

## First Open Consultations and MAG Meeting – 27 February 2024

### Contribution of the Council of Europe

Octavian Sofranksy, Coordinator, Digital Development and Governance Department

#### ARTIFICIAL INTELLIGENCE

The Council of Europe's Committee on Artificial Intelligence (CAI) is currently in the process of finalising the negotiations of a Framework Convention on artificial intelligence, human rights, democracy and the rule of law. This treaty, which in addition to European States and the European Union is also being elaborated by Argentina, Australia, Canada, Costa Rica, Israel, Japan, Mexico, Peru, Uruguay, and the United States of America, is open to non Council of Europe States and will be the first global legally binding instrument on AI, and based on relevant international and Council of Europe standards. The negotiations are scheduled to be finalised in mid-March 2024, and the formal adoption of the treaty is foreseen in May 2024.

In addition to the Framework Convention, the CAI is also developing a Methodology for the Risk and Impact Assessment of AI systems (HUDERIA). This document will support the implementation of the Framework Convention and aim at ensuring a uniform approach towards identification, analysis and evaluation of risk and assessment of impact of artificial intelligence systems in relation to the enjoyment of human rights, the functioning of democracy and the observance of rule of law. The work on the HUDERIA is scheduled to be finalised by the end of 2024.

The Council of Europe is very keen on using the IGF as the platform for presenting both instruments, likely for the first time, to its large, global audience, and to raise awareness about its activities in the field of AI, human rights, democracy and the rule of law, especially among non European States.

#### DATA PROTECTION

It is extremely importance that the main concepts and definitions regarding privacy and data protection are commonly understood among internet governance community. The next IGF could be a great opportunity to discuss some of the definitions that are defined in CoE instruments and used by several countries already, and whether they are commonly understood the same way in an internet governance setting. To define who is a data subject on the internet, who is data controller and processor can have significant impact also on public policy. Not to speak about personal data concerning which the discussion around WHOIS data showed how difficult it could be to have a common understanding across all jurisdiction and stakeholders. These definitions can open up other field for discussion such as forced data localisation, data security and access rights in a cloud-based service just to name few.

#### MEDIA FREEDOM

Hate Speech, Hate Crime and Disinformation online flourish during the barrage of crisis the world faces. This calls for Comprehensive legal and non-legal measures and multi-stakeholder cooperation, involving those most at risk of becoming targets. The CoE Study '[Preventing and Combating hate Speech in Times of Crisis](#)', spells out opportunities to address and prepare for future crisis together with the IGF community.

While AI systems offer great perspectives, they also represent important risks for equality, including gender equality. This was analyzed, together with legal responses that could be offered to combat these risks, in the recent [Study on the impact of artificial intelligence systems, their potential for promoting equality – including gender equality – and the risks they may cause in relation to non-discrimination](#). The CoE is developing new Recommendation for States in this area, the IGF is a key platform to collect inputs for this process.