

Strasbourg, 21 January 2021

CAHAI-PDG(2021)PV1rev.

**AD HOC COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAHAI)
POLICY DEVELOPMENT GROUP
(CAHAI-PDG)**

**3rd online meeting
20-21 January 2021**

Abridged Report

Prepared by the Secretariat

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1. Opening of the meeting

1. The CAHAI-PDG Co-Chairs welcomed members and participants to the first meeting of the year.
2. The Chair of the CAHAI began by highlighting the very positive feedback regarding the work of the CAHAI received during the Conference on Human Rights in the Era of AI - Europe as international Standard Setter for Artificial Intelligence organised by the German presidency of the Committee of Ministers on 20 January 2021.
3. He also congratulated CAHAI-PDG members for the outstanding work done within very tight deadlines on the feasibility study. As the CAHAI will be preparing elements for both binding and non-binding legal frameworks/instruments, the CAHAI-PDG will examine which aspects could be covered by non-binding sector specific instruments and which elements should be transmitted to the CAHAI-LFG.
4. He added that to make the cooperation between the Working Groups more effective, meetings between the Co-Chairs of each Working Group should be organised on a regular basis and Co-Chairs should attend the meetings of the other Working Groups, whenever necessary.
5. The Chair of the CAHAI also mentioned the CAHAI plenary taking place on 26 February which will address the multi-stakeholder consultation, and for which input from the CAHAI-PDG is also desirable.

2. Adoption of the agenda

6. The agenda was adopted unanimously.
3. **Information point: Conference on “Protecting Human Rights in the era of AI - Europe as an international standard setter for the regulation of Artificial Intelligence” – Conference organised by the German Chairmanship of the Committee of Ministers**
7. The Co-Chair of CAHAI-PDG, Wolfgang Teves (Germany), presented the Conference on AI organised by the German presidency of the Committee of Ministers on 20 January 2021. He indicated that the conclusions of the conference are available both on the German presidency website and the Council of Europe website. He thanked those CAHAI members who took part for their contributions to the fruitful discussions and the success of the Conference.
8. Mr Teves highlighted the main points of the conclusions and the wide support shown to the feasibility study. Moreover, during the Conference much support was voiced for the need for a binding legal framework in the field of AI with sectorial instruments of a binding or non-binding nature.
9. Also, the Conference encouraged the CAHAI to continue its work through multi-stakeholder consultations.
10. Mr Jan Kleijssen, Director of Information Society and Action against Crime directorate of the Council of Europe thanked the German Presidency of the Committee of Ministers for the organisation of the conference and underlined the varied and important number of participants.

11. He indicated that this Conference has contributed broadly to the visibility of the work of CAHAI. As often the focus is on the EU, not everyone is aware that the CoE is playing such a leading role on AI and the Conference was a good opportunity to highlight this. He encouraged the conclusions to be shared with the Committee of Ministers so that it is formally informed.
12. Mr Kleijssen also mentioned that issues to be examined would most likely move between the CAHAI-PDG and the CAHAI-LFG, depending on whether consensus is reached in the CAHAI-LFG.

4. Exchange of views on CAHAI- PDG activities in 2021, in the light of the CAHAI-PDG 2021 mandate and the CAHAI Bureau meeting of 15 January 2021

13. The CAHAI-PDG Co-Chairs presented the working documents including the workplan for 2021.
14. There was an exchange of general views among members of the CAHAI-PDG on potentially relevant topics for their work going forward, based on the Feasibility Study adopted at the last plenary in December 2020.
15. There were discussions on the issues that the Working Group should focus on and develop. The Co-Chair indicated that the CAHAI-LFG would focus on the concrete elements of Chapter 7 of the Feasibility Study as a starting point, whereas the CAHAI-PDG could develop the issues raised in other chapters, for instance in Chapters 3 and 9.
16. The Feasibility Study having been unanimously adopted, it is now for the CAHAI-PDG to determine which issues are to be developed further, as well as to look for gaps in the Feasibility Study where other issues may also need examination.
17. The group raised as potential topics, inter alia, compliance mechanisms, human rights impact assessment, aspects of the liability regime, the level of risk of AI applications, education and awareness to AI technologies, policy guidance on positive uses of AI systems, the impact of AI on democracy, the responsible use of AI in the public sector, gender equality and discrimination in the context of the development and use of AI. These items would be more specifically discussed by the Group under agenda item 3.3, with a view to ultimately deciding which ones should become working subjects in 2021.
18. The CAHAI-PDG also pointed out the importance of coordinating efficiently the work and tasks with other working groups to avoid overlap and of bringing relevant input to the work of the CAHAI-LFG. The Co-Chairs of the respective working groups would work in close collaboration and take part in the other working group meetings where possible.
19. To conclude, it was decided that the Co-Chairs and the Secretariat will prepare a list of potential issues and topics on which the CAHAI-PDG could focus on in 2021, which will be presented during the next day of the meeting for further discussion.

4.1 Elaboration of the questionnaire for the multi-stakeholder consultation

20. Mr Wolfgang Teves presented the questionnaire that had been drafted by the Co-Chairs of the CAHAI-PDG following the CAHAI Bureau meeting on 15 January regarding the multi-stakeholder consultation which will take place this year.

21. The Secretariat indicated the expected timeline of the online survey (results by spring), its dissemination and expected result which is to provide a first indication to the CAHAI-LFG on issues where there are broad consensus or differing opinions.
22. The CAHAI-PDG members discussed the draft questionnaire and proceeded to make several comments.
23. There was general agreement on the inclusion of a preliminary question on the geographical and group affiliation in order to provide a data analysis of the respondents in the final report of the consultation.
24. There was also a consensus on the necessity to reduce the length of the questionnaire, to maintain a consistency of language and to clarify the meaning of certain questions in line with the objective of the survey which is to provide relevant input to the CAHAI-LFG work.
25. The discussions highlighted the necessity to use a mixed form of possible questions, using both closed questions, open questions, multiple choice questions and a likert-type scale in order to obtain valuable and relevant input for interpretation. A likert scale would reflect any nuances in the answers and allow for comparison of the different priorities of the respondents. Furthermore, a possibility to say 'no opinion/don't know' should be added to the possible answers to the questions.
26. It was decided that questions with a clear yes or no answer that bring no obvious input to the consultation should be avoided. Also, open questions should be well-framed and only asked at the right moment and limiting the length of replies, since the replies could otherwise be difficult to process.
27. Finally, the CAHAI-PDG agreed on the need of having a preliminary methodological note at the beginning of the survey to avoid misunderstandings of the questionnaire as well as giving examples in order to clarify questions, where necessary.
28. The Secretariat invited delegations to provide their inputs to the questionnaire as soon as possible so that a new draft of the questionnaire could be produced and circulated by the end of the week after this meeting (25 – 29 January 2021).

4.2 Mapping of Council of Europe's ongoing intergovernmental initiatives in the field of AI in 2021 and of those tentatively planned for 2022-23

29. The Secretariat informed the Working Group that it would be liaising with other departments within the CoE Secretariat in order to do a mapping of other AI-related initiatives being carried out in the different sectors, as well as to establish in which sectors there is no current activity. This would lead to a better understanding of where the CAHAI could undertake further action and avoid unnecessary duplication of work.
30. The importance of the mapping initiative was once again stressed, with the group calling for a rolling list of projects in the field of AI within the CoE that would provide input to the work of the CAHAI: in particular, which issues could be addressed by part of sectorial instruments. The Secretariat confirmed that the mapping should be completed by March.

4.3 Exchange of views on working subjects for the CAHAI-PDG in 2021 and division of labour with the CAHAI-LFG.

31. The Secretariat, in replying to a previous question, underlined that both Working Groups together should produce one final deliverable: the potential elements of a future legal framework which will be transmitted to the CAHAI plenary.
32. The CAHAI-PDG examined the list of possible working subjects prepared by the Secretariat and the Co-Chairs. This list should not be considered as exhaustive or definitive, its role being simply to serve as a basis for discussions.
33. Mr Teves reminded the group that the CAHAI-PDG should focus on areas that the Feasibility Study either does not explore in detail or does not cover. The CAHAI-LFG will focus on rights and obligations of Chapter 7, whereas the CAHAI-PDG will focus mostly on Chapters 3 and 9, however other issues could be transmitted from the CAHAI-PDG to the CAHAI-LFG, or vice versa.
34. The Working Group agreed that, where avoidable, it is important not to duplicate work undertaken by other relevant international organisations, such as UNESCO and the OECD.
35. The importance of having a clear idea of what was to be achieved by the CAHAI-PDG was emphasised by the Working Group. In this regard it was agreed to set up two sub-working groups, one dealing with impact assessments of AI applications, from the perspective of human rights, democracy and the rule of law, and one giving policy guidance on the use of AI in the public sector.
36. All agreed that close co-operation between the Working Groups is essential. In order to reach a common understanding between the CAHAI-LFG and the CAHAI-PDG, the group decided it would be useful to invite the Co-Chairs of the CAHAI-PDG to explain the current state of play of the work of the CAHAI-PDG at the next CAHAI-LFG meeting.

5. Planning of work and distribution of tasks until the next meeting

37. The Secretariat informed the Working Group that a description of the tasks of the two above-mentioned sub-working groups will be circulated to CAHAI-PDG members, asking for those who are interested to sign up to one or both groups.

6. Next CAHAI-PDG meetings

38. The Group was informed that the 4th CAHAI-PDG meeting would take place on 18-19 March 2021, in an online format.

7. Any other business

39. No other issues were raised.

8. Closing remarks by Ms Claudia Luciani, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe

40. Ms Luciani did not deliver closing remarks but intervened in the framework of the discussions under point 4.3. She indicated that the German conference had been a very interesting forum of discussion on issues related to the challenges brought by AI in the field of human rights, democracy and the rule of law. She stressed that the CAHAI-PDG has the privileged opportunity to be able to explore different issues related to the application of

AI in the framework of democratic processes, and encouraged the Group to go further in the analysis of the challenges and possible policy answers.

APPENDIX I - AGENDA

Thursday, 21 January 2021		
9.30 am		1. Opening of the meeting. <ul style="list-style-type: none"> • Mr Gregor Strojín, Chair of CAHAI
9.45 am		2. Adoption of the agenda
9.50 am	CAHAI(2020)10 ADD REV3 Feasibility Study CAHAI(2020)23	3. Exchange of views on CAHAI- PDG activities in 2021, in the light of the CAHAI-PDG 2021 mandate and the CAHAI Bureau meeting of 15 January 2021
10.10 am	CAHAI- PDG(2021)01	3.1. Elaboration of the questionnaire for the multi-stakeholder consultation <ul style="list-style-type: none"> • Presentation by the CAHAI-PDG co-chairs • Comments by CAHAI-PDG members, observers and participants
11.20 am		3.2 Mapping of Council of Europe's ongoing intergovernmental initiatives in the field of AI in 2021 and of those tentatively planned for 2022-23
12.00 pm		Closing of the first day
Friday, 22 January 2021		
11 am		3.3 Exchange of views on working subjects for the CAHAI-PDG in 2021 and division of labour with the CAHAI-LFG
12.30 pm		<i>Lunch break</i>

2 pm		4. Planning of work and distribution of tasks until the next meeting
2.30 pm		<p>5. Information point: Conference on “Protecting Human Rights in the era of AI - Europe as an international standard setter for the regulation of Artificial Intelligence” – Conference organised by the German Chairmanship of the Committee of Ministers</p> <ul style="list-style-type: none"> • Mr Wolfgang Teves, co-chair of the CAHAI-PDG. • Mr Jan Kleijssen, Director, Information Society- Action against Crime, Council of Europe
2.40 pm	CAHAI(2020)25rev1	6. Next CAHAI-PDG meetings (18-19 March 2021, online meeting)
2.45 pm		7. Any other business
2.50 pm		<p>8. Closing remarks by Ms Claudia Luciani, Director, Directorate of Human Dignity, Equality and Governance, Council of Europe</p> <p>End of the meeting</p>

APPENDIX II – LIST OF PARTICIPANTS

MEMBERS OF THE POLICY DEVELOPMENT GROUP / MEMBRES DU GROUPE D'ELABORATION DES POLITIQUES

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Researcher and Professor in ICT and Media at the Faculty of Law at the KU Leuven /
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ESTONIA / ESTONIE

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GERMANY / ALLEMAGNE

Mr Wolfgang TEVES – Chair / Président

Head of Division for Digital Strategy; Key Policy Issues of the Information Society, Federal
Ministry of Justice and Consumer Protection / Chef de la Division de la stratégie numérique,
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protection des consommateurs

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HUNGARY / HONGRIE

Mr Zoltán TURBÉK – Co-Chair / Co-Président

Director, Department of International Organisations, Ministry of Foreign Affairs and Trade / Directeur, Département des organisations internationales, Ministère des affaires étrangères et du commerce

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ITALY / ITALIE

Ms Alessandra PIERUCCI - Service for EU and International Matters, Garante per la protezione dei dati personali / Service pour les affaires européennes et internationales, Contrôleur de la protection des données

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Mr Robert KROPLEWSKI - Plenipotentiary of the Minister of Digitization for the Information Society, Ministry of Digitization / Plénipotentiaire du ministre de la numérisation pour la société de l'information, Ministère de la numérisation

RUSSIAN FEDERATION / FEDERATION DE RUSSIE

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