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STEERING COMMITTEE FOR HUMAN RIGHTS
COMITÉ DIRECTEUR POUR LES DROITS HUMAINS
(CDDH)

**DRAFTING GROUP ON HUMAN RIGHTS AND ARTIFICIAL
INTELLIGENCE**
*GROUPE DE RÉDACTION SUR LES DROITS HUMAINS ET
L'INTELLIGENCE ARTIFICIELLE*
(CDDH-IA)

Discussion Paper / Document de discussion

I. Introduction

1. The present document has been drafted to facilitate discussions at the first meeting of the CDDH Drafting Group on human rights and artificial intelligence (CDDH-IA).

II. The CDDH-IA terms of reference

2. At its 99th meeting, the CDDH adopted terms of reference for the CDDH-IA to conduct preparatory work on its deliverable, the Handbook on human rights and artificial intelligence (Handbook), “subject also to the results of the work of the Committee on Artificial Intelligence (CAI)”.¹ The CDDH-IA, in its terms of reference, has been instructed to draft the Handbook “[o]n the basis of developments in member States, within the Council of Europe and in other relevant international organisations”.² The deadline for the CDDH to complete this work is 31 December 2025.

3. The CDDH-IA’s terms of reference provide a broad mandate for the CDDH-IA, leaving the determination of the scope and form of the Handbook relatively open. While this is a significant opportunity, it may also pose a challenge. On one hand, it allows the Group to explore a broad range of issues related to artificial intelligence (AI) and human rights and be responsive to the rapidly evolving technological and legal landscape. On the other hand, the open mandate means that the CDDH-IA will have to determine the scope and focus of the Handbook and its relationship to other texts and activities, whether completed, ongoing, or foreseen.

III. Council of Europe activities on AI

4. Identifying other Council of Europe activities related to human rights and AI can ensure that the CDDH-IA’s work does not duplicate existing efforts. At the same time, this mapping exercise may help to maintain consistency with Council of Europe standards and for the Handbook to complement ongoing, and concluded initiatives on human rights and AI.

5. It is important to acknowledge at the outset that many Council of Europe bodies are considering the impact of AI on their field of activity. In March 2023, the Council of Europe published a [brochure](#) with an overview of the work in the area of artificial intelligence then completed, underway, or planned.³

¹ [CDDH\(2023\)R99](#), § 22.

² [CDDH-IA\(2024\)01](#).

³ [The Council of Europe and Artificial Intelligence](#), 2023 March.

6. The work carried out by these various Council of Europe bodies can be categorised as either transversal⁴ or sectoral.⁵

7. A line of work of particular relevance for the Group – as identified by the CDDH through several Plenary meetings – is that of the Committee on Artificial Intelligence (CAI) and its predecessor, the ad hoc Committee on Artificial Intelligence (CAHAI).⁶

8. The CAHAI examined the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe's standards on human rights, democracy and the rule of law. In December 2020, the CAHAI [adopted a feasibility study on a legal framework on AI design, development and application based on Council of Europe's standards](#). As a companion to this feasibility study, the Alan Turing Institute produced a document titled [Artificial Intelligence, Human Rights, Democracy and the Rule of Law: A Primer](#). In December 2021, the CAHAI adopted the document "[Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law](#)".

9. The CAI elaborated the [Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#) (Framework Convention) which was adopted on 17 May 2024 by the Committee of Ministers of the Council of Europe at its 133th Session held in Strasbourg. The treaty was opened for signature on the occasion of the Conference of Ministers of Justice in Vilnius (Lithuania) on 5 September 2024.⁷ The Framework Convention was accompanied by an [Explanatory Report](#).

10. The Framework Convention – the first international treaty on artificial intelligence – aims to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law, while being conducive to technological progress and innovation.⁸ It ensures that "each Party's existing applicable obligations on human rights, democracy and the rule of law are also applied to activities within the lifecycle of artificial intelligence systems. In this sense, the Framework Convention is aligned with the applicable human rights protection systems and mechanisms of each Party, including their international law obligations and other international commitments and their applicable domestic law. As such, no provision of this Framework Convention is intended to create new human rights or human rights obligations or undermine the scope and content of the existing applicable protections, but rather,

⁴ For example, [Human rights by design: Future-proofing human rights protection in the era of AI](#), Follow-up Recommendation by the Commissioner for Human Rights, May 2023; [Recommendation of the Committee of Ministers to member States on the human rights impacts of algorithmic systems](#) - CM/Rec(2020)1; [Declaration of the Committee of Ministers on the manipulative capabilities of algorithmic processes](#) - Decl(13/02/2019)1; [Unboxing AI: 10 steps to protect human rights](#) - Recommendation of the Commissioner for Human Rights, May 2019; [Recommendation of the Parliamentary Assembly of the Council of Europe about Technological convergence, artificial intelligence and human rights](#) - Recommendation 2102(2017)

⁵ These include work concerning Privacy and Data Protection, Justice and public administration, Healthcare and Biomedicine, Non-discrimination, Gender equality, Social Rights, Education, Children's rights, Freedom of expression and culture, Democratic governance, Action against crime, Youth policy.

⁶ See [CDDH\(2023\)R99](#), § 22; [CDDH\(2023\)R98](#), § 21, § 30; [CDDH\(2022\)R97](#), § 34; [CDDH\(2022\)R96](#), § 36; [CDDH\(2021\)R95](#), Appendix V; § 6.

⁷ [CM/Del/Dec\(2024\)133/4](#).

⁸ Framework Convention, Article 1 – Object and purpose, § 1.

by setting out various legally binding obligations contained in its Chapters II to VI, to facilitate the effective implementation of the applicable human rights obligations of each Party in the context of the new challenges raised by artificial intelligence. At the same time, the Framework Convention reinforces the role of international human rights law and relevant aspects of domestic legal frameworks in relation to activities within the lifecycle of artificial intelligence systems that have the potential to interfere with human rights, democracy and rule of law”.⁹

11. Because the Framework Convention was designed as a potentially global treaty, its approach to human rights issues is not based specifically on the European Convention on Human Rights (ECHR). The Handbook, by contrast, is intended primarily as a Council of Europe instrument, and as such would take the ECHR, as interpreted by the caselaw of the European Court of Human Rights (the Court), as its primary reference. Furthermore, political choices were made concerning the Framework Convention’s engagement with certain issues, including States’ positive obligations to regulate the activities of private actors and the human rights implications of activity relating to national security.

12. During the preparation of the Framework Convention¹⁰, the Chairperson of the CDDH presented the CDDH’s position on three broad areas of concern about the draft Framework Convention: “the use of terminology, which should be consistent with that of the European Convention on Human Rights and the Court’s caselaw; the absence of a reference to remedies, which formed an essential part of the framework for human rights and business set out in the UN Guiding Principles; and the treatment of positive obligations”.¹¹

13. The CAI will continue its work until the end of 2024 on 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).

14. HUDERIA seeks to ensure a uniform approach towards identification, analysis and evaluation of risk and assessment of impact of artificial intelligence systems in relation to the enjoyment of human rights, the functioning of democracy and the observance of rule of law. Once adopted by the CAI, the methodology will be a stand-alone non-legally binding instrument accompanying the Framework Convention on Artificial Intelligence, and Human Rights, Democracy and the Rule of Law. Its main role is to assist the domestic authorities in setting up their own risk and impact assessment tools identifying such artificial intelligence systems or combined technologies based on such systems that are likely to pose significant levels of risk to the enjoyment of human rights, the functioning of democracy and the observance of the rule of law and help them manage the related risks.

15. It may be borne in mind that the Committee of Ministers is likely to adopt the Handbook, which will be relevant for all Council of Europe member States, in early 2026. If only because of the time required to complete domestic ratification procedures, it is unlikely that all Council of Europe member States will by then have ratified the Framework Convention. The Handbook is

⁹ Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, § 13

¹⁰ CDDH(2023)R98, § 30; CAI(2023)14, Agenda Item 5.

¹¹ CDDH(2023)R97, § 34.

thus likely to become an important, non-binding source of guidance for some member States that are not yet parties to the Framework Convention and for which, as a result, HUDERIA is not yet relevant.

16. Besides these processes, Appendix 1 of this discussion paper provides a table outlining the ongoing and forthcoming initiatives within the Council of Europe related to human rights and artificial intelligence.

Discussion points:

- **How should the Handbook relate to the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law?**

17. The Handbook could provide additional analysis, addressing specific areas that the Framework Convention does not cover in detail and “going further than the Framework Convention had done”.¹² At the same time, the Group’s mandate allows it to explore a wider range of issues related specifically to human rights and AI.

- **How should the Handbook consider HUDERIA?**

18. HUDERIA will not be a legal document but a risk and impact assessment model. With this in mind, the Group may consider how the Handbook would relate to HUDERIA by, for example, providing legal analysis on the normative content of the relevant human rights obligations, as they apply in particular to Council of Europe member States as Contracting Parties to the ECHR.

- **How should the work of other Council of Europe bodies on human rights and artificial intelligence be reflected in the Handbook?**

19. The Group should consider how to avoid duplication while ensuring that its work remains consistent with and complementary to other processes. The Handbook may seek to maximise its added value by focussing on areas that are underexplored by other bodies.

IV. Scope of the Handbook

1. Target audience

20. The target audience of the Handbook and their specific needs are central for the determination of the Handbook’s scope.

21. The primary audience may be considered to consist of government officials and policymakers of Council of Europe member States, particularly those working on human rights or AI regulatory matters. This group may use the Handbook as a practical tool for applying relevant

¹² See for e.g. the intervention of the Chair of CAI, Thomas Schneider, at the 100th Plenary meeting of the CDDH concerning the possible scope of the Handbook on human rights and artificial intelligence (CDDH(2023)R99, § 26).

human rights standards in the context of AI, with the expectation that it will provide actionable guidance to assist these officials in interpreting existing legal framework.

22. A secondary audience might include judges, lawyers, and other legal professionals who would benefit from having a comprehensive reference for human rights and AI. While the Handbook should primarily aim to cater to the needs of government officials and policymakers, it could also offer valuable insights and references that could aid legal professionals without detracting from the primary audiences' needs.

23. Other interested parties, such as human rights organizations, or AI developers, and businesses, might also find the Handbook relevant. These groups might be considered in the broader context, but the primary focus should remain on delivering clear and actionable guidance for government officials, policymakers, and associated regulatory bodies.

Discussion points:

- **Who is the target audience for the Handbook and what specific needs do they have?**

2. Definition of AI and related terminology

24. The Framework Convention provides a definition of AI that was drawn from the definition adopted by the OECD on 8 November 2023.¹³ This definition “reflects a broad understanding of what artificial intelligence systems are, specifically as opposed to other types of simpler traditional software systems based on the rules defined solely by natural persons to automatically execute operations. It is meant to ensure legal precision and certainty, while also remaining sufficiently abstract and flexible to stay valid despite future technological developments”.¹⁴

25. Given the importance of the Framework Convention for subsequent Council of Europe work on AI and the negotiating States', including all Council of Europe member States', approval of its definition of AI adopting this definition in the Handbook would ensure consistency across the Council of Europe's framework, presenting a compelling case for its use.

26. Besides the question on the definition of AI, identifying the related terms of art would help both the Group and subsequent readers to fully understand and appreciate the text. Given the complexity of the technological background, the Handbook could benefit from a concise introduction to the relevant definitions of technical terms and key concepts.

Discussion points:

¹³ Framework Convention, Article 2 “For the purposes of this Convention, “artificial intelligence system” means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.”

¹⁴ Explanatory Report, § 24.

Should the Handbook include a technological introduction to AI, and if so, are there any existing standards for definitions that it should adopt?

27. The group might consider the terminology and definitions to adopt, in light of existing standards as well as other sources that offer widely accepted definitions.

3. Legal Framework

28. The sources of law to be examined in the Handbook shape the legal framework within which AI and human rights are assessed. AI technologies present a moving target for human rights-based regulation, due to, amongst other things, the speed of development and the opacity of AI systems. In addition, the number of AI policy initiatives and suggested standards globally is increasing at a rapid rate.¹⁵ Two prominent regulatory frameworks that specifically address AI are the Framework Convention and the EU AI Act.¹⁶

29. Parallel to this emerging regulatory landscape, there is an established framework of international human rights law that is applicable in the context of AI.¹⁷ The Framework Convention's Explanatory Report clarifies that "each Party's existing applicable obligations on human rights, democracy and the rule of law are also applied to activities within the lifecycle of artificial intelligence systems".¹⁸

30. International human rights law is set out in treaties, customary international law, non-binding instruments, and the jurisprudence and/or practice of monitoring bodies. The Explanatory Report to the Framework Convention gives examples of global and regional human rights instruments and treaties that are relevant to the States that were involved in negotiating the Framework Convention concerning their general obligation to protect human rights.¹⁹ For the purpose of the Handbook, the relevant instruments may most obviously include:

Council of Europe Instruments:

- i. The 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, ECHR) and its Protocols;
- ii. The 1961 European Social Charter (ETS No. 35, ESC) and its protocols, including the 1996 Revised European Charter (ETS No. 163);
- iii. The 1981 Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, as amended (ETS No.108, CETS No. 223), and its Protocols;

¹⁵ OECD repository of over 1000 AI policy initiatives from 69 countries, territories and the EU <https://oecd.ai/en/dashboards/overview>.

¹⁶ [Regulation \(EU\) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations \(EU AI Act\)](#).

¹⁷ See Article 4 of the Framework Convention – „Each Party shall adopt or maintain measures to ensure that the activities within the lifecycle of artificial intelligence systems are consistent with obligations to protect human rights, as enshrined in applicable international law and in its domestic law.”

¹⁸ Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, § 13

¹⁹ Explanatory Report, § 39.

- iv. The 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS No. 126) and its Protocols;
- v. The 1997 Convention on Human Rights and Biomedicine (ETS No. 164, the Oviedo Convention) and its Protocols;
- vi. The 1998 Framework Convention for the Protection of National Minorities (ETS No. 157);
- vii. The 2005 Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197);
- viii. The 2007 Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, the Lanzarote Convention);
- ix. The 2011 Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No. 210, the Istanbul Convention).

United Nations Instruments:

- x. The 1965 United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);
- xi. The 1966 United Nations International Covenant on Civil and Political Rights and its Optional Protocols (ICCPR);
- xii. The 1966 United Nations International Covenant on Economic, Social and Cultural Rights (ICESCR) and its Optional Protocol;
- xiii. The 1979 United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol;
- xiv. The 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;
- xv. The 1989 United Nations Convention on the Rights of the Child (UNCRC) and its Optional Protocols;
- xvi. The 2006 United Nations Convention for the Protection of All Persons from Enforced Disappearance;
- xvii. The 2006 United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and its Optional Protocol.

31. There are also non-binding instruments within the Council of Europe Framework and other international organisations that are relevant in the context of human rights and artificial intelligence. A non-exhaustive list of these instruments can be found in document CDDH-IA(2024)02.²⁰

32. While domestic law undoubtedly plays a key role in the implementation of international human rights obligations, the extent to which the Handbook should engage with domestic legal examples remains an open question. National constitutions, legislation, and specific norms, such

²⁰For example, the Committee of Ministers adopted a [Declaration on the Manipulation Capabilities of Algorithmic Processes in February 2019](#); a [Recommendation on the Human Rights Impacts of Algorithmic Systems](#) in April 2020, as well as a [Recommendation on the impacts of digital technologies on freedom of expression](#) in April 2022; for a full list see document CDDH-IA(2024)04.

as national AI strategies and best practices,²¹ may provide useful insights, particularly where they reflect the implementation of international human rights standards. However, given that they were developed and intended for application within particular national legal systems, their relevance across all member States may be uncertain.

Discussion points:

- **Should the Handbook focus on the existing legal framework and developments within the Council of Europe and globally, or also take into account, for example, any relevant material from other regional systems?**

33. The potential number of relevant Council of Europe instruments is already substantial. Core UN human rights treaties and the work of their treaty bodies and other mechanisms may also prove to be useful sources of applicable international standards. Non-European regional instruments, on the other hand, would have limited direct relevance for Council of Europe member States.

- **Should the Handbook consider both binding and non-binding instruments?**

34. There are numerous non-binding instruments both within and outside²² the Council of Europe that concerning artificial intelligence and human rights. These instruments are prevalent in rapidly developing areas such as technology, as they are more flexible and adaptable than hard law. As a non-binding instrument itself, the Handbook should take other relevant non-binding instruments into account, if only to ensure consistency and complementarity.

- **Should the Handbook consider examples of domestic laws and good practice from member States? If so, how should such material be used and presented?**

4. Human rights to be examined

35. Human rights are indivisible, interdependent and interrelated. This means that different human rights are intrinsically connected and cannot be viewed in isolation from each other. The enjoyment of one right depends on the enjoyment of many other rights and no one right is more important than the rest. However, in the context of AI, certain human rights may be more vulnerable than others.²³

²¹ See Galindo, L., K. Perset and F. Sheeka (2021), “An overview of national AI strategies and policies”, OECD Going Digital Toolkit Notes, No. 14, OECD Publishing, Paris, <https://doi.org/10.1787/c05140d9-en>.

²² For example, the UN General Assembly has adopted two resolutions on AI which emphasize international cooperation for safety and development; Resolution A/78/L.49 focusing on “Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems” (21 March 2023); and resolution A/RES/78/311 on “Enhancing International Cooperation on Capacity-building of Artificial Intelligence” (July 5, 2024); the OECD adopted the official Recommendation on Artificial Intelligence, the world’s first intergovernmental standard on AI, in May 2019 <https://oecd.ai/en/assets/files/OECD-LEGAL-0449-en.pdf>.

²³ While it is acknowledged that AI’s impact is most visible and predictable for certain human rights, some authors argue that AI will impact human rights “across the board”. See Quintavalla, A. (Ed.), & Temperman, J. (2023). Artificial Intelligence and Human Rights. Oxford University Press., p. 5.

36. The CAHAI, in its feasibility study, has identified that “the development and use of AI systems has an impact on a wide range of human rights”.²⁴ Focusing in particular on the rights set out by the European Convention on Human Rights ("ECHR"), its Protocols and the European Social Charter ("ESC"), the CAHAI's feasibility study identifies the following human rights to be impacted:

- Liberty and Security; Fair Trial; No Punishment without Law; Effective remedy (Art. 5, 6, 7, 13 ECHR)²⁵
- Private and Family Life; Physical, Psychological and Moral Integrity (Art. 8 ECHR)²⁶
- Freedom of expression; Freedom of assembly and association (Art. 10, 11 ECHR)²⁷
- Equality and Non-Discrimination (Art. 14 ECHR, Protocol 12)²⁸
- Social and Economic Rights (Art. 2, 3, 5, 11, 12, 13 and 20 ESC)²⁹

37. The CAHAI in its examination has therefore identified impacts for both civil and political and social and economic rights.

38. The CAI, in its Explanatory Report to the Framework Convention acknowledged that “there are serious risks and perils arising from certain activities within the lifecycle of artificial intelligence such as, for instance, discrimination in a variety of contexts, gender inequality, the undermining of democratic processes, impairing human dignity or individual autonomy, or the misuses of artificial intelligence systems by some States for repressive purposes, in violation of international human rights law”.³⁰

Discussion points:

- **Should the Handbook focus on civil and political rights or also consider social and economic rights?**
- **Should it also consider emerging human rights issues, such as environment and human rights?**³¹

39. AI systems can have an impact the environment. An example is the large quantity of greenhouse gas emitted to the atmosphere because of the energy consumption of these systems.

²⁴ CAHAI(2020)23, Feasibility study on a legal framework on AI design, development and application based on Council of Europe's standards adopted by the CAHAI on 17 December 2020, p. 7.

²⁵ Ibid. p. 7.

²⁶ Ibid. p. 7.

²⁷ Ibid. p. 8.

²⁸ Ibid. p. 9.

²⁹ Ibid. p. 10.

³⁰ Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Preamble, § 10.

³¹ At the 100th Plenary Meeting of the CDDH, the representative of the Advisory Council on Youth urged the CDDH-IA to consider the intersection of artificial intelligence, climate change, and ecological impacts in its work, CDDH(2024)R100, § 28.

A study recently concluded that “a ChatGPT-like application” responding to an estimated 11 million requests per hour produces 12,800 metric tons of CO2 emissions each year.³²

40. Internationally, there is a growing acknowledgment of the relationship between human rights and the environment, in particular concerning the effects of environmental degradation and the triple planetary crisis on the enjoyment of human rights. Keeping in mind the ongoing process before the CDDH to examine the need for and feasibility of a new instrument or instruments on human rights and the environment, the Group may consider whether the Handbook should also discuss the interconnection of human rights, AI and the environment.

41. That said, the principal concern expressed about AI and the environment concerns its energy use, which implies use of fossil fuels for electricity generation and the resulting greenhouse gas emissions that contribute to climate change. It should be noted that neither the ECHR nor any other Council of Europe instrument recognises a right to a safe climate, whether as a separate right or as a component of a right to a healthy environment, as underlined by the Court in its recent Grand Chamber judgment in the case of *Verein Klimaseniorinnen and Others v. Switzerland*. The environmental impact of AI would thus have to be addressed from the perspective of existing Convention rights, notably Article 8 (as in the *Klimaseniorinnen* case).

5. Business and Human Rights

42. While States are the primary bearers of duties under international human rights law, the role of businesses in upholding human rights is increasingly significant. Businesses are key actors in the development of AI, meaning they have an important role in ensuring that AI respects human rights.

43. The United Nations Guiding Principles (UNGPs) and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct are recognized as key international standards guiding responsible business practices. Building on the UNGPs, the Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, provides specific guidance to assist member States in preventing and remedying human rights violations by business enterprises and also insists on measures to induce business to respect human rights. Regionally, the landscape of corporate responsibility is rapidly evolving in the European Union with the entry into force of the EU's Corporate Sustainability Due Diligence Directive (CSDDD).

44. The scope of the Council of Europe Framework Convention is also relevant for the responsibilities of businesses. Article 3 subparagraph 1 (a) “obliges the Parties to ensure that such activities within the lifecycle of artificial intelligence systems comply with the provisions of this Framework Convention when undertaken by public authorities as well as private actors acting on their behalf. This would include an obligation to comply with the provisions of this Framework Convention in regard to activities for which public authorities delegate their responsibilities to private actors or direct them to act, such as activities by private actors operating pursuant to a contract with a public authority or other private provision of public services, as well as public

³² Andrew A. Chien et al., Reducing the Carbon Impact of Generative AI Inference (today and in 2035), Proceedings of the 2nd workshop on sustainable computer systems (July 9, 2023), <https://doi.org/10.1145/3604930.3605705>.

procurement and contracting.”³³ In addition, Article 3 subparagraph 1 (b) “obliges all Parties to address risks and impacts to human rights, democracy and the rule of law in the private sector also for private actors to the extent these are not already covered under subparagraph 1 (a).”³⁴

45. While the Framework Convention does not automatically apply to the private sector, Article 3 subparagraph 1 (b) requires each Party to submit a declaration at the time of the signature on whether they intend to directly apply the principles and obligations of the Framework Convention to the private sector or fulfil the obligation by “taking other appropriate measures”.³⁵

46. Given the relatively recent recognition of the need for a human rights-based approach to AI, significant gaps and uncertainties may persist regarding the precise application of international business and human rights obligations. Moreover, existing non-binding instruments on business and human rights are typically designed with a broad framework that applies across all business sectors. This generality leaves a need for clear, specific guidance on how these standards should be implemented in the context of AI. The Handbook may consider the obligation of Council of Europe member States to facilitate the implementation of human rights standards in the private sector.

Discussion points:

How should the Handbook provide guidance to States on business and human rights obligations in relation to AI?

47. The Handbook could offer examples of best practices. This might involve case studies or examples from different jurisdictions where governments have successfully partnered with the private sector to ensure AI technologies are developed and deployed in ways that respect human rights. This section could also suggest frameworks (such as advisory boards, joint task forces, regular meetings) for dialogue between regulators and businesses to address business and human rights challenges in the context of AI.

V. The timeline of the work

48. The aforementioned considerations should also be subject to an assessment of feasibility in light of the deliverable deadline which is 31/12/2025. The Group will have two meetings – including the present one – in 2024 and three meetings in 2025.

³³ Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, Article 3 - Scope, § 28.

³⁴ Ibid. § 29.

³⁵ Framework Convention, Article 3 subparagraph 1 (b).

APPENDIX I

Ongoing Council of Europe Activities on AI

Entity	Deliverable	Deadline
Committee on Artificial Intelligence (CAI)	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).	31/12/2024
European Committee on Crime Problems (CDPC)	Legal instrument on artificial intelligence and criminal law	?
Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO)	Report on artificial intelligence applications in healthcare	31/12/2024
Committee of Experts on Artificial Intelligence, Equality and Discrimination (GEC/ADI-AI)	Draft Recommendation of the Committee of Ministers to member States on the impact of artificial intelligence systems, their potential for promoting equality - including gender equality - and the risks they may cause in relation to non-discrimination	31/12/2025
Steering Committee on Media and Information Society (CDMSI) and expert committees	<ul style="list-style-type: none"> • Draft Guidelines on the implications of generative artificial intelligence for freedom of expression; • 10 steps to counter disinformation - Strategy and practical tools based on existing Council of Europe standards and other instruments; • Feasibility study on immersive reality applications and their implications for freedom of expression. 	31/12/2025

CEPEJ	Development of tools with a view to offer a framework and safeguards to member States and justice professionals willing to create or use ICT and/or IA mechanisms in judicial systems in order to improve the efficiency and quality of justice	31/12/2025
Working Group on Cyberjustice and Artificial Intelligence (CEPEJ-GT-CYBERJUST)	Quarterly meetings of the “CEPEJ Artificial Intelligence Advisory Board” (AIAB) aimed at monitoring the emergence of AI in the justice system and advising the CEPEJ working groups accordingly.	?
Venice Commission	Update of the Venice Commission’s electoral standards in the field of artificial intelligence and new technologies, in the form of a declaration to the Code of Good Practice in Electoral Matter.	?
Steering Committee for Education (CDEDU)	[Planned] Sectoral and specific legal instrument to regulate the use of artificial intelligence systems in education - Steering Committee for Education (CDEDU) [Planned] CM Recommendation on teaching and learning about Artificial Intelligence	?
Joint Council on Youth	[Planned] Youth policy standards and other institutional responses to newly emergent issues affecting young people’s rights and transition to adulthood, including AI	?

Youth Department	Development of learning resources for AI literacy - Youth Department	?
Steering Committee for the Rights of the Child (CDENF)	Report on the rights of the child and artificial intelligence	12/31/2025
Group of States against Corruption (GRECO)	Groundwork to explore risks and benefits of AI (measures need be taken to prohibit the use of software algorithms with corrupt intent and great potential of AI to improve the effectiveness of steps taken to combat corruption, for instance in being used in complex investigations)	?
Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)	A comprehensive AI-related initiative is being developed by the Financial Action Task Force (FATF) - of which MONEYVAL is an associate member - on the use of AI technologies to combat money laundering and terrorism financing	?