ARTIFICIAL INTELLIGENCE

Applications of artificial intelligence (AI) are already a reality in a very large number of fields, such as industry, commerce or public services. While many benefits are promised, there is growing public concern about the effects of the development of this technology, in particular on the decline of human agency or the discrimination that may result.

The power of AI to influence our societies is considerable and the impact on human rights, democracy and the rule of law must be addressed in order to make the most of this technology.

The Council of Europe, an international organisation with a unique mandate to create legal standards on human rights, is mobilising to develop norms adapted to the challenges encountered.

Overview of the
Council of Europe activities in
the field of artificial intelligence

Thematic
Focus

Transversal
Priority

www.coe.int/AI

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

ARTIFICIAL INTELLIGENCE

About the Council of Europe

The Council of Europe comprises 47 member states, 27 of which are members of the European Union. The Council of Europe's statutory decision-making body, the **Committee of Ministers** is made up of the Ministers for Foreign Affairs of member states.

All Council of Europe member states have signed up to the **European Convention on Human Rights**, an international treaty designed to protect human rights, democracy and the rule of law. The **European Court of Human Rights** oversees the implementation of the Convention in the member states. The Court's case-law makes the Convention a powerful living instrument for addressing new challenges and consolidating the rule of law and democracy in Europe.

The ad hoc Committee on artificial intelligence (CAHAI)

The Committee of Ministers mandated an ad hoc committee, 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 (AI), based on Council of Europe standards in the field of human rights, democracy and the rule of law.

The CAHAI's work, which brings together not only member States but also a very broad community from the academic sector, civil society and the private sector, takes a general and cross-cutting approach, with a view to designing a comprehensive legal instrument that can serve as a basis for other specialised instruments. The first results should be known by the beginning of 2021.

A cross-cutting priority

Most Council of Europe committees, intergovernmental bodies and specialised bodies, as well as its monitoring structures, are also studying the impact of artificial intelligence on their field of activity.

For example, the Parliamentary Assembly of the Council of Europe (**PACE**) has already published a Recommendation No. 2102(2017) on technological convergence, artificial intelligence and human rights. Several reports are currently in preparation. The **Committee of Ministers** has adopted a Declaration Decl(13/02/2019)1 on the manipulation capabilities of algorithmic processes and a Recommendation CM/Rec(2020)1 to member states on the impact of algorithmic systems on human rights. The **Commissioner for Human Rights** drafted a Recommendation on artificial intelligence and human rights entitled "Decoding AI: 10 steps to protect human rights".

Impacts on human rights

A **study of the implications of advanced digital technologies (including AI systems) for the concept of responsibility within a human rights framework** has been realized in 2019. This work is carried out by the inter-disciplinary Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT).

Data protection

To address constantly evolving challenges to the right to privacy and to the protection of personal data in the digital age, the Committee of the Council of Europe data protection Convention ("Convention 108") which gathers 70 countries provided a **report on the data protection implications of AI on data protection** together with concrete **guidelines on Artificial Intelligence and data protection**.

The Guidelines aim at assisting the main stakeholders (policy makers, legislators, AI developers and manufacturers) in mitigating the potential risks presented by the use of AI and in preserving the individuals' privacy and human dignity in this environment. A report on facial recognition is also being prepared.

Challenges to criminal law

The European Committee on Crime Problems (CDPC) will examine the substantive criminal law challenges posed by advances in robotics, AI and smart autonomous machinery, including self-driving cars, drones and other forms of robots capable of causing physical harm independent of human operators. The expected outcome of this work is **a possible standard-setting instrument** that might take the form of a Council of Europe convention.

Impact on the judiciary

The European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe has adopted the **European Ethical Charter on the use of artificial intelligence in judicial systems** – the first European text setting out a framework of principles that can guide policy makers, legislators and justice professionals when they grapple with the rapid development of AI in national judicial processes. The Charter is accompanied by an in-depth study on the use of AI in judicial systems, notably AI applications processing judicial decisions and data.

Other works

The Committee on Bioethics (DH-BIO) will assess ethical and legal challenges raised by developments in the biomedical field, in order to develop standards and tools to assist policy makers in protecting human rights and dignity. This work will include preparation of: (a) a **Strategic Action Plan on technologies and human rights in the field of biomedicine 2020-2025**, which includes a focus on the protection of vulnerable groups such as children and the elderly; (b) a **Guide on public debate on fundamental questions raised by the evolution of new technologies in biology and medicine.**

The Council of Europe is also assessing the impacts of AI-powered micro-targeting techniques, on the fairness of **electoral campaigns, voter behaviour**, as well as broader participatory and democratic processes in member States.

Studies have also been published on the impact of predictive technologies and AI on the audiovisual sector, online dispute resolution, discrimination and algorithmic decision making as well as on culture and creativity.