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**Submissions from entities in the United Nations system and elsewhere on their efforts in 2010  
to implement the outcome of the WSIS**

Submission by

**COUNCIL OF EUROPE**

This submission was prepared as an input to the report of the UN Secretary-General on "Progress made in the implementation of and follow-up to the outcomes of the World Summit on the Information Society at the regional and international levels" (to the 14<sup>th</sup> session of the CSTD), in response to the request by the Economic and Social Council, in its resolution 2006/46, to the UN Secretary-General to inform the Commission on Science and Technology for Development on the implementation of the outcomes of the WSIS as part of his annual reporting to the Commission.

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2 February 2010

**FOLLOW-UP AND IMPLEMENTATION OF THE  
WORLD SUMMIT ON THE INFORMATION SOCIETY**

**Reply of the Council of Europe Secretariat**

## **1. Executive summary**

During the 2010 WSIS Forum, the Council of Europe attended WSIS action line discussions on C1- role of public governance authorities and all stakeholders in the promotion of ICTs for development, C5- Building confidence and security in the use of ICTs, and C9-media.

Building on its submissions for 2008 and 2009, the Council of Europe supported and facilitated in 2010 much multi-stakeholder dialogue. Based on its core values of human rights, rule of law and democracy the Organisation, in particular, provided state and non-state actors with a range of almost ready-made tools, cooperation platforms, legal standards and public policy measures related to:

- public service value of the Internet and a rights-based approach to Internet governance,
- freedom of expression and other fundamental rights in the online environment,
- empowering children to make informed and safe use of ICTs,
- protection of children against abuse in connection with ICTs,
- education and access to knowledge,
- protection of personal data and privacy,
- strengthening of security through measures against cybercrime, xenophobia and racism,
- combating terrorist use of the Internet,
- combating also the counterfeiting of medicines and similar crimes that involve threats to public health.

Although developed in Europe, they provide guidance to stakeholders outside Europe that may be interested in promoting accession to treaties such as the:

- Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data (CETS 108),
- Budapest Convention on Cybercrime (CETS 185),
- Convention for the Prevention of Terrorism (CETS 196),
- Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201).

These and other tools to be developed by the Council of Europe in the future help advance security, openness and privacy, access and diversity, and contribute to the management of critical Internet resources in line with WSIS principles.

## **2. Analytical overview of trends and experience in implementation**

In following-up certain WSIS action line principles pertaining to its core values - human rights, the rule of law and democracy – the Council of Europe:

- Committee of Ministers adopted 6 new standard-setting instruments on subjects concerning the media, information society and Internet governance, namely:
  - o Recommendation CM/Rec(2010)13 on the protection of individuals with regard to automatic processing of personal data in the context of profiling, adopted on 23 November 2010,
  - o Declaration on the management of the Internet protocol address resources in the public interest, adopted on 29 September 2010,

- Declaration on network neutrality, adopted on 29 September 2010,
  - Declaration on the Digital Agenda for Europe, adopted on 29 September 2010,
  - Declaration on enhanced participation of member states in Internet governance matters – Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN), adopted on 26 May 2010,
  - Declaration on measures to promote the respect of Article 10 of the European Convention on Human Rights, adopted on 13 January 2010.
- organised the sixth edition of its Forum for the Future of Democracy (Yerevan, October 2010), which concluded, *inter alia*, that "information and communication technologies allow people to connect and debate locally as well as across borders. This is facilitated by a variety of ever-evolving e-tools and social networks which offer great potential for public participation. Inclusive participation requires universal access to digital skills and quality infrastructure."
  - continued to work with the UN Economic Commission for Europe and the Association for Progressive Communications in the development of the "Code of Good Practice on information, participation and transparency in Internet Governance". The draft is based on the WSIS principles and on existing arrangements in Internet Governance institutions and uses the Aarhus Convention as a benchmark where appropriate. It is the result of consultations with internet governance stakeholders during the IGF process since 2006 and of a comparative assessment of existing information and participation arrangements in a number of internet governance institutions. It is intended to develop the draft Code into a benchmarking tool for Internet Governance entities, to self-assess their practices and, eventually, compare their performance with other IG entities;
  - continued its global efforts against cybercrime in line with the Budapest Convention on Cybercrime, noting on the one hand, shortcomings continue to include the lack of resources to support developing countries to meet this challenge, and on the hand, stronger cybercrime legislation continues to be underway in more than 100 countries using the Budapest Convention as a guideline;
  - submitted written comments to UNESCO on the draft code of ethics for the information society developed within the framework of the Information For All programme (IFAP).

### **3. Innovative policies, programmes and projects undertaken**

Multi-stakeholder consultation and dialogue in the Council of Europe continued to be strengthened in 2010, in particular in its media and data protection standard-setting fields as well as its cybercrime cooperation activities.

The Council of Europe's Secretariat facilitated the third edition of the European Dialogue on Internet Governance (Madrid, 29-30 April 2010) which was organised by the Spanish IGF including Red.es, Telefónica and Madrid City Council, with the support of the Swiss Federal Office of Communications (OFCOM) and a number of other stakeholders. Involving 550 people from a wide range of stakeholder groups in 8 plenary and 6 workshops, there was multi-stakeholder dialogue on many of the themes related to WSIS action lines.

The Council of Europe also heavily contributed to and participated in the 2010 IGF that was also significant and much related to several WSIS action line themes. Contributing to the overall theme 'Developing the future together' of this United Nations event - the Council of Europe presented its most recent work to protect human rights online and to provide an adequate legal framework for the Internet.

In these and other events (below) in 2010, the Council of Europe made a significant contribution to the implementation of WSIS principles and action line facilitation in the following areas:

*C1 - role of public governance authorities and all stakeholders in the promotion of ICTs for development*

- Developing a code of good practice on information, participation and transparency in Internet governance.

*C5 - building confidence and security in the use of ICTs*

- Protecting children from sexual exploitation and abuse, including the criminalisation of "grooming" of children by adults,
- Combating violence against women which will also address how the private sector and the media can reduce the availability of online services or material which can be harmful to women, with reference to the (draft) Council of Europe Convention on the subject,
- Combating counterfeit medicines, including those sold over the Internet, with reference to the Council of Europe Convention on the subject adopted in December 2010,
- Combating cybercrime with regard to the implementation of the Budapest Cybercrime Convention worldwide as a common framework for global action,
- Data protection and profiling with regard to the Council of Europe Recommendation on the subject adopted by its Committee of Ministers in November 2010,
- Open hour on cloud computing: from fog to secure cloud – a regulatory perspective (CoE-EuroDIG workshop),
- Cross-border cybercrime jurisdiction under cloud computing (EuroDIG 2010 workshop).

*C9 - media*

- Advancing community thinking on "globally-applicable principles on public policy issues associated with the Internet" (Tunis Agenda), in particular, by discussing with stakeholders a conceptual framework for international cooperation in respect of critical Internet resources and cross-border flow of Internet traffic,
- Balancing the regulation of hate speech and media freedom (OSCE/CoE-IGF 2010 workshop),
- Internet openness and privacy with particular regard to the planned modernisation of the Council of Europe data protection Convention 108 (CoE Parliamentary Assembly-IGF 2010 workshop),
- What should the role of Internet intermediaries be with regard to freedom of expression, in cooperation with Global Partners and several other organisations (CoE contributing-IGF 2010 workshop),
- Online content policies in Europe – where are we going? (CoE contributing-EuroDIG 2010 plenary),
- Global privacy standards for the internet and working world (CoE contributing-EuroDIG 2010 plenary),

- Principles of “network neutrality” and policies for an open Internet (CoE contributing-EuroDIG 2010 plenary),
- Children and social media – opportunities and risks, rules and responsibilities (CoE contributing-EuroDIG 2010 plenary).

#### *C10-ethical dimensions of the Information Society*

- Challenges for parenting and education in the digital era (CoE contributing-IGF 2010 workshop),
- Protecting women’s rights: Internet content from a gender perspective (CoE contributing IGF 2010 workshop),
- Role of Internet intermediaries (CoE contributing-IGF workshop in which Participants called for greater transparency and legal certainty),
- Communication in the digital era (CoE contributing-IGF workshop in which Participants debated how to measure communication and media).

Regarding Action Line C5 global support was provided through the global Project on Cybercrime, Phase 2 of which not only focuses on the strengthening of legislation, but also on data protection, the protection of children, criminal money flows on the internet, the training of judges and efficient international cooperation. In addition, a new joint project of the European Union and the Council of Europe on cooperation against cybercrime in South-eastern Europe was launched in November 2010 and one for countries of Eastern Europe will commence on 1 March 2011.

#### **4. Future actions and initiatives to be taken regarding implementation**

In 2011, Council of Europe standard setting work which ties in with WSIS targets will focus on protecting human rights in the new media landscape (social networks, search engines, public service media governance, and certain human rights aspects of critical internet resources).

With new data protection challenges arising everyday, the Convention on the Protection of Individuals with regard to the Automatic Processing of Personal Data (Convention 108) is being overhauled to meet new realities. The technological developments of the information and communication society as well as the globalisation of exchanges lead to unexplored challenges and potential new risks for the protection of personal data. Celebrating the 30<sup>th</sup> anniversary of Convention 108 this year, the Council of Europe will assess if the protection provided is still in line with today’s needs.

The Council of Europe will also be providing secretariat support for the fourth edition of EuroDIG (Belgrade on 30-31 May 2011) and will be contributing significantly to the sixth edition of the IGF (Nairobi, end Sep 2011).

Moreover, the Organisation will also be:

- organising its global Octopus Interface Conference on cybercrime in Strasbourg in November 2011). The conference will, among other things, discuss: 10th anniversary of the Budapest Convention; CyberCrime strategies; Cybercrime capacity building; Monitoring progress against cybercrime<sup>1</sup>;

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<sup>1</sup> [www.coe.int/cybercrime](http://www.coe.int/cybercrime)

- seeking a continuum for its biennial meetings, held since 2006, to review developments in the field of e-voting and the implementation of its Committee of Ministers' Recommendation on legal, operational and technical standards for e-voting (CM/Rec(2004)11) by establishing a public-private partnership with the NGO e-voting.cc (Austria)<sup>2</sup>;
- examining international law action possibilities in respect of the preservation of critical Internet resources and the cross-border flow of the Internet. To this end, it will prepare a draft declaration of the Committee of Ministers on principles of Internet governance and a draft recommendation on international and multi-stakeholder cooperation in respect of critical Internet resources<sup>3</sup>;
- organising a conference on 18 and 19 April 2011, with the main topics including Internet governance principles, international and multi-stakeholder cooperation on Internet resilience and stability as well multi-stakeholder governance and international law options;
- Finally, the CDMC is also preparing a draft recommendation of the Committee of Ministers on a new notion of media, which will propose a broad notion of media and guidelines on how, and to which extent, standards developed for traditional media can be applied to new media actors. Human rights standards, including self-regulatory guidelines, on search engines and social networking services are also being prepared and will soon be proposed for consultation with relevant stakeholders.

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<sup>2</sup> [http://www.coe.int/t/dgap/democracy/Activities/GGIS/Default\\_en.asp](http://www.coe.int/t/dgap/democracy/Activities/GGIS/Default_en.asp)

<sup>3</sup> [www.coe.int/media](http://www.coe.int/media)