

BERLIN, 20 January 2021

*Human Rights in the Era of AI -
Europe as international Standard Setter for Artificial Intelligence*

Conference Conclusions

The Council of Europe is Europe's core organisation for the protection and promotion of human rights, democracy and the rule of law.

It is the only institution that focuses simultaneously on all these three pillars and is uniquely well placed to establish binding standards through its intergovernmental structure.

It has risen early and decisively to the challenges posed by new technologies.

Convention 108 on Data Protection and the Budapest Convention on Cybercrime became global benchmarks. The European Court of Human Rights has repeatedly held that the European Convention on Human Rights applies both online and offline.

The Council of Europe is now addressing one of the most pressing questions for the future of our societies: How to ensure that Artificial Intelligence ("AI") will safeguard, rather than threaten, human rights, democracy and the rule of law. The development of Artificial Intelligence is both an opportunity and a challenge and is set to impact almost all human activities.

On behalf of the German Presidency of the Committee of Ministers of the Council of Europe, the German Federal Foreign Office and the Federal Ministry of Justice and Consumer Protection are proud to have hosted a virtual high-level Conference on this issue on 20 January 2021, with the support of the Council of Europe.

High-level personalities and experts from the EU, governments from around the world, academia, the private sector and civil society, including representatives from the Ad hoc Committee on Artificial Intelligence (CAHAI) of the Council of Europe addressed the question of the feasibility and potential elements of an international harmonised legal framework on AI.

In particular, the Conference addressed the impact of Artificial Intelligence on Human Rights, Democracy and the Rule of Law. It also elicited international perspectives on AI regulation, both with regard to the work being done within the Council of Europe and beyond. Moreover, it addressed the need for co-operation between international standard setters for the regulation of AI, in particular between the Council of Europe and the European Union.

In view of the discussions that took place during this conference, the German Presidency of the Committee of Ministers:

1. Concludes that Artificial Intelligence represents a major opportunity for each individual and for the harmonious development of our societies, as encouraged in particular by the Sustainable Development Goals of the United Nations.

2. Recognises that the increased reliance on Artificial Intelligence entails substantial risks, in particular in relation to human rights, democracy and the rule of law – the core elements upon which our European societies are built.

3. Recognises that discrimination, the advent of a surveillance society, the weakening of human autonomy, information distortion, electoral interference and digital exclusion are concrete concerns that are being expressed in relation to Artificial Intelligence.

4. Notes that CAHAI's feasibility study, as well as recent reports of the Parliamentary Assembly of the Council of Europe and the Recommendations of the Commissioner for Human Rights, shed light on many such consequences for individuals and for society as a whole.

5. Notes that CAHAI's feasibility study identified existing gaps in the currently applicable legal framework with regard to the challenges raised by the design, development and use of Artificial Intelligence.

6. Notes that, consequently, appropriate international regulation of Artificial Intelligence, based on, but also complementing, existing legal standards is essential to ensure that the design, development and use of Artificial Intelligence will be in accordance with and will strengthen human rights, democracy and the rule of law.

7. Strongly supports the development of a binding horizontal legal framework, laying the basic foundations for any application of Artificial Intelligence and, at the same time, the development of sector-specific legal instruments of a

binding or non-binding nature, depending on the inherent risks to human rights, democracy and the rule of law.

8. Recognises that specific requirements for Artificial Intelligence that ensure transparency, the quality of training data, human autonomy, sufficient complaint options and remedies, as well as guaranteeing effective enforcement mechanisms, among other things, are of utmost importance when developing elements of a future legal framework for Artificial Intelligence.

9. Notes that AI applications that promote, strengthen and augment the protection of human rights, democracy and the rule of law should be fostered.

10. Recommends that, if a context-specific risk assessment finds that an AI application can pose significant or unknown risks to human rights, democracy or the rule of law, and if no appropriate mitigation measures exist within current legal frameworks, a ban or moratorium be considered as a last resort.

11. Encourages the CAHAI to continue its work also through multi-stakeholder consultations.

12. Encourages all bodies of the Council of Europe to continue their work on Artificial Intelligence, in coordination with CAHAI.

13. Calls on all international organisations, including the European Union, to co-operate with the Council of Europe in their work on Artificial Intelligence.

14. Will take into account the discussions that took place during this conference when organising the Council of Europe's 131st Ministerial Meeting, to be held in May 2021, which should enable member States to send a strong signal of support and encouragement to the ongoing work in the Council of Europe and in particular in the CAHAI.