Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 2181 (2020)[1]

Need for democratic governance of artificial intelligence

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolution 2341 (2020) on the need for democratic governance of artificial intelligence and welcomes the ongoing efforts made at national, European and international levels, including at the level of the Council of Europe, to create a regulatory framework for artificial intelligence (AI). In the absence of such a framework, the Assembly notes that private companies developing and using AI-based technologies have so far opted for a self-regulation policy through soft-law instruments in this field.

2. The Assembly welcomes the work done by the Ad hoc Committee on Artificial Intelligence (CAHAI), which is mandated to examine, through broad multistakeholder consultations, the feasibility and potential elements of a legal framework for the design, development and application of AI, based on the Council of Europe's standards on human rights, democracy and the rule of law.

3. The Assembly is convinced that strong and swift action is needed on the part of the Council of Europe to address the challenges arising from the use of AI-based technologies which may interfere with, among other things, the functioning of democratic institutions and processes. Soft-law instruments and self-regulation have so far proved insufficient to address these challenges and to protect human rights, democracy and the rule of law. The Council of Europe is in a strategic position to provide the necessary guidance and support, in close co-operation and co-ordination with other European and international institutions and organisations, for creating a global regulatory framework for AI.

4. In light of the above, the Assembly recommends that the Committee of Ministers:

4.1. express its support for the preparation of a legally binding instrument governing artificial intelligence, possibly in the form of a convention, taking into account, *inter alia* the elements contained in Resolution 2341 (2020);

4.2. ensure that such a legally binding instrument is based on a comprehensive approach, deals with the whole life cycle of AI-based systems, is addressed to all stakeholders and includes mechanisms to ensure the implementation of this instrument.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 22 October 2020 (see Doc. 15150, report of the Committee on Political Affairs and Democracy, rapporteur: Ms Deborah Bergamini).