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**Submissions from entities in the United Nations system and elsewhere on their efforts in  
2012 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 16th 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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December 2012

**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**

The Council of Europe Internet governance strategy 2012-2015 was adopted by the Committee of Ministers on 14 March 2012. With over 40 lines of concrete action, the strategy identifies challenges and corresponding responses to enable state and non-state actors together to make the Internet a space which is inclusive and people centred. Implementation of the Strategy is to be done in partnership and synergy with a range of institutions, organisations, bodies and other communities in a manner which promotes open, inclusive and transparent multi-stakeholder dialogue.

This was complemented by member states' adoption of the Council of Europe's Committee of Ministers Recommendation on the protection of human rights with regard to social networking services, and the Recommendation on the protection of human rights with regard to search engines.

The Council of Europe continued its global efforts against cybercrime in line with the Budapest Convention on Cybercrime that was ratified in 2012 by Malta, Georgia, Austria, Japan and Belgium; similar efforts are underway in Argentina, Chile, Dominican Republic, Costa Rica, Ireland, Mexico and the Philippines.

The Council of Europe Strategy for the Rights of the Child (2012 -2015) was adopted by the Committee of Ministers on 15 February 2012, and tackles protection and empowerment of children in the online and offline media environment. It supports the development of new tools to help children better manage their privacy and personal data on Internet, and encourages self-regulation and governmental regulation on Internet providers, social networks and the media in compliance with the rights of the child.

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

A series of standard-setting instruments below are in different phases of preparation and implementation that are expected to be completed in 2013:

- Draft Committee of Ministers declaration on risks to fundamental rights stemming from digital tracking and other surveillance technologies.
- Draft Compendium of existing human rights for Internet users.
- Draft Instrument on cross-border flow of Internet traffic which concerns interferences with Internet traffic and the ramifications for freedom of expression and access to information.
- Finalisation of the modernisation of Convention 108 on the Protection of Individuals with regard to Automatic Processing of Personal Data.
- Assessment of the implementation of Council of Europe Committee of Ministers' 2011 Declaration on Internet Governance Principles, and its 2011 Recommendation on the protection and promotion of the universality, integrity and openness of the Internet.

### 3.

#### **a) Innovative policies, programmes and projects undertaken**

In keeping pace with the changes occurring in the media and the information society, the Council of Europe, as of 1 January 2012, replaced the Steering Committee on Media and New Communication Services (CDMC) with the new Steering Committee on Media and Information Society (CDMSI). The CDMSI, pursuing the multi-stakeholder approach adopted by the CDMC, has as its main focus the oversight of the Council of Europe's Strategy on Internet governance 2012-2015 and the preparation/follow-up of related specific instruments on Internet.

A range of Internet-related events were organised, supported and facilitated by the Council of Europe in 2012 with increasing emphasis on multi-stakeholder outreach and dialogue:

1. Council of Europe supported the fifth edition of the European Dialogue on Internet Governance (EuroDIG) (Stockholm, 14-15 June 2012) which comprised some 500 representatives of public administrations, industry and NGOs, who debated on relevant questions related to Internet public policy, freedom of expression online, children and the Internet, intellectual property protection, privacy and security and the fight against cybercrime.
2. The Council of Europe's World Forum for Democracy (Strasbourg, 5-11 October 2012) recommended, inter alia, new lines of action with regards to human rights and the Internet and new media.
3. The Council of Europe participated into the seventh meeting of the Internet Governance Forum (Baku, Azerbaijan, 6-9 November 2012), ensured a human rights dimension to the general debate "Internet Governance for Sustainable Human, Economic and Social Development" and generated during discussions repeated reference to the Council of Europe's "no harm" principle and its 10 Internet governance principles adopted by member states. There were 8 events organised/co-organised by the Council of Europe on the human rights safeguards in fighting cybercrime, empowering Internet users, the tracking of online personal data, cross-border flow of Internet traffic, and freedom of expression and hate speech, including an open forum on anti-terrorism, human rights and the Internet.
4. The Council of Europe participated as an observer in the meeting of the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers which took place from 14-18 October 2012 in Toronto. The Council of Europe submitted Comments Relating to Freedom of Expression and Freedom of Association with Regard to New Generic Top Level Domains to the GAC.
5. The Council of Europe also supported several national Internet governance initiatives by participating in their launch events, namely those of Bulgaria and Norway.

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 2012 the Council of Europe organized a specific workshop on tools for empowering Internet users: the Organization presented its current initiative on drafting a Compendium of Compendium of existing rights of Internet Users, in order to give people 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 and European Commission promoted the "EdgeRyders" project, a collaborative web-based platform, in line with the principle Internet-enabled massive open collaboration.

### ***C5 - Building confidence and security in the use of ICTs***

Combating cybercrime with regard to the implementation of the Budapest Cybercrime Convention worldwide as a common framework for global action. Support was provided through the Global Project on Cybercrime (Phase 3) which focuses on: gathering and sharing of Good practices related to measures against cybercrime; providing technical assistance to countries in the implementation of the Budapest Convention and related standards and good practices; evaluating the global state of cybercrime legislation. A joint project of the European Union and the Council of Europe on cooperation against cybercrime in South-eastern Europe (CyberCrime@IPA) continued also in 2012. In addition, during the IGF 2012 in Baku, the Council of Europe held a pre-workshop on "Protecting you and your rights: Article 15 of the Budapest Convention on Cybercrime", focusing on rule of law and human rights conditions are to be met when investigating cybercrime.

Combating counterfeit medicines, including those sold over the Internet, with reference to the Council of Europe Convention on the subject. 19 states have so far signed the Convention. Ukraine ratified the Convention in August 2012.

### ***C9 - Media***

The Council of Europe's Committee of Ministers Declaration on the desirability of international standards dealing with forum shopping in respect of defamation or "libel tourism" was adopted on 07 July 2012. Prior to it, the Organization updated its study on the alignment of laws and practices concerning defamation with the relevant case-law of the European Court of Human Rights on freedom of expression.

Council of Europe, in partnership with EEA and Norway Grants, organized a conference on "Tackling Hate Speech" in Budapest, Hungary, November 2012, which explored recommendations and steps for creating an environment that promotes tolerance and respect for fundamental rights.

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

Addressing the risks to fundamental rights stemming from digital tracking and other surveillance technologies - a draft Council of Europe Committee of Ministers declaration on this topic was prepared and submitted to the Committee of Ministers.

## **b) Future actions and initiatives to be taken regarding implementation**

In 2013, the Council of Europe remains engaged in actions related to the implementation of the Strategy on Internet Governance 2012-2015. In planning is a Conference on developing multi-stakeholder dialogue and support following the Council of Europe's Committee of Ministers Recommendation on the protection of the Internet's universality, integrity and openness.

Tied with WSIS targets, there will also be follow-up to new standards on protecting human rights in the new media landscape (social networks, search engines, public service media governance, and rights of Internet users).

With new data protection challenges arising every day, Convention 108 will be 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. The Council of Europe will complete its assessment of the protection provided to see whether it is still in line with today's needs.

The Council of Europe will also be providing secretariat support for the sixth edition of EuroDIG (Lisbon 2013) and will be contributing to the eighth edition of the IGF (Bali, Indonesia, Autumn 2013).

Moreover, the Organisation will also be:

- Carrying out a Comparative analysis of the laws and regulations applying to forms of violent and extreme pornography in member states if resources, multi-disciplinary and multi-stakeholder approach would be made available,
- Launching an Online Youth Campaign against Hate Speech in March 2013, following conclusion of the Tackling Hate Speech Conference 2012.

