

From: Merve Hickok hickok@caidp.org
Subject: Action requested: Observer & Member Participant request (re drafting group decision)
Date: January 4, 2023 at 2:02 PM

MH

Dear CAI Secretariat,

Ahead of the upcoming 3rd Plenary meeting of the CAI in Strasbourg, please find below request from the undersigned organizations. We are looking forward to your response.

We also request that CAI Secretariat share this email to the group mentioned in "Cc" below as we do not have full email list.

Thank you and kind regards.

To the attention of: The Chair and Vice Chair of the Council of Europe Committee (CoE) on Artificial Intelligence (CAI), The CAI Secretariat and Bureau, Jan Kleijssen (CoE, Director, Information Society), Claudia Luciani (CoE, Director, Directorate of Human Dignity, Equality and Governance)

Cc: All Member and Observer organizations and institutions in the CAI, Secretary General of CoE, Head of CoE Assembly, President of the Committee of Ministers of CoE

As Observers and Member Participants in the Committee on Artificial Intelligence (CAI), we were disappointed with the decision at the 2nd Plenary Meeting to exclude civil society from the drafting process (Agenda Item 5). This decision goes against the examples of good practice from the Council of Europe, the prior practice of the drafting of Convention 108+, and the CoE's own standards on civil participation in political decision-making ([CM\(2017\)83-final](#)).

However, both the CoE [Resolution CM/Res\(2021\)3](#) (III. Composition) and the Agenda Item decision still leave open the possibility for Member Participants and Observers, including Civil Society, to at least *observe* the drafting process itself during drafting group meetings (even if the possibility to proactively intervene remains limited to the Plenary sessions). We therefore request the possibility to sit in at the drafting group's in-person sessions starting in January 2023, and to receive any information that may already have been made available to the members of the drafting group regarding the selection of its actual members as well as its terms of reference.

Democratic governance requires **fully open, inclusive, and transparent** processes to ensure trust and accountability. Further, [CM/Res\(2021\)3](#) requires maximum use of information technology, including between meetings, with time and cost-efficiency being the guiding principle for committee work. We would thus appreciate the opportunity for hybrid drafting meetings going forward. Efforts to limit meaningful participation of and observation by civil society in the drafting of a CoE Convention on AI raise fundamental questions about the commitment to democratic governance and warrant reflections on endorsement of similar future initiatives.

Signed by:

AlgorithmWatch
Center for AI and Digital Policy
Conference of International Non-Governmental Organisations (INGOs) of the Council of Europe
Fair Trials
Homo Digitalis
Istanbul Bar Association