

## Terms of reference of the Committee on Artificial Intelligence (CAI)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Category: *Ad hoc* committee

Duration: 1 January 2024 - 31 December 2025

Programme: Upholding safety, security and integrity of society and persons

Sub-programme: Digital challenges: Artificial intelligence – Cybercrime - Data protection

### Main tasks

Under the authority of the Committee of Ministers, the CAI is instructed to:

- i. take due account of the Reykjavik Declaration<sup>1</sup> in conducting its activities and submit proposals for its implementation as appropriate;
- ii. take account of the relevant key findings and challenges set out in the Secretary General’s 2023 Report on the state of democracy, human rights and rule of law “An Invitation to Recommit to the Values and Standards of the Council of Europe”;
- iii. establish an international negotiation process and conduct work to finalise an appropriate legal framework on the development, design, use and decommissioning of artificial intelligence, based on the Council of Europe’s standards on human rights, democracy and the rule of law and other relevant international standards, and conducive to innovation, which can be composed of a binding legal instrument of a transversal character, including notably general common principles, as well as additional binding or non-binding instruments to address challenges relating to the application of artificial intelligence in specific sectors, in accordance with the relevant decisions of the Committee of Ministers;
- iv. maintain a transversal approach, also by co-ordinating its work with other intergovernmental committees and Council of Europe’s entities equally addressing the implications of artificial intelligence in their respective field of activity, by providing these committees and entities with guidance in conformity with the legal framework under development and by assisting them in resolving problems;
- v. base the work on strong evidence and an inclusive consultation process, including with international and supranational partners, to ensure a global view of the subject;
- vi. raise-awareness about Council of Europe standards and tools in its field of competence in the member States and beyond, through the neighbourhood policy and in other international and global fora where relevant;
- vii. hold an exchange of views annually in order to evaluate its activities and advise the Committee of Ministers and the Secretary General on future priorities in its sector, including possible new activities and those that might be discontinued;
- viii. take due account of the following mainstreamed perspectives in the performance of its tasks: gender, youth, children’s rights, rights of persons with disabilities, and Roma and Traveller<sup>2</sup> issues;
- ix. where relevant, contribute to strengthening meaningful engagement with civil society organisations and national human rights institutions in its work;
- x. contribute to the achievement of, and review progress towards, the UN 2030 Agenda for Sustainable Development, in particular with regards to Goal 5: Gender Equality, Goal 16: Peace, Justice and Strong institutions.

### Main deliverables

Under the authority of the Committee of Ministers, the CAI is instructed to complete these deliverables, within the following deadlines:

	Category ▼	Priority ▼	Deadline ▼
1. Draft Framework Convention on the design, development, use, and decommissioning of artificial intelligence systems based on the Council of Europe standards on human rights, democracy and the rule of law, as well as other relevant international legal standards, and conducive to innovation, in accordance with the relevant decisions of the Committee of Ministers	A	1	30/04/2024
2. Legally non-binding methodology for the Risk and Impact Assessment of AI Systems from the point of view of Human Rights, Democracy and Rule of Law (HUDERIA) to support the implementation of deliverable 1	C	1	31/12/2024
3. Promotional event on the Framework Convention	C	2	31/12/2025
<b>Key</b> A: deliverable under preparation (2022-2023 terms of reference or Committee of Ministers’ decision) or deliverable foreseen in the terms of reference provisionally approved for 2024-2025 and reviewed where relevant in the framework of the preparation of the draft Programme and Budget 2024-2027 B: review of implementation/re-examination foreseen by the recommendation/protocol/convention C: newly proposed deliverable			

<sup>1</sup> [Reykjavik Declaration - United around our values.](#)

<sup>2</sup> The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

## Composition

### • Members

Governments of member States are invited to designate one or more representatives of the highest possible rank in the fields of digital governance and the legal implication arising from the design, development and application of artificial intelligence systems. The Council of Europe will bear the travel and subsistence expenses of one representative from each member State (two in the case of the state whose representative has been elected Chair). Member States may send other representatives without defrayal of expenses.

Each member of the Committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

### • Participants

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- Commissioner for Human Rights of the Council of Europe;
- Conference of INGOs of the Council of Europe;
- Eurimages;
- European Audiovisual Observatory;
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union (one or more representatives, including, as appropriate, the European Union Agency for Fundamental Rights (FRA));
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- other international organisations including: Organisation for Security and Co-operation in Europe (OSCE), Organisation for Economic Co-operation and Development (OECD), United Nations Educational, Scientific and Cultural Organisation (UNESCO) and other UN agencies and international organisations.

### • Observers

The following may send representatives, without the right to vote and without defrayal of expenses:

- Argentina, Costa Rica, Israel, Peru, and Uruguay;
- the European Network of National Human Rights Institutions (ENNHRI);
- the Global Partnership on Artificial Intelligence (GPAI);
- Council of Europe partner internet companies: the comprehensive updated list is available at <https://www.coe.int/en/web/freedom-expression/exchange-of-letters>;
- civil society organisations, other private actors and academic communities already observers to the Committee during the period 2020-2023 (5Rights Foundation, Access Now, AI Transparency Institute, Algorithmwatch Platform, ALLAI, Centre for AI and Digital Policies (CAIDP) of the Michael Dukakis Institute, Centre For Democracy and Rule of Law (CEDEM), Council of Bars and Law Societies of Europe (CCBE), Digitale Gesellschaft Switzerland, Equinet, European Association of Data Protection Professionals (EADPP), European Consumer Organisation (BEUC), European Expertise & Expert Institute (EEEI), European Trade Union Confederation (ETUC), Fair Trials, Homo Digitalis, Human Rights Watch, International Bar Association (IBA), International Chamber of Commerce (ICC), International Commission of Jurists (ICJ), International Research Centre on Artificial Intelligence (IRCAI), MediaLaws, National Institute for Research in Digital Science and Technology (INRIA), Pour Demain, The Future Society, Istanbul Bar Association, Information and Technology Commission and AI Working Group, Global Partners Digital (GPD), Law Society of Ireland (Law Society), VDE Association for Electrical, Electronic & Information Technologies and Partnership on AI (PAI)).

Observer status may be requested in accordance with Article 8 of [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

## Working methods

The rules of procedure of the Committee are governed by [Resolution CM/Res\(2021\)3](#) on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

	Plenary meetings ▼			Bureau meetings ▼		
	Members incl. Chair	Meetings per year	Days per meeting	Members	Meetings per year	Days per meeting
2024	47	4	3	9	4	1
2025	47	2	2	9	2	1

The CAI will appoint from amongst its members up to 5 Rapporteurs on mainstreamed perspectives, including a Gender Equality Rapporteur.

## Budgetary information \*

	Meetings per year	Days per meeting	Members reimbursed	Plenary in €K	Bureau in €K	Working groups in €K	Secretariat (A, B)
2024	4	3	47	180.5	21.5	20.0	1 A; 0.5 B
2025	2	2	47	95.5	13.2	-	1 A; 0.5 B

\*The costs include the per diem, travel costs, interpretation, translation and document printing. These costs are calculated on the basis of standard costs.