

***Committee of experts on human rights  
dimensions of automated data processing  
and different forms of artificial intelligence  
(MSI-AUT)***



**MSI-AUT(2019)08  
30 September 2019**

**4th meeting, 23-24 September 2019, Strasbourg**

## **MEETING REPORT**

1. The meeting was opened by Luukas Ilves, the Chair of the MSI-AUT. Jan Kleijssen, Director Information Society – Action against Crime, welcomed members and participants and thanked them for their continued engagement and outstanding input into the four deliverables of the Expert Committee. After the publication of the two studies, which were duly taken note of by the Committee of Ministers in September 2019, only the draft recommendation on the human rights impacts of algorithmic systems remains to be finalised. This important instrument, once adopted by the Committee of Ministers, will feed into the broader activities of the Council of Europe towards ensuring that AI design, development and deployment occur in line with the Organisation's standards. This remains of highest priority to member States and the Secretariat under its new Secretary General alike. In this context, Mr Kleijssen provided an update on the ongoing establishment of the intergovernmental Ad-hoc Committee on Artificial Intelligence (CAHAI), which has been tasked to work on the feasibility and potential elements of a legal framework related to AI development.

2. The agenda (Appendix I) was adopted without change. According to the list of participants (Appendix II), of the 30 members and participants, there were 12 women (40 %) and 18 men (60%).

### **Conclusions and decisions**

3. The MSI-AUT welcomed the information about the public consultation process on the draft recommendation on the human rights impacts of algorithmic systems and expressed its gratitude for the over 50 sets of substantial and insightful comments that had been received from a variety of governmental and non-governmental stakeholders, including compiled comments from the European Commission DG Connect and DG Justice, as well as compiled comments from the Secretariat, members and President of the Consultative Committee on Convention 108. The MSI-AUT took note of the information and reasoning provided by the two co-rapporteurs (Joe McNamee, member elected in respect of Ireland, and Pierluigi Perri, member elected in respect of Italy) and the Secretariat regarding the integration of partially conflicting comments, with a view to presenting a well-balanced text. The Committee then went through the entirety of the text line by line, discussing and re-formulating where necessary and incorporating additional comments as provided by members and participants of the MSI-AUT.

4. The members of the MSI-AUT agreed per consensus on the draft recommendation as finalised on 24 September, with the option of sending written objections on particularly debated paragraphs by the end of the week, i.e., by 29 September. No such objection was received. Many members of the Committee suggested that regular review and reporting on the implementation of the recommendation would be of the utmost importance given the fast-evolving nature of its field of application.

#### **Any other business**

5. The fourth meeting having been the last meeting of the MSI-AUT, members expressed their satisfaction with the progress made during the two years of its mandate, underlining the importance of inter-disciplinary discussions on AI in face-to-face meetings. They further reiterated the need for ongoing vigilance and preoccupation regarding the impacts of fast-evolving technologies on human rights, democracy and the rule of law. There are growing risks and threats attached to AI development, particularly where systems become interdependent and interlocked, and governance frameworks must be adapted continuously to be effective. Experts expressed their willingness to continue their cooperation with the Council of Europe, including in the context of the CAHAI.

6. In line with established practice, the Secretariat will prepare a draft meeting report to be sent to the Chair and Vice-Chair for consideration. Thereafter, the Secretariat will send the draft report to the MSI-AUT, allowing for comments within five full working days. In the absence of comments the report will be deemed finalised and will be transmitted to the CDMSI for information. The progress of work of the MSI-AUT will be reflected in its draft documents and the reports of its meetings. Therefore, it is not considered necessary to produce abridged reports of meetings.

## **APPENDIX I**

### **AGENDA OF THE FOURTH MEETING**

1. Opening of the meeting
2. Welcoming remarks by Jan Kleijssen, Director, Information Society - Action against Crime Directorate, Directorate General Human Rights and Rule of Law
3. Adoption of the agenda
4. Information by the Secretariat
5. Information and feedback from the public consultations process
6. Discussion and finalisation of the draft recommendation on the human rights impacts of algorithmic systems
7. Other business

## **APPENDIX II**

### **List of participants**

#### **COMMITTEE MEMBERS**

**Abraham BERNSTEIN**

Professor of Informatics. Head of the Dynamic and Distributed Information Systems Group  
- University of Zurich

**Jorge CANCIO**

International Relations Specialist, Federal Office of Communications (OFCOM) – Switzerland

Luciano FLORIDI

Professor of Philosophy and Ethics of Information – Oxford University. Director of the Digital Ethics Lab of the Oxford Internet Institute - **Apologised**

**Seda GÜRSES**

Assistant Professor - Technical University of Delft

**Gabrielle GUILLEMIN**

Senior Legal Officer – ARTICLE 19

Natali HELBERGER

Professor of Information Law, University of Amsterdam – The Netherlands - **Apologised**

**Luukas ILVES**

Chair of MSI-AUT, Deputy Director and Senior Fellow – Lisbon Council – Estonia

Tanja KERŠEVAN SMOKVINA

Gender Equality rapporteur of MSI-AUT, State Secretary, Ministry of Culture – Slovenia - **Apologised**

**Joe McNAMEE**

Independent Consultant, Co-Rapporteur for the draft Recommendation on algorithmic systems - Ireland

Evgenios NASTOS

Head of Unit for Information, Ministry of Digital Policy, Telecoms & Media – Greece - **Apologised**

**Pierluigi PERRI**

Co-Rapporteur for the draft Recommendation on algorithmic systems - Professor of Computer Law at the University of Milan – Italy

**Wolfgang SCHULZ**

Vice-Chair of MSI-AUT, Professor of Law – University of Hamburg, Director of the Hans-Bredow Institute for Media Research

**Karen YEUNG**

Rapporteur for the Artificial Intelligence Study - Interdisciplinary Professorial Fellow in Law, Ethics and Informatics, Birmingham Law School & School of Computer Science

## **COUNCIL OF EUROPE MEMBER STATES**

REPUBLIC OF MOLDOVA

**Tatiana PLEȘCA**

Chief, Surveillance and Conformity General Division, National Center for Personal Data Protection

TURKEY

**İbrahim ESER**

Expert, officials from Radio and Television Supreme Council (RTÜK), Ankara

**Zübeyr ŞENGÜL**

Expert, officials from Radio and Television Supreme Council (RTÜK), Ankara

**Arif FIRTINA**

Member of Radio and Television Supreme Council (RTÜK), Ankara

**Taha YÜCEL**

Member of Radio and Television Supreme Council (RTÜK), Ankara

## **COUNCIL OF EUROPE NON-MEMBER STATES**

MOROCCO

**El Mahdi AROUSSI IDRISSE**

Director of Legal Studies, High Authority for Audio-visual Communication

**Abdennaceur BNOUHACHEM**

Mission leader to the President of the High Authority for Audio-visual Communication, in charge of Human Rights issues

*Chargé de mission auprès de la présidente de la Haute autorité de la communication audiovisuelle, en charge notamment des questions de Droits de l'Homme*

**Chanaz EL AKRICHI**

Head of Division of Cooperation, Ministry of Culture and Communication, Department of Communication

*Cheffe de Division de la Coopération, Ministère de la Culture et de la Communication, Département de la Communication*

**Khatouri MERIEM**

Director of Studies and Media Development, Ministry of Culture and Communication, Department of Communication

*Directrice des Etudes et du Développement des Médias, Ministère de la culture et de la communication, Département de la Communication*

## **OTHER PARTICIPANTS**

**Ariane ADAM**

Legal Adviser, Freedoms and Justice Team, Law and Policy Programme, Amnesty International, International Secretariat, United Kingdom

**Francesca FANUCCI**

Legal advisor, European Center for Not-for-Profit Law (ECNL)

**Lorelien HOET**

Director EU Government Affairs, Microsoft

**Louisa KLINGVALL**

Policy Officer, European Commission - Directorate General Justice and Consumers Unit C.2  
Fundamental rights Policy, Belgium

**Alessandro MANTELERO**

Tenured Aggregate Professor at Politecnico di Torino, Data protection, Italy

**Giacomo MAZZONE**

Head of Institutional Relations, European Broadcasting Union (EBU)

**Lennig PEDRON**

ICON, Co-founder & President, Switzerland

**Michael PHILIPS**

Assistant General Counsel, Microsoft

**David REICHEL**

Research Officer, Research & Data Unit, European Union Agency for Fundamental Rights

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Head of Legal Switzerland & Austria, Google Switzerland

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Representative of the European Association for Education in Audiovisual Media (*AEEMA*),  
Conference of INGOs of the Council of Europe

**Anne-Sarah SKREBERS**

Senior counsel at legal and policy Department (EBU)

**COUNCIL OF EUROPE SECRETARIAT**

**DIRECTORATE GENERAL HUMAN RIGHTS AND RULE OF LAW**

**Jan KLEIJSEN**

Director of Information Society - Action against Crime  
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Head of Information Society Department

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Secretary to MSI-AUT, Head of Internet Governance Unit, Media and Internet Division,  
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