Ad hoc committee issues recommendation on AI and human rights

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Ronan Ó Fathaigh
Institute for Information Law (IViR), University of Amsterdam

On 11 September 2019, the Committee of Ministers of the Council of Europe set up an ad hoc committee on Artificial Intelligence (CAHAI). The purpose of the ad hoc committee is to examine (on the basis of broad multi-stakeholder consultations) the feasibility and potential elements of a legal framework for the development, design and application of artificial intelligence; such an initiative would be based on Council of Europe standards regarding human rights, democracy and the rule of law. This follows the Helsinki meeting in May 2019 of the foreign ministers of the Council of Europe member states (see IRIS 2019-7/3).

Moreover, on 4 May 2019, the Council of Europe Commissioner for Human Rights published a 29-page recommendation on AI and human rights, entitled “Unboxing Artificial Intelligence: 10 steps to protect Human Rights”. The Recommendation provides guidance (focusing on certain key areas of action) regarding how the negative impact of AI systems on human rights can be prevented or mitigated. These include the suggestion that (a) member states should establish a legal framework that sets out a procedure whereby public authorities can carry out human-rights impact assessments in respect of AI systems acquired, developed and/or deployed by those authorities; (b) member states should effectively implement the UN Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 of the Committee of Ministers to member states on human rights and business; (c) member states should establish a legislative framework for exercising independent and effective oversight over the human-rights compliance on the part of public authorities and private entities in respect of the development, deployment and use of AI systems; (d) in all circumstances, discrimination risks must be prevented and mitigated, with special attention being paid to groups whose rights are at a disproportionate risk of being impacted by AI; and (e) member states should – within the context of their responsibility to respect, protect and fulfil every person’s human rights and fundamental freedoms – take into account the full spectrum of international human rights standards that may be engaged by the use of AI.

Notably, the Secretary General of the Council of Europe has also set up a taskforce (with a dedicated website), whose membership is drawn from across the Council of Europe, to assess both the threats and opportunities of AI in respect of human rights.

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Lastly, these developments follow the 2019 Declaration by the Committee of Ministers on the manipulative capabilities of algorithmic processes (see IRIS 2019-4/3) and the issuance by the European Union's High-Level Expert Group on Artificial Intelligence's of its Guidelines on AI (see IRIS 2019-7/3).

Council of Europe, "The Council of Europe established an Ad Hoc Committee on Artificial Intelligence - CAHAI", 11 September 2019

https://www.coe.int/en/web/artificial-intelligence/-/the-council-of-europe-established-an-ad-hoc-committee-on-artificial-intelligence-cahai

Council of Europe Commission for Human Rights, Unboxing Artificial Intelligence: 10 steps to protect Human Rights, 4 May 2019

https://rm.coe.int/unboxing-artificial-intelligence-10-steps-to-protect-human-rights-reco/1680946e64

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