High Level Group on Digital Cooperation	UN Office of the Secretary General – Global Pulse Initiative
UNICRI – Centre For Artificial Intelligence and Robotics	UNESCO
International Telecommunications Union (ITU)	UNICEF
UN Office of the High Commissioner for Human Rights (OHCHR)	International Labour Organisation (ILO)
World Intellectual Property Organisation (WIPO)	UN Office for Outer Space Affairs (UNOOSA)
UN Special Rapporteur on Racism and Discrimination	UN Conference on Trade and Development (UNCTAD)
UN Special Rapporteur on Freedom of Expression	World Bank
UN Special Rapporteur on Freedom of Assembly and Association	World Food Programme (WTF)
UN Special Rapporteur on Privacy	World Trade Organisation (WTF)
World Economic Forum (WEF)	BRICS
INTERPOL	Eurasian Economic Union
Freedom Online Coalition (FOC) Task Force on AI and Human Rights (T-FAIR	Shanghai Cooperation Organisation
International Organisation for Migration (IOM) – Big Data For Migration Alliance	Conference of INGOs
G 20	UN Development Programme (UNDP)
EU: European Commission - DG Connect - Robotics and AI (Unit A.1)	EU: European Economic and Social Committee
EU: European Commission – Independent High Level Group of Experts on Artificial Intelligence	
European Parliament - Special committee on artificial intelligence in a digital age (AIDA)	
European Parliament – STOA	
European Fundamental Rights Agency (FRA)	
European Data Protection Supervisor European Network of Equality Bodies (Equinet)	

OECD – AI Policy Observatory	
OECD – Global Partnership on AI	
OSCE – Office of the Representative on Freedom of the Media - #SAIFE Project	
Council of Europe – Commissioner For Human Rights	
Council of Europe – European Committee on Democracy And Governance (CDDG)	
Council of Europe – European Committee For Legal Cooperation (CDCJ)	
Council of Europe – European Commission Againt Racism and Intolerance (ECRI)	
CoE Joint Council on Youth (CMJ)	
Council of Europe – European Commission For Democracy Through Law (Venice Commission)	
Council of Europe – Steering Committee for the Rights of the Child (CDENF)	
Council of Europe – Steering Committee on Information and Media Society (CDMSI)	
Council of Europe – Gender Equality Commission – Gender Equality Division	
Council of Europe – Steering Committee on Anti-Discrimination, Diversity and Inclusion	
Council of Europe – European Committee on Crime Problems (CDPC)	
Council of Europe – Steering Committee For Education, Policy and Practice (CDPPE)	
Council of Europe – European Commission for the Efficiency of Justice (CEPEJ)	
Council of Europe – Consultative Committee on Data Protection (T-PD)	

Council of Europe – Parliamentary Assembly (PACE)	

Science and education	
Top Priority	**Normal Priority**
Open AI	European Laboratory for Learning and Intelligence Systems
Leverhulme Centre For The Future of Intelligence	Future of Life Institute
Stanford University – Institute for Human-Centered Artificial Intelligence	The Alan Turing Institute
Stanford University – Digital Civil Society Laboratory	Oxford Internet Institute
Harvard University – Berkman Klein Center for Internet & Society	Berggruen Institute
UC Berkeley Center for Law and Technology	New York University – AI Now Institute
Canadian Institute for Advanced Research (CIFAR)	The Hastings Center (Bioethics Research Institute)
	Australian National University (Autonomy, Agency and Assurance (3A) Innovation Institute
	Center For Internet and Society (India)
	Digital Asia Hub
	Ada Lovelace Institute
	MIT Media Lab

Civil societies, Standardisation bodies, Technical communities, Multi-stakeholder initiatives, International youth organisations (both orgs non-directly connected with AI but dealing with HRs/civic space that may be affected by it and orgs directly connected with AI/tech issues or that may directly/indirectly influence them)	
Top Priority	**Normal Priority**
Business and Human Rights Resource Centre	Civil Society Europe (CSE)
Data & Society	Bill and Melinda Gates Foundation
AlgorithmWatch	European Civic Forum
European Digital Rights	Amnesty International
Privacy International	ARTICLE 19
Physicians for Human Rights	Human Rights Watch
AccessNow	Friends of The Earth
Internet Society (ISOC – Council of Europe partner)	Greenpeace
	CIVICUS
	Oxfam International

Institute of Electrical and Electronics Engineers (IEEE)	SOLIDAR
Association for the Advancement of AI	CONCORD Europe
Association on Computing Machinery (ACM)	European Citizen Action Service (ECAS)
European Association for AI (EurAI)	Social Platform Europe
Association for the Advancement of AI	The European Association for Local Democracy (ALDA)
Association on Computing Machinery (ACM)	Frontline Defenders
European Association for AI (EurAI)	Chatham House
Partnership on AI to Benefit People and Society (PAI)	WITNESS
European Youth Parliament	Big Brother Watch
	Ranking Digital Rights
	Center for Democracy and Technology (CDT)
	Electronic Frontier Foundation
	Future of Privacy Forum (US)
	e-Pantswo
	Association for Progressive Communication (APC)
	Internews
	Internet Sans Frontières
	Global Partners Digital
	Open Global Rights
	European Centre for Minority Issues (ECMI)
	Centre for Economic and Social Rights (CESR)
	European Council for Refugees and Exiles (ECRE)
	European Anti-Poverty Network (EAPN)
	The Future Society
	European Hub For Civic Engagement
	Netblocks
	Mozilla Foundation
	International Organization for Standardization (ISO)
	OpenMined
	Global Network Initiative (Council of Europe partner)
	International Youth Foundation

Private sector (including: Trade unions/business associations; ISPs and internet companies; Social media/networking services; Technology companies (retailers, cloud computing, AI, etc.; Telecommunications companies)	
Top priority	**Normal priority**
Alphabet Inc (Google – Council of Europe partner)	International Trade Union (ITU)
Microsoft (Council of Europe partner)	European Trade Union Confederation (ETUC)
Facebook	Adobe
Deutsche Telekom (Council of Europe partner)	Mail.ru
Digital Europe (Council of Europe partner)	Yandex
Element AI (Canada - Council of Europe partner)	Reddit
Internet Service Providers' Association (EuroISPA - Council of Europe partner)	YouTube (Google)
European Digital SME Alliance (Council of Europe partner)	Tik Tok
European Telecommunications Network Operators' Association (ETNO - Council of Europe partner)	Ebay
International Communications Consultancy Organisations (ICCO - Council of Europe partner)	Samsung
Global Systems for Mobile Communications (GSMA - Council of Europe partner))	Tesla
British Telecom (BT - Council of Europe partner)	Amazon
	JD.com
	Alibaba
	Tencent
	Paypal
	IBM (Council of Europe partner)
	System Applications and Products in Data Processing)
	Sony Group
	Baidu
	Rakuten
	Cloudfare (Council of Europe partner)
	Integrate.AI
	Telefonica
	Verizon
	Telenor
	AT & T (US – Council of Europe partner)
	T-Mobil (US)
	America Movil (Mexico)

	MTN (South Africa)
	Etisalat (UAE)
	Bharti Airtel (India)
	RIPE Network Coordination Centre (Council of Europe partner)
	Deloitte
	Ernst & Young
	KPMG
	PwC
	Twitter
	Apple (Council of Europe partner)
	Intel (Council of Europe partner)
	Orange (Council of Europe partner)
	Computer & Communications Industry Association (CCIA - Council of Europe partner)
	Karspersky (Council of Europe partner)

Globally renowned opinion leaders	
Top priority	**Normal priority**
Yoshua Benjo	Kai-Fu Lee
Elon Reeves Musk	Satya Nadella
Niklas Boström	Raymond Kurzeweil
Martyn Ford	Eliezer S. Yudkowsky
Prof. Kate Crawford	Andrew Ng
Prof. Ruha Benjamin	Yann LeCun
Joy Buolamwini	Peter Norvig
Prof. Meredith Whittaker	Stuart J. Russell
Prof. Gina Neff	Cédric Villani
Dr. Sascha Constanza-Chock	Tristan Harris
Prof. Virginia Dignum	David Kaye
	Abeba Birane
	Dr. Timnit Gebru
	Jenn Wortman Vaughan
	Prof. Virginia Eubanks
	Cathy O'Neil
	Prof. Shoshana Zuboff
	Rediet Abebe
	Hannah Wallach
	Margaret Mitchell
	Sebastian Thrun

	Prof. Safiya Umoja Noble
	Niloufar Salehi

ANNEX B. Map of tools proposed for each category of stakeholders

Phase of consultation	Group of Stakeholders	Priority	Long run procedure	Expedited procedure
Phase I. Pre-consultation phase	All	N\A	1. Media campaign, including social media, in several COE languages 2. Promoting a single European AI day across all COE countries who will conduct national consultations 3. Short videos explaining the main purpose and objectives	CoE web-site and other media tools available for CoE, in several COE languages
Phase 2. Consultations with international stakeholders	International public authorities	Normal	1. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.) 2. Expert interview with representatives of this SH group (online or F2F) 3. General questionnaire or survey (common for all the groups of SH)	In-deep questionnaire or survey
		Top	1. Expert interview with representatives of this SH group (online or F2F) 2. Meeting with group of stakeholders (online or F2F) 3. Individual meetings with these SHs (online or F2F)	In-deep questionnaire or survey + Online meeting
	Representatives of science and education	Normal	1. General questionnaire or survey (common for all the groups of SH) 2. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.) 3. Meeting with group of stakeholders (online or F2F)	In-deep questionnaire or survey
		Top	1. Meeting with group of stakeholders (online or F2F) 2. Conferences, community or expert groups meetings (online or F2F) 3. Expert interview with representatives of this SH group (online or F2F)	In-deep questionnaire or survey + Online meeting

	Civil society and standardization bodies	Normal	1. General questionnaire or survey (common for all the groups of SH) 2. Meeting with group of stakeholders (online of F2F) 3. Conferences, community or expert groups meetings (online or F2F)	General questionnaire or survey
		Top	1. Expert interview with representatives of this SH group (online or F2F) 2. Meeting with group of stakeholders (online of F2F) 3. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.) 4. Co-drafting in form of markup changes to the proposed text 5. Collecting written feedbacks in form of reviews or expert opinions	In-deep questionnaire or survey + Online meeting
	Private sector	Normal	1. General questionnaire or survey (common for all the groups of SH) 2. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.) 3. Meeting with group of stakeholders (online or F2F)	General questionnaire or survey (common for all the groups of SH)
		Top	1. Meeting with group of stakeholders (online or F2F) 2. Expert interview with representatives of this SH group (online or F2F) 3. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.)	In-deep questionnaire or survey + Online meeting
	Globally renowned opinion leaders	Normal	1. Expert interview with representatives of this SH group (online or F2F) 2. Individual meetings with these SHs (online or F2F) 3. General questionnaire or survey (common for all the groups of SH)	General questionnaire

		Top	1. Expert interview with representatives of this SH group (online or F2F) 2. Individual meetings with these SHs (online or F2F) 3. Collecting written feedbacks in form of reviews or expert opinions	Individual interviews (written or online)
	Citizens	N\A	1. Publications in the social media and social networks, work with bloggers 2. Single thematic "AI day" held simultaneously in different places in form of f2f or online consultations 3. Dedicated website on AI with materials available in the national languages	Dedicated website on AI with general questionnaire and materials available in the national languages
Phase 3. Post consultations phase	All	N\A	1. Second (albeit limited and swift) round of consultations with regard to the final outcome of CAHAI`s work 2. Brief summaries of the main findings of the consultations/phase 2 in COE languages 3. Online follow-up survey for all those who participated in the consultations	Brief summaries of the main findings of the consultations/phase 2 in COE languages, with the option to express the opinion

ANNEX C1. Initial consultative document (long list of issues)

1. Initial consultative document describes the core ideas, statement and propositions raised in the CAHAI-PDG report (as described in the first edition circulated by the Secretariat on 16 of November, 2020) that might form the core issues of the consultations at both levels.

Thematic Pillar #1. Approach to the regulation

Key issue # 1. Elaborating a legal instrument on AI

2. Suggestion that a legal instrument on AI which will be elaborated by the Council of Europe can address not only the protection of human rights but also the societal and environmental challenges posed by AI to democracy and the rule of law.

3. Suggestion to develop a legally-binding instrument based on Council of Europe standards, that would contribute to making the CAHAI initiative unique among other international initiatives, which either focus on elaborating a different type of instrument or have a different scope or background.

Key issue # 2. Addressing the gaps in existing legal instruments

4. The rights and obligations formulated in existing legal instruments tend to be articulated too broadly or generally to secure their effective application to the challenges raised throughout the life cycle of an AI systems.

5. Suggestion to translate or concretise of existing human rights to the context of AI systems[1], through more specific provisions, could help remedy this issue.[2]

6. Suggestion to specify more concrete rights that fall under a broader human right and that could be invoked by those subjected to AI systems. For instance, the right to a fair trial could be further concretised in terms of a right to challenge and get insight into any evidence based on an AI system.

7. Suggesstion to derive specific obligations that should be complied with or requirements that should be met by those who develop or deploy AI systems. For instance, the right to non-discrimination could be further concretised in terms of a due diligence obligation to mitigate, throughout AI systems' life cycle, the risk of unjust bias.

8. Suggestion to clarify or broaden the scope of existing rights and/or obligations and mandating the protection of additional principles or requirements to this end.

9. Suggestion to elaborate sector-specific guidance and ethical guidelines for issues that are only or particularly relevant in a given field or application.[3]

10. Suggestion to support a regulatory approach that combines a binding instrument with soft law tools that allows private actors, civil society organisations, academia and other stakeholders to have an important role not only in assisting states in the development of a binding legal instrument, but also in contributing to the development of sectorial soft law instruments that can complement as well as aid in the implementation of the binding provisions in a context-specific manner (for instance through sectorial guidelines, certifications and technical standards).

Key issue # 3. Risk-based approach11. General international and regional human rights instruments, including the ECHR, are applicable in all areas of life and are therefore also applicable in the context of AI systems. The question is, however, whether these instruments, separately or applied together, can sufficiently meet the challenges posed by AI systems and ensure adherence to the Council of Europe's standards on human rights, democracy and the rule of law throughout their life cycle.

12. Suggestion that a future legal framework should pursue a risk-based approach targeting specific application context. This means not only that the risks posed by AI systems should be assessed and reviewed on a systematic and regular basis, but also that any mitigating measures, should be specifically tailored to these risks.Suggestion to consider a precautionary approach in addition to the risk-based approach, where relevant - for instance, where a certain AI system in a certain context poses a significant level of risk coupled with a high level of uncertainty.

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[1] As it is done by European General Data Protection Regulation with regard to the protection of personal data.

[2] See CAHAI(2020)06-fin and CAHAI (2020)08-fin, cited above. See also Karen Yeung, Andrew Howes, and Ganna Pogrebna (University of Birmingham), 'AI Governance by Human Rights–Centered Design, Deliberation, and Oversight: An End to Ethics Washing', in The Oxford Handbook on Ethics of AI (eds. M. D. Dubber, F. Pasquale, and S. Das), 2020, DOI: 10.1093/oxfordhb/9780190067397.013.5; Nathalie A. Smuha (KU Leuven), 'Beyond a Human Rights-Based Approach to AI Governance: Promise, Pitfalls, Plea', in Philosophy and Technology, 2020, https://doi.org/10.1007/s13347-020-00403-w.

[3] In this regard, the CAHAI-PDG recognized the context-specificity of certain risks. The wide-scale use of AI-based remote biometric identification, for instance, does not raise the same impact on human rights as the use of an AI-based system to recommend a song.

Key issue # 4 From the risk-based approach's point of view, which AI applications do you see to fall within "green lines" and which within "red lines"?

13. Suggestion to consider AI applications that promote, strengthen and augment the protection of human rights, democracy and the rule of law to fall within "green lines" as long as their risks are known and clearly minimal.

14. Suggestion that where based on a context-specific risk assessment it is found that an AI application can pose "significant" or unknown risks to human rights, democracy or the rule of law, and no appropriate mitigation measures exists within existing legal frameworks to adequately mitigate these risks, states should consider the introduction of strong restrictions for the exceptional and controlled use of the application, and where essential, a (temporary) ban or moratorium (red lines).[4]

15. Examples of such applications are remote biometric recognition systems – or other AI-enabled tracking applications – that risk leading to mass surveillance or to social scoring, or AI-enabled covert manipulation of individuals, each of which significantly impact individuals' autonomy as well as fundamental democratic principles and freedoms.

16. Suggestion that exceptional use of such technologies should be specifically foreseen by law, necessary in a democratic society and proportionate to the legitimate aim, and permissibly only in controlled environments and (if applicable) for limited periods of time.

17. Suggestion that where a certain application of an AI system does not pose any risk to human rights, democracy or the rule of law – it should be exempted from any additional regulatory measures.

18. Suggestion that, both as concerns red lines and green lines, a contextual and periodical assessment is necessary, in light of the context-specific nature of the benefits and risks related to the application of AI. As a transversal technology, the same AI technology can be used for different purposes and in different contexts, and the positive or negative consequences of the technology will depend heavily thereon.

Thematic Pillar #2. Key values, rights and principles

Key issue # 1. Formulating key principles

19. Suggestion to formulate key principles that must be secured in the context of AI and, on that basis, identifying concrete rights that individuals can invoke (whether existing rights or newly tailored rights to the challenges and opportunities raised by AI) as well as requirements that developers and deployers of AI systems should meet.

20. Suggestion that the main principles are discussed which should be considered for inclusion in a potential Council of Europe legal instrument on AI, including the concrete rights and obligations attached thereto.

21. Suggestion that such principles could be combined with a sector-specific approach that provides (more detailed) contextual requirements in the form of soft law instruments, such as sectoral guidelines or assessment lists.

Key issue #2. The development of the right to human dignity

22. Suggestion to establish the right to know that one is interacting with an AI system rather than with a human being, including the right to be informed of the fact that one is interacting with an AI whenever confusion may arise.

23. Suggestion that people should in principle be able to choose not to interact with AI,

24. Suggestion that people are not to be subject to a decision by an AI system whenever this can significantly impact their lives.

25. Suggestion to establish the following obligations:

o   Where tasks will negatively affect human dignity if carried out by machines rather than human beings, these tasks should be reserved for humans.

o   AI deployers should inform human beings of the fact that they are interacting with an AI system rather than with a human being whenever confusion may arise

26. Suggestion that the allocation of certain tasks may need to be reserved for humans rather than machines given their potential impact on human dignity.

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[4]   One of the intentions of building international agreement on red lines is to prevent competitive disadvantages. Red Lines in the form of moratoria could in some instances be overcome when provisions can be set out to secure appropriate methods to develop trustworthy (legal, ethical and robust AI), for instance where prior evaluation, continuous monitoring, certification procedures or standardized development processes can ensure appropriate guarantees to safeguard human rights, democracy and the rule of law.

27. Suggestion that more generally, AI systems should be developed and used in a way that secures and promotes the physical and mental integrity of human beings.

Key issue #3. The development of right to human freedom and human autonomy

28. Suggestion that AI systems should not be used to subordinate, coerce, deceive, manipulate or condition humans, but rather to complement and augment their capabilities.

29. Suggestion that human oversight mechanisms must be established, ensuring that human intervention is possible whenever needed to safeguard human rights, democracy and the rule of law.

30. Suggestion to estalish the following rights :

o   The right not to be subject to a decision based solely on automated processing when this produces legal effects on or similarly significantly affects individuals.

o   The right to effectively contest and challenge decisions informed and/or made by an AI system and demand that such decision be reviewed by a person (right to opt out).

31. Suggestion to establish corresponding key obligations:

o   Member States should require AI developers and deployers to establish appropriate human oversight mechanism that safeguard human autonomy:

▪   An adequate level of human involvement should be ensured in the operation of AI systems, based on a contextual risk assessment taking into account the system's impact on human rights, democracy and the rule of law.

▪   Whenever necessary and possible, based on a thorough risk assessment, a qualified human being should be able to disable any AI system or change its functionality.

▪   Those developing and operating AI systems should have the adequate competences or qualifications to do so, to ensure appropriate oversight that enables the protection of human rights, democracy and the rule of law.

Key issue #4. The development of right to Non-Discrimination, Gender Equality, Fairness and Diversity

32. Suggestion to encourage diverse representation in consultative processes regarding AI system applications in sensitive areas in order to prevent and mitigate adverse human rights impacts, notably in relation to equality and non-discrimination.

33. Suggesstion to consider duly the risk of intersectional discrimination arising from the use of AI systems[5], as well as discrimination based on new (non-protected) differentiation grounds or erroneous associations.[6]

34. Suggestion to impose requirements to effectively counter the potential discriminatory effects of AI systems deployed by both the public and private sectors and protect individuals from the negative consequences thereof. These requirements should cover the entire lifecycle of an AI system and should concern, *inter alia*, filling existing gender data gaps, the representativeness, quality and accuracy of data sets. This could also include the mandatory use of intersectional training data sets, the creation of intersectional benchmarks and the introduction of intersectional audits.

35. Suggestion to ensure the transparency and auditability of AI systems in order to enable the detection of discrimination throughout the lifecycle of an AI system.

36. Suggesstion to encourage a gender balance and diversity in the AI workforce and periodic feedback from a diverse range of stakeholders. Awareness of the risk of discrimination and bias in the context of AI should be fostered.

37. Suggestion to ensure that the systems are independently audited for discriminatory effects prior to deployment.

Key issue #5. The development of the Principle of Transparency and Explainability of AI systems

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[5]   Intersectional discrimination takes place on the basis of several personal grounds or characteristics that operate and interact with each other at the same time in such a way as to be inseparable. Current AI systems are particularly susceptible to such discrimination as they merely look for correlations between different features. A Council of Europe legal framework should take a special interest in this issue, as intersectional discrimination is rarely covered by national discrimination law which tends to focus on one discrimination ground at a time.

[6]   See e.g. the example in the CoE Study on AI and discrimination cited above, at p.35: "*Suppose an AI system finds a correlation between (i) using a certain web browser and (ii) a greater willingness to pay. An online shop could charge higher prices to people using that browser. Such practices remain outside the scope of non-discrimination law, as a browser type is not a protected characteristic.*"

38. Suggestion to ensure transparency by making AI processes traceable, for instance by documenting or logging them, and that meaningful information is provided on the system's capabilities, limitations and purpose. This information must be tailored to the context and intended audience.
39. Suggestion to enable the independent and effective audit of AI systems, allowing for a meaningful assessment of its impact.
40. Suggestion that those affected by a decision solely or significantly informed or made by an AI system should be notified and promptly provided with the aforementioned information and receive an explanation of how decisions that impact them are reached.
41. Suggestion that while business secrets and intellectual property rights must be respected, they must be balanced against other legitimate interests.
42. Suggestion that public authorities must be able to audit AI systems (either systematically, randomly or at the request of a party[7]) to verify compliance with existing legislation.
43. Suggestion to establish The right to a meaningful explanation of how such AI system functions, what optimisation logic it follows, what type of data it uses, and how it affects one's interests, whenever it generates legal effects or similarly impacts individuals' lives. The explanation must be tailored to the context, and provided in a manner that is useful and comprehensible for an individual, allowing individuals to effectively protect their rights.
44. Suggestion to establish the obligation that the user should have a right to be assisted by a human being. The user should be clearly informed of this right and of how to request such assistance.
45. Suggestion that Persons with a legitimate interest (e.g. consumers, citizens, supervisory authorities or others) should have easy access to relevant information on AI systems.
46. Suggestion that the information should be comprehensible and could, *inter alia*, include the types of decisions or situations subject to automated processing, criteria relevant to a decision, information on the data used, a description of the method of the data collection. A description of the system's potential legal or other effects should be accessible for review/audit by credible bodies with necessary competences.
47. Suggestion that AI systems that can impact human rights, democracy or the rule of law should be traceable and auditable. The data sets and processes that yield the AI system's decisions, including those of data gathering, data labelling and the algorithms used, should be documented, hence enabling the ex post auditability of the system.

Key issue #6. The development of the Principle of Prevention of Harm

48. Suggestion that particular attention must be paid to situations where AI systems can cause or exacerbate adverse impacts due to asymmetries of power or information, such as between employers and employees, businesses and consumers or governments and citizens.
49. Suggestion that the consideration of the natural environment and all living beings, and the manner in which the AI systems can have an adverse impact thereon.
50. Suggesstion that the attention must be given to the safety and security of AI systems, including safeguards for their technical robustness, reliability, and measures that prevent the risk of adversarial attacks or malicious uses.
51. Suggestion to ensure that developers and deployers of AI systems take adequate measures to minimise any physical or mental harm to individuals, society and the environment.
52. Suggestion to ensure the existence of adequate (by design) safety, security and robustness requirements and compliance therewith by developers and deployers of AI systems.

Key issue #7. The development of the Principle of Data Protection and Privacy
53. Suggestion that member states must ensure that the right to privacy and data protection are safeguarded throughout the entire lifecycle of AI systems that they deploy, or that are deployed by private actors.
54. Suggestion that the processing of personal data at any stage of an AI system's lifecycle must be based on the principles set out under the Convention 108+.
55. Suggestion that when procuring or implementing AI systems, member States should assess and mitigate any negative impact thereof on the right to privacy and data protection as well as on the broader right to respect for private and family life, by particularly considering the proportionality of the system's invasiveness in light of the legitimate aim it should fulfil, as well as its necessity to achieve it.

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[7] In a way that is tailored to the specific AI system and context.

56. Suggestion that member states should develop measures to protect data and AI systems whose benefits can contribute to the promotion and protection of human rights, such as the right to life (for instance in the context of evidence-based medicine).

Key issue #8. The development of the Principle of Accountability and Responsibility

57. Suggestion that appropriate mechanisms must be put in place to ensure that AI systems, both before and after their development, deployment and use, comply with the Council of Europe's standards on human rights, democracy and the rule of law.

58. Suggestion to make it essential that potential negative impacts of AI systems can be identified, assessed, documented and minimised, and that those who report on such negative impacts (e.g. whistle-blowers) are protected.

59. Suggestion to guarantee effective public oversight to ensure that AI developers and deployers act responsibly and in compliance with relevant legal requirements, while allowing for intervention by state authorities when it does not happen.

60. Suggestion that those who might be negatively impacted by AI systems must be ensured an effective remedy against the developers or deployers of AI systems who are responsible. The availability of such remedy should be clearly communicated to them, with special attention to vulnerable persons or groups.

61. Suggestion that effective remedies should involve redress for any harm suffered, and may include measures under civil, administrative, or, where appropriate, criminal law.

62. Suggestion that as AI has a myriad of applications, any remedies need to be tailored towards those different applications. This should include the obligation to terminate unlawful conduct and guarantees of non-repetition, as well as the obligation to redress the damage caused.

63. Key obligations suggested:

1. To consider the introduction of class actions in the context of harm caused by the use of AI systems
2. To establish public oversight mechanisms for AI systems that may adversely affect human rights, democracy or the rule of law
3. Member States should ensure that developers and deployers of AI systems:

- provide clear information on the availability of effective remedies in the case of harm caused through use of an AI system
- identify, document and report on potential negative impacts of AI systems on human rights, democracy and the rule of law;
- put in place adequate mitigation measures to ensure accountability for any caused harm.

4. Member States should put in place measures to ensure that public authorities are always able to audit AI systems used by private actors[8], so as to assess their compliance with existing legislation and to hold private actors accountable.

Key issue #9. The development of the Principle of Democracy 64. Suggestion that where relevant, member States should ensure a meaningful participatory approach and an involvement of different stakeholders (from civil society, the private sector, and the media) in the decision-making processes concerning the deployment of AI systems in the public sector, with special attention to the inclusion of under-represented and vulnerable individuals and groups, which is key to ensuring trust in the technology and its acceptance by all stakeholders.

65. Suggestion that since the use of AI systems in public services should be held to higher standards of transparency, public authorities should hence not acquire AI systems from third parties unwilling to waive information restrictions (e.g. confidentiality or trade secrets) where such restrictions impede the process.

66. Suggestion that Member States should subject the procurement and application of AI systems in the public sector to adequate oversight mechanisms. This could include redress to ombudspersons and the courts.

67. Suggestion that Member States should make public and accessible all relevant information on AI systems (including their functioning, optimisation functioning, underlying logic, type of data used) that are used in the provision of public services, while safeguarding legitimate interests such as security.

Key issue #10. The development of the Principle of Rule of Law

68. Suggestion that safeguards for the accessibility and explainability of data processing methods, including the possibility of external audits, should be introduced to this end.

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[8] While business secrets and intellectual property rights must be respected, they must be balanced against other legitimate interests.

69. Suggestion to establish the right to an effective remedy in case of unlawful harm or breach an individual's human rights in the context of AI systems.
70. Suggestion to establish the right to a fair trial, including the possibility to get insight into and challenge an AI-informed decision in the context of law enforcement or justice, including the right to review of such decision by a human.

Thematic Pillar #3. Role and responsibilities of member States and private actors

Key issue # 1. Mitigating Risks

71. Suggestion for national authorities to establish control mechanisms and ensure effective judicial remedies for redress whenever the development and use of AI leads to violations of law, to audit and assess the functioning of (public or private) AI systems. Such oversight should complement existing oversight obligations in the context of existing legislation, including data protection law (the accountability principle, impact assessment, prior consultation with supervisory authorities, etc) to increase transparency.
72. Suggestion that as the interests of commercial private actors on the one hand, and of individuals and society on the other hand, are not always aligned, a legal structure that would oblige private actors to comply with specific rights and requirements in the context of AI may be appropriate.
73. Suggestion that when implementing a risk-based approach and assessing the type of regulatory intervention needed to mitigate risks, Member States can be guided by a number of factors that are commonly used in risk-impact assessments, for instance:

- the potential extent of the adverse effects on human rights, democracy and the rule of law;
- the likelihood or probability that an adverse impact occurs;
- the scale and ubiquity of such impact;
- its geographical reach; it temporal extension; and the extent to which the potential adverse effects are reversible;
- a number of AI-specific factors that can influence the risk level (such as the application's level of automation, the underlying AI technique, the availability of testing mechanisms, the level of opacity).

Thematic Pillar #4. Liability for damage caused by artificial intelligence

Key issue # 1. Whether existing liability regimes should apply, or whether specific regimes should be developed for the context of AI

74. Suggestion to clarify that stand-alone software can be qualified as a product within the meaning of existing product liability law might be advisable.
75. Suggestion to guarantee the same level of protection to persons harmed through the use of an AI systems as those harmed through the use of traditional technologies.
76. Suggestion that liability for any unjust harm should be able to arise from any unjust harm occurring throughout the entire life cycle of the AI system.
77. Suggestion that there should be a clear allocation of liability between actors involved in the development and operation of AI (creators, developers, deployers, operators, utilizers and users), as well as certification bodies where applicable.
78. Suggestion that the issue of trans-border responsibility should be taken into account. This is particularly relevant when, for instance, a company using an AI system is registered in one state, the developer of that system in another state, and a user suffers harm is habitually resident in a third state.
79. Suggestion that the rules for liability may be supplemented, in some sector specific applications, by industry ethical codes of conduct which would serve the purpose of enhancing public trust in sensitive areas of AI.

Thematic Pillar #5. Crucial dilemma: if a legal document is needed, which one?

Key issue # 1. Modernising existing binding legal instruments

80. Suggestion to amend existing binding legal instruments, to complement and/or adapt them in light of the particularities of AI systems.
81. Suggestion to adopt an additional protocol to the ECHR to enshrine new or adapt existing human rights in relation to AI systems.
82. Suggestion to modernise existing vertical instruments, such as the Budapest Convention on Cybercrime (CETS No.185) or "Convention 108+".
83. Suggestion that the two concerns expressed for each option could be addressed by combining both ideas, i.e. of an additional protocol to the ECHR with modernising (certain) vertical instruments, like "Convention 108+". Whereas the first would lay down overarching principles and values, the latter could elaborate on

the positive and negative obligations of states and establish an effective network of independent competent authorities to ensure the effective implementation of those safeguards.

Key issue # 2. Adoption of a new binding legal instrument: Convention or Framework Convention

84. Suggestion to adopt a new binding legal instrument, which could take the form of a convention or framework convention.

85. Suggestion to get a specific legally binding instrument on the design, development and application of AI based on the Council of Europe's standards on human rights, rule of law and democracy. It would harmonise rules and obligations across states on AI deployment, as well as establish a clear agreement regarding AI research and development procedures.

86. Suggestion to ensure that the rights and obligations that are set out in the convention are not overly prescriptive or detailed.

87. Suggestion to adopt a framework convention on AI, which would provide for broad core principles and values to be respected as regards the design, development and application of AI to be enshrined in a binding instrument, in line with Council of Europe's standards and leave a broad margin of discretion to states parties in their respective implementation.

Key issue # 3. Non-binding legal instruments

88. Suggestion to make a distinction between non-binding (or soft law) instruments at the level of the Council of Europe and at the national level.

89. Suggestion that a soft law instrument could operate as a stand-alone document or complement a binding instrument to further operationalise its provisions.

90. Suggestion that while self-regulation might be a complementary method of implementing certain principles and rules, it cannot substitute the positive obligations that member States have under the ECHR to effectively protect and safeguard human rights, democracy and the rule of law in relation to AI.

91. Suggestion to identify best practices by European Benchmarking Institute as a highly effective, efficient, and trustworthy source of identification, definition, and consensus around the underlying evidence that should guide sound best practices.

92. Suggestion to consider a uniform model developed at the level of the Council of Europe for a human rights, democracy and rule of law impact assessment that could be extremely helpful in harmonising member States' implementation of common values in relation to AI systems.

Thematic Pillar #6. Conventional-type instrument
and specific instruments of a different nature

Key issue # 1. Horizontal and cross-cutting elements

93. Suggestion that the horizontal elements which could form part of a convention-type instrument would help finetune sectorial work and provide impetus to the development of specific instruments in areas where the analysis of the impact of AI systems and of the required policy responses is advancing.

94. Suggestion that a potential horizontal binding legal instrument could include explicit references to the existing or future instruments in the different areas of work of the Council of Europe.

95. Suggestion to establish another mechanism to ensure complementarity that could be the setting up of a joint certification scheme/body, comparable to the one existing in the pharmaceutical sector (the European Directorate for the Quality of Medicines (EDQM) and HealthCare and its Pharmacopoeia). Such joint certification mechanism/body could be tasked with providing more detailed guidelines regarding human rights, democracy and rule of law impact assessments and common quality standards at European level. Moreover, it could be responsible for supporting the implementation and monitoring the application of quality standards for AI systems, just like EDQM does for safe medicines and their safe use.

96. Suggestion that a binding horizontal instrument, i.e. a convention or framework convention, could consolidate general common principles that would be contextualised to apply to the AI environment and include more concrete provisions to safeguard the rights, principles and obligations identified in Chapter 7.

Thematic Pillar #7. Compliance and Effectiveness of the Legal Framework

Key issue # 1. Compliance Mechanisms

97. Suggestion to enable the creation of an AI assurance ecosystem, which would create the potential for diverse participation and the emergence of novel and innovative approaches to compliance. That said, collaboration between state parties should be considered paramount to protect against the risk of diverging approaches and the resulting fragmentation of markets.

98. Suggestion to use compliance mechanisms to assess the design of an AI-enabled system, as well as its operational processes, contextual implementation and use case. On the question of when AI systems

should be subject to such assessment, the CAHAI-PDG agreed on the fundamental importance of *ex ante* assessment and continuous assessment at various milestones throughout the AI project lifecycle, including after initial deployment and use.

99. Suggestion that member states should also be responsible for identifying and empowering independent actors to provide oversight.

100. Suggestion that independent actors should represent and be accountable to clearly identified stakeholder groups affected by practical applications of AI, and could be, as appropriate, an expert committee, academics, sectoral regulators or private sector auditors. Where they do not exist already, member States might consider setting up independent oversight bodies equipped with appropriate and adequate inter-disciplinary expertise, competencies, and resources to carry out their oversight function. Such bodies might be equipped with intervening powers and be required to report to parliament and publish reports about their activities regularly[9]. They might also resolve disputes on behalf of citizens or consumers. For example, states could extend the mandate of existing ombudsmen institutions or create **a new ombudsman institution** to assess and resolve any complaints or appeals as a complement to binding judicial mechanisms.

101. Suggestion to include mechanisms of information sharing and reporting about AI systems in each State's regulatory framework (e.g. information on certified AI systems, banned AI applications or the current status of a specific AI application).

102. Suggestion that standards and certifications can be developed for all stages of AI development and operations and may engage all agents involved in order to implement certain requirements.

103. Suggestion to create incentives for private actors to adopt such instruments promptly, including through the procurement practices of intergovernmental organisations and of national public sector entities. When duly implemented, they can help empower ordinary citizens by serving as the "currency of trust" that both experts and non-experts can relate to (as with nutritional labels or car safety crash-tests).

104. Suggestion to include within certification schemes, professional training the legal framework as part of the training curricula. In broader terms, universities and civil society could be part of education policy to disseminate, research and instruct on AI's legal framework and technical developments. This approach would also confer further benefits in a global market economy.

105. Suggestion that professional certification at the level of developers and of systems may be another strategy for assuring that AI is used in line with the Council of Europe standards of human rights, democracy and the rule of law.

106. Suggestion that policies can be adopted to increase the visibility of where such technologies are being deployed, in particular by publishing public sector contracts, or by establishing public registers[10] or notification systems) or developing norms and standardised tools for internal audit and self-certification (all the while acknowledging the limitations of this approach). Liability considerations should also be taken into account.

107. Suggestion that a future legal framework might specify that practical mechanisms adhere to a set of principles that promote the framework's core values. These might include:

- **Dynamic (not static):** assessment *ex ante* and at various points throughout the AI project lifecycle to account for choices made during the design, development and deployment processes and any changes in the application-behaviour of dynamic learning models.
- **Technology adaptive:** to support the future-proofing of any compliance mechanisms.
- **Differentially accessible:** understandable to experts and non-experts, in turn simplifying the process of any potential appeals and redress.
- **Independent**: conducted, or overseen, by an independent party.
- **Evidence-based**: supported on evidence produced by technical standards and certifications. For example, including data collected through best practices such as borderless, standardization or key metrics developed through benchmarking.

Key issue # 2. Practical Mechanisms

108. Suggested toolkit that presents ample opportunity for further regulatory innovation and refinement:

(1) Human rights impact assessments - Conducting human rights due diligence

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[9]   See the Recommendation of the Council of Europe Human Rights Commissioner on "Unboxing AI: 10 steps to protect human rights".

[10] Such registers already exist in the Netherlands and in the UK: https://algoritmeregister.amsterdam.nl/; https://ai.hel.fi/en/ai-register/.

These assessments might explicitly validate conformity with principles outlined in a future legal framework. In specific contexts, 'integrated impact assessments' might be deemed more appropriate to reduce the administrative burden on development teams.

(2) Certification & Quality Labelling - *Ex ante* obligations, administered by recognised bodies and independently reviewed, would help build trust.

An expiration date would ensure systems are re-reviewed regularly. The certification process should subject to regulation regarding auditors' qualifications, the standards adopted, and how conflicts of interests are managed.

(3) Audits - Regular independent assessments or audits of AI-enabled systems by experts or accredited groups.

(4) Regulatory Sandboxes[11] - Regulatory sandboxes, particularly those that enable closer regulatory support, present an agile and safe approach to testing new technologies and could be used in order to strengthen innovative capacity in the field of AI.

(5) Continuous, automated monitoring – Automated systems can be deployed in parallel to AI-enabled systems to continuously monitor and asses its operation to guarantee compliance of established norms.

109. Suggestion that comprehensive work to develop best practices and norms within existing legal and regulatory regimes should be accompanied by ongoing discourse, collaboration, and best practice sharing between actors at national and international level.

Key issue # 3. Follow-up mechanisms

110. Suggestion that follow-up mechanisms and processes can include, for instance, the appointment of one or more entities – such as independent expert groups, conventional committees, standing committees, consultative committees and committees of parties – that can be in charge of tasks such as monitoring the implementation of a given convention, facilitating the effective use and implementation of a convention, and exchanging information and good practices on significant legal, policy or technological developments pertaining to a given area.

111. Suggestion that potential measures of international co-operation could include the appointment of points of contact or the creation of networks among the state parties to advance mutual assistance and co-operation in criminal or civil matters.

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[11] Sandboxes shall be understood as concrete frameworks which, by providing a structured context for experimentation, enable in a real-world environment the testing of innovative technologies, products, services or approaches especially in the context of digitalisation for a limited time and generally in a limited part of a sector or area under regulatory supervision of the respective authority ensuring that appropriate safeguards are in place.

ANNEX C2. Draft example of a survey

Section 1: Definition of AI Systems

1.1 In a view of a possible legal framework on the design, development and application of AI, based on the standards of the Council of Europe on human rights, rule of law and democracy, what kind of definition should be expected (1 option possible):

- No definition, with a legal instrument focused on the effect of AI systems on human rights, democracy and the rule of law
- Technology neutral and simplified definition, such as "Set of sciences, theories and techniques whose purpose is to reproduce by a machine the cognitive abilities of a human being and to entrust a machine with complex tasks"
- Focusing on machine learning systems
- Other (Please indicate your answer)

Section 2: Opportunities and risks arising from AI systems

2.1 Opportunities arising from AI systems

Please list one to three specific applications of AI that, in your view, contribute to strengthening human rights, democracy and the rule of law?

1.

2.

3.

2.2 Impact on human rights, democracy and the rule of law

Please list one to three specific applications of AI that, in your view, create a significant risk to human rights, democracy and the rule of law?

1.

2.

3.

Section 3: Potential gaps of existing binding legal instruments applicable to AI

3.1 Could you please indicate why international, regional or national binding legal instruments are not sufficient to regulate AI systems (tick the box you agree with)?

- They are too many and are difficult to interpret and apply to the AI context
- They provide a basis but fail to provide an effective substantive protection of human rights against the risks posed by AI systems
- They lack specific principles for AI systems' operation
- They do not provide enough guidance to developers and deployers of AI systems
- They are not enough to create trust in AI applications
- Other (please indicate your answer)

Section 4: Elements of a legal framework on AI systems

4.1 Do you consider that the listed key elements are relevant for a future legal framework on the design, development and application of AI systems?

	Yes	No	If yes, which measures should be taken (based on the "key substantive rights" and "key obligations" listed in the feasibility study, with option yes/no/no opinion
Human Dignity			
Human Freedom and Autonomy			
Non-Discrimination, Gender Equality, Fairness and Diversity			
Principle of Transparency and Explainability of AI systems			
Prevention of Harm			
Data Protection and Privacy			
Accountability and Responsibility			
Democracy			
Rule of Law			

4.2 What key principles could be missing in the list above?

4.3 Do you consider that this future legal framework should consider regulating a new regime of liability?

- Yes
- No

4.4 If yes, what aspects should be covered?

Section 5: Policies and measures to be developed

5.1 Please evaluate the relevance of the listed compliance mechanisms to mitigate the risks arising from the application of AI?

	Relevant	Not so relevant
Human rights impact assessments		
Certification and quality labelling		
Audits		
Regulatory sandboxes		
Continuous automated monitoring		

5.2 Do you think that Council of Europe could play a role in compliance policies on AI?

- Yes
- No

5.3 If yes, what kind of role do you support?

	Provider	Participation in the definition of standards	Observer to provide advice
Human rights impact assessments			
Certification and quality labelling			
Audits			

5.4 Do you think that a follow-up mechanism could be useful after CAHAI completes its mandate??

- Yes
- No

5.5 If yes, please designate what mechanisms seem preferable?

	Preferable	Not Preferable
Monitoring of AI legislations and policies in member States (and at international/regional level?)		
Capacity building on CoE instruments, including legislative assistance to ensure ratification of and implementation of relevant CoE instruments		
Clearing house to share good practices and exchange information on legal, policy and technological developments related to AI systems		
Center of expertise on AI and human rights		
Other kind of mechanism		

5.6 If you mentioned other kind of mechanism, please specify/elaborate below your proposals

ANNEX D. Draft recommendations to states on methodology of in-country consultations

Please see in the separate file.

ANNEX E1. Calendar of multi-stakeholders consultations: expedited procedure

International consultations

Phase of consultation	Group of Stakeholders	Priority	Actions	Timelines
Phase I. Pre-consultation phase	All	N\A	Information about consultations shared at the CoE web-site and other media tools available for the CoE, in several the COE languages,	January – February 2021
Phase 2. Consultations with international stakeholders	International public authorities	Normal	In-deep questionnaire or survey drafted and sent, feedbacks received	February 2021
		Top	In-deep questionnaire or survey drafted and sent, feedbacks received + Online meeting held: either official arranged by the CoE or unofficial zoom meeting arranged by the CAHAI-COG	February – March 2021
	Representatives of science and education	Normal	In-deep questionnaire or survey drafted and sent, feedbacks received	February 2021
		Top	In-deep questionnaire or survey drafted and sent, feedbacks received + Online meeting held: either official arranged by the CoE or unofficial zoom meeting arranged by the CAHAI-COG	February – March 2021
	Civil society and standardization bodies	Normal	General questionnaire or survey drafted and sent, feedbacks received	February 2021
		Top	In-deep questionnaire or survey drafted and sent, feedbacks received + Online meeting held: either official arranged by the CoE or unofficial zoom meeting arranged by tha CAHAI- COG	February – March 2021

	Private sector	Normal	General questionnaire or survey drafted and sent, feedbacks received	February 2021
		Top	In-deep questionnaire or survey drafted and sent, feedbacks received + Online meeting held: either official arranged by the CoE or unofficial zoom meeting arranged by the CAHAI-COG	February – March 2021
	Globally renowned opinion leaders	Normal	General questionnaire drafted and sent, feedbacks received	February 2021
		Top	Individual interviews hold, either written or online (unofficial zoom meeting arranged by the CAHAI-COG)	February – April 2021
	Citizens	N\A	Dedicated website on AI with general questionnaire and materials available in the national languages created	February – April 2021
	All groups	Top	General official event held by the CoE online for all the top priority international stakeholders	April 2021
Phase 3. Post consultations phase	N\A	N\A	Analysis of the results of international multi-stakeholders consultations held	May 2021
	All	N\A	Brief summaries of the main findings of the consultations/phase 2 (with the option to express the opinion) and further steps sent to stakeholders	July 2021

National consultations

Phase of consultation	Actions	Timelines
Phase I. Pre-consultation phase	Draft of guidelines to states on in-country consultations finalized and discussed with the CAHAI-LFG	January 2021
	Draft guidelines and the request to identify contact body and person sent to the member states	January 2021 – 1-st half of February 2021

	Online workshop for representatives of member states (either official arranged by CoE or unofficial zoom meeting arranged by the CAHAI-COG) is held	2-nd half of February 2021
Phase 2. National consultations	National consultations according to guidelines held	March – 1-st half of April 2021
	Results of the national consultations summarized and sent to the CAHAI-COG2	2-nd half of April 2021
Phase 3. Post consultations phase	Analysis of the results of national consultations held	May 2021
	Brief summaries of the main findings of the consultations (with the option to express the opinion) and further steps sent to contact persons of steps	July 2021

ANNEX E2. Calendar of multi-stakeholders consultations: long run procedure

International consultations

Phase of consultation	Group of Stakeholders	Priority	Actions	Timelines
Phase I. Pre-consultation phase	All	N\A	1. Media campaign, including social media, in several the COE languages 2. Promoting a single European AI day across all COE countries who will conduct national consultations 3. Short videos explaining the main purpose and objectives	January – April
Phase 2. Consultations with international stakeholders	International public authorities	Normal	1. In-deep questionnaire or survey (specific for this SH group in terms of content, accents, length etc.) 2. Expert interview with representatives of this stakeholders' group (online or F2F) 3. General questionnaire or survey (common for all the groups of stakeholders)	February - March
		Top	1. Expert interview with representatives of this stakeholders' group (online or F2F) 2. Meeting with group of stakeholders (online or F2F) 3. Individual meetings with these stakeholders (online or F2F)	February - March
	Representatives of science and education	Normal	1. General questionnaire or survey (common for all the groups of stakeholders) 2. In-deep questionnaire or survey (specific for this stakeholders' group in terms of content, accents, length etc.) 3. Meeting with group of stakeholders (online or F2F)	March - April
		Top	1. Meeting with group of stakeholders (online or F2F)	March - April

			2. Conferences, community or expert groups meetings (online or F2F) 3. Expert interview with representatives of this stakeholders' group (online or F2F)	
	Civil society and standardization bodies	Normal	1. General questionnaire or survey (common for all the groups of stakeholders) 2. Meeting with group of stakeholders (online of F2F) 3. Conferences, community or expert groups meetings (online or F2F)	April – May
		Top	1. Expert interview with representatives of this stakeholders' group (online or F2F) 2. Meeting with group of stakeholders (online of F2F) 3. In-deep questionnaire or survey (specific for this stakeholders' group in terms of content, accents, length etc.) 4. Collecting written feedbacks in form of reviews or expert opinions	April – May
	Private sector	Normal	1. General questionnaire or survey (common for all the groups of stakeholders) 2. In-deep questionnaire or survey (specific for this stakeholders' group in terms of content, accents, length etc.) 3. Meeting with group of stakeholders (online or F2F)	May - July
		Top	1. Meeting with group of stakeholders (online or F2F) 2. Expert interview with representatives of this stakeholders' group (online or F2F) 3. In-deep questionnaire or survey (specific for this	May - July

			stakeholders' group in terms of content, accents, length etc.)	
	Globally renowned opinion leaders	Normal	1. Expert interview with representatives of this stakeholders group (online or F2F) 2. Individual meetings with these stakeholders (online or F2F) 3. General questionnaire or survey (common for all the groups of stakeholders)	July – August
		Top	1. Expert interview with representatives of this stakeholders group (online or F2F) 2. Individual meetings with these stakeholders (online or F2F) 3. Collecting written feedbacks in form of reviews or expert opinions	July – August
	Citizens	N\A	1. Publications in the social media and social networks, work with bloggers 2. Dedicated website on AI with materials available in the national languages	February – September
	All groups	Top	General official event held by the CoE online for all the top priority international stakeholders	September
	All groups	All	Single thematic "AI day" held simultaneously in different places in form of f2f or online consultations	September
Phase 3. Post consultations phase	N\A	N\A	Analysis of the results of international multi-stakeholders consultations held	October – 1-st half of November
	All	N\A	Brief summaries of the main findings of the consultations/phase 2 (with the option to express the opinion) and further steps sent to stakeholders	November – December

National consultations

Phase of consultation	Actions	Timelines
Phase I. Pre-consultation phase	Draft of guidelines to states on in-country consultations finalized and discussed with the CAHAI-LFG	January
	Draft guidelines and the request to identify contact body and person sent to the member states, and also to participate in pilot project	January 2021 – 1-st half of February
	Online workshop for representatives of member states (either official arranged by the CoE or unofficial zoom meeting arranged by the CAHAI-COG) is held	2-nd half of February
Phase 2. National consultations	Pilot round of consultations	March - April
	Main round of national consultations	April – September
	Results of the national consultations summarized and sent to the CAHAI-COG	September
Phase 3. Post consultations phase	Analysis of the results of national consultations held	October - November
	Brief summaries of the main findings of the consultations (with the option to express the opinion) and further steps sent to contact persons of steps	December