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**Submissions from entities in the United Nations system and elsewhere on their efforts in
2013 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 17th 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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FLOW OF INFORMATION FOR THE FOLLOW-UP TO THE WORLD SUMMIT ON THE INFORMATION SOCIETY

Reply of the Council of Europe Secretariat

1. Executive summary

In 2013, the Council of Europe focused on the implementation of the Internet Governance Strategy 2012-2015 **to protect and promote human rights, the rule of law and democracy online**, which was adopted by the Committee of Ministers in March 2012.

The Council of Europe Conference of Ministers responsible for Media and Information Society "Freedom of Expression and Democracy in the Digital Age – Opportunities, Rights, Responsibilities, held in Belgrade (Serbia) on 7 and 8 November 2013, gathered over 300 participants, and paved the way for further work by the Council of Europe on inter alia the notion of Internet freedom and to examine closely, in the light of the requirements of the European Convention on Human Rights, the question of gathering and processing of electronic communications data on individuals by security agencies, with a view, as appropriate, to making proposals for further action.

In June 2013, the Committee of Ministers adopted a Declaration on Risks to Fundamental Rights stemming from Digital Tracking and other Surveillance Technologies.

At European and international levels, the Council of Europe also participated in, supported and facilitated multi-stakeholder dialogue on a range of Internet related issues regarding:

- Internet governance for sustainable human, economic and social development;
- Safety of online media actors as precondition for media pluralism and freedom of expression;
- Internet public policies;
- Network neutrality;
- Transparency and Internet freedom;
- Protection of personal data and privacy, and security measures against cybercrime, xenophobia and racism.

2. Analytical overview of trends and experience in implementation

A series of instruments listed below are in different phases of construction and expect to be finalized in 2014, including:

- As part of the implementation of the Council of Europe Internet Governance Strategy 2012 -2015 (Maximising rights and freedoms for Internet users), a Guide of human rights of Internet users has been prepared by a Committee of Experts subordinate to the the Steering Committee on Media and Information Society (CDMSI). This initiative benefited from multi-stakeholder participation by involving non-governmental experts in the committee and large consultations with different categories of actors concerned by the Internet. The Guide is expected to be finalised in early 2014.
- In 2013, an expert report on cross-border flow of Internet traffic analysed in detail different scenarios of interference with Internet traffic which may have an impact on access to information across borders, considering as well the European Court of Human Rights related case law. A Council of Europe Recommendation on cross-border flow of Internet traffic is foreseen among the results of a subsequent expert group on Cross border Internet and Internet freedom, to be prepared in 2014.
- In the field of privacy and data protection, the Council of Europe Convention on Data protection ("Convention 108") was joined by two new Parties (Russia, and Uruguay which is the first non-European country to join) and Morocco was invited to accede to it. This Convention which is the sole international legally binding instrument in the field gathers 46 countries sharing common data protection principles and is being modernised to enhance the personal data protection.

The mid-term report of the Council of Europe Strategy for the Rights of the Child (2012 - 2015), which was adopted by the Committee of Ministers on 15 February 2012, revealed financial difficulties in the reporting period for implementing actions related to protection and empowerment of children in the online and offline media environment. However the development of new tools to help children better manage their privacy and personal data on Internet remains relevant in the current technological advancement and the new ICT means' availability to children.

3.

a) Innovative policies, programmes and projects undertaken

The CDMSI which is mandated to oversee the implementation of the Council of Europe's Strategy on Internet governance 2012-2015 followed activities related specific instruments on Internet.

A range of Internet-related events were organised, supported and facilitated by the Council of Europe in 2013 with increasing emphasis on multi-stakeholder outreach and dialogue:

1. The Council of Europe organised on 29 and 30 May 2013, in Strasbourg, a multi-stakeholder dialogue on network neutrality, which brought together representatives of public sector, civil society and Internet industry, including Telcos in a dynamic debate about freedom of expression and access to information on Internet. The CDMSI discussed the desirability to follow-up, possibly in the form of Council of Europe guidance to member states on network neutrality issues.

2. On 24-25 September 2013, in Strasbourg, the Council of Europe organised a multi-stakeholder dialogue on enhanced cooperation for informed decision making under the general theme: "Transparency to protect Internet freedom: a shared commitment". The Conference gathered more than 70 participants in inter-active discussions touching upon the right to freedom of expression online, privacy, transparency with a view to develop a Framework of commitments to be adhered to by different stakeholders acting on Internet governance. Conference participants called for Council of Europe action on transparency related to Internet freedom, which was welcomed by the CDMSI.
3. The Council of Europe supported the 6-th edition of the European Dialogue on Internet Governance (EuroDIG) (Lisbon, 20-21 June 2013) which was organised by the authorities of Portugal and a number of other stakeholders. The event brought together more than 600 participants of public administrations, industry and NGOs, of which around 100 participated from 9 regional remote hubs across Europe. During the two days of the Conference they have debated on relevant questions related to Internet public policy, privacy and e-commerce, Internet and jurisdiction, net neutrality, multi-stakeholder approach in cybercrime and cybersecurity. EuroDIG 2013 had six plenaries, 8 workshops and a number of pre-event and side events. The main conclusions were concentrated into the "Messages from Lisbon" document, which has been published, but also available on electronic format on EuroDig website.
4. The annual Council of Europe's initiative - World Forum for Democracy (Strasbourg, 27 to 29 November 2013) had this year the general theme: "Re-wiring democracy: re-connecting democratic institutions and citizens in the information age". The Forum discussed, inter alia the need to promote online literacy and raise awareness of the risks to privacy and data protection. In addition, it was stressed that the political parties and institutions have a huge potential to increase accountability and transparency on the Internet.
5. The Council of Europe participated into the 8-th meeting of the Internet Governance Forum (Bali, Indonesia, 22 to 25 October, 2013), and ensured a human rights dimension to the general debate "Building Bridges". While previous IGFs have primarily focused on the technical and policy aspects of Internet governance, the 2013 IGF incorporated themes such as cyber-security, human rights, cross-sector cooperation, access, and diversity. In light of recent state-sponsored surveillance and monitoring activities, IGF panellists and participants underlined the need for better protection for all citizens' privacy and security online by balancing actions driven by national interests and respect for internationally recognized human rights. The Council of Europe generated discussions around the human rights of Internet users and its related Guide to be adopted by the Committee of Ministers in 2014, around net neutrality and in general its 10 Internet governance principles adopted by member states. The Council of Europe Secretariat and experts actively participated in approximately 16 plenary and workshop event, with the aim to deliver messages and to raise awareness about the Council of Europe human rights, democracy and rule of law standards on Internet.
6. In 2013, the Council of Europe through its Secretary General participated, at the invitation of the Internet Corporation for Assigned Names and Numbers, in a high level panel tasked with preparing a report on Global Internet Cooperation and Governance Mechanisms . The high level panel mandate will continue until May 2014.

As regards specific WSIS action lines, the Council of Europe contributed to the implementation of WSIS principles in the following areas:

C3 – Access to information and knowledge

During the IGF 2013 the Council of Europe organized specific workshops on:

- Tools for empowering Internet users: the Organization presented its current initiative on drafting a Guide of existing rights of Internet Users, in order to give citizens a practical means of understanding their fundamental rights and freedoms online and to help them communicate with Internet actors when they think that their rights have been violated. The Council of Europe Guide also aims at drawing states' energies to renewing and re-affirming their commitments to human rights. The Organization also organized and moderated a workshop on the same topic during EuroDIG 2013 Conference.
- An Online Youth Campaign against Hate Speech has been launched in March 2013, following conclusion of the Tackling Hate Speech Conference 2012

C5 - building confidence and security in the use of ICTs

- In the field of cybercrime, the reach of the Budapest Convention was further extended with the Dominican Republic and Mauritius adhering to this treaty. Almost 300 cybercrime experts from more than 80 countries participated in the global Octopus Conference on Cybercrime in December 2013. The Cybercrime Convention Committee (T-CY) continued its assessment of the implementation of the Budapest Convention and adopted a number of Guidance Notes. Some 60 technical cooperation activities involved nearly 100 countries worldwide. In October 2013, further to an offer by the Prime Minister of Romania, the Committee of Ministers decided to establish a Cybercrime Programme Office in Bucharest, Romania, with responsibility for the Council of Europe's capacity building activities on cybercrime worldwide. The new joint project on Global Action on Cybercrime (GLACY) was launched in November 2013.
- Combating counterfeit medicines, including those sold over the Internet, with reference to the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health. 22 states have so far signed the Convention. Hungary signed the Convention in September 2013, while Spain ratified the Convention in August 2013.

C9 - media

- Recommendation CM/Rec(2013)1 of the Committee of Ministers to member States on gender equality and media was adopted by the Committee of Ministers on 10 July 2013.
- Assessment of media freedom and safety of journalists – the organization envisages the development of a toolkit of assistance measures in the field of media freedom, available to member States and neighbouring countries. A Council of Europe Committee of Ministers thematic debate on "Safety of journalists – Further steps for the better implementation of human rights standards" took place on 12 December 2013.
- The Council of Europe Conference of Ministers Responsible for Media and Information Society "Freedom of Expression and Democracy in the Digital Age – Opportunities, Rights, Responsibilities", held in Belgrade (Serbia) on 7 and 8 November 2013, discussed Internet freedom, the protection of journalism and the safety of journalists, and pluralism, diversity and quality in the new media ecosystem.

- Council of Europe in partnership with the Polish Government, with the support of the EEA and Norway Grants, organised a Conference titled "The hate factor in political speech – Where do responsibilities lie?" (Warsaw, 18-19 September 2013), which explored recommendations and steps for creating an environment which better promotes tolerance and respect for fundamental rights. The conclusions of the conference fed into the Political Declaration and the Resolutions of the Ministerial Conference mentioned above.

b) Future actions and initiatives to be taken regarding implementation

There will also be standard setting work which ties in with WSIS targets, focusing on the protection of human rights in the new media landscape (rights of Internet users, net neutrality, cross border flow of Internet traffic, Internet freedom, etc).

The first joint project on cooperation including Internet governance was signed with the European Union as donor. It aims to promote respect for human rights in Ukraine, in particular the right to freedom of expression and the right to private and family life through a series of activities to be implemented in a multi-stakeholder manner in order to build capacity, raise awareness, provide legal expertise, and share best practice.

With new data protection challenges arising every day, Convention 108 will be amended to respond to 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. The Council of Europe is assessing if the protection provided is still in line with today's needs and is to this end modernising the Convention.

The Council of Europe will also be providing secretariat support for the seventh edition of EuroDIG (Berlin, 12-13 June 2014) and will be contributing to the ninth edition of the IGF (Istanbul, 2-5 September).

Other foreseen actions of the Organisation include:

- Helping member states to establish strategies to protect their cultural heritage, and to update the European Convention for the Protection of the Audiovisual Heritage (CETS No. 183) and possibly draft a second additional Protocol.
- Preparing a Declaration on Safety of Journalists and following Recommendations, with the aim to present a complementary approach to the UN Resolution on the Safety of Journalists, adopted in September 2012.