

Protecting
human rights,
democracy and
the rule of law
in the digital
environment

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A cross-cutting priority

Artificial intelligence (AI) technology offers humanity great possibilities, but also comes with serious potential risks to the enjoyment of human rights, the functioning of democracy, and the observance of the rule of law. The Council of Europe is addressing these risks in a comprehensive manner conducive to innovation. Most Council of Europe committees, intergovernmental bodies and specialised bodies, as well as its monitoring structures, are considering the impact of artificial intelligence on their field of activity.

Council of Europe' actions in the field of AI

The Secretary General

Through the Digital Agenda 2022-2025, the Secretary General of the Council of Europe has identified AI as one of the organisation's key strategic priorities, recalling that it is the role of the Council of Europe to ensure that its fundamental values are protected in the digital environment as much as they in real life.

The Parliamentary Assembly

The Parliamentary Assembly of the Council of Europe has adopted a number of resolutions and recommendations, examining the opportunities and risks of AI for democracy, human rights and the rule of law, and has endorsed a set of basic ethical principles that should be respected when developing and implementing AI applications, including transparency, justice and fairness, human responsibility for decisions, safety and security, privacy, and data protection. It has identified a need to create a cross-cutting regulatory framework for AI, with specific principles based on the protection of human rights, democracy, and the rule of law, and called on the Committee of Ministers to elaborate a legally binding instrument governing AI. It reviewed the draft Convention before its adoption, publishing an Opinion. The Assembly has a Sub-Committee on Artificial Intelligence and Human Rights.

The Committee of Ministers

The 2023 Reykjavík Summit of Heads of State and Government of the Council of Europe stated: "we commit to ensuring a leading role for the Council of Europe in developing standards in the digital era to safeguard human rights online and offline including by finalising, as a priority, the Council of

Europe's Framework Convention on Artificial Intelligence". It adopted the Convention on 17 May 2024.

Committee on Artificial Intelligence (CAI)

Work was initiated in 2019, when the Ad Hoc Committee on Artificial Intelligence (CAHAI) was tasked with examining the feasibility of a legally binding instrument on artificial intelligence and human rights, democracy and the rule of law. The CAHAI was succeeded in 2022 by the Committee on Artificial Intelligence (CAI) which drafted and negotiated the Council of Europe Framework Convention on Artificial Intelligence, and Human Rights, Democracy and the Rule of Law ("the Framework Convention").

The Framework Convention was negotiated by the 46 member states of the Council of Europe, with the participation of all observer states: Canada, Japan, Mexico, the Holy See and the United States of America, as well as the European Union, and a significant number of non-member states: Australia, Argentina, Costa Rica, Israel, Peru and Uruguay. In line with the Council of Europe's practice of multi-stakeholder engagement, 68 international representatives from civil society, academia and industry, as well as several other international organisations were also actively involved in the development of the Framework Convention.

The work of CAI continues. It now develops a methodology for risk and impact assessment of artificial intelligence systems in relation to human rights, democracy, and the rule of law (HUDERIA).

Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law

The Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law is the **first international legally binding instrument** in this field. It 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.

The Framework Convention complements existing international standards on human rights, democracy and the rule of law, and aims to fill any legal gaps that may result from rapid technological advances. In order to stand the test of time, the Framework Convention does not regulate technology and is essentially technology-neutral.

The Framework Convention establishes a follow-up mechanism, the Conference of the Parties, composed of official representatives of the Parties to the Convention to determine the extent to which its provisions are being implemented. The Conference of the Parties shall also facilitate co-operation with relevant stakeholders.

Thematic Committees addressing issues related to AI

The Steering Committee for Human Rights (CDDH) ensures that AI standard-setting activities are compatible with human rights norms as set out in the European Convention on Human Rights, interpreted by the European Court of Human Rights.

The European Committee on Legal Co-operation (CDCJ) is mandated to address new and emerging challenges arising from the use of AI in its area of competence, that is of public law, private law, and the administration of justice.

The Steering Committee for Human Rights in the fields of Biomedicine and Health (CDBIO) is tasked with the preparation of a report on the application of AI in healthcare and its impact on the doctor-patient relationship and an Interpretative guide to adapting the existing human rights framework to neurotechnologies.

The Steering Committee on Media and Information Society (CDMSI) has been a pioneer within the Council of Europe in exploring the challenges posed by artificial intelligence and its tools.

The Gender Equality Commission (GEC), that together with **the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI)**, is responsible for conducting a study on the impact of AI on equality, gender equality and anti-discrimination.

The Steering Committee for the Rights of the Child (CDENF) has identified key challenges in relation to the access to and safe use of technology for all children.

The European Committee for Social Cohesion (CCS) has prioritised AI developments in the area of social rights within the Committee's work.

The Steering Committee on Crime Problems (CDPC) is focusing on the implications of AI on criminal law issues.

The European Committee on Democracy and Governance (CDDG) offers guidance to member States, at all levels of government, with a view to harness the opportunities offered by digital

transformation whilst reducing possible risks, in particular with regards to the use of AI and automated decision making in the public sector.

The Steering Committee for Culture, Heritage and Landscape (CDCPP) aims to meet the challenges and opportunities of digitisation and AI in the sectors under its supervision and to promote cultural diversity and intercultural dialogue.

The Consultative Committee for the Protection of Individuals with Regard to automatic processing of Personal Data Convention 108 (T-PD) produces documents regarding AI and aims to provide data protection related guidance in the use of AI systems and technologies that may lead to algorithmic deduction, control or surveillance.

The Cybercrime Convention Committee (T-CY) facilitates the effective use and implementation of the Budapest Convention. The Convention uses technology-neutral language so that its substantive criminal law provisions may be applied to both current and future technologies involved, including in the context of AI

The European Commission For the Efficiency of Justice (CEPEJ), works with its members to master digital transformation in line with the rule of law and fundamental rights by exchanging good practices, providing analysis, guidance and promoting a responsible use of AI in the field of justice.

The European Commission for Democracy through Law (Venice Commission) is studying the implications of AI and new technologies on constitutional matters.

Participation in global AI and digital governance

The promotion of Council of Europe values in the digital environment is also carried out in multiple national, regional, and global digital governance fora where various aspects of AI development and governance are examined, such as the UN IGF, WSIS, EuroDIG etc.

The Council of Europe has built a **Digital Partnership** with leading technology companies and industry associations to promote multi-stakeholder cooperation on AI and other digital technologies.

Co-founded by the Council of Europe, the **Globalpolicy.AI** online platform helps policy makers and the public navigate the international AI governance landscape and access the necessary knowledge, tools, data, and best practices.

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, including a [Framework] Convention on Artificial Intelligence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a 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.

