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**Submissions from entities in the United Nations system and elsewhere on
their efforts in 2015 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 18th 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.

DISCLAIMER: The views presented here are the contributors' and do not necessarily reflect the views and position of the United Nations or the United Nations Conference on Trade and Development.

FLOW OF INFORMATION FOR THE FOLLOW-UP TO THE WORLD SUMMIT ON THE INFORMATION SOCIETY

Reply of the Council of Europe Secretariat to the letter of Mr Mukhisa Kituyi, Secretary-General of UNCTAD of 7 October 2015.

1. Executive summary

In 2015, a significant amount of work was concluded and undertaken by the Council of Europe in response to the opportunities and challenges to human rights, the rule of law, and democracy in the information society. In particular, the assessment of the Council of Europe Internet Governance Strategy 2012-2015 was concluded and preparations for the new Internet Governance Strategy 2016-2019 were finalised. Other important outputs in 2015 included:

- The Declaration of the Committee of Ministers on the World Summit on the Information Society (WSIS) +10 review and the extension of the mandate of the Internet Governance Forum (IGF) (Adopted by the Committee of Ministers on 3 June 2015 at the 1229th meeting of the Ministers' Deputies); <https://wcd.coe.int/ViewDoc.jsp?id=2328729>
- The Declaration of the Committee of Ministers on ICANN, human rights and the rule of law (Adopted by the Committee of Ministers on 3 June 2015 at the 1229th meeting of the Ministers' Deputies); <https://wcd.coe.int/ViewDoc.jsp?id=2328763&Site=CM>
- The Recommendation CM/Rec(2015)6 of the Committee of Ministers to member States on the free, transboundary flow of information on the Internet; (Adopted by the Committee of Ministers on 1 April 2015, at the 1224th meeting of the Ministers' Deputies); <https://wcd.coe.int/ViewDoc.jsp?id=2306649>
- The Recommendation CM/Rec(2015)5 of the Committee of Ministers on the processing of personal data in the context of employment; (Adopted by the Committee of Ministers on 1 April 2015, at the 1224th meeting of the Ministers' Deputies); <https://wcd.coe.int/ViewDoc.jsp?id=2306625>
- The Parliamentary Assembly of the Council of Europe of Recommendation 2067 (2015) and Resolution 2045 (2015) on Mass surveillance; 21 April 2015 (12th Sitting); <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21692&lang=en>
- The Parliamentary Assembly of the Council of Europe of Resolution 2070 (2015) and Recommendation 2077 (2015) on Increasing co-operation against cyber terrorism and other large scale attacks on the Internet; 26 June 2015 (27th Sitting); <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21976&lang=en>
- The Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe of the report on access to justice and the Internet: potential and challenges; 2 Nov. 2015; <http://website-space.net/documents/19838/1085720/20151026-InternetAccess-EN.pdf/8d3c44d4-da6c-4dac-ab15-94dc1fcc5d48>

- The Parliamentary Assembly of the Council of Europe Recommendation 2073(2015) on Improving the protection of whistle-blowers; 23 June 2015 (21st Sitting); <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21936&lang=en>
- Setting-up of the Platform to promote the protection of journalism and safety of journalists; <http://www.coe.int/en/web/media-freedom>
- Report of the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe 2015, with particular regard to freedom of expression on the Internet; http://www.coe.int/t/policy-planning/Debates/Democratic_Security_Debates/Source/2nd%20SG%20Report.pdf
- Issue papers of the Commissioner for Human Rights on “The rule of law on the Internet in the wider digital world”
[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper\(2014\)1&Language=lanAl](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper(2014)1&Language=lanAl)
- and on “Democratic and effective oversight of national security services”;
[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper\(2015\)2&Language=lanAll](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH/IssuePaper(2015)2&Language=lanAll)
- The update of the 2007 report of the European Commission for Democracy through Law (Venice Commission) on the democratic oversight of the security services and report on the democratic oversight of signals intelligence agencies; Adopted by the Venice Commission at its 102nd Plenary Session (Venice, 20-21 March 2015); https://www.coe.int/t/dghl/standardsetting/media/conf-foe-2015/Venice%20Commission_Study%20No%20719_2013.pdf

2. Analytical overview of trends and experience in implementation

Capacity-building flourished in the fields of cybercrime, media, data protection, Internet governance, and no hate speech online, which resulted in:

- The increasing global reach of the Budapest Convention on Cybercrime which has influenced legislation in more than 130 countries: 47 States Parties to the Convention, coupled with 19 countries which have signed or have been invited to accede to the treaty and a further 60 countries have been inspired by it when drafting national legislation.
- Cooperation activities in Moldova, Georgia and Ukraine, with particular reference to the Council of Europe Guide to Human Rights for Internet Users which has been translated into 8 languages, a Danish version of the Guide for young people, and a drawing competition about the Guide by school children;
- Capacity building events on the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (‘Convention 108’). To date, the Convention has been signed by 47 states, with 3 pending requests from Morocco, Mauritius and Senegal. The request of Tunisia is currently being examined;
- No Hate Speech training for more than 350 activists from youth organisations, the creation of national committees in 37 states including Mexico and Morocco, and more than 18,000 Facebook users and 14,000 Twitter users following the Campaign.

3. a) Innovative policies, programmes and projects undertaken

Innovative studies, research and activities continue to be developed in several fields of the Council of Europe including education, culture, data protection, children's rights, bio-ethics, democracy, youth, and legal cooperation. Other notable examples of work undertaken include:

- Draft operational guidelines on the processing of personal data in the police sector;
- Creation of a Cloud evidence working group in the framework of the Budapest Convention on Cybercrime;
- Symposium on youth participation in the digital world;
- Training of trainers courses on the respectful and responsible use of social media;
- Report on the right to freedom of assembly and association on the Internet will also be completed.

The Council of Europe also contributed to the implementation of the following WSIS action lines:

C1 – The role of public governance authorities and all stakeholders in the promotion of ICTs for development

The World Forum for Democracy, "Freedom vs control: the democratic response (Strasbourg, 18-20 November 2015). The growing tension between the concern for safety and the protection of freedoms is one of the key challenges facing democracies today. The revelations of intelligence agency interception of digital networks have undermined trust in government's capacity to oversee these agencies. The objective of the Forum is to identify ways of reinforcing democratic oversight over security responses to terrorism and other threats, to guarantee media freedom and foster media responsibility in the context of the "war on terror".

The Council of Europe continues to be the only organisation that has set intergovernmental standards in the field of e-voting. Recommendation Rec(2004)11 on legal, operational and technical standards for e-voting remains the only source of reference on the subject. In 2015, the Committee of Ministers set up an ad-hoc Committee of experts on legal, operational and technical standards for e-voting (CAHVE), an intergovernmental group of experts whose task is to update the Recommendation in view of recent technical and societal development. A plenary meeting of the CAHVE was held in Strasbourg on 28-29 October 2015.

The Council of Europe's youth sector pay particular attention to the role of young people and youth organisations in Internet governance processes; the youth sector's statutory bodies are increasingly concerned with the need to integrate knowledge of Internet governance as an integral part of democratic governance and citizenship processes. The experiences of the No Hate Speech Movement have been particularly inspiring for this.

C3 – Access to information and knowledge

The Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe adopted reports on "Improving the protection of whistleblowers" with particular regard to the challenges of mass surveillance, and on "Access to justice and the Internet: potential and challenges" which encourages member States to put in place mechanisms for alternative dispute resolution (ADR) by means of online dispute resolution procedures (ODR).

Following the decision of the 10th Council of Europe Conference of Ministers of Culture, organised in 2013, the second multi-stakeholder platform exchange on the impact of digitisation of culture was held in Linz in September 2015, in the framework of the Ars Electronica Festival.

A draft Recommendation on the Internet of Citizens was prepared, with focus on the modernisation of cultural institutions and their transit from the pre-digital to the digital era, media and information literacy issues, and conditions for access to, creation and distribution of cultural content.

The concerns addressed relate to WSIS targets B and D, in particular regarding the modernisation of cultural institutions, improving Internet access to local populations, and providing infrastructure and equipment. Further, it relates to WSIS targets G and I regarding Council of Europe work on ICT literacy through school curricula and lifelong education. The basic skills to be attained are the ability to access and critically consider information on the Internet and to generate new content (trans-literacy).

C4 – Capacity building

Facilitators of non-formal education programmes and teacher trainers will be introduced to online human rights and citizenship issues across member states, especially in relation to the No Hate Speech Movement. This is expected to contribute to a greater awareness of the need to mainstream a digital dimension into citizenship and human rights education.

C5 - Building confidence and security in the use of ICTs

In the framework of the implementation of the Budapest Convention on Cybercrime, work was undertaken to promote financial investigations and confiscation of crime proceeds on the Internet, and to promote the implementation of the Protocol to the Convention on Xenophobia and Racism (ETS 189). Further, work is underway to enhance the efficiency of international cooperation and criminal justice access to evidence in the cloud in line with rule of law requirements continue to be developed. It is also planned to carry out more than 100 capacity building activities in all regions of the world on a yearly basis.

On 17 June 2015, the Monitoring Committee on the Council of Europe Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Committee and Convention) adopted an Opinion on solicitation of children for sexual purposes through information and communication technologies (Article 23 of the Convention relating to 'grooming').

During 2015, a Committee of Experts developed a new Council of Europe Strategy for the rights of the child 2016-2021. One of the five priority areas within the Strategy will be the rights of the child in the digital environment.

The evaluation of the two-year Campaign of the No Hate Speech Movement showed significant progress in raising awareness about the reality of the risks that online hate speech poses for society, especially for young people. The Campaign was present in 37 countries and achieved tangible results also in relation to accepting hate speech as a reason for flagging inappropriate content by some social networks and content providers. To this end, the Bookmarks manual is becoming increasingly used.

The Council of Europe Secretariat also responded to UNCTAD study on data protection regimes and their impact on trade.

C9 - Media

The Council of Europe organised a major conference entitled “Freedom of expression: still a precondition for democracy?” held in Strasbourg on 13-14 October 2015. Over 400 participants assessed serious threats to freedom of expression, in particular freedom of expression with regard to its criminalization, hate speech, Internet intermediaries, and mass surveillance.

A comparative legal study on Internet blocking, filtering and takedown of content in the Council of Europe 47 member states will be finalized in 2016 that will prompt reflection on the protection and respect for certain rights and freedoms in the European Convention on Human Rights.

In February 2015, the Council of Europe published a Handbook on the implementation of Recommendation CM/Rec(2013)1 of the Committee of Ministers on gender equality and media.

C11 – International and regional cooperation

The Council of Europe supported and facilitated the European Dialogue on Internet Governance (EuroDIG) (Sofia, 4-5 June 2015) which resulted in ‘Messages from Sofia’ to help prepare European stakeholders for the IGF2015 (Joao Pessoa, 10-13 November). The Council of Europe and EuroDIG also concluded an ‘exchange of letters’ in September 2015 to strengthen its support and cooperation. The Council of Europe also supported and participated in national and regional Internet governance events in Ukraine, Bosnia and in the South-Eastern European region.

As a follow-up to the 2014 Secretariat-commissioned report on ICANN’s procedures and policies in the light of human rights fundamental freedoms and democratic values, the Committee of Ministers adopted a Declaration on ICANN, human rights and the rule of law. In particular, the member states invite the Secretary General to explore ways to assist the Governmental Advisory Committee (GAC), ICANN and its communities in making arrangements to ensure that human rights and the rule of law, as well as the Resolution on human rights and transnational corporations and other business enterprises, adopted by the United Nations in June 2011, are referred to and considered by ICANN with regard to its policies and procedures.

3.b) Future actions and initiatives to be taken on implementation

In 2016, the Committee of Ministers will be invited to examine with a view to adoption new instruments on Internet freedom, network neutrality, human rights and business, and on legal, operational and technical standards for e-voting. This includes the Council of Europe Internet Governance Strategy 2016-2019 which is expected to result in a number of actions and initiatives such as on digital (media and information) literacy, mass surveillance, extremism and radicalisation on the Internet, online abuse of everyone including women and girls (e.g. cyber-stalking, sexism, threats of sexual violence), the right to effective remedies and redress with regard to the Internet, dialogue between member states and Internet companies on protection and respect for human rights online, the governance of health online including the access of patients to (quality) health and healthcare products online, as well as the combat of illegal sale and illicit trafficking of drugs and counterfeit medicines online.

The new Council of Europe Strategy for the rights of the child 2016-2021 is also scheduled for adoption by the Committee of Ministers in 2016. This will comprise the launch of a tablet

application for children on safely navigating the Internet, a fully revised edition of the Council of Europe Internet Literacy Handbook, and the launch of a project on the digital lives of children with disabilities.

With new data protection challenges arising every day, the modernisation of the Council of Europe 'Convention 108' on data protection will result in its amendment in order to respond to new realities. Furthermore, the Consultative Committee responsible for Convention 108 on data protection is currently exploring the challenges of 'big data', Passenger Names Records (PNR), health data.

The Council of Europe No Hate Speech Campaign will continue its work in 2106-2017 with greater emphasis on education for human rights and digital citizenship and on improving and disseminating reporting and monitoring mechanisms about hate speech. The Campaign has been assigned the main role of prevention of violent extremism and radicalisation leading to terrorism on the Internet in the Council of Europe Action Plan adopted in May 2015. Counter-narratives will be developed to empower users to respond to or neutralise online hate speech.

The European Commission against Racism and Intolerance (ECRI) will adopt, in early 2016, a General Policy Recommendation on combating hate speech.

The Council of Europe will also continue to provide its support and offer expertise to EuroDIG 2016 (Brussels, 9-10 June 2016), IGF2016, and to its member states participating in the work of ICANN.