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COMMITTEE ON ARTIFICIAL INTELLIGENCE (CAI)

DRAFT FRAMEWORK CONVENTION ON ARTIFICIAL INTELLIGENCE, HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

Disclaimer:

This document contains the outcomes of the 2nd reading of the Draft Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law by the CAI.

It will serve as the basis for the 3rd and final reading.

This document does not preclude the final outcome of negotiations in the CAI.

All provisions are subject to preliminary scrutiny reservations.

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Preamble

The member States of the Council of Europe and the other signatories hereto,

1. Considering that the aim of the Council of Europe is to achieve greater unity between its members, based in particular on respect for human rights and fundamental freedoms, democracy and the rule of law;
2. Recognising the value of fostering cooperation between the Parties to this Convention and of extending such cooperation to other States sharing the same values;
3. Conscious of the accelerating developments in science and technology and the profound changes brought about through [by the design, development, use and decommissioning of] artificial intelligence systems which have the potential to promote human prosperity as well as individual and societal well-being, sustainable development, gender equality and the empowerment of all women and [children/girls], and other important goals and interests, by enhancing progress and innovation;
4. Recognising that artificial intelligence systems may be designed, developed and used to offer unprecedented opportunities to protect and promote human rights and fundamental freedoms, democracy and the rule of law;
5. [Concerned that the design, development, use and decommissioning of artificial intelligence systems may undermine human dignity and individual autonomy, human rights and fundamental freedoms, democracy and the rule of law;]
6. [Expressing deep concern that discrimination in digital contexts, particularly those involving artificial intelligence systems, prevent women, [girls/children], and members of other groups from fully enjoying their human rights and fundamental freedoms, which hinders their full, equal and effective participation in economic, social, cultural and political affairs;]
7. [Opposing the misuse of artificial intelligence technologies and] / [Striving to prevent unlawful and unethical uses of artificial intelligence systems] / [Condemning/concerned by the documented and ongoing use of artificial intelligence systems by some States for repressive purposes, often by leveraging private sector tools, in violation of international human rights law, including through arbitrary or unlawful surveillance and censorship practices that erode privacy and autonomy;]
8. Conscious of the fact that human rights and fundamental freedoms, democracy and the rule of law are inherently interwoven;
9. Convinced of the need to establish, as a matter of priority, a globally applicable legal framework setting out common general principles and rules governing the design, development, use and decommissioning of artificial intelligence systems effectively preserving the shared values and harnessing the benefits of artificial intelligence for the promotion of these values in a manner conducive to responsible innovation;
10. Recognising the need to promote digital literacy, knowledge about, and trust in the design, development, use and decommissioning of artificial intelligence systems;
11. Recognising the framework character of the Convention which may be supplemented by further instruments to address specific issues relating to the design, development, use and decommissioning of artificial intelligence systems;

12. [Noting relevant efforts to advance international understanding and cooperation on artificial intelligence by other international and supranational organisations and fora;]
13. Mindful of applicable international human rights instruments, such as the 1948 Universal Declaration of Human Rights, the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols, the 1966 United Nations International Covenant on Civil and Political Rights, the 1966 United Nations International Covenant on Economic, Social and Cultural Rights and their protocols, and the 1961 European Social Charter and its protocols and the 1996 Revised European Charter;
14. [Mindful also of the 1989 United Nations Convention on the Rights of the Child, and the principle of equality and non-discrimination, including gender equality and rights of discriminated groups and individuals in vulnerable situations;]
15. **[Option A]** [Mindful also of the [protections for] [right to] privacy and [the protection of]] personal data, as conferred, for example, by the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its protocols;]
- [Option B]** [Recalling also the need of ensuring respect of the right to respect for private and family life, and the right to the protection of personal data for Parties to the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its protocols;]
- [Option C]** [Recalling also the need of ensuring respect of the right to respect for private and family life and the right to the protection of personal data, as applicable and conferred, for example, by the 1981 Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and its protocols;]
16. Underlining that the present Convention is intended to **[address]** the specific challenges arising from the design, development, use and decommissioning of artificial intelligence systems;
17. **[Option A]** Affirming the commitment of Parties to protecting human rights and fundamental freedoms, democracy and the rule of law, **[and to fostering lawful, ethical, responsible, fair, accountable and transparent design, development, use and decommissioning of these technologies];**
- [Option B]** [Affirming the commitment of Parties to protecting human rights, democracy and the rule of law, including through fostering lawful, ethical, non-discriminatory, accountable, safe and transparent design, development, use and decommissioning of artificial intelligence systems;]
- [Option C]** [Recognising the need to promote transparency, explainability, accountability, human agency and oversight, technical robustness and safety, and privacy and data governance in the design, development, use and decommissioning of artificial intelligence systems;]

Have agreed as follows:

Chapter I: General provisions

Article 1 – Object and purpose

1. The provisions of this Convention aim to ensure that activities within the lifecycle of artificial intelligence systems are fully consistent with human rights, democracy and the rule of law.
2. Each Party shall adopt or maintain appropriate legislative, administrative or other measures to give effect to the provisions set out in this Convention. These measures shall be graduated and differentiated as may be necessary in view of the severity and probability of the occurrence of adverse impacts on human rights, democracy and the rule of law throughout the lifecycle of artificial intelligence systems. This may include specific or horizontal measures that apply irrespective of the type of technology used.
3. In order to ensure effective implementation of its provisions by its Parties, this Convention establishes a follow-up mechanism.

Article 2 – Artificial intelligence systems

For the purposes of this Convention, “artificial intelligence system” is a machine-based system that for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.

Article 3 – Scope

Proposals regarding public/private and research activities

[Option A]

1. This Convention shall apply to activities within the lifecycle of artificial intelligence systems that have the potential to interfere with human rights, democracy and the rule of law.
2. This Convention shall not apply to research and development activities regarding artificial intelligence systems unless the systems are tested or otherwise used in ways that have the potential to interfere with human rights, democracy and the rule of law.

[Option B]

1. This Convention shall apply to the activities within the lifecycle of artificial intelligence systems undertaken by public authorities or entities acting on their behalf, where such systems have the potential to interfere with human rights, democracy, and the rule of law.
2. Each Party to this Convention undertakes to take appropriate steps for the realisation of this Convention in respect of the activities within the lifecycle of artificial intelligence systems by private entities, where such systems have the potential to interfere with human rights, democracy, and the rule of law.
3. This Convention shall not apply to research **[and development]** activities regarding artificial intelligence systems unless the systems are designed, developed, used or decommissioned **[tested or otherwise used in]** ways that have the potential to interfere with human rights, democracy and the rule of law.

Alternative proposal

[For greater certainty, where the design, development, use and decommissioning of AI systems involves research, such research shall be within the scope of this Convention in Article 3.1.]

Option C]

1. This Convention shall apply to the activities within the lifecycle of artificial intelligence systems that have the potential to interfere with human rights, democracy and the rule of law.

2. Without prejudice to paragraph 1, nothing in this Convention shall prevent research and development activities insofar as they are in accordance with the requirements in a Party's domestic law.

(to be inserted in Chapter VI: For the implementation of Article 3, paragraph 1, Each Party shall take all appropriate measures, including legislation, to ensure that the activities within the lifecycle of artificial intelligence systems by public authorities or entities acting on their behalf are in accordance with the requirements of this Convention.)

(to be inserted in Chapter VI: For the implementation of Article 3, paragraph 1, Each Party undertakes to take steps to address progressively risks and impacts arising from the activities within the lifecycle of artificial intelligence systems by private entities, in accordance with the requirements of this Convention.)

Proposals regarding national security to be added in options A to C**Option A]**

A Party shall not be required to apply this Convention to the design, development, use or decommissioning of artificial intelligence systems to protect essential national security interests, including through foreign intelligence and counter-intelligence related activities, if such activities are conducted in a manner consistent with applicable international law, including international human rights law obligations, and with respect for democratic institutions and processes.

Option A2]

A Party **[shall not be required]** to apply this Convention to the design, development or use of artificial intelligence systems in activities that seek to protect its essential national security interest, **[including through foreign intelligence and counter-intelligence related activities,]** if such activities are conducted in a manner consistent with applicable international law, including international human rights law obligations.

Option B]

[Nothing in this Convention shall be construed as limiting] / [This Convention shall not limit] the ability of a Party to take the measures that it determines are necessary to protect its national security interests, consistent with its applicable obligations under international law, including international human rights law.

Option C]

Each Party may restrict the application of provisions of this Convention if activities within the lifecycle of artificial intelligence systems are necessary to protect essential national security interests and if such activities are conducted in a manner consistent with applicable international law, including international human rights law obligations.

Proposal on national defence to be added in options A to C

This Convention shall not apply to activities within the lifecycle of artificial intelligence systems used for purposes pertaining to national defence.

Chapter II: General obligations

Article 4 – Protection of human rights

Each Party shall adopt or maintain measures to ensure that the activities within the lifecycle of artificial intelligence systems are compatible with obligations to protect human rights, as enshrined in applicable international law, and in its domestic law.

Article 5 – Integrity of democratic processes and respect for rule of law

1. Each Party shall adopt or maintain measures that seek to ensure that artificial intelligence systems are not used to undermine the integrity, independence and effectiveness of democratic institutions and processes, including the principle of separation of powers, respect for judicial independence, and access to justice.

2. Each Party shall adopt or maintain measures that seek to protect [individuals'] participation in democratic processes, fair access to public debate [, and the ability of individuals to reach decisions free from undue / [harmful and malicious external] influence or manipulation,] in the context of activities within the lifecycle of artificial intelligence systems.

Chapter III: Principles related to activities within the lifecycle of artificial intelligence systems

[This Chapter sets forth general common principles that each Party shall implement in regards to [incorporate in the lifecycle of] artificial intelligence systems in a manner appropriate to its domestic legal system and the other obligations of this Convention.]

Article 6 – Human dignity and individual autonomy

Each Party shall adopt or maintain measures to respect human dignity and individual autonomy related to activities within the lifecycle of artificial intelligence systems.

Article 7 – Transparency and oversight

1. Each Party shall adopt or maintain measures to ensure that adequate transparency and oversight requirements tailored to the specific contexts and risks are in place in respect of activities within the lifecycle of artificial intelligence systems.
2. [In view of Article 5, each Party shall adopt or maintain measures [tailored to the specific context designed] to enable detection and transparency of content generated by artificial intelligence systems.]

Article 8 – Accountability and responsibility

Each Party shall adopt or maintain measures [that seek] to ensure accountability and responsibility for [violations of human rights] / [adverse impacts on human rights, democracy and the rule of law] resulting from activities within the lifecycle of artificial intelligence systems.

Article 9 – Equality and non-discrimination

1. Each Party shall adopt or maintain measures with a view to ensuring that activities related to the lifecycle of artificial intelligence systems respect equality, including gender equality, and the prohibition of discrimination, as provided under applicable international and domestic law.
2. Each Party undertakes to adopt measures aimed at overcoming inequalities to achieve fair, just and equitable outcomes, in line with its applicable domestic and international human rights obligations.

Article 10 – Privacy and personal data protection

[Each Party shall adopt or maintain measures [that seek to] ensur[ing] that as regards activities within the lifecycle of artificial intelligence systems:

- a. the privacy of individuals is protected including through applicable domestic and international personal data protection and [data governance] laws, [and] standards, and frameworks;
- b. effective guarantees and safeguards have been put in place for [individuals] data subjects, if required under domestic and international legal obligations.]

Article 11 – Preservation of health [and the environment]

Each Party shall adopt or maintain measures to preserve health [and the environment] in the context of activities within the lifecycle of artificial intelligence systems.

Article 12 – Reliability and trust

[Each Party shall take appropriate measures to [promote reliability, safety, validity and trust in artificial intelligence systems, which could include the establishment of requirements that seek to] ensure that adequate safety, security, accuracy, performance, quality, data quality, data integrity, data security, governance, cybersecurity and robustness requirements apply throughout the lifecycle of artificial intelligence systems.]

Article 13 – Safe innovation

[With a view to] Each Party is encouraged to foster[ing] innovation, while avoiding adverse impacts on human rights, democracy and the rule of law. This may include, [such as by providing] each Party is called upon to [provide for] / [enable, as appropriate, the establishment of] [a] controlled [regulatory] environment[s] for [development and experimentation] / [testing] artificial intelligence systems under the supervision of its competent authorities.

Chapter IV: Remedies

Article 14 – Remedies

Each Party shall, [in a manner appropriate to its domestic legal system and consistent with its international legal obligations and the other obligations under this Convention], take measures ensuring the availability of accessible and effective remedies for [violations of human rights] / [unlawful harm or damage to the rights of individuals and legal persons] resulting from the activities within the lifecycle of artificial intelligence systems, including through:

- a. measures to ensure that [artificial intelligence systems which have the potential to interfere with] / [significantly affecting] human rights are properly documented, and appropriate information about the usage] / [all operations conducted during the lifecycle / the relevant usage] of the artificial intelligence system is recorded, provided to bodies authorised in accordance with its domestic law to access that information and, where appropriate and applicable, made available or communicated to the affected persons ;
- b. measures to guarantee the information referred to in paragraph (a) is sufficient and proportionate for [an effective possibility for] the affected persons to contest the decision(s) made or substantially informed by the use of the system, including, where relevant, the use of the system.
- c. [an effective possibility for persons concerned to lodge a complaint [to public authorities, including where appropriate,] with the oversight mechanism referred to in Article 26, in accordance with its domestic law.]

Article 15 – Procedural safeguards

1. Recognising the importance of human review / [oversight], each Party shall ensure that, [where an artificial intelligence system substantially informs or takes decisions [or acts] impacting on human rights], effective procedural guarantees, safeguards and rights, in accordance with the applicable domestic and international law, are available to persons affected thereby.

2. Each Party shall [seek to] ensure that, [where an artificial intelligence system substantially informs or takes decisions [or acts] impacting on human rights], [unless obvious from the circumstances and context of use], persons interacting with an artificial intelligence system are notified that they are interacting with an artificial intelligence system rather than with a human [as appropriate for the context for which the artificial intelligence system is used].

Chapter V: Assessment and Mitigation of Risks and Adverse Impacts

Article 16 – Risk and impact management framework

1. [Each Party shall take measures for the identification, assessment, prevention and mitigation of risks and impacts to human rights, democracy and rule of law arising from the design, development, use and decommissioning of artificial intelligence systems within the scope of this Convention.

2. Such measures shall take into account the risk-based approach referred to in Article 1 and:

a. contain adequate requirements which take due account of the context and intended use of artificial intelligence systems, in particular as concerns risks to human rights, democracy, the rule of law and the preservation of the environment;

b. take account of the severity, duration and reversibility of any potential risks and adverse impacts;

c. integrate the perspective of all relevant stakeholders, including any person whose rights may be potentially impacted through the design, development, use and decommissioning of the artificial intelligence system;

- d. require the recording, monitoring and due consideration of adverse impacts resulting from the use of artificial intelligence systems;
 - e. ensure that the risk and impact management processes are carried out iteratively throughout the design, development, use and decommissioning of the artificial intelligence system;
 - f. require proper documentation of the risk and impact management processes;
 - g. require, where appropriate, publishing of the information about efforts to identify, assess, mitigate and prevent risks and adverse impacts undertaken;
 - h. require the implementation of sufficient preventive and mitigating measures to address the risks and adverse impacts identified, including, if appropriate, a requirement for prior testing of the system before it is made available for first use;
3. Each Party shall take such legislative or other measures as may be required to put in place mechanisms for a moratorium or ban or other appropriate measures in respect of certain uses of artificial intelligence systems where such practices are considered incompatible with the respect of human rights, the functioning of democracy and the rule of law.]

Chapter VI: Implementation of the Convention

Article 17 – Non-discrimination

Each Party shall implement this Convention without discrimination on any ground, as provided for in applicable international law.

Article 18 – Rights of persons with disabilities and of children

Each Party shall, in accordance with its domestic law and applicable international obligations, take due account of any specific needs and vulnerabilities in relation to respect of the rights of persons with disabilities and of children.

Article 19 - Protection of whistleblowers

[Each Party shall take appropriate measures to ensure protection of whistleblowers in relation to the activities within the lifecycle of AI systems which could adversely impact human rights, democracy, and the rule of law.]

Article 20 – Public consultation

Each Party shall strive to ensure that important questions [emerging prior to or during the lifecycle] / during raised by the activities within the lifecycle of artificial intelligence systems are, as appropriate, the subject of public discussion and multi-stakeholder consultation in the light, in particular, of relevant social, economic, legal, ethical, and environmental implications.

[Each Party shall take into due consideration the outcomes of these discussions and consultations in policy making initiatives regarding artificial intelligence systems.]

Proposal by the Secretariat, as mandated by the Committee

[Each Party shall strive to ensure that important, including emerging, questions raised by the activities within the lifecycle of artificial intelligence systems are, as appropriate, duly considered through public discussion and multi-stakeholder consultation in the light of social, economic, legal, ethical, environmental and other relevant implications.]

Article 21 – Digital literacy and skills

Each Party shall encourage and promote adequate digital literacy and digital skills for all segments of the population, including those responsible for the identification, assessment, prevention and mitigation of risks posed by artificial intelligence systems.

Article 22 – Relationship with other legal instruments

Nothing in this Convention shall be construed as limiting, derogating from, or otherwise affecting [any of] the human rights or other [connected]¹ legal rights and obligations which may be guaranteed under the laws of a Party or under any other international agreement to which it is a Party.

Article 23 – Wider protection

None of the provisions of this Convention shall be interpreted as limiting or otherwise affecting the possibility for a Party to grant a wider measure of protection than is stipulated in this Convention.

Chapter VII: Follow-up mechanism and cooperation**Article 24 – Conference of the Parties****New paragraphs 1 and 6 are proposals by the Secretariat, as mandated by the Committee**

1. [The Conference of the Parties shall be composed of representatives of the Parties to the Convention.]
2. Parties shall consult periodically with a view to:
 - a. facilitating the effective use and implementation of this Convention, including the identification of any problems and the effects of any declaration [or reservation] made under this Convention;
 - b. considering the possible supplementation or amendment of the Convention;
 - c. considering matters [and making specific recommendations] concerning the interpretation and application of this Convention;
 - d. facilitating the exchange of information on significant legal, policy or technological developments of relevance [including in pursuit of the objectives of article 25,] for the implementation of this Convention;

¹ a proposal by the Secretariat

- e. facilitating, where necessary, the friendly settlement of disputes related to the application of this Convention;
 - f. facilitating cooperation with relevant stakeholders, including where appropriate through public hearings concerning pertinent aspects of the implementation of the Convention.
2. The Conference of the Parties shall be convened by the Secretary General of the Council of Europe whenever the latter finds it necessary and in any case when a majority of the Parties or the Committee of Ministers request its convocation.
 3. The Conference of the Parties shall adopt its own rules of procedure by consensus.
 4. [Within the areas of its competence, the European Union shall exercise its right to vote with a number of votes equal to the number of its member States which are Contracting Parties to this Convention; the European Union shall not exercise its right to vote in cases where the member States concerned exercise theirs, and conversely²].
 5. Parties shall be assisted by the Secretariat of the Council of Europe in carrying out their functions pursuant to this article.
 6. [The Conference of the Parties may propose to the Committee of Ministers appropriate ways to engage relevant expertise in support of the effective implementation of the Convention.]
 7. [Any Party which is not a member of the Council of Europe shall contribute to the funding of the activities of the Conference of the Parties in an amount and according to modalities to be established by the Committee of Ministers [in agreement with that Party].]
 8. The Conference of the Parties may decide to restrict the participation in its work of a Party that has ceased to be a member of the Council of Europe under Article 8 of the Statute of the Council of Europe for a serious violation of Article 3 of the Statute. Similarly, measures can be taken in respect of any Party non-member State of the Council of Europe concerned by a decision of the Committee of Ministers ceasing its relations with it on grounds similar to those mentioned in Article 3 of the Statute.

Article 25 – International co-operation

1. Parties shall co-operate in the realisation of the purpose of this Convention.
2. Parties shall, as appropriate, exchange relevant and useful information between themselves concerning aspects related to artificial intelligence which may have significant positive or negative effect on the enjoyment of human rights, the functioning of democracy and the observance of rule of law, including risk and effects that have arisen in research contexts.
3. Parties are encouraged to, as appropriate, assist States that are not Party to this Convention in acting consistently with the terms of this Convention and becoming Party to it.
4. Parties are encouraged to, as appropriate, involve relevant non-State actors in the exchange of information referred to under Paragraph 2.

² Paragraph 4 is a proposal by the Secretariat;

5. Parties are encouraged to strengthen cooperation to prevent and mitigate risks and adverse impacts on human rights, democracy and the rule of law in the context of activities within the lifecycle of artificial intelligence systems.

New proposal by the Secretariat as mandated by the Committee

[1. Parties shall co-operate in the realisation of the purpose of this Convention. Parties are further encouraged to, as appropriate, assist States that are not Party to this Convention in acting consistently with the terms of this Convention and becoming Party to it.

2. Parties shall, as appropriate, exchange relevant and useful information between themselves concerning aspects related to artificial intelligence which may have significant positive or negative effect on the enjoyment of human rights, the functioning of democracy and the observance of rule of law, including risk and effects that have arisen in research contexts. Parties are encouraged to, as appropriate, involve relevant non-State actors in such exchange of information.

3. Parties are encouraged to strengthen cooperation, including where appropriate with relevant stakeholders, to prevent and mitigate risks and adverse impacts on human rights, democracy and the rule of law in the context of activities within the lifecycle of artificial intelligence systems.]

Article 26 – Effective oversight mechanisms

1. Each Party shall establish or designate one or more effective mechanisms to oversee compliance with the obligations in the Convention.

2. Each Party shall ensure that such mechanisms exercise their duties independently and impartially and that they have the necessary powers, expertise and resources to effectively fulfil their tasks of overseeing compliance with the obligations in the Convention, as given effect by the Parties.

3. In case a Party has provided for more than one such mechanism, it shall take measures, where practicable, to facilitate effective cooperation among them.

4. In case a Party has provided for mechanisms different from existing human rights structures, it shall take measures, where practicable, to promote effective cooperation between the mechanisms referred to in paragraph 1 and those existing domestic human rights structures.

Chapter VIII: Final clauses

Article 27 – Effects of the Convention

[If two or more Parties have already concluded an agreement or treaty on the matters dealt with in this Convention or have otherwise established their relations on such matters, they shall also be entitled to apply that agreement or treaty or to regulate those relations accordingly.

Parties which are members of the European Union shall, in their mutual relations, apply European Union rules governing the matters within the scope of this Convention.]

Article 28 – Amendments

1. Amendments to this Convention may be proposed by any Party, the Committee of Ministers of the Council of Europe or the Conference of the Parties.
2. Any proposal for amendment shall be communicated by the Secretary General of the Council of Europe to the Parties.
3. Moreover, any amendment proposed by a Party, or the Committee of Ministers, shall be communicated to the Conference of the Parties, which shall submit to the Committee of Ministers its opinion on the proposed amendment.
4. The Committee of Ministers shall consider the proposed amendment and any opinion submitted by the Conference of the Parties and may approve the amendment.
5. The text of any amendment approved by the Committee of Ministers in accordance with paragraph 4 shall be forwarded to the Parties for acceptance.
6. Any amendment approved in accordance with paragraph 4 shall come into force on the thirtieth day after all Parties have informed the Secretary General of their acceptance thereof.

Article 29 – Dispute settlement

[In the event of a dispute between Parties as to the interpretation or application of this Convention which cannot be resolved by the Conference of the Parties, as provided for in Article 24, paragraph 1, e, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their choice.]

The European Union and its members States in their relations with each other shall not avail themselves of Article 29 of the Convention. Nor shall the member States of the European Union avail themselves of that Article of the Convention insofar as a dispute between them concerns the interpretation or application of European Union law.]

Article 30 – Signature and entry into force

1. This Convention shall be open for signature by the member States of the Council of Europe, the non-member States which have participated in its elaboration and the European Union.
2. This Convention is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
3. This Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date on which five Signatories, including at least three member States of the Council of Europe, have expressed their consent to be bound by the Convention in accordance with the provisions of paragraph 2³.
4. In respect of any Signatory which subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the

³ The question of how to count the number of signatures in the case of the European Union signing will be examined and revised at a later stage.

expiration of a period of three months after the date of the deposit of its instrument of ratification, acceptance or approval.

Article 31 – Accession

1. After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may, after consulting the Parties to this Convention and obtaining their unanimous consent, invite any non-member State of the Council of Europe which has not participated in the elaboration of the Convention to accede to this Convention by a decision taken by the majority provided for in Article 20.d of the Statute of the Council of Europe, and by unanimous vote of the representatives of the Parties entitled to sit on the Committee of Ministers.
2. In respect of any acceding State, the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of deposit of the instrument of accession with the Secretary General of the Council of Europe.

Article 32 – Territorial application

1. Any State or the European Union may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.
2. Any Party may, at a later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of the declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General of the Council of Europe. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.

Article 33 – Federal clause (to be drafted)

Article 34 – Reservations⁴

[No reservation may be made in respect of any provision of this Convention.]

Article 35 – Denunciation

1. Any Party may, at any time, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of the notification by the Secretary General.

⁴ While considering that reservations should in principle not be necessary, whether or not it is appropriate to provide for reservations will be considered as the CAI examines the other Chapters of the Convention.

Article 36 – Notification

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe, the non-member States which have participated in its elaboration, the European Union, any Signatory, any contracting State any Party, and any other State which has been invited to accede to this Convention, of:

- a. any signature;
- b. the deposit of any instrument of ratification, acceptance, approval, or accession;
- c. any date of entry into force of this Convention in accordance with Article 30, paras. 3 and 4, and Article 31, para. 2;
- d. any amendment adopted in accordance with Article 28 and the date on which such an amendment enters into force;
- e. [any reservation and withdrawal of reservation made in pursuance of Article 34];
- f. any denunciation made in pursuance of Article 35;
- g. any other act, declaration, notification or communication relating to this Convention.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done in [place], this ... day of [month] 202[4], in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe, to the non-member States which have participated in the elaboration of the Convention [enjoy observer status with the Council of Europe], to the European Union and to any State invited to [sign or] accede to this Convention.