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**Submissions from entities in the United Nations system and elsewhere on
their efforts in 2016 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 20th 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 26 October 2016

1. Executive summary

In 2016, a significant amount of work was concluded and undertaken by the Council of Europe in response to the opportunities and challenges regarding human rights, the rule of law, and democracy in the information society. In particular, two new transversal documents were adopted by the Committee of Ministers of the Council of Europe, namely the Internet Governance Strategy 2016-2019¹ and the Strategy for the Rights of the Child 2016-2021². Other important outputs included the following:

- Report of the Secretary General on the State of Democracy, Human Rights and the Rule of Law in Europe – A Security Imperative for Europe, with particular regard to freedom of expression on the Internet: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680646af8>;
- Entry into force of the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health: <http://www.coe.int/en/web/medicrime/home>;
- On 21 March 2016 the European Commission against Racism and Intolerance (ECRI) issued a new General Policy Recommendation on Combating Hate Speech.
- The prolongation of the Council of Europe No Hate Speech Movement Campaign for the period 2016-2017 (see: <http://www.coe.int/en/web/no-hate-campaign/objectives-and-priorities-2016-2017>);
- Adoption by the Committee of Ministers of Recommendation CM/Rec(2016) on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2016\)1&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2016)1&Language=lanEnglish&Ver=original&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true);
- Adoption by the Committee of Ministers of Recommendation CM/Rec(2016)2 on the Internet of Citizens;

¹ <http://www.coe.int/en/web/freedom-expression/igstrategy>

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<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cf8>

- Adoption by the Committee of Ministers of Recommendation CM/Rec(2016)015 on Internet freedom:
https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415fa;
- The release of the Council of Europe comparative study on filtering, blocking and takedown of illegal Internet content in the Council of Europe 47 member states:
<https://www.coe.int/en/web/freedom-expression/study-filtering-blocking-and-take-down-of-illegal-content-on-the-internet>;
- Adoption by the Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse of the Declaration on web addresses advertising or promoting child sexual abuse material or images or any other offences established in accordance with the Lanzarote Convention:
<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168066cffa>.

2. Analytical overview of trends and experience in implementation

Capacity-building flourished inter alia in the fields of cybercrime as well as action against drug trafficking, data protection, hate speech online, and Internet governance, which resulted in:

- Support for more than 100 activities on action against cybercrime with the Budapest Convention continuing to influence legislation in more than 130 countries, to develop co-operation, and to foster best practice for example in promoting financial investigations and confiscation of crime proceeds on the Internet. The Budapest Convention currently counts 50 Parties, and an additional 17 countries have either signed or been invited to accede;
- Activities on data protection carried out in the framework of 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 50 states and is supported by the UN Special Representative on the Right to Privacy as a unique tool for countries around the globe;
- A youth campaign for human rights online – the No Hate Speech Movement – which is being implemented in 44 countries to raise awareness of the damage caused by hate speech and to support digital citizenship based on human rights education.
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- No Hate Speech events and trainings courses as well as a number of 'Action Days' on sexist hate speech, hate speech targeting refugees, anti-Semitic hate speech, and on human rights online which have involved and reached out to tens of thousands of young people. An important dimension of the Campaign is to advocate youth participation in digital governance fora so as to identify an agenda on digital participation and citizenship for youth work and youth policy. Youth participation in Internet governance is destined to become an integral part of the youth participation and citizenship chapters of youth-policy agendas.
- Youth organisations which co-operate with the Council of Europe playing an active role in advocating an open and neutral Internet by exploring action and policy measures relating to open source, online activism and Internet safety.
- Activities on drug trafficking and the 'dark net' carried out in the framework of the co-operation Group to Combat Drug Abuse and illicit trafficking in Drugs (also known as

the 'Pompidou Group') of the Council of Europe. This included focus on the methods for co-operation to disrupt the delivery of drugs via mail, the detection and investigation of drug trafficking in particular the payment methods used (crypto currencies) as well as the use of the Internet for harm reduction, prevention and treatment;

- Activities supporting e-participation platforms at local and national level. This included an exchange of good practice with city representatives in San Sebastian, and the development of assessment tools for participatory democracy at local level in Genk, Belgium, and Lublin, Poland;
- Activities on Internet governance at the national level in Georgia and Moldova, at the regional level in South Eastern Europe, at the European level in support of the European Dialogue on Internet Governance (EuroDIG).

3. a) Innovative policies, programmes and projects undertaken

Innovative studies, research and activities continued to be developed in several fields. Notable examples of work undertaken included:

- The prolongation of the Council of Europe No Hate Speech Movement Campaign for the period 2016-2017³ which saw increasing numbers of countries re-committing to the Campaign (currently 44 countries have a Campaign committee or support group with additional ones on the way). This was complemented by other action including an update of the No Hate Speech Campaign platform and reporting tool, the decision to prepare a new European standard on combating sexism including online manifestations of sexism such as hate speech, and the continued development of the "Bookmarks" manual on combating hate speech online through human rights education which is currently available in 13 languages with three more being prepared and six training courses on using the manual;
- The Hate Speech Watch platform allows Internet users to flag hate speech and extremist discourse online, which is complemented by easier access to and use of national or company-based reporting mechanisms;
- A handbook to create counter and alternative narratives to hate speech which has also been designed to support critical thinking and action by young people when using online environments and tools. The handbook will be included in future programmes for human rights education (hence ensuring that human rights education also takes into consideration the online environment and specific issues.
- Solutions for law enforcement access to data on cloud servers which, in particular, included the recommendation by the Cybercrime Convention Committee to negotiate an additional Protocol to the Budapest Convention, (see: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806bd641>);
- Dialogue with Internet companies with a view to developing partnerships with them to promote respect for human rights and the rule of law on the Internet;
- Dialogue with the Internet Corporation for Assigned Names and Numbers (ICANN) on the human rights implications of its procedures and policies when dealing with

³ <http://www.coe.int/en/web/no-hate-campaign/objectives-and-priorities-2016-2017>.

community-based applications for new generic top-level domain names. As a follow-up to the Declaration of the Committee of Ministers on ICANN, human rights and the rule of law, the Council of Europe released an expert report on "[Applications to ICANN for Community-based New Generic Top Level Domains \(gTLDs\): Opportunities and challenges from a Human Rights Perspective](#)";

- Reflection on new European standards on Internet intermediaries, as well as on the human rights dimensions of automated data processing techniques in particular algorithms and their possible regulatory implications.

The Council of Europe 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 annual event on Democracy and equality - does education matter? was held in Strasbourg on 7-9 November 2016: <http://www.coe.int/en/web/world-forum-democracy/home>. It focused on the relationship between education and democracy in particular asking whether they can reinforce each other and together address the risks of new social divides. The Forum explored how education and democracy can nurture active citizens with critical and analytical skills, and how through fostering grassroots innovation and bottom-up democratic reform can help develop civic engagement and improve opportunities for all;

The Council of Europe continued its unique intergovernmental work in the field of e-voting in particular the update of the Recommendation Rec(2004)11 of the Committee of Ministers on legal, operational and technical standards for e-voting. There were on-going efforts to support the introduction of e-participation platforms at national and international level in the field of voter education and capacity-building of domestic election observers, and on the effective use of and protection from social media tools in the context of electoral campaigning.

At the European Committee on Democracy and Governance (CDDG), Council of Europe member states held a substantive thematic exchange on the implementation of e-governance and e-government in public administration, addressing key policy issues, best practices in terms of strategies, risks (types of digital divide, exclusion of vulnerable groups, acceptance of ICT applications), and interoperability between tiers of government and in trans-frontier areas. Member states underlined the need for strategic planning, continuity in implementation and attention to citizens' needs and requested a specific thematic toolkit on implementing e-governance.

C3 – Access to information and knowledge

On 10 February 2016, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2016)2 on the Internet of Citizens which recognised digital culture as one of the key issues for modern cultural policy making. It also recommends that member states revisit their cultural policy approaches taking into account a set of guidelines included in the Recommendation which promote, in particular, the human and cultural dimension of the Internet as a counterbalance to the Internet of Things. This relates 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).

Following the decision of the 10th Council of Europe Conference of Ministers of Culture, organised in 2013, the third multi-stakeholder platform exchange on the impact of digitisation of culture was held in Tallinn on 29-30 September 2016. The event examined concerns relating to big data in the cultural field: as well as means to empowerment and participation in the digital era (<http://www.coe.int/en/web/culture-and-heritage/tallinn>). It underlined the need for more public sector engagement in Europe with cultural big data in the service of the common good. Indeed, the public have a right to be inscrutable, and not have their behavior predicted by algorithms. Best practices should be shared on making algorithms for cultural mediation more transparent to users and on public/private institutions' co-operation in view of using open metadata standards, sharing metadata and serving the public good. Furthermore, critical internet literacy (critical information processing, analysis and creative self-realisation in the new media environment) needs to be established and incorporated in media- and information literacy programmes. The preparation of policy guidelines based on the platform insights is under way.

In the framework of its work on digital citizenship education in European schools, the Council of Europe conducted a review of formal and informal literature (blogs, wikis and websites), to examine the concept of digital citizenship, current digital education policies and contemporary digital education practices and challenges in schools. It also organised multi-stakeholder consultations and debates on policy issues regarding better use of online resources and contemporary information technologies (social networking sites and web 2.0 or educational web 2.0 sites as well as personal devices) in school settings (curricula and school organisations) and mapping the administrative and legal responsibilities for school leaders, teachers, students and parents. Further, in the context of its work regarding language teaching and learning, training modules were organised on the promotion of the effective use of ICT tools and open resources in particular the initiation of local and regional clusters of multipliers promoting the use of these tools and resources.

C4 – Capacity Building

The CDDG and the Centre of Expertise for local government reform assisted member states with requests for practical guidance through workshops on implementation of e-governance in accordance with principles set out in Committee of Ministers recommendations CM/Rec(2004)15 on e-governance, CM/Rec(2009)1 on e-democracy and the Twelve Principles of Good Governance.

C5 - Building confidence and security in the use of ICTs

Some 300 cybercrime experts from 90 countries, 12 international and 40 private sector, civil society organisations and academia met at the Council of Europe in Strasbourg, France, from 16 to 18 November 2016 for the Octopus 2016 Conference on cooperation against cybercrime. The bottom line and overall message of this conference remained the same: COOPERATION.

The Cloud evidence Group (CEG), a working group established to explore solutions for access to evidence in the cloud for criminal justice purposes, including through mutual legal assistance presented its final report during the Cybercrime Convention Committee (T-CY) 16th Plenary (14-15 November 2016).

Thanks to the strong support of the Parties to the Budapest Convention, the Working Group on cyber-bullying and other forms of online violence, especially against women and children was established. The aim of this group is to study the topic in the form of a mapping exercise, including comparative approaches to legislation as well as documentation of good practices in view of presenting interim results to the 17th Plenary and a final report to the 18th Plenary of the T-CY.

During its 16th Plenary, T-CY adopted the T-CY Guidance Note on Aspects of Terrorism covered by the Budapest Convention.

During the Octopus Conference, Andorra deposited the instrument of ratification of the Budapest Convention.

C9 - Media

On 9 September 2016, the Council of Europe held a conference entitled ‘Internet Freedom: a constant factor of democratic security in Europe’, organised together with the Estonian Chairmanship of the Council of Europe’s Committee of Ministers, and the German Chairmanship of the OSCE.

In December 2016, there will be exchanges between Council of Europe member states on freedom of expression in the age of digital convergence, in particular on the future of journalism, news-making and media organisations, fear, self-censorship and ethics in journalism, the development of connected TV and challenges for pluralism and diversity of content and human rights, and the balancing the right to freedom of expression with the right to privacy in the context of removal of search results by search engines.

C11 – International and regional cooperation

The Council of Europe supported and facilitated:

- European Dialogue on Internet Governance (EuroDIG) (Brussels, 9-10 June 2016) which resulted in ‘Messages from Brussels’ (see: <https://www.eurodig.org/eurodig-2016/>) to help prepare European stakeholders for the IGF2016 (Jalisco, Mexico, 6-9 December).
- Internet Corporation for Assigned Names and Numbers (ICANN) and participated in its meeting to exchange on issues relating inter alia to data protection, child sexual abuse imagery in domain names, and human rights per se. To this end, the Council of Europe took part in its meetings in Marrakech, 6-10 March 2016, Helsinki, 27-30 June 2016, and Hyderabad, 3-9 November 2016.
- Preparations and participation in the Internet Governance Forum (Jalisco, Mexico, 5-9 December 2016).

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

Work will continue on the implementation of the Council of Europe Internet Governance Strategy 2016-2019 and its oversight by member states. Key deliverables include the development of a strategy to counter extremism and radicalisation on the Internet.

In 2017, the Council of Europe will continue to support and contribute its expertise to the European Dialogue on Internet Governance, the Internet Governance Forum, and to the Internet Corporation for Assigned Names and Numbers.