



CAHAI

Ad hoc Committee on Artificial Intelligence

Artificial intelligence (AI) represents one of the great technological challenges of our century. While it offers considerable opportunities for society and individuals, it also affects the standards protected by the Council of Europe: human rights, democracy and the rule of law.

Drawing on its experience in regulating digital technologies, the Council of Europe has adopted two types of approach to frame the design, development, and application of AI, in order to adopt appropriate legal instruments that are in line with its standards. The first specialised approach is being implemented in all sectors of the Council of Europe. The second cross-cutting approach has been entrusted to the CAHAI (Ad hoc Committee on Artificial Intelligence), which has been tasked with carrying out a feasibility study for a horizontal legal instrument, addressing issues which are relevant from the perspective of human rights, democracy and the rule of law, and developing principles which could serve as a basis for more specialised texts. The CAHAI is consulting extensively with civil society and private actors and acting in close co-ordination with other international organisations.

Terms of
reference and
activities of
the CAHAI

Factsheet

Governance of
Artificial Intelligence

www.coe.int/cahai

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

The Council of Europe

Since 1949, the Council of Europe has promoted the respect for human rights, democracy and the rule of law in its 47 member states. The statutory decision-making body of the Council of Europe, the **Committee of Ministers**, is made up of the Ministers for Foreign Affairs of the member states. All member states have acceded to the **European Convention on Human Rights**, a landmark treaty upholding human rights, democracy and the rule of law, whose implementation is monitored by the **European Court of Human Rights**.

The Ad hoc Committee on Artificial Intelligence – CAHAI

On 11 September 2019, the Committee of Ministers of the Council of Europe set up the **Ad hoc Committee on Artificial Intelligence – CAHAI**. The creation of the CAHAI is the result of a comprehensive, multi-stakeholder process of analysis of the challenges and opportunities arising from the use of artificial intelligence in many different specialised sectors, and of the acknowledgement of the importance and urgency of policy responses to the impact of AI on human rights, democracy and the rule of law. In this regard, a high-level conference, organised by the Finnish Chairmanship of the Committee of Ministers and the Council of Europe in Helsinki (Finland) on 26-27 February 2019, gave the necessary impetus to the creation of the CAHAI, whose terms of reference were adopted by the Committee of Ministers on 11 September 2019 for a duration of two-years.



The CAHAI is tasked with examining, through **broad multi-stakeholder consultations**, the **feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence**, based on the Council of Europe's standards on human rights, democracy and the rule of law.

In its first year of operation, the CAHAI focused on the mapping of the risks and opportunities arising from the design, development and application of artificial intelligence, including its impact on human rights, democracy and the rule of law. A comprehensive mapping of relevant international binding and non-binding instruments, as well as of domestic legislation and policies, was also carried out, with a view to identifying possible gaps and suitable policy and regulatory responses. This work fed the feasibility study of a legal framework on the design, development and application of artificial intelligence, based on Council of Europe's standards, which was adopted by the CAHAI on 17 December 2020. The feasibility study concluded that a comprehensive legal framework combining binding and non-binding legal instruments, that complement each other, is the way forward to meet the challenges in this field. A binding instrument, a convention or framework convention, of horizontal character, could consolidate general common principles – contextualised to apply to the artificial intelligence environment and using a risk-based approach – and include more granular provisions in line with the rights, principles and obligations identified in the feasibility study.

This instrument could be combined with additional binding or non-binding sectoral Council of Europe instruments to address challenges brought by artificial intelligence systems in specific sectors.

As of January 2021, the CAHAI has started developing the elements of a legal framework which is the subject of a broad multi-stakeholder consultation, to take place from 30 March to 29 April 2021.

Remit

In the performance of its tasks, the CAHAI must:

- **take into account the standards of the Council of Europe** relevant to the design, development and application of digital technologies, in the fields of human rights, democracy and the rule of law, in particular on the basis of existing legal instruments;
- **take into account relevant existing universal and regional international legal instruments, work undertaken by other Council of Europe bodies as well as ongoing work in other international and regional organisations.**

The participants

The CAHAI has a broad membership, which brings together a unique range of stakeholders. As of April 2021, the CAHAI is composed of 129 representatives: beyond the 47 Council of Europe's member states, which are members of the committee, 6 observer states, 24 Council of Europe bodies, 9 international organisations, 26 internet companies and, finally, 17 human rights, civil society, and academic organisations are involved in the CAHAI's activities.

Working methods

With a view to ensuring progress in the delivery of CAHAI outputs, the CAHAI has established three **working groups** – the Policy Development Group (CAHAI-PDG), the Consultations and outreach Group (CAHAI-COG) and the Legal Frameworks Group (CAHAI-LFG) – each composed of experts designated by member states, of representatives of observer states and other CAHAI participants. Each working group is entrusted with specific tasks: the CAHAI-PDG, which contributed to the development of the feasibility study, is providing guidance on the methodology of a human rights, rule of law and democracy impact assessment, and elaborating policy recommendations on the use of AI in the public sector; the CAHAI-COG is in charge of implementing and reporting on the multi-stakeholder consultation; the CAHAI-LFG is preparing proposals on possible elements of a future binding legal instrument.

Elected members

The CAHAI has elected a Chair, a Vice-Chair and seven members to the Bureau. The elected members are:

- **Mr Gregor Stojin**, Chair of the CAHAI (Advisor to the President, Supreme Court of the Republic of Slovenia);
- **Ms Peggy Valcke**, Vice-Chair of the CAHAI (Professor of law and co-Director of the ICRI, KU Leuven, Belgium);
- **Ms Siiri Aulik** (Estonia), **Mr Marco Bellezza** (Italy), **Mr Andrei Dinculescu** (Romania), **Ms Marine Kettani** (France), **Mr David Leslie** (United Kingdom), **Mr Thomas Schneider** (Switzerland) and **Mr Wolfgang Teves** (Germany).

The Bureau is specifically responsible for preparing plenary meetings and may perform specific tasks proposed by the Committee.

In addition, **Ms Jana Novohradská** (Slovak Republic) has been appointed Gender Equality Rapporteur.