COMMITTEE OF MINISTERS
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Recommendation CM/Rec(2026)1 of the Committee of Ministers to member States on equality and artificial intelligence

(Adopted by the Committee of Ministers on 4 March 2026 at the 1552nd meeting of the Ministers' Deputies)

PREAMBLE

The Committee of Ministers, under the terms of Article 15.*b* of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its members, that this aim may be pursued, in particular, through common action in the field of human rights and that member States have undertaken to secure the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, the "Convention") to everyone within their jurisdiction;

Recalling the specific obligations of member States in the field of equality and non-discrimination under European and international law, namely under Article 14 of the Convention and, where applicable, Article 1 of its Protocol No. 12 (ETS No. 177) and the related jurisprudence of the European Court of Human Rights, as well as under Article E of the European Social Charter (revised) (ETS No. 163), and the related decisions and conclusions of the European Committee of Social Rights, which also apply throughout the lifecycle of artificial intelligence (AI) systems;

Emphasising that such obligations remain throughout the continuous processes of technological advancement and digital transformation experienced by European societies, including the activities within the lifecycle of AI systems;

Underlining the centrality of human dignity, individual autonomy and equality, including gender equality, to the rule of law and democracy, and so acknowledging the need to ensure substantive equality and prevent and combat any kind of violence and discrimination by strengthening the work towards inclusive societies without marginalisation, exclusion or any forms of intolerance, including sexism, racism, ableism, ageism and LGBTI-phobia;

Emphasising the need to address multiple and intersectional forms of discrimination and inequalities which can be caused and exacerbated by activities within the lifecycle of AI systems;

Recalling that gender equality and the full, equal and effective participation of women in public and private decision-making processes are essential to the rule of law, democracy and sustainable development, and that these goals have been a priority of the Council of Europe for many years, as evidenced by the rich body of standards and strategies developed in this area;

Welcoming the efforts of member States at regional, national, European and other international levels to ensure that the increasing use of AI systems is consistent with the obligation to protect human rights, democracy and the rule of law, including through the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225);

Emphasising that private-sector actors, in line with regional, national, European and other international norms, standards and recommendations, have a responsibility to promote equality and to respect the human rights of all affected parties, including those of consumers, in particular the prohibition of discrimination and the respect for equality, including gender equality;

Conscious of the risks posed to equality and non-discrimination by AI systems, which can be built upon and sustained by data and models that reproduce, perpetuate and exacerbate existing bias, stereotypes, stigma, prejudice and false assumptions about individuals or groups on the basis of actual or perceived personal characteristics or proxies and their intersections, and the distinct challenges that AI systems may present due to their complexity, large-scale effect or limited transparency;

Noting that the under-representation of women and individuals and groups at risk of discrimination in the AI sector, notably in decision-making positions and in the design and development of AI systems, is an important dimension of such risks;

Recognising that the digital divide, including the gender digital divide, and the use of AI systems can intensify discrimination and under-representation, and that this underlines the need to mitigate the resulting economic and social inequalities;

Concerned that technology-facilitated violence against women and girls is increasingly prevalent due to the rapid development of technology, including artificial intelligence and its widespread use, and underlining the relevance of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210) in this context;

Recognising the specific needs and vulnerabilities of children and young people, and the particular impact that AI systems may have on all areas of their lives, as well as the need to ensure that they have access to relevant information in this regard and to include young people in decision-making processes related to AI systems;

Acknowledging that AI systems can have significant discriminatory effects, further compounded by the opacity of their processes and information asymmetries, and that it is difficult for those affected to detect and prove resulting violations of their rights and to take effective remedial action;

Recalling that, even where an AI system is compliant with applicable domestic, European and international law, standards and instruments regulating specifically AI, the use of the system may nevertheless result in discrimination or other human rights violations;

Underlining that independent oversight bodies in charge of protecting the rights of individuals and groups at risk of discrimination face challenges in preventing and remedying such violations, and that there is an urgent need to address them;

Concerned that the environmental impact of AI systems, including their carbon footprint and resource consumption, may disproportionately affect women and individuals and groups at risk of discrimination and exacerbate existing inequalities, and mindful of the need for sustainable AI development;

Acknowledging the increasing use of AI systems in most, if not all, areas of daily social, political, cultural, economic and professional life and the increasing pace of such developments;

Concerned that the consequences may include the creation or aggravation of existing structural, multiple and intersectional discrimination and inequalities, including those experienced by women and girls and individuals at risk of discrimination, and an increase in online and offline violence against them;

Underlining that the breadth and extent of current and likely future deployment of AI systems make it essential that member States determine whether it is appropriate to have recourse to AI systems for a particular use and subsequently ensure that all activities within the lifecycle of AI systems are consistent with human rights obligations, with a view to amplifying positive effects and preventing, mitigating or avoiding possible adverse effects;

Recognising that AI systems, in particular when implemented with transparency and accountability mechanisms in place, have the potential to be used to promote equality, including gender equality, to empower individuals and groups at risk of discrimination and to promote human prosperity, economic progress, individual and societal well-being, sustainable development and other important goals and interests, by enhancing progress and innovation and identifying and remedying discriminatory treatment and its impact;

Underlining that stronger and targeted action is needed to realise the positive potential of AI systems, while being mindful that risks of discrimination can also arise when AI systems are used in this context;

Welcoming existing initiatives, particularly in industry, to promote safe, secure, trustworthy and transparent AI, but reminding member States of their role in implementing their obligations under the Convention and other relevant human rights standards;

Taking account of, and building on, existing Council of Europe, regional and international norms, standards and recommendations related to the protection of human rights and fundamental freedoms, democracy and the rule of law in contemporary societies, as well as the evolving jurisprudence of the European Court of Human Rights;

Concluding, in the light of the foregoing considerations, that a comprehensive multistakeholder approach is needed to address the root causes of AI-driven discrimination through appropriate legal and policy solutions, to ensure the promotion of equality, including gender equality, and to avoid risks of discrimination in the context of activities within the lifecycle of AI systems, by ensuring accountability and democratic, transparent human oversight,

Recommends that the governments of member States:

1. take all necessary measures to ensure prompt and full implementation of the principles and guidance appended to this recommendation;

2. ensure, through appropriate legislative, administrative, regulatory, supervisory and policy frameworks and other measures, that public- and private-sector actors engaged in activities within the lifecycle of AI systems comply with their obligations, especially human rights obligations in the fields of equality and non-discrimination, under applicable domestic, European and international laws, norms and standards;

3. ensure that this recommendation is translated and disseminated as widely as possible, including in simple and accessible language, and through all available means, among national public authorities or bodies and stakeholders, such as parliaments, independent bodies, researchers, civil society and the private sector;

4. promote the goals of this recommendation at local, regional, national, European and other international levels by engaging in dialogue and co-operation with all stakeholders;

5. review the state of implementation of this recommendation at regular intervals after its adoption, with a view to enhancing its impact, and inform the Committee of Ministers of the measures taken by member States and other stakeholders, the progress achieved and the measures planned to address remaining shortcomings.

Appendix to Recommendation CM/Rec(2026)1 of the Committee of Ministers to member States on equality and artificial intelligence

Principles and guidance on equality and artificial intelligence

I. Aim

1. The aim of the following principles and guidance is to assist member States in promoting equality, including gender equality, and in preventing and combating all forms of discrimination in all their activities and those of public- and private-sector actors within the lifecycle of AI systems, in accordance with Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5), Article 1 of its Protocol No. 12 (ETS No. 177), where applicable, and the related case law of the European Court of Human Rights, as well as in accordance with Article E of the European Social Charter (revised) (ETS No. 163) and the related decisions and conclusions of the European Committee of Social Rights, if applicable.

2. Discrimination can be based on a variety of actual or perceived personal characteristics or status, such as sex, gender, "race",[1] colour, language, religion, political or other opinion, national or social origin, association with a national minority, nationality, property, birth, sexual orientation, gender identity and expression, sex characteristics, age, state of health, disability, marital status and migrant or refugee status. Member States should pay particular attention to specific experiences of structural and systemic disadvantage and vulnerabilities and multiple and intersectional discrimination. Given the evolving nature of AI systems, discrimination can also occur by proxy, which occurs on the basis of a seemingly neutral piece of information that is nevertheless related to or correlated with a protected characteristic.

II. Comprehensive approach to legislation, policies and regulatory frameworks

3. Member States should ensure that a comprehensive set of measures is in place to promote equality, including gender equality, and to prevent and combat discrimination in the context of AI systems. Such measures should be consistent and in accordance with their obligations under the Convention and relevant international obligations concerning AI systems and those concerning human rights, equality and non-discrimination.

4. In particular, member States should ensure, using a graduated and differentiated approach, that:

- 4.1 appropriate legislation, policies and administrative, regulatory or other frameworks are in place or, where appropriate, are developed, and that they are in practice applied to promote equality, including gender equality, and to prevent and combat all forms of discrimination throughout the lifecycle of AI systems;
- 4.2 the efficacy and suitability of such legislation, policies and administrative, regulatory or other frameworks to cover activities within the lifecycle of AI systems are monitored and evaluated.

As appropriate, these activities should be carried out in co-operation with equality bodies, competent authorities and other relevant national human rights structures and civil society.

5. Measures taken should contribute to ensuring:

- 5.1 the appropriateness of the use of AI systems, considering the actual and potential impacts or risks to non-discrimination and recognising the potential to promote equality, including gender equality;
- 5.2 appropriate transparency and oversight requirements, including meaningful human oversight, so as to identify, prevent and combat discrimination arising from or aggravated by activities within the lifecycle of AI systems;
- 5.3 clear accountability and responsibility frameworks to prevent and combat discrimination resulting from activities within the lifecycle of AI systems;

[1]. Since all human beings belong to the same species, the Council of Europe rejects theories based on the existence of different "races". However, this recommendation uses the term "race" in order to ensure that those persons who are generally and erroneously perceived as "belonging to another race" are not excluded from its protection.

5.4 effective and equal protection of all human rights, including privacy and data protection rights; and
5.5 effective remedies to address discrimination arising from activities within the lifecycle of AI systems.

6. Such measures should be designed, implemented and monitored in compliance with the principle of proportionality, in accordance with the level of risk of discrimination or impact on other rights of an individual, as regularly assessed by the relevant actors in member States, with parliamentary oversight as appropriate.

7. Member States should take measures necessary to ensure that all members of society have equal opportunities to benefit from AI systems. In particular, member States should develop and ensure the application of measures, in line with their positive obligations under the Convention, to:

7.1 prevent and compensate for disadvantages suffered by individuals;
7.2 facilitate their full participation in all areas of life, for example through positive action; and
7.3 secure the rights of all individuals and groups without discrimination.

8. When preparing, adopting and implementing measures relevant to the promotion of equality, including gender equality, and the prohibition of discrimination in AI systems, member States are encouraged to hold timely, regular, gender-balanced and accessible public consultations, ensuring the effective and meaningful participation of stakeholders such as social partners, competent authorities, researchers, equality bodies, national human rights institutions, ombudspersons, civil society and industry. Specific attention should be paid to ensuring the effective representation of those groups that are most affected by inequality and discrimination.

III. Promotion of equality by public and private actors

9. Member States should encourage public and private providers and deployers of AI systems to take action through their activities within the lifecycle of AI systems, to promote equality, including gender equality, where appropriate.

10. Member States should:

10.1 take measures to encourage and support public and private providers and deployers of AI systems, in their capacity as employers, to promote and maintain gender equality and diversity in their workforce at all levels, including among those designing, developing and deploying AI systems, through gender balance and improved representation of individuals from under-represented groups at all levels of decision making; and
10.2 take measures necessary to ensure that public and private providers and deployers of AI systems prevent and combat any form of exclusion, discrimination and violence in the workplace, and encourage them to facilitate the reconciliation of private and working life and combat stereotypes and intolerance.

11. Member States should encourage initiatives from providers and deployers of AI systems, as well as researchers and civil society, that explore how AI systems can be used to promote equality and inclusion, and to identify, prevent and combat discrimination, hate speech and violence, including gender-based violence.

12. Member States should support an inclusive and transformative use of AI systems to advance equality, including gender equality, by ensuring that relevant legislation, policies and regulatory, administrative or other frameworks create the conditions for initiatives in this regard and consider promoting adequate funding. Such initiatives may include:

12.1 identifying and remedying previously undetected technical and social biases in data sets, designs, processes and decision criteria and patterns of discriminatory outcomes;

12.2 identifying, preventing the dissemination of and combating online hate speech, including sexist, racist and LGBTI-phobic hate speech, and more broadly stereotypes and technology-facilitated violence against women and girls and other individuals, based on their actual or perceived personal characteristics and status.

IV. Prevention of discrimination

13. Member States should ensure that discrimination and risks of discrimination resulting from AI systems are identified and assessed, and they should take graduated and differentiated measures to prevent, mitigate and address such risks.

14. To inform policy making and legislative reform, member States are encouraged to:

14.1 study and support research into existing and new forms of discrimination arising from activities within the lifecycle of AI systems to ensure a thorough identification and understanding of different biases and their impact on individuals, groups and society, as appropriate;
14.2 review and, as relevant, amend their policy and legal frameworks regarding the collection of equality data to facilitate the identification, prevention and mitigation of biases and risks of discrimination, while respecting the rights to privacy and to the protection of personal data.

Transparency, explainability and oversight regarding equality and non-discrimination

15. Member States should establish obligations, in line with a graduated and differentiated approach, for providers and deployers of AI systems to:

15.1 document relevant activities within the lifecycle of AI systems and store such documentation;
15.2 effectively communicate appropriate information about AI systems and explain their role in decision making, as well as the scope and effects of a differentiation decision, to affected persons;
15.3 facilitate the identification of content generated by AI systems and, where an AI system is intended to interact directly with natural persons, to inform them in accessible language and format that they are interacting with an AI system as appropriate for the specific context; and
15.4 collect and make available to competent authorities and, where appropriate, affected persons, in accessible language and format, including:
- data on the functioning of AI systems;
- the decision criteria used; and
- information about the training, validation and testing data used, and its processing.

16. Member States should contribute to, maintain or consider the creation of public registries listing AI systems having a significant impact on the enjoyment of human rights, which can contain a summary of human rights impact assessments, such as specific considerations of risks to equality, including gender equality, and non-discrimination.

17. Member States should ensure that affected persons have appropriate access to information about decision making which affects their rights in order to empower them to effectively assert their rights. Appropriate access to information should effectively redress information asymmetries between affected persons and deployers and providers of AI systems.

18. Member States should ensure that procedural guarantees and effective remedies are made available to affected persons, including procedures for appeal and redress in cases of suspected discrimination, and that AI systems which have a significant impact on the enjoyment of human rights are subject to human oversight.

19. Member States should consider providing equality bodies, national human rights institutions, ombudspersons and competent authorities with the right to access information and to test AI systems to enable effective scrutiny of whether discrimination has occurred.

Equality and non-discrimination impact assessment, certification, evaluation and monitoring

20. Member States should, adopting a graduated and differentiated approach:

20.1 introduce or maintain human rights risk and impact assessments to be carried out by providers and deployers of AI systems prior to deployment and on an iterative basis throughout the lifecycle of the AI system, with specific considerations of risks to equality, including gender equality, and non-discrimination;
20.2 strongly encourage providers and deployers of AI systems to engage in continuous testing of AI systems and their use to mitigate the risks of discrimination and bias that may have a negative impact on human rights or lead to discrimination;
20.3 initiate the development of standards for discrimination audits of AI systems and strongly encourage providers and deployers to engage in auditing;
20.4 consider, with the involvement of competent authorities, the introduction of certification schemes of AI systems and their outcomes in relation to equality and non-discrimination; and
20.5 ensure that providers or deployers of AI systems document any measures that they have taken to prevent or mitigate bias or discrimination, so that this information can be provided to affected persons, equality bodies, national human rights institutions, ombudspersons, competent authorities and, where relevant, civil society, in particular in case of legal proceedings.

Accountability, liability and rules on the burden of proof in the fields of equality and non-discrimination

21. Member States should ensure, as appropriate in the national context, that easily accessible judicial and/or administrative proceedings, including conciliation procedures and/or non-judicial mechanisms, are available to all victims of discrimination that arises from activities within the lifecycle of AI systems. Member States are also encouraged to make sure that, in urgent cases, fast-track procedures which provide for interim decisions for putative victims of such discrimination are available.

22. Member States are encouraged to provide free legal aid, in accordance with international standards and conditions in national law, for individuals whose rights may have been violated or are at risk of violation as a result of discrimination arising from activities within the lifecycle of AI systems.

23. Member States should consider introducing collective routes of action for victims of discrimination resulting from activities within the lifecycle of AI systems to investigate discrimination and obtain redress, in accordance with their national judicial systems, including for representatives of affected groups.

24. Member States should assess whether existing rules on liability apply and are effective in the context of AI systems. Where appropriate, member States may assess the possibility of introducing strict liability for providers and deployers of AI systems in cases where discrimination is caused by activities within the lifecycle of AI systems, and otherwise ensure that clear and effective rules are in place.

25. Member States should apply existing evidentiary rules or consider introducing new evidentiary rules, including those providing for a shift of the burden of proof, notably in situations where it is alleged that no preventive measures to address bias have been taken by providers or deployers of AI systems and, where there is non-compliance with an obligation, to disclose information.

26. Member States should ensure the availability of effective, proportionate and dissuasive sanctions, and effective remedies including compensation, for pecuniary and non-pecuniary damage suffered as a result of discrimination arising from activities within the lifecycle of AI systems.

27. Member States should introduce monitoring obligations to prevent the recurrence of discrimination arising from activities within the lifecycle of AI systems and, where relevant, assess the need for a moratorium, a ban or other appropriate measures in respect of certain uses of AI systems because of a failure to respect the prohibition of discrimination or the principle of equality.

28. Member States should support co-operation between equality bodies, national human rights institutions, ombudspersons, data protection authorities and other competent authorities to enable the sharing of information and practice relevant to bias and discrimination in the lifecycle of AI systems.

V. Democratic participation, public awareness raising and capacity building

29. Member States should ensure that activities within the lifecycle of AI systems carried out by public authorities are subject to adequate parliamentary oversight and public scrutiny, including, where appropriate, through regular parliamentary debates.

30. Member States should:

- 30.1 raise public awareness of the risks and benefits to equality, including gender equality, and non-discrimination created by AI systems;
- 30.2 ensure the availability and accessibility of age-appropriate digital literacy programmes for individuals of all ages to improve awareness of equality and non-discrimination in the context of AI systems; and
- 30.3 encourage the provision of targeted and accessible capacity building and training, including on addressing bias, stereotypes and risks of discrimination, as well as on the promotion of equal participation of women and men, and individuals and groups at risk of discrimination in activities within the lifecycle of AI systems.

31. Member States should take measures to promote equality of access to and use of technology and remove barriers to access for all members of society, where appropriate in consultation or partnership with private actors and civil society.

32. Member States should ensure the effective and meaningful participation of civil society in standard-setting on AI and, where appropriate, hold public consultations.

VI. Competences and powers of independent oversight bodies

33. Member States should ensure that independent bodies overseeing the application and implementation of anti-discrimination law, such as equality bodies and, as relevant, other national human rights structures (“independent oversight bodies”) are provided with the necessary human, technical and financial resources, and where relevant technical support, and operational independence to perform their tasks and exercise their competences effectively in the context of AI systems.

34. Member States should ensure, where appropriate in the national context, that independent oversight bodies are assigned:

- 34.1 the function to promote equality and prevent AI-driven discrimination, which may include a signalling function to identify uses of AI systems which may be assessed as requiring a moratorium or a ban;
- 34.2 the function to assist individuals and groups at risk of discrimination, including receiving complaints and providing information;
- 34.3 the function to initiate court proceedings on behalf of one or several victims or in their own name on public interest grounds, or to participate in court proceedings in support of one or several victims of discrimination. The right to act in court proceedings should include the right to submit observations to the court, in accordance with national law and practice; and
- 34.4 an advisory function on promoting equality and avoiding risks of discrimination, and on how to integrate safeguards throughout the lifecycle of AI systems.

Those institutions may also be assigned a decision-making function in respect of individual and collective complaints of AI-driven discrimination.

35. Member States should regularly consult with independent oversight bodies in the process of developing legislation, policies and regulatory frameworks relative to promoting equality, including gender equality, and preventing and combating discrimination in relation to activities within the lifecycle of AI systems.

36. Member States should consider empowering independent oversight bodies to conduct enquiries to enable effective scrutiny of whether discrimination has occurred as a result of activities within the lifecycle of AI systems.

37. Where regulatory frameworks, which include structures to test and experiment with new and innovative technologies, products, services or approaches in the context of AI systems are adopted, member States should introduce or maintain institutional and financial frameworks for co-operation between these structures and independent oversight bodies.

VII. Further provisions

38. When implementing the principles and guidance in this recommendation, member States should take measures, including by mainstreaming equality and gender equality, using a graduated and differentiated approach, to address the particularly acute and specific impact on equality, including gender equality, and non-discrimination that the use of AI systems may have in various sectors. Such measures may be required where the impact on affected persons is to impede the enjoyment of their rights or freedoms or their entitlement to a particular outcome, benefit or service, notably in the fields of education, justice and the judiciary, law enforcement, electoral processes, labour and employment, social services, housing and welfare, healthcare, migration and banking, finance, insurance and other services. In addition, possible negative impacts of AI in other areas should be monitored and, where appropriate, addressed, such as in the fields of media and advertising, sport and culture.

39. Member States, on the clear understanding that they are bound by their existing human rights obligations, notably those concerning non-discrimination and equality, including gender equality, are not required to apply the recommendation to activities within the lifecycle of AI systems which directly concern the protection of their national security interests.