



Statement by the French Presidency of the Committee of Ministers of the Council of Europe at the Conference of Ministers of Justice on “Digital Challenges for Justice in Europe”

(15 October 2019)

For 70 years, the Council of Europe and its member States have been committed to promoting and protecting human rights, democracy and the rule of law, values that are enshrined in the European Convention on Human Rights. The Organisation has shown its ability to adapt to new challenges brought about by the transformation of European societies, which has intensified as a result of technological progress.

The development of digital technology is both an opportunity and a challenge for justice systems in Europe, which are founded on the primacy of law, respect for human rights and the principles of judicial independence, impartiality and efficiency. In particular, new technologies have important implications for citizens seeking to access law and justice, as well as the suppression of crimes and offences they may be victims of.

The Helsinki conference of 26 and 27 February 2019, which addressed the impacts of artificial intelligence’s development on human rights, democracy and the rule of law, underlined the significant progress made by the Council of Europe in this field, including its adoption in 2018 of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, as well as the European Ethical Charter on the use of artificial intelligence in judicial systems.

It is essential that the Organisation continue its work to ensure that justice systems can take greater advantage of digital technology while preventing any harmful effects that it may have on our shared values. The Council of Europe has a key role to play in Europe in supporting the development of standards to achieve this goal.

Given the discussions that took place during this conference, the French Presidency of the Committee of Ministers:

1. Encourages ongoing dialogue and cooperation among Council of Europe member States on the use of digital tools in the justice field;
2. Supports the ongoing assessment of the feasibility of a legal framework for the development, design and application of artificial intelligence, based on the standards of the Council of Europe for human rights, democracy and the rule of law, as requested by the Committee of Ministers at its 129th session;
3. Supports the creation of an *ad hoc* committee on artificial intelligence to conduct this assessment;



4. Recalls the need to take into account the following principles when developing Council of Europe tools and instruments for justice and digital technology:

- i. Digital access to law and justice should supplement non-digital access. In particular, digital access must support better understanding of the law, better access to court rulings, better knowledge of these rulings and sound understanding of these rulings by citizens and legal professionals.
- ii. The use of digital tools and algorithms in the justice field must not have any discriminatory effect on individuals, and must guarantee respect for privacy and the right to data protection.
- iii. Although the use of digital tools and algorithms offers new options for alternative dispute settlement and aids to decision-making, it should not affect the right to effective access to a judge and judicial oversight, or the right to individualised court rulings.
- iv. The use of digital tools should respect the right to a fair trial and the secrecy of investigations, and comply with requirements for transparent and intelligible court rulings.
- v. The use of these tools should prevent the spread of illegal content and fake news, which have a serious impact on our democratic societies, while guaranteeing freedom of expression and information.