

## **Second Meeting of the Committee on Artificial Intelligence (CAI) of the Council of Europe**

### **What:**

- The Council of Europe Committee on Artificial Intelligence is currently in the process of drafting a Convention on Artificial Intelligence, Human Rights and the Rule of Law;
- this meeting concerned the Zero Draft of the Convention, with comments invited by members both in advance of and during this meeting;
- the Convention is intended to be a legally binding instrument, adopted initially by the member states of the Council of Europe;
- the deadline to draft the Convention is November 2023.

### **When:**

21 – 23 September, 2022

### **Who:**

The Committee brings together:

- representatives of the 46 member states;
- representatives of the observer states, namely Canada, Holy See, Israel, Japan, Mexico, United States of America;
- representatives of other Council of Europe bodies and sectors;
- representatives of other international and regional organisations working in the field of artificial intelligence such as the European Union, the United Nations (in particular, UNESCO), the OECD or the OSCE;
- representatives of the private sector (including ICC, [full list](#));
- [representatives](#) of civil society, research and academic institutions which have been admitted as observers by the CAI.

### **Overview of the Convention:**

1. The Convention aims to ensure that the design, development and application of artificial intelligence systems is fully consistent with respect for human rights, the functioning of democracy, and the observance of rule of law by establishing certain fundamental principles and rules.

2. The intention is for this Convention to be adopted by further countries than the members of the Council of Europe, as per the Budapest Convention.
3. The Convention may eventually result in the use of AI in certain contexts being banned. The modality under which this might happen is currently undecided.
4. The Convention, like the EU AI Act, takes a risk-based approach to assessing the potential impact of AI.
5. The relationship between the Convention and the EU AI Act warrants further monitoring. It is likely they are intended to be mutually reinforcing, or complimentary, with overlap in some areas.
6. The Convention addresses the rule of law and functioning of democracies. There is, therefore, a potential for the Convention to cover impacts of AI which are harder to identify and quantify.
7. The Convention, at this stage, covers not only public sector uses of AI but also activities by the private sector. It is highly likely that exact regulatory or legislative mechanisms will be left to individual states to decide and implement, but we will continue to monitor this.
8. The contents of the Zero Draft may be released to the public in due course, but in the meantime an overview will most likely be released in the coming days.
9. The next meeting will happen in January 2023.

## **Next Steps**

ICC will continue to monitor the development of this Convention and report back to members. We will particularly note the applicability to the private sector, and the relationship between the Convention and EU AI Act.

As the scope of the Convention becomes clearer, we will invite members of the Digital Economy Commission to consider whether a short-term Working Group should be set up to follow and contribute to the drafting process.