



Strasbourg, 27 September 2024

CAI(2024)15

COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)

11th Plenary Meeting

Strasbourg

17 - 19 September 2024

MEETING REPORT

Prepared by the Secretariat

I. Introduction

1. The Council of Europe's Committee on Artificial Intelligence (hereinafter referred to as "the CAI" or "the Committee") held its 11th Plenary meeting in Strasbourg, from 17 to 19 September 2024, in conformity with its terms of reference adopted by the Committee of Ministers.

II. List of items discussed at the meeting and decisions taken by the CAI

Agenda item 1. Opening of the meeting

2. The Chair, Ambassador Thomas SCHNEIDER (Switzerland), opened the meeting and welcomed the Members, Participants and Observers. The Chair announced that the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law was opened for signature in Vilnius on 5 September 2024 on the occasion of the informal Conference of Ministers of Justice.
3. Andorra, Georgia, Iceland, Norway, the Republic of Moldova, San Marino, the United Kingdom, Israel, the United States of America and the European Union (on behalf of its twenty-seven member States) signed the treaty during the dedicated ceremony. The Chair congratulated all Delegations for making the world's first international legally binding treaty on artificial intelligence a reality.
4. The Chair reminded the Committee that the CAI's next task was to finalise the Methodology for the Risk and Impact Assessment of AI systems from the point of view of Human Rights, Democracy and the Rule of Law (HUDERIA). According to the CAI's Terms of Reference, this work is to be concluded by the end of this year.
5. Ms Hanne JUNCHER, Director of the Integrity, Security and Rule of Law Directorate, addressed her opening words to the Committee and congratulated the Delegations with the successful opening for signature of the Framework Convention. Ms JUNCHER underlined the importance of the CAI's further on-going work on HUDERIA and also mentioned that the mandates of the Chair, Vice-Chair and seven Bureau members were up and therefore elections would be held during this meeting to replace them.
6. She invited possible candidates to express their interest and the Committee members to reflect on the list of candidates.

7. Mr Patrick PENNINGCKX, Head of the Department of Digital Development and Governance, will retire by the end of October 2024. The Committee thanked him warmly for his contributions to the work of, and support for, both the CAHAI and the CAI.

Agenda item 2. Adoption of the Agenda and Order of Business

8. The Committee decided to adopt, without any modifications, the agenda and order of business.

Agenda item 3. Adoption of the Meeting Report

9. The Committee decided to adopt, without any modifications, the report of the 10th Plenary meeting of the CAI.

Agenda item 4. Election of the Chair, Vice-Chair and Bureau members

10. The Committee decided to:

- elect for the duration of the current Terms of Reference of the Committee (expire 31 December 2025):

Mr Mario HERNÁNDEZ RAMOS (Spain) as Chair of the Committee;

Mr Thomas SCHNEIDER (Switzerland) as Vice-Chair of the Committee;

- elect for the duration of the current Terms of Reference of the Committee (expire 31 December 2025) the following Bureau Members (in alphabetical order):

Mr Jordi ASCENSI SALA (Andorra)

Ms Işıl Selen DENEMEÇ (Türkiye)

Mr Jasper FINKE (Germany)

Mr Dimitri GUGUNAVA (Georgia)

Mr Floris KREIKEN (Netherlands)

Ms Maria NORDSTRÖM (Sweden)

Mr Amit THAPAR (United Kingdom)

Agenda item 5. Exchange of views with the Director General of Human Rights and Rule of Law

11. The Committee held an exchange of views with Mr Gianluca ESPOSITO, Director General, Directorate General Human Rights and Rule of Law, who thanked all Delegations, the Chair and the Secretariat for their hard work on the treaty during the

last two years and mentioned that AI has been and will remain a priority for the Council of Europe in the future. He spoke about the Committee's on-going work on HUDERIA and how this work tied in his vision of the future work of the Conference of the Parties and the international cooperation regarding the implementation of the treaty.

12. During the exchange of views, many Delegations underlined a special role the Council of Europe could and should play in shaping the international agenda and discussions regarding AI governance, to focus on human rights, democracy and the rule of law as well as the need to bridge the existing gap between the technical knowledge/ technical community and the human rights law/lawyers/government officials. The Committee warmly thanked Mr ESPOSITO for his presentation and the exchange.

Agenda item 6. Examination of the Draft Methodology for the Risk and Impact Assessment of Artificial Intelligence Systems from the point of view of Human Rights, Democracy and the Rule of Law (HUDERIA)

13. The Committee heard the presentation of:

- the Draft Methodology for the Risk and Impact Assessment of Artificial Intelligence Systems (doc. CAI(2024)11); and
- the HUDERIA Pilot programme and its outcomes

by the Secretariat and the team of the Alan Turing Institute, the UK's national institute for data science and AI (Professor David LESLIE, Ms Morgan BRIGGS, Ms Semeli HADJILOIZOU, Ms Sabeedah MAHOMED and Ms Smera JAYADEVA).

14. In their presentation, the Secretariat and the Alan Turing Institute team underlined that according to the CAI's terms of reference and in line with the instructions received at the CAI's Third Plenary meeting the draft Methodology:

- was designed as a stand-alone, non-legally binding instrument that does not have legal effect, is not mandatory, or intended as an interpretative aid for the Framework Convention on AI;
- provided criteria and processes for identifying contexts and applications in which the deployment of artificial intelligence systems could pose risks to the enjoyment of human rights, the functioning of democracy, and the observance of the rule of law and to assess and mitigate these risks;

- is designed to be as “algorithm neutral” and practice based as possible so that it can remain maximally future proof and inclusive of various AI applications. By design, the model will stay responsive to the development of novel artificial intelligence innovations and use-cases and should be seen as dynamic and in need of regular revision;
- is based on the assumption that domestic authorities are better placed to make relevant policy and regulatory choices, taking into account their country’s specific political, economic, social, cultural, and technological contexts, and that they should accordingly enjoy a certain margin of appreciation in this sphere;
- many existing or future frameworks, policies, guidance, standards or tools may be used to assist in conducting AI risk and impact management, including the HUDERIA;
- Parties to the Convention have the flexibility to use or adapt the methodology, in whole or in part, to develop new approaches to risk assessment or to use or adapt existing approaches in keeping with their applicable laws provided that Parties to the Convention fully meet their obligations under the Convention, including the base-line for risk and impact management set out in Chapter V;
- as agreed at the 3rd Plenary meeting, the current draft follows the 3-tiered approach¹ to issues relating to risk and impact management of AI systems and provides sufficient guidance in terms of both the second and third levels.

15. The Alan Turing team presented the HUDERIA Pilot programme mentioning in particular that:

- it involved the multidisciplinary teams of seven States (Andorra, Moldova, the Netherlands, Ukraine, Canada, Israel and Japan);
- Five States presented their own use cases (existing or under development), whilst the Alan Turing team provided a mock use case for the remaining two States;
- the purpose of the programme was to test the ideas and processes elaborated in the draft Methodology and to collect valuable feedback on the contents of

¹ A 3-tiered approach includes (1) a general obligation to conduct a risk and impact management, as required by Article 16 of the Framework Convention, (2) the stand-alone, non-legally binding methodology to be adopted by the Committee to serve as guidance for the Parties, and (3) an operationally feasible non-legally binding concrete model facilitating the implementation of the methodology, see paragraph 41 point c) in the 3rd Plenary meeting report, (document CAI(2023)04)

- HUDERIA, the real-life usefulness of the Methodology and its interoperability with other related standards used by the industry from the multidisciplinary teams which are responsible for risk and impact assessment of AI systems;
- the programme consisted of one one-hour introductory session, four three-hour workshops (held on-line) and the final feedback session (held in hybrid format) which took place in June and July 2024;
 - the feedback received was used to improve the latest version of the draft Methodology (doc. CAI(2024)11).
16. The Committee had an exchange of views regarding the presentation, having voiced its overall support for the project and underlined the value and usefulness of the draft Methodology for the on-going international AI governance efforts. The Committee agreed that in view of the need to remain flexible, further work on HUDERIA would proceed on the assumption that the draft Methodology would be a document to be adopted by the CAI, and of which the Committee of Ministers would take note.
17. The Committee made comments and remarks regarding the contents of the document, mentioning in particular that the draft Methodology has to be made more user-friendly both in terms of the language and style used, but also concretely in terms of its substantive content. Furthermore, the Committee raised the following points:
- the core of the Methodology (level 2 guidance) should be relatively short and synthetic (20 - 25 pages maximum) with the rest of the materials (level 3 guidance) organised in a manner that makes it useable by the specialised intended audience concerned as appendices;
 - the introductory section should be reworked to make the purpose of the Methodology and the nature of its relation to the Framework Convention clear and unambiguous as well as reflect further changes resulting from this revision;
 - the Project Summary Report (PS report) section should be moved to one of the appendices - the core of the Methodology (level 2) should contain only a brief description of the main documentation requirements regarding the HUDERIA process; in this connection, the level 3 guidance on these matters as well as the overall workflow for each stage should include more information on the potential distribution of roles in AI teams;
 - the Context-Based Risk Analysis (COBRA) section should be revised:

1. to improve on the description and functioning of the risk calibration mechanisms as well as the consistency in the use of technical terminology;
 2. by exploring ways to reconcile COBRA with the threshold/entry level approach;
 3. to improve the guidance on the mapping of rights and the issues of democracy and the rule of law (in order to reflect the global character of the instrument and improve the useability and readability of this section);
- the Stakeholder Engagement Process (SEP) section should be revised to improve its useability and the overall consistency with other parts and sections of the draft;
 - the Impact Assessment (IA) and Impact Mitigation Plan (IMP) section should be revised to improve its useability, readability and the overall consistency with other parts and sections of the draft, which includes, among other things, the title of this section and the description of the nature of evaluation carried out by AI teams in respect of rights; additionally, special attention should be paid to the remedies section which has to closely align with the approach in Chapter IV of the Framework Convention and the need for AI teams to address the “zero” question – whether in view of the conclusions reached as a result of the HUDERIA analysis the team should at all proceed with the project;
 - the Iterative Requirements (IR) section could be supplemented with the conceptual description of trigger events, and possible inclusion of other matters such as trend analysis and monitoring mechanisms should be considered;
 - lastly, as regards the Resources section, in addition to the point regarding the structure of the draft (the first point in this list) this section should be readjusted to fit the user’s perspective in particular insofar as the issues of interoperability are concerned.
18. The Committee also agreed that as a separate event to be held sometime before the 12th Plenary meeting (date to be announced by the Secretariat separately), the Alan Turing Institute team would hold an on-line demonstration of the HUDERIA process to the Members, Observers and Participants of the CAI.
 19. The Committee decided to instruct the Secretariat to revise the Draft Methodology in light of the discussions held during this meeting, and to distribute it to all Delegations for comments in written procedure ahead of the 12th Plenary meeting.

Agenda item 7. Date and place of the next meeting

20. The Committee decided to hold its 12th Plenary meeting in Strasbourg on 26 - 28 November 2024.

Agenda item 6. Any other business

21. The Committee took note that no points were raised under this agenda item.

Agenda item 7. Adoption of the List of Decisions, and close of the meeting

22. The Committee decided to adopt the List of Decisions.

End of the meeting