

**CIVIL SOCIETY STATEMENT
ON
THE COUNCIL OF EUROPE CONVENTION ON AI
28 January 2023**

We, the undersigned civil society organizations, write to the Council of Europe Committee on AI to express our support for the development of a global Convention on Artificial Intelligence (AI) and to highlight matters that are critical to achieve a robust, global AI governance framework to safeguard human rights, protect democratic institutions, and uphold the rule of law.

As civil society observer organizations that are not part of the drafting group, we urge you to prioritize these topics in drafting the AI Convention.

- Ensure the CAHAI Legal Elements report provides the baseline for subsequent text to strengthen the protection of human rights.
- Include in the scope of the Convention AI systems used in both the public and private sectors, without blanket exemptions, and require the highest level of protection for human rights.
- Prohibit AI systems that pose an unacceptable or unmitigable risk to human rights, such as inherently discriminatory uses of biometrics or systems/uses leading to mass surveillance in the context of law enforcement or migration.
- Include in the scope of the Convention AI systems concerning national security or that are characterized as “dual use”.
- Ensure impact assessments for AI systems for public entities are mandatory and publicly accessible.
- Ensure effective redress mechanisms are established.
- Ensure concepts of “human dignity” and “presumption of innocence” are included.
- Ensure the Convention builds upon previously established global norms for the protection of fundamental rights and the governance of AI, specifically set out in the OECD AI Principles, the UNESCO Recommendations on AI Ethics, the statements of the UN High Commissioner for Human Rights, and the prior work of the Council of Europe on AI.
- Mandate measures to tackle algorithmic bias and counter specific structural gender, racial and socio-economic inequities embedded in datasets, and the impact of AI on marginalized communities.
- Ensure independent oversight and enforcement mechanisms at the national and CoE level, institutionalize cooperation with national human rights structures, and include civil society participation.
- Ensure the Convention advances the mandate of the Council of Europe.

We also call your attention to the judgement this week of the Court of Justice of the European Union regarding the transparency of committee meetings of political institutions. Although it is not binding on CoE institutions, the judgement makes clear the importance of transparency to ensure the legitimacy and accountability of democratic institutions.

Finally, we note that 28 January is International Data Protection Day and marks the anniversary of the Council of Europe Convention on Data Protection, a forward-looking global convention established to safeguard human rights in an era of rapidly changing technology. We trust the Committee on AI will carry forward this spirit in the work on the Convention on Artificial Intelligence.

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Signed by:

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