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**Submissions from entities in the United Nations system and elsewhere on  
their efforts in 2017 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 21<sup>st</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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# FLOW OF INFORMATION FOR THE FOLLOW-UP TO THE WORLD SUMMIT ON THE INFORMATION SOCIETY

2017

## 1. Executive summary

In 2017, 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. The Internet Governance Strategy 2016-2019<sup>1</sup> provided the overarching framework for several of the deliverables produced, most notably:

- In December 2017, the Council of Europe concluded its No Hate Speech Movement Campaign<sup>2</sup>.
- In November 2017, the Secretary General exchanged letters with 8 leading technology firms and 6 associations to launch new cooperation with the private sector to promote an open and safe internet where human rights, democracy, and the rule of law are respected. The companies were Apple, Deutsche Telekom, Facebook, Google, Microsoft, Kaspersky Lab, Orange and Telefónica. The associations are Computer & Communications Industry Association (CCIA), DIGITALEUROPE, the European Digital SME Alliance, the European Telecommunications Network Operators' Association (ETNO), GSMA and the multi-stakeholder Global Network Initiative (GNI). Additional agreements could be signed with other partners in the future<sup>3</sup>.
- In September 2017, the Committee of Ministers adopted Recommendation CM/Rec(2017)8 on big-data for culture, literacy and democracy<sup>4</sup>.
- In June 2017, the Committee of Ministers adopted Recommendation CM/Rec(2017)5 on standards for e-voting<sup>5</sup>.
- In May 2017, the Committee of the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Convention) approved an interpretative opinion on the applicability of the Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs)<sup>6</sup>. These matters are also the focus of the Cybercrime Convention Committee working group on cyber bullying and other forms of online violence, especially against women and children, which in 2017 initiated its work on drafting a mapping study on cyber violence, with the aim to finalize it by July 2018.
- In April 2017, the Secretary General issued his annual report on the state of democracy, human rights and the rule of law "Populism – How strong are Europe's checks and balances?" which highlighted inter alia the challenges to freedom of

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

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

3 <https://www.coe.int/en/web/freedom-expression/exchange-of-letters>

4 [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680750d68](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680750d68)

5 [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680726f6f](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680726f6f)

6 <https://rm.coe.int/t-es-2017-03-en-final-interpretative-opinion/168071cb4f>

expression online via the dissemination of hate speech and misinformation on the internet.

- In January 2017 the Committee of the Convention for the Protection of Individuals With Regard to Automatic Processing of Personal Data (hereinafter referred to as “Convention 108”) adopted Guidelines on the protection of individuals with regard to the processing of personal data in a world of big data.
- Throughout 2017, a number of important judgements of the European Court of Human Rights addressed the challenges of the Internet, in particular concerning the right to freedom of expression and right to respect for private and family life<sup>7</sup>.

A number of Council of Europe treaties were advanced during the reference period:

- The number of Parties of the Budapest Convention on Cybercrime reached 56 States. Greece, Monaco, Chile, Costa Rica and Tonga ratified or acceded to the Budapest Convention in 2017, whilst San Marino signed it. Furthermore, in 2017 five States (Andorra, Greece, Moldova, Monaco, Senegal) became Parties to the Protocol on Xenophobia and Racism, increasing the number of parties to 29.
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- Tunisia became Party to Convention 108, bringing the overall total to 51 Parties.
- Turkey and Burkina Faso acceded to the Council of Europe Convention on the counterfeiting of medical products and similar crimes involving threats to public health (hereinafter referred to as the “Medicrime Convention”) which addresses inter alia the supply and offering of and the counterfeiting of medical products using the internet.

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

In the context of the No Hate Speech Movement Campaign online and offline, action days were organised on topics 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.

The global influence of the Budapest Convention continued with accessions by non-member States from different regions of the world. Currently, 14 States have signed it or been invited to accede to it including, most recently, Nigeria and Cabo Verde being invited, and San Marino having signed it. Moreover, accession of Argentina was approved by the Congress in November 2017, allowing its Government to deposit the instrument of accession and to become a Party to this treaty in the near future. In this connection, the Cybercrime Programme Office of the Council of Europe (C-PROC), based in Romania, continued to carry out a considerable amount of capacity building activities worldwide to strengthen legislation, institutions and practices in line with the Budapest Convention and recommendations by the Cybercrime Convention Committee.

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<sup>7</sup> Among them: Rolf Anders Daniel Pihl v. Sweden (no. 74742/14), Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland (no. 931/13), Bărbulescu v. Romania (no. 61496/08), Medžlis Islamske Zajednice Brčko et al. v. Bosnia and Herzegovina (no. 17224/11), Selmani and Ors v. The Former Yugoslav Republic of Macedonia (no. 67259/14), Independent Newspapers (Ireland) Limited v. Ireland (no. 28199/15), Olafsson v. Iceland (no. 58493/13), Trabajo Rueda v. Spain (no. 32600/12), Aycaguer v. France (no. 8806/12), Mustafa Sezgin Tanrikulu v. Turkey (no. 27473/06).

The global vocation of Convention 108 continued with 3 States invited to accede to it (Argentina, Burkina Faso and Mexico). The Convention Committee has a significant number of observers (USA, Canada, Australia, Mexico, Indonesia, Japan, Philippines, South Korea, Interpol, European Commission, Privacy International, the International Chamber of Commerce, Internet Society, etc.) with important new admissions in 2017: the Transparency Council of Chile, the Data Protection Commission of Ghana, the Privacy Commissioner of New Zealand and the State of Israel.

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

In November 2017, the Council of Europe organised its 6<sup>th</sup> World Forum for Democracy, the title of which was “is Populism a problem”? It focused on the issues and solutions for political parties and media actors to remain relevant in 21<sup>st</sup> century democracy, showcasing a number of digital initiatives to combat the spread of false information online, enhancing citizen’s participation in decision making, etc.

In June 2017, the Cybercrime Convention Committee (T-CY) approved the terms of reference for the preparation of a draft Second Additional Protocol to the Budapest Convention, with first meetings of the Protocol Drafting Group and Plenary held in September and November respectively. This new protocol will deal with enhanced international cooperation and cover specific solutions regarding effective mutual legal assistance, direct cooperation with service providers in other jurisdictions, rules for existing practices of trans-border access to data, and safeguards including data protection requirements.

A total of 44 countries or territories created a Campaign committee or support group to the No Hate Speech Campaign movement. In 2017, the following activities were carried out:

- The ‘Bookmarks’ manual on combating hate speech online through human rights education reached 20 translations and was used to train 425 multipliers and activists in 18 European, regional or national training courses.
- A new manual “We CAN!”, providing tools to debunk hate speech and mis-information while promoting human rights narratives online was published in 4 languages and disseminated through European, regional and national training courses reaching 175 multipliers and activists.
- Concise information on how to report cyber-bullying, hate speech and crime to national authorities, to NGOs and on five major social media platforms was launched on the campaign platform.

There were new reports prepared by the European Commission on Racism and Intolerance (ECRI) on tackling hate speech on the Internet in Andorra, Bosnia and Herzegovina, Iceland, Luxembourg, Montenegro and Ukraine. A joint statement was issued by ECRI, the European Union Agency for Fundamental Rights (FRA) and OSCE/ODIHR on education and strong narratives to prevent incitement to hatred and counter hate speech in the digital age.

In January 2017, Guidelines on the Protection of Individuals with regard to the Processing of Personal Data in a World of Big Data were adopted by the Consultative Committee of Convention 108.

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

In September 2017, the Committee of Ministers adopted Recommendation CM/Rec(2017)8 on big-data for culture, literacy and democracy. The recommendation states, inter alia, that everyone can choose to be inscrutable in the digital age and therefore to not have predictions made by algorithms about their cultural attributes, preferences and behaviours. It highlights the need to strengthen digital skills education for cultural self-expression so that all internet users can master the big-data they generate

In September 2017, the Committee of Ministers adopted new Guidelines for civil participation in political decision making<sup>8</sup> which addresses inter alia online means of participation in addition to traditional ways of interaction.

In June 2017, the Committee of Ministers adopted Recommendation CM/Rec(2017)5 on standards for e-voting, updating a previous instrument dating back to 2004. The new recommendation (accompanied by an explanatory memorandum and practical guidelines on its implementation), deals with the most critical part of election technology, the use of electronic means to cast and count the vote, looking at systems such as Direct Recording Electronic (DRE) voting machines, ballot scanners, digital pens and internet voting systems. It aims to harmonise the implementation of the principles of democratic elections and referendums when using e-voting, thus building the trust and confidence of voters in their respective voting process and e-voting schemes.

### C3 – Access to information and knowledge

In October 2017, the 4th Council of Europe Platform Exchange on Culture and Digitisation was held in Karlsruhe in cooperation with the Center for Art and Media (ZKM). It discussed the underexploited potential of culture, arts and science as a strong resource for empowering democracy and explored the use of cultural digital tools for addressing populism, fake news, xenophobia and undemocratic ideological political movements in Europe. A collection of texts on good practice derived from the Platform Exchanges will be assembled and published online and policy guidelines are in preparation.

In October 2017, a fully revised version of the Internet Literacy Handbook<sup>9</sup> was published to offer users of all age groups the knowledge needed to navigate today's digital world.

In March 2017, a new Strategy on the rights of persons with disabilities 2017-2023<sup>10</sup> was launched which aims to achieve equality, dignity and equal opportunities for persons with disabilities in specific areas. In particular, it prioritises quality access to information communications and the digital environment for people with disabilities.

In 2017, in the framework of its work on digital citizenship education in European schools, the Council of Europe continued a project which contributes to reshaping the role that education plays in enabling all children to acquire the competences they need as digital citizens to participate actively and responsibly in democratic society, whether offline or online. This resulted in a review of formal and informal literature, multi-stakeholder consultations on related projects and programmes in school settings, and a mapping of the administrative and legal responsibilities of school leaders, teachers, students and parents. A dedicated website<sup>11</sup> was also launched to provide information and knowledge about Digital Citizenship Education and to encourage discussion and experience sharing.

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8 <https://rm.coe.int/guidelines-for-civil-participation-in-political-decision-making-en/16807626cf>

9 <https://rm.coe.int/internet-literacy-handbook/1680766c85>

10 <https://rm.coe.int/2017-2023-disability-strategy-en/16806fe7d4>

11 [www.coe.int/dce](http://www.coe.int/dce)

## C4 – Capacity Building

In December 2017, together with the International Institute for Democracy and Electoral Assistance (International IDEA), the Council of Europe organised a “Winterschool” in Tbilisi, Georgia, with electoral experts from six countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) on “How can new voting technologies increase the trust in the electoral process?” The participants were introduced to general concepts of e-voting as well as to specific topics like e-voting mechanisms, electoral biometrics to be used for voter’s registration or authentication, technological solutions for electoral results management and updated electoral observation methodologies for NVT.

A capacity building programme offering country-specific co-operation activities was developed building on the legacy of the No Hate Speech Campaign, national good practices and ECRI General Policy Recommendations in order to develop holistic action against hate speech: tackling the most extreme forms through criminal law; encouraging reporting by victims, effective investigation and proportionate sanctions; aligning national legislation and policies with Council of Europe standards; promoting self-regulation; awareness-raising. Also, a new Manual was published on “Policing LGBTI Hate Crime: training for a Professional Police Response” (including with respect to homophobic hate speech online) and already used in pilot trainings for police trainers, investigators, hate crime officers etc.

In July 2017, a new [CyberSouth project](#) was launched supporting cooperation on cybercrime in the Southern Neighbourhood region. Initial priority countries are Algeria, Jordan, Lebanon, Morocco and Tunisia. The project has a duration of 36 months (July 2017 – June 2020). It will focus on cybercrime legislation, specialised police services and interagency co-operation, judicial training, 24/7 points of contact and international co-operation, as well as cybercrime policies. The Budapest Convention and its explanatory report are now translated also into Arabic.

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

On 18 November 2017, the Council of Europe celebrated the European Day for the Protection of Children from Sexual Exploitation and Sexual Abuse<sup>12</sup> and focused on strengthening the digital skills of parents to accompany their children in navigating safely and respectfully in the digital environment. A series of online digital parenting tutorials were prepared to provide advice in order to better understand the risks incurred by children, on topics like online protection of children, online sexual exploitation of children (“sextortion”), sexting, sex-chatting, grooming and revenge porn.

On 12 May 2017, the Parties to the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (hereinafter referred to as the “Lanzarote Convention”) adopted an Interpretative Opinion affirming the applicability of the Convention to sexual offences against children facilitated through the use of ICTs and committing Parties to use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children which are facilitated through the use of ICTs.

In March 2017, the Cybercrime Convention Committee (T-CY) following detailed negotiations issued Guidance Note #10 on production of subscriber information following a lawful request by a criminal justice authority. This includes situations where a service provider is offering a service in the territory of a State without necessarily being located in the State or where the subscriber information sought may be stored in another jurisdiction or

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12 <https://www.coe.int/en/web/children/2017-edition>

on servers “somewhere in the cloud”.. In addition, T-CY Guidance Note #11 on aspects of terrorism was adopted (November 2016).<sup>13</sup>

The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group) organised training activities and monitoring of the sale of illicit drugs on the internet / ‘darknet’ which included discussion with social networks.

### C7 – ICT Applications – e-government

In the framework of the European Committee on Democracy and Governance (CDDG), Council of Europe member states exchanged best practices in implementing Committee of Ministers’ Recommendation CM/Rec(2009)1 on electronic democracy, with a view to developing practical guidelines for implementing e-democracy strategies. E-governance guidelines and an e-government toolkit are also in preparation.

### C9 - Media

In December 2017, a study was finalised as part of the work of the Steering Committee on Media and Information Society (CDMSI) and its respective expert committee MSI-NET on human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications<sup>14</sup>. Likewise the CDMSI in December 2017 finalised the study on the use of internet in electoral campaigns and the study on media coverage of elections with a specific focus on gender equality, both drafts having been elaborated in the respective expert committee MSI-MED.

In October 2017, a study was published on Information Disorder: Toward an interdisciplinary framework for research and policy making<sup>15</sup>.

In March 2017, a study was published on journalists under pressure: unwarranted interference, fear and censorship in Europe<sup>16</sup>.

In February 2017, the Rory Peck Trust, the International News Safety Institute and the European Broadcasting Union joined the Platform to promote the protection of journalism and safety of journalists both offline and online<sup>17</sup>, followed by PEN International in November 2017.

### C11 – International and regional cooperation

The Council of Europe supported and facilitated capacity-building on Internet governance in cooperation, in particular:

- Internet Governance Forum (Geneva, 18-21 December 2017),
- Global Forum on Cyber Expertise (New Delhi, 23-24 November 2017), which adopted the “Delhi Communiqué on a GFCE Global Agenda for Cyber Capacity Building”<sup>18</sup>

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13 <https://www.coe.int/en/web/cybercrime/guidance-notes>

14 <https://rm.coe.int/study-hr-dimension-of-automated-data-processing-incl-algorithms/168075b94a>

15 <https://rm.coe.int/information-disorder-report-2017/1680766412>

16 <https://book.coe.int/usd/en/human-rights-and-democracy/7284-journalists-under-pressure-unwarranted-interference-fear-and-self-censorship-in-europe.html>

17 <https://www.coe.int/en/web/portal/-/protect-journalists-rory-peck-trust-and-the-international-news-safety-institute-join-council-of-europe-platform?desktop=true>

18 <https://www.thegfce.com/documents/publications/2017/11/24/delhi-communication>

- South East European Regional Forum on Cybersecurity and Cybercrime (Sofia, 30-31 October 2017)
- Balkan School of Internet Governance (Sarajevo, 21-25 August 2017),
- European Dialogue on Internet Governance (Tallinn, 6-7 June 2017) which resulted in 'Messages from Tallinn' which were conveyed to the Internet Governance Forum<sup>19</sup>,
- Trainings (in cooperation with International IDEA) of electoral experts from six countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) on e-voting,
- Internet Freedom Conference "The Role and Responsibilities of Internet Intermediaries" (Vienna, 13 October 2017), co-organised by the Austrian Chairmanship of the OSCE, the Czech Chairmanship of the Committee of Ministers of the Council of Europe and the Council of Europe.

Also, Council of Europe staff and experts played an active role in the work of the Internet Corporation for Assigned Names and Numbers (ICANN), in particular on issues relating inter alia to data protection, child sexual abuse imagery in domain names, and human rights per se. Partnerships and synergies in the field of cybercrime and electronic evidence were fostered through joint activities with Europol, Interpol, Organization of American States (OAS), African Union Commission (AUC) and others. It is to be noted, that the following organizations are Observers to the Cybercrime Convention Committee (T-CY) and take part in its plenary sessions: AUC, Commonwealth Secretariat, European Commission and Council of the European Union, Eurojust, Europol, ENISA, G7 High-Tech Crime Subgroup, International Telecommunication Union (ITU), Interpol, OECD, OSCE, OAS, UNODC.

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

The Lanzarote Convention Committee's second monitoring round (June 2017-2019) will focus on the protection of children against the criminal exploitation of child self-generated sexual content (in particular sexually explicit images and videos). In this regard, policy guidelines for member States to respect, protect and promote children's rights on the digital environment have been approved by an intergovernmental committee of experts and submitted to the Committee of Ministers for adoption.

A mapping study on cyberviolence, which is expected to be completed by the Cyberbullying Group of the Cybercrime Convention Committee in July 2018, will contain a set of findings and respectively recommendations aimed at strengthening national responses but also those of the international community against cyberviolence, as well as reinforcing synergies between relevant CoE standards. In this regard, further follow-up actions will need to be considered in the upcoming period in order to address respective recommendations.

A two-year research project launched in October 2017 will examine the opportunities and risks for children with disabilities in the digital environment with the objective to provide guidance to governments, the digital business sector, parents, and professionals working with children with disabilities. Children with disabilities will be involved in the design of the research framework and in the analysis of findings.

The proposals for the modernisation of Convention 108 reached the final stage of the work and have been thoroughly negotiated in the competent Group of Rapporteurs of the Committee of Ministers. The proposed modernisation of Convention 108 adapts the

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<sup>19</sup> [https://www.eurodig.org/fileadmin/user\\_upload/eurodig\\_Tallinn/Messages\\_from\\_Tallinn\\_EuroDIG\\_2017.pdf](https://www.eurodig.org/fileadmin/user_upload/eurodig_Tallinn/Messages_from_Tallinn_EuroDIG_2017.pdf)



Convention challenges arising in the digital environment and reinforces the protection of persons with regard to the processing of personal data, notably through extending the range of rights of the data subjects and prescribing additional safeguards.

The Committee of Experts on Terrorism (CODEXTER) established as one of priorities Terrorism and the Internet. Concerning co-operation on counter-terrorism issues, the Committee of Experts on Terrorism (as of 1 January 2018 the Committee on Counter-Terrorism (CDCT)) will identify and elaborate the areas of potential common interest in the Council of Europe Counter-Terrorism Strategy for the period 2018-2022.

A conceptual framework for Digital Citizenship Education, policy guidelines, and a Handbook targeting learners and teachers are in preparation. The Handbook aims to support young learners develop competences in order to engage positively with digital technologies, participate actively and responsibly in communities at all levels, involve in a process of lifelong learning and continuously defend human dignity.