Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Safeguarding human rights in the artificial intelligence-driven public sector

Motion for a resolution
tabled by the Committee on Legal Affairs and Human Rights

This motion has not been discussed in the Assembly and commits only those who have signed it

Following the adoption of the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (CETS No. 225) by the Committee of Ministers, the Parliamentary Assembly must remain vigilant in monitoring the impact of artificial intelligence (AI) on human rights and the rule of law.

In its Opinion 303 (2024), the Assembly considered that the Framework Convention should have established an explicit requirement for Parties to inform their citizens whenever AI is used in administrative procedures resulting in the issuance of binding legal decisions. Although Article 15 of the Framework Convention introduces a duty of transparency in direct interactions with AI – such as when using chatbots on government websites – this safeguard does not extend to AI-powered systems used within public institutions that can impact human rights. For instance, AI-powered tools are being used to evaluate eligibility for welfare benefits, detect possible fraud or inconsistencies in tax declarations, facilitate biometrics (including facial recognition) and identify possible criminal patterns.

Considering that the Framework Convention does not prevent Parties from granting a wider measure of protection than is stipulated therein, the Assembly should continue to develop further standards in this area, especially when AI is used by member States in a manner impacting citizens' rights and interests. Consequently, the Assembly should examine the use of AI by the public sector in member States, identifying possible risks and measures aimed at ensuring compliance with human rights obligations. This exercise should determine best practices to ensure that such use of AI complies with human rights standards and principles of lawfulness, fairness, transparency, purpose limitation, data minimisation, accuracy, storage limitation, integrity, confidentiality and accountability.