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Preventing discrimination caused by the use of artificial intelligence

Reply to Recommendation[1]: Recommendation 2183 (2020)
Committee of Ministers

1. The Committee of Ministers has examined Recommendation 2183 (2020) on "Preventing discrimination caused by the use of artificial intelligence". It has forwarded it to the Steering Committee on Anti-Discrimination, Diversity and Inclusion (CDADI), the Ad hoc Committee on Artificial Intelligence (CAHAI) and the Steering Committee for Human Rights (CDDH) for information and possible comments.

2. The Committee of Ministers shares the concerns of the Parliamentary Assembly about the potential risks of the use of artificial intelligence for the enjoyment of the rights to equality and non-discrimination. It reaffirms that all member States are required to respect these fundamental rights in accordance with the European Convention on Human Rights (ETS No. 5) and the European Social Charter (ETS No. 35). At the same time, artificial intelligence systems can provide major opportunities for individual and societal development, and can contribute to combating intolerance and discrimination through their deployment to detect and mitigate human bias.

3. At its 131st Ministerial Session in Hamburg on 21 May 2021, the Committee of Ministers took note of the feasibility study adopted by the CAHAI on a legal framework for the development, design and application of artificial intelligence, based on Council of Europe standards on human rights, democracy and the rule of law, and of the ongoing work of the CAHAI that is due to be completed at the end of 2021. The feasibility study contains numerous references to the impact that artificial intelligence systems may have on equality and non-discrimination. The Committee of Ministers decided to give priority to this work and invited its Deputies, while examining the full range of possible options, to focus particularly on a possible legal framework which can be composed of a binding legal instrument of a transversal character, including notably general common principles, as well as additional binding or non-binding instruments to address challenges relating to the application of artificial intelligence in specific sectors. Negotiations on the transversal instrument should be started by the next Ministerial Session in May 2022.

4. The Committee of Ministers will bear in mind the Assembly's recommendation to take into account the particularly serious potential impact of the use of artificial intelligence on the enjoyment of the rights to equality and non-discrimination in future work in this field.

1. Adopted at the 1412th meeting of the Ministers' Deputies (22 September 2021).