



Event

30th T-CY Plenary meeting

Presentation
20/6/2024

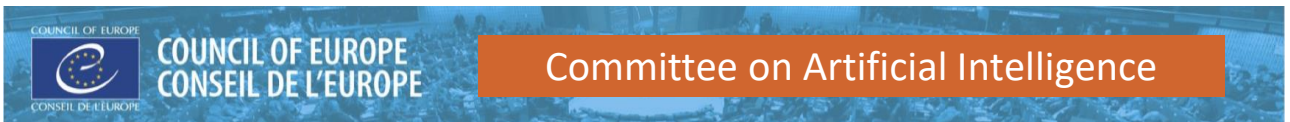
New Technologies and AI

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

Global Instrument for governance of Artificial Intelligence

Ms Louise RIONDEL
Co-Secretary to the CAI

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Global character of the Framework Convention

- The CoE Framework Convention is **open to non-member States**
- In addition to the EU, all Observer States (**Canada, Japan, the Holy See, Mexico and the United States of America**) and a number of important non-member States (**Australia, Argentina, Costa Rica, Israel, Peru and Uruguay**), **actively and constructively participated** in the negotiations in the CAI

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Committee on Artificial Intelligence

Participation of civil society and industry representatives in the CAI

- **multi-stakeholder involvement** in negotiating Council of Europe's treaties is part of its practice
- Both CAHAI and CAI processes saw **extensive involvement** of civil society, academia and industry representatives

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Outline of the CoE Framework Convention

General points

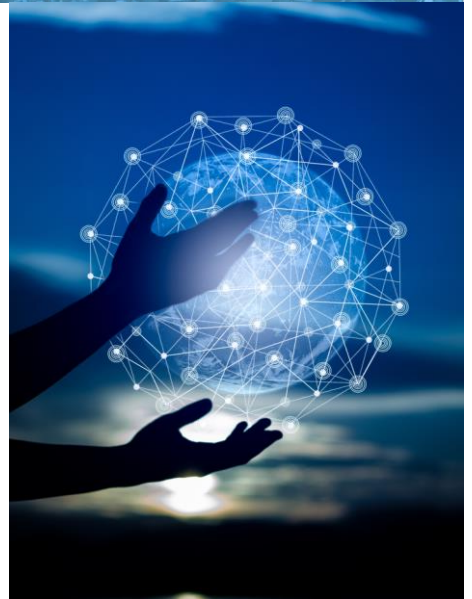
- The Framework Convention was **unanimously adopted** at the ministerial session of the Committee of Ministers on 17 May 2024.
- It will be **open for signature** in Vilnius on 5 September 2024.
- The CoE Framework Convention formulates fundamental principles and rules which not only **safeguard human rights, democracy and the rule of law** but at the same time are **conducive to progress and technological innovations**.

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General points

- The CoE Framework Convention is complementary to **the already existing international human rights, democracy and rule of law standards** and aims at filling-in any legal gaps that may have formed as a result of rapid technological advances in the sphere of **human rights law** but also with regards to **the protection of democracy**.
- The CoE Framework Convention, given the high level at which it is operating and in order to remain **future-proof**, does not regulate technology and is essentially **technology neutral**.



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Scope of the Convention

- The CoE Framework Convention applies to both **public and private sectors**.
- Limited exemptions from the scope are foreseen as regards **national security** and **research and development**.
- In line with the Statute of the CoE, matters relating to **national defence** do not fall within the scope of the Convention.

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Outline of the CoE Framework Convention



Fundamental principles

- The CoE Framework Convention requires activities within the lifecycle of AI systems to comply with certain fundamental principles. These are the principles of **human dignity and individual autonomy, equality and non-discrimination** as well as the principles of **protection of privacy** and **personal data protection**.
- In addition, the Framework Convention also requires compliance with the principles of **transparency and oversight, accountability and responsibility**, the principle of **safe innovation** and the principle of **reliability**.

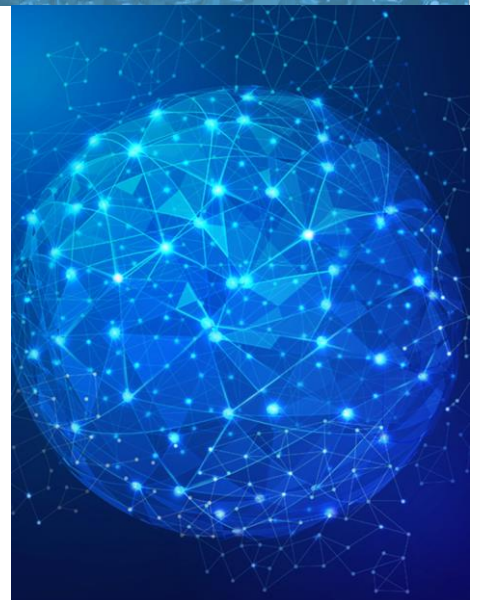
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Outline of the CoE Framework Convention

Remedies, procedural rights and safeguards

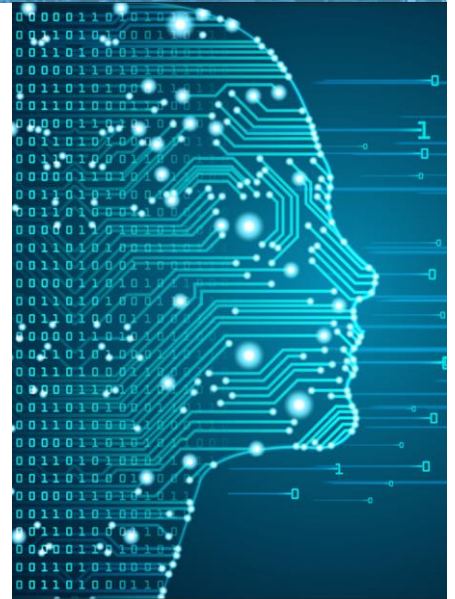
- 1) The obligation **to document** the relevant **information regarding AI system** and the relevant **information regarding its usage** and to make it **available to affected persons**,
- 2) Such information should be **sufficient to contest the decision(s)** made or substantially based on the use of the AI system and **the use of the system** itself,
- 3) **Effective possibility** to lodge a complaint to competent authorities.



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Remedies, procedural rights and safeguards

- 4) The obligation to **provide effective procedural guarantees, safeguards and rights** to affected persons in connection with the application of an artificial intelligence system where an artificial intelligence system significantly impacts upon the enjoyment of human rights and fundamental freedoms,
- 5) The **provision of notice** that one is interacting with an artificial intelligence system.



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Risk and Impact Management Requirements

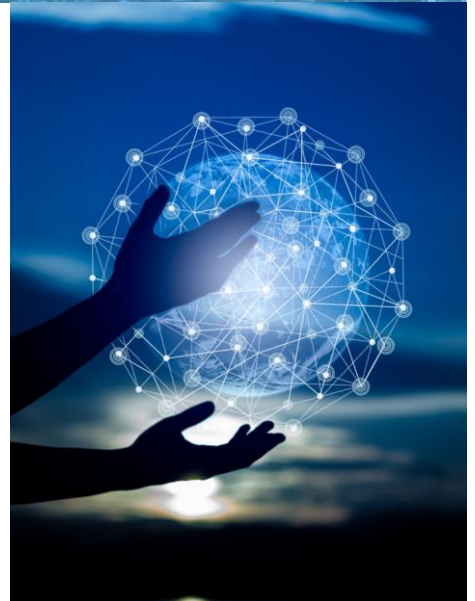
- Critical and crucial element of the governance of AI systems
- Obligation for relevant AI actors to carry out **Risk and Impact Assessments** in respect of actual and potential impacts on Human Rights, Democracy and the Rule of Law
- Relevant **assessments** should be carried **iteratively**

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Risk and Impact Management Requirements

- Obligation to apply **sufficient preventive and mitigation measures** resulting from the application of the above **assessments**.
- Possibility for the authorities to **introduce bans or moratoria on certain application of AI systems** (so-called “red lines”).
- The CAI is working on a **Human Rights, Democracy and the Rule of Law Risk and Impact Assessment** (HUDERIA), a stand-alone and non-binding instrument supporting the Framework Convention with **detailed guidance on risk and impact management issues**.



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Thanks for your
attention !



further resources:

www.coe.int/freedomofexpression

www.coe.int/internetgovernance

www.coe.int/dataprotection

www.coe.int/cybercrime

www.coe.int/AI

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CoE Digital Governance

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