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**Submissions from entities in the United Nations system, international  
organizations and other stakeholders on their efforts in 2021 to  
implement the outcomes 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 25<sup>th</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

2021

## 1. Executive summary

The Council of Europe's work in the field of internet/digital governance and information society resides on the core values safeguarded by the Organisation: human rights, democracy and the rule of law.

Freedom of expression and implications of the use of digital technologies (including AI) for human rights, democracy and the rule of law are among the priority lines of work for the Council of Europe for the coming years. This covers, among others, promoting a favourable environment for freedom of expression in the digital age (including fostering favourable conditions for quality journalism and the safety of journalists, enhancing media and information literacy, effective and human rights compliant online content moderation, etc.), strengthening the protection of privacy and personal data, ensuring efficient criminal justice response to cybercrime, enhancing democratic participation, protecting vulnerable groups and building a doctrine of digital technologies use that guarantees effective protection of all human rights and prevents abuses. Regulatory response to these issues remains high placed on the Council of Europe's agenda.

The majority of Council of Europe bodies and structures, e.g., the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights and a range of inter-governmental and ad-hoc committees, are widely engaged in dealing with related issues - through standard-setting work, as well as through preparation of studies, reports, other materials and through cooperation activities, with a view to providing guidance to governments and other stakeholder groups. The Organisation attaches importance to the multi-stakeholder approach, strengthening and development of synergies and partnerships with a wide range of stakeholders - governments, the private sector, civil society, technical community and academia.

## 2. Overview of trends

Technological advancement over the past decades has fundamentally transformed the communication patterns and behaviours of individuals, communities and societies. This comes together with unprecedented levels of media change, with major implications for the complex ecology of funding, ethics and regulation that has developed over centuries and helped sustain media pluralism and diversity, essential corollaries of the right to freedom of expression. The growing use of AI-powered tools has a profound impact on the exercise and enjoyment of the right to freedom of expression, as well as other human rights and fundamental freedoms, and also carries risks for democratic processes. The rights to privacy and personal data protection are under particular strain due to the explosion of digitalisation, accentuated this year with the health crisis, and the use of technologies facilitating and expanding the processing of personal data in every sphere of individuals' life.

The evolution of information and communication technologies – while bringing opportunities for mankind – also raises challenges, including for criminal justice and thus for the rule of law in cyberspace. While cybercrime and other offences entailing electronic evidence on computer systems are thriving and while such evidence is increasingly stored on servers in foreign, multiple, shifting or unknown jurisdictions, that is, in the cloud, the powers of law enforcement are limited by territorial boundaries.

The outbreak of the COVID-19 pandemic has further exacerbated many of the already existing concerns in the areas of data protection, the impact of digital technologies' application on human rights, the media ecosystem and the information environment, testing the sustainability of human rights frameworks and the sufficiency of existing guarantees.

### 3. Innovative policies, programmes and projects undertaken

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

#### C3 – Access to information and knowledge

In 2021, the [Council of Europe Convention on Access to official documents](#) (CETS No. 205), also known as the Tromsø Convention, was [ratified](#) and entered into force also in Iceland. According to the Resolution [CM/Res\(2021\)2](#) on rules on the election procedure of the members of the Group of Specialists on Access to Official Documents, adopted on 3 March 2021, the Council of Europe Access Info Group is being formed.

The 24th plenary of the [Cybercrime Convention Committee \(T-CY\)](#), representing the Parties to the [Budapest Convention](#), on 28 May 2021 approved the draft “[2nd Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and Disclosure of Electronic Evidence](#)”. Experts from the currently 66 States that are Parties to the Budapest Convention from Africa, the Americas, Asia-Pacific and Europe participated in its preparation. Formal adoption is expected in November 2021 – on the occasion of the 20th anniversary of the Budapest Convention – and opening for signature in early 2022.

The [online resource on cyberviolence](#) (set up in 2019) continued receiving, documenting and making available information on policies, strategies, preventive, protective and criminal justice measures taken by public sector, civil society and private sector organisations. Also, a “[Global State of Cybercrime Legislation 2013-2021: A cursory Overview](#)” report was published in 2021.

The [Octopus Cybercrime Community](#) online platform remains an important tool for information sharing and cooperation on cybercrime and electronic evidence. The [Octopus Conference 2021](#) will take place on 16-18 November 2021.

[Declaration by the Committee of Ministers on the need to protect children’s privacy in the digital environment](#) (adopted on 28 April 2021) calls on member states to intensify their efforts in this regard and to promote, inter alia, the [Guidelines on children’s data protection in an education setting](#), prepared by the [Consultative Committee of Convention 108](#).

The draft Council of Europe Strategy for the Rights of the Child (2022-2027) was approved by the [Steering Committee for the Rights of the Child \(CDENF\)](#) on 15 October and will soon be submitted to the Committee of Ministers for adoption. The Strategy addresses, among others, access to and safe use of technologies for all children.

The [European Committee on Democracy and Governance \(CDDG\)](#), in cooperation also with the [Centre of Expertise for Good Governance](#), continuously assists member States in promoting access to information and knowledge by sharing best practices, in implementing the [Guidelines on civil participation in political decision-making](#) and [Recommendation CM/Rec\(2018\)4](#) on participation of citizens in local public life.

#### C4 – Capacity Building

[Cooperation programmes and activities](#) encompassing the areas of safety of journalists, transparency of media ownership, public service media, media literacy and quality journalism continue, among others, in Georgia, Ukraine, Moldova, Azerbaijan, in the Western Balkans and in Northern Africa. Cooperation activities include: legal and policy advising and technical support, training and curricula development for journalists, law enforcement, legal professionals and other relevant stakeholders, awareness-raising and enabling technical capacities of beneficiary institutions and organisations in the field of public service media through the enhancement of implementing international standards to name just a few. Within the framework of co-operation projects, a number of webinars was organised in 2021 (e.g., [Multidisciplinary webinar on the topic of intersection of responsible journalism and free access to information](#) in Bosnia and Herzegovina, a series of webinars “[Media Talks: How\(not\) to cover?](#)” in Georgia, a National round table “[A comprehensive approach to combating hate speech](#)” in Moldova).

Substantial support is given to data protection supervisory authorities in Southern neighbourhood countries (Tunisia, Morocco) in enhancing their capacities in the area of control, sectoral awareness raising and in helping them to better address new technological and society trends involving the processing of personal data.

Under the umbrella of the [European Programme for Human Rights Education for Legal Professionals \(HELP\)](#), the Council of Europe continued to promote training courses addressing different aspects of freedom of expression and intended to help legal practitioners, judges and law enforcement officials to better understand, up-hold and defend related rights. In 2021, the “Freedom of expression” course was/will be launched in Poland, Romania, Slovenia and Spain. Translation of the courses on “Freedom of expression” and on “Protection and safety of journalists” into the languages of the Council of Europe member states actively continued, including under the [JUFREX project](#).

While the Council of Europe’s No Hate Speech Movement campaigns have been successfully completed, national movements and organisational structures continue operating at the national level and are being supported to organise themselves into an international network.

Through its [Cybercrime Programme Office \(C-PROC\)](#), the Council of Europe is currently implementing 5 projects worldwide ([Octopus Project \(2021-2024\)](#); [iPROCEEDS-2 \(2020-2023\)](#); [CyberEast \(2019-2022\)](#); [CyberSouth \(2017-2021\)](#); [GLACY+ \(2016-2024\)](#)), thus remaining a global leader for capacity building on cybercrime and electronic evidence on the basis of the Budapest Convention on Cybercrime and related standards. More than 240 activities are carried out each year in priority regions in Europe, as well as in other regions of the world committed to implementing the Budapest Convention. They are aimed at improving the legislation, training of judges, prosecutors and investigators, public/private and international cooperation, and other measures to strengthen the criminal justice response to cybercrime and electronic evidence.

Moreover, synergies are sought among Council of Europe instruments in order to enhance emphasis on the rule of law and human rights safeguards. With the [GLACY+ project](#), the Organisation continues providing support and expertise to a number of countries from outside Europe in the drafting of data protection legislation compliant with Convention 108+.

The [European Committee on Democracy and Governance \(CDDG\)](#) assists member states in developing e-governance/e-government and suitable e-democracy tools to improve governance, civil participation and combat disengagement from democratic institutions and society. It also supports the introduction of e-participation platforms at national and international level in the field of voter education and capacity-building of domestic election observers.

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

In 2021, the number of parties to the Council of Europe’s instruments and frameworks addressing specific challenges stemming from the digital environment continued to grow. In particular, the [Council of Europe Convention on Cybercrime](#) (Budapest Convention) now counts [66 states parties](#), while its [Protocol on Xenophobia and Racism](#) has [33 parties](#). The [Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) (Convention 108) celebrated in 2021 its [40<sup>th</sup> anniversary](#), which was marked by a wealth of related activities and events organised globally, while the modernised Convention 108+ ([Amending protocol CETS n°223](#)) has reached [29 signatures and 14 ratifications](#).

In 28 January 2021, the [Committee of Convention 108](#) adopted [Guidelines on facial recognition](#) that provide a set of reference measures that governments, facial recognition developers, manufacturers, service providers and entities using facial recognition technologies should follow and apply to ensure that they do not adversely affect the human dignity and human rights of any person, including the right to protection of personal data. Also, a draft revised version of [Recommendation \(2010\)13 on the protection of individuals with regard to the processing of personal data in the context of profiling](#) has been prepared and submitted to the Committee of Ministers for adoption.

The [Committee of Convention 108](#) published a statement on “[Covid-19 vaccination, attestations and data protection](#)” calling for strict respect of the right to data protection and warning against mandatory use of such means as “vaccination passes”, while also acknowledging their usefulness in the context of the COVID-19 pandemic. The [Council of Europe Committee on Bio-ethics \(DH-BIO\)](#) delivered a similar message through a [Statement on human rights considerations relevant to “vaccine pass” and assimilated documents](#).

The importance of strict observance of the [Convention for the protection of individuals with regard to automatic processing of personal data](#) when introducing “vaccine passes” was further emphasised in the Council of Europe Secretary General’s Information document [SG/Inf\(2021\)11 “Protection of human rights and the “vaccine pass”](#)”.

In early 2021, the Council of Europe [ad hoc committee on Artificial intelligence \(CAHAI\)](#) presented a [Feasibility study on a legal framework on AI design, development and application](#) to the Council of Europe Committee of Ministers. In the following months, a wide [multi-stakeholder consultation](#) on the elements of a legal framework on AI was held. [Analysis of the Multi-Stakeholder Consultation](#) (approved by the Consultation and Outreach Group (CAHAI-COG) in June 2021) will be used in the preparation of the elements of the legal framework. According to the [Committee of Ministers’ decision on human rights in the digital age](#) (taken at its 131st meeting in Hamburg on 21 May 2021), building on the results of the CAHAI, formal intergovernmental negotiations on a comprehensive, horizontal and legally binding instrument should be launched by May 2022.

In June 2021, the [European Commission for the Efficiency of Justice \(CEPEJ\)](#) adopted [Guidelines on videoconferencing in judicial proceedings](#). The [Working Group on Cyberjustice and Artificial Intelligence \(CEPEJ-GT-CYBERJUST\)](#) is developing tools providing legal, judicial, organisational, ethical and technical solutions found in the context of digital transformation of justice and e-justice and their impact on the quality of judicial systems, in particular in the areas of access to e-documentation by users and digitalisation of courts and prosecutors’ registers and treatment of data.

On 5 October 2021, the [Conference of European Ministers of Justice on “Digital Technology and Artificial Intelligence - New Challenges for Justice in Europe”](#) took place within the framework of the Hungarian Presidency of the Council of Europe, addressing in particular the use of electronic devices and artificial intelligence in judicial proceedings in compliance with the European Convention on Human Rights.

In June 2021, the Committee of Ministers of the Council of Europe has adopted [guidelines](#) for the 47 member states to help them improve the functioning of their online dispute resolution mechanisms (ODR) in civil and administrative court proceedings (see the [explanatory memorandum](#)). The Guidelines, prepared by the [European Committee on Legal Co-operation \(CDCJ\)](#), provide member states with guidance in relation to fair procedure, transparency in the use of ODR and requirements for hearings, as well as special issues related to the ICT nature of ODR.

The Pompidou Group is providing a [platform for cooperation](#) among law enforcement officials and experts on drug related cybercrime, connecting specialists (customs, police, prosecutors, judges, computer crime specialists) and relevant international organisations and the private sector, notably IT companies and internet providers to examine, among others, related money laundering in view of emerging anonymising techniques and darknet facilities.

#### C7 – ICT Applications – e-government

[CDDG](#), in cooperation with the [Centre of Expertise](#), assists member States with practical technical assistance and legal advice as appropriate in developing ICT applications for e-government to meet the [12 Principles of Good Democratic Governance](#).

#### C9 – Media

On 21 October 2021, Iceland signed the [European Convention on Transfrontier Television](#) as the 41<sup>st</sup> party. This Convention is the first international treaty creating a legal framework for

the free circulation of transfrontier television programmes in Europe, through minimum common rules, in fields such as programming, advertising, sponsorship and the protection of certain individual rights.

Expert committees subordinate to the [Steering Committee for Media and Information Society \(CDMSI\)](#) have completed their mandates for the 2020-2021 biennium:

- The Council of Europe's [Committee of experts on Freedom of Expression and Digital Technologies \(MSI-DIG\)](#) finalised the draft recommendation by the Committee of Ministers to member States on the impacts of digital technologies on freedom of expression;
- The [Committee of experts on Media Environment and Reform \(MSI-REF\)](#) prepared the draft recommendation of the Committee of Ministers to member States on principles for media and communication governance and the draft recommendation of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns, as well as the draft guidance note on the prioritisation and discoverability of public interest content;
- The [Committee of Experts on Combating Hate Speech \(ADI/MSI-DIS\)](#) developed the draft recommendation of the Committee of Ministers to member States on a comprehensive approach to addressing hate speech.

In early 2022, the draft recommendations developed by MSI-DIG, MSI-REF and ADI/MSI-DIS will be submitted to the Committee of Ministers for adoption.

Draft Recommendation on promoting a favourable environment for quality journalism in the digital age is currently under discussion in the Committee of Ministers, pending adoption.

A [Guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation](#) (adopted by the CDMSI in May 2021) is the newest tool for policy-makers in addressing online content issues.

The [Conference of Ministers responsible for Media and Information Society](#) "Artificial intelligence – Intelligent politics: Challenges and opportunities for media and democracy" (10-11 June 2021, online) has led to the adoption of [four Conference resolutions](#) (on freedom of expression and digital technologies; on the changing media and information environment; on the safety of journalists; on the impact of the health crisis on freedom of expression) and the [Final Declaration](#) which consolidate governments' commitments for action.

["Regulation of political advertising: A comparative study with reflections on the situation in South-East Europe"](#), published in 2021 and available in seven languages, addresses the issue of political campaigning and advertising from a media regulatory perspective and provides the beneficiaries with valuable and applicable references. It also offers guidelines, in line with European standards and best practices in this field.

In relation to the World Press Freedom Day, Council of Europe Secretary General made a [statement](#) urging European governments to show stronger political will to protect journalists and independent journalism in order to put a stop to the deterioration of media freedom in the continent. The Council of Europe Commissioner for Human Rights issued a [human rights comment](#) "Journalists covering public assemblies need to be protected".

The Council of Europe [Platform to promote the protection of journalism and safety of journalists](#) published the 2021 Annual Report by its partner organisations "[Wanted! Real action for media freedom in Europe](#)" (see also the [launch event](#)). The report lists 201 serious cases of threats to media freedom in the 47 Council of Europe member states in 2020, a 40% increase compared to 2019. A record number of alerts concerned physical attacks (52 cases) and harassment or intimidation (70 cases).

An [interactive version](#) of the [Implementation Guide to the Recommendation CM/Rec\(2016\)4 on the protection of journalism and safety of journalists and other media actors](#) featuring additional video materials and infographics was launched in 2021.

## C11 – International and regional cooperation

The Council of Europe joined new intergovernmental co-operation initiative [GlobalPolicy.AI](#), launched on 14 September 2021 and bringing together eight international organisations to promote global co-operation on artificial intelligence.

The Council of Europe also organised a number of events, such as the [International symposium on “Human rights in the digital sphere”](#) marking the 25th anniversary of Japan and the USA’s observer status to the Council of Europe; [AI Conference “Current and Future Challenges of coordinated policies on AI regulation”](#) (under the Hungarian Presidency of the Committee of Ministers), intended to contribute to the improvement of AI policymaking at global, regional and national levels; and participated in a wide range of relevant conferences and events. In particular, the Organisation participated in the EuroDIG 2021 and will participate in the Internet Governance Forum (IGF) 2021 by [organising sessions](#) and taking active part in the debates.

Launched in 2017, the Council of Europe [partnership framework with internet companies](#) and their associations currently counts 25 members.

Partnerships and synergies in the field of cybercrime and electronic evidence were fostered through joint projects with the EU, cooperation with Eurojust and Europol, the EU Institute for Security Studies, INTERPOL, the African Union Commission, CARICOM, the Community of Portuguese Language-speaking countries (CPLP), ECOWAS, FOPREL, the Global Forum on Cyber Expertise, the International Association of Prosecutors, the Organization of American States, the Pacific Island Law Officers Network (PILON), the United Nations, the US Department of Justice and the US Department of State, the Government of Romania as the host country of C-PROC, and many others.

The Council of Europe is also a regular partner of the African Network of African Data Protection Authorities with which it develops a series of online seminars to raise awareness and grow capacities of current and possible future members of the network in international data protection standards applied to various thematic areas.

### **4. Future actions and initiatives to be taken on implementation**

The Council of Europe will continue its efforts to address the impacts of AI and emerging technologies on democracy, human rights and the rule of law. A broad range of projects have been initiated within the Organisation in this respect (see [www.coe.int/ai](http://www.coe.int/ai)). The work of CAHAI on the elements for a legal framework for AI will continue.

The Committee of Ministers is currently discussing the new terms of reference of the [Steering Committee for Media and Information Society \(CDMSI\)](#) for 2022-2025. The CDMSI will continue its standard-setting and other work in the field of freedom of expression and information society, with a focus on the areas defined by the terms of reference.

Follow-up will be given to the [Conference of Ministers responsible for Media and Information Society](#), in particular through the implementation of the resolutions adopted at the Conference.

Efforts will be taken to promote signature and ratification of the [2nd Additional Protocol to the Convention on Cybercrime on Enhanced Co-operation and Disclosure of Electronic Evidence](#), and to assist member states in its implementation.

The Council of Europe will continue [co-operation with internet and telecommunications companies](#) (launched in 2017 and currently counting 25 members).

It will also further strengthen the [Platform to promote the protection of journalism and safety of journalists](#).

The [Implementation Guide to Recommendation CM/Rec\(2016\)4](#) will be extended to the pillars of “prevention” and that of “promotion of information, education and awareness raising” of the Guidelines to the Recommendation.