



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Niamh Moloney,
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Department of Enterprise, Trade and Employment
23 Kildare Street
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By email only to: Niamh.Moloney@enterprise.gov.ie
CC: Katrina.Flynn@enterprise.gov.ie

Re: Further Observations: Council of Europe Legal Convention on AI

Dear Niamh,

Further to our previous correspondence dated 22 February 2024, I write to provide additional observations to the Department regarding the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy, and the Rule of Law.

As the Department is aware, the Irish Human Rights and Equality Commission, as Ireland's National Equality Body and National Human Rights Institution, is a member of both the European Network of Equality Bodies (Equinet) and the European Network of National Human rights institutions (ENNHRI). Both networks have been actively engaged with developing a European regulatory AI framework.

We understand that the draft Framework Convention was finalised at the last plenary of the Committee on Artificial Intelligence (CAI) on 14 March. At that time, ENNHRI issued a [Statement of Concern](#) setting out a number of crucial shortcomings on human rights safeguards in the draft text.

The draft text will go before the Committee of Ministers for adoption tomorrow, on 17 May, at which time the [opinion of the Parliamentary Assembly of the Council of Europe](#) (PACE) will be considered. This PACE opinion contains several important suggested amendments to the text.

ENNHRI has published a [statement calling on Council of Europe member States to support PACE's amendments](#), in particular those relating to the following key concerns:

1. Full application of the Convention so there is equal coverage of both the private and public sectors.
2. Equally include AI systems used for national security and defence.



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3. Ensure that there are clear and unambiguous criteria for bans in the Convention.
4. Ensure that the oversight mechanisms have the necessary powers to ensure effective oversight.
5. Include a human review of AI systems as a procedural guarantee.
6. Ensure effective protection for whistleblowers in the Convention.

We welcome the Department's continued engagement with these key equality and human rights issues in the development of the Convention and urge that ENNHRI's recommendations be considered in advance of the Committee of Ministers meeting on 17 May.

Yours sincerely,

Deirdre Malone
Director