COMMISSION ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT (CSTD)

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Submissions from entities in the United Nations system and elsewhere on their efforts in 2018 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 22nd 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.

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

2018

1. Executive summary

The Council of Europe is widely engaged in dealing with the issues raised by the impacts of digital services and emerging technologies on human rights, democracy and rule of law through the preparation of recommendations, charters, studies, and reports from the Committee of Ministers, the Parliamentary Assembly, the Commissioner for Human Rights, and the various inter-governmental committees and commissions.

The Council of Europe's commitment to engage with issues concerning AI aims at preventing abuses of algorithmic systems and contributes to building a doctrine of use that can guarantee the effective protection of all human rights.

Main other areas of concern remain the identification of comprehensive responses to mis- and disinformation campaigns, the promotion of favourable conditions for quality journalism in the digital age, media and information literacy enhancement and the effective moderation of online content in line with the rule of law.

2. Innovative policies, programmes and projects undertaken

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

<u>C3 – Access to information and knowledge</u>

The European Committee on Democracy and Governance (CDDG), in cooperation also with the Centre of Expertise, 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, Recommendation CM/Rec(2018)4 on participation of citizens in local public life – revised by the CDDG – and also by raising awareness of other Council of Europe Instruments such as the Convention on Access to Official Documents

In July the Committee of Ministers adopted Recommendation CM/Rec(2018)7 on Council of Europe Guidelines to respect, protect and fulfil the rights of the child in the digital environment, which explores ways to empower and inform children, through education and internet literacy programmes and awareness-raising measures, about their rights and safe online activities. This involves aspects of privacy and data protection, freedom of expression and access to information, and measures to prevent online abuse and exploitation of children, to protect children from harmful content and activities, and to assist children having fallen victim to such forms of abuse and exploitation. After the adoption of the recommendation, "IT Guidelines" have been translated in into several European languages.

The Council of Europe, together with the EU Fundamental Rights Agency, initiated work on a joint "Handbook on Cybercrime and Fundamental Rights", which aims inter alia to highlight fundamental rights challenges of investigating cybercrime and securing electronic evidence. The Octopus Cybercrime Community online platform remains to be an important tool for information sharing and cooperation on cybercrime and electronic evidence.

<u>C4 – Capacity Building</u>

The CDDG contributes "to strengthening democratic institutions, public administration reform, decentralisation, good governance, in particular participation, public ethics, and e-governance, e-democracy and e-voting, at all levels." In 2018 the CDDG is developing guidelines on e-democracy as a toolkit and measures to promote the implementation of the priority "building democracy online" of the Internet Governance Strategy 2016-2019.

In June 2018, the European Programme for Human Rights Education for Legal Professionals (HELP) and the Bioethics Unit of the Council of Europe jointly launched a HELP course on Key human rights principles in Biomedicine, which includes modules on free and informed consent, and the protection of health related data.

A four year programme "Fight Discrimination, Hate Crime and Hate Speech in Georgia" was launched to assist national stakeholders in Internet Governance process to increase their capacity to monitor hate speech, support national legislative measures, and to promote human rights education and awareness-raising campaigns. Similar projects are being set up for the Western Balkans and Eastern partnership countries starting 2019. Youth representatives of the Joint Council of Youth, amongst others, were supported to attend EuroDIG and IGF in 2018. The Youth Department continues to provide opportunities for young people to learn about and engage against hate speech and for human rights online through its Youth for Democracy programme.

The Secretariat of the Council of Europe has provided support and expertise towards the drafting of data protection legislation in Belarus, Kenya and Nigeria and supported the reform of existing data protection laws in a number of members or observers to the Committee of Convention 108.

The Cybercrime Programme Office conducts more than 200 activities each year, and a number of these activities conducted in 2018 were done jointly with the Data Protection Unit.

<u>C5 - Building confidence and security in the use of ICTs</u>

The Council of Europe Convention on Preventing and Combating Violence against Women (the "Istanbul Convention") requires parties to develop a comprehensive and co-ordinated set of polices to offer a response to violence against women and domestic violence. Several of its provisions can be applied to cyber violence and online hate speech, such as psychological violence (Article 33), stalking (Article 34) and sexual harassment (Article 40).

On the basis of its past workshops and on-going exchanges, the CDDG engages with member States, both at the level of the Committee as well as between member States on a bilateral basis, in exchanges of practical experience, practices and measures to build trust and confidence in the use of ICT. The CDDG and its Working Group on electronic democracy are preparing guidelines in the form of a toolkit for member States to successfully implement e-democracy and e-governance initiatives and to build democracy on-line. In doing so, it seeks to address the challenges identified in SG Report on*: "Role of institutions, Threats to institutions"*, and takes into account and promotes the applicable Conventions and recommendations by the Committee of Ministers and the work of other Council of Europe bodies and steering committees such as the CDMSI.

An Evaluation Conference of the No Hate Speech Movement (NHSM) Youth campaign was held, and it reflected challenges hate speech poses for society, and identified promising approaches and practices to address these challenges by the Member states, civil society and international organisations. A compendium of 270 resources which were developed through the NHSM are published online in December 2018. National NHSM campaigns continue.

In 2018 new monitoring reports were prepared by ECRI on tackling hate speech online in Croatia, Liechtenstein, Malta, Portugal, the Republic of Moldova, San Marino, Spain, and Sweden. In 2019 ECRI will start its 6th monitoring cycle reviewing any changes and developments in member States in the areas of combating hate speech.

The number of Parties to the global data protection Convention reached 53 with accessions by Cabo Verde and Mexico, and this brings the total of countries contributing to the work of the Convention Committee to 70. The Committee of Ministers adopted the amending Protocol (CETS n° 223) to the data protection Convention (ETS n°108) which delivers a modernised data protection Convention open to any country in the world. The amending Protocol has been signed by 22 countries already.

The Special Rapporteur on the right to privacy, Joseph A. Cannataci, stated that member States of the United Nations are "encouraged to ratify data protection Convention 108+ […] and implement the principles contained there through domestic law without undue delay, paying particular attention to immediately implementing those provisions requiring safeguards for personal data collected for surveillance and other national security purposes" in his annual report to the General Assembly of the United Nations. (recommendation 117.e. of report A/73/45712)

The Committee of Convention 108 adopted a Guide on the Privacy and Data Protection Principles for ICANN related Data Processing.

In November 2018, in order to address concerns on election interference via computer systems, Cybercrime Convention Committee (T-CY) agreed to prepare a Guidance Note on this question. Work on it will initiate in 2019.

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

The Council of Europe`s Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) approved a Draft Committee of Ministers Declaration on the manipulative capabilities of algorithmic processes, which is expected to be adopted in early 2019. It further launched works on:
- a Draft Recommendation on human rights impacts of algorithmic systems;
- a Draft Study of the implications of advanced digital technologies (including AI systems) for the concept of responsibility within a human rights framework; and
- a Draft Study on forms of liability and jurisdictional issues in the application of civil and administrative defamation laws in Council of Europe member states.
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The Committee of experts on quality journalism in the digital age (MSI-JOQ) approved a Draft Committee of Ministers Declaration on the financial sustainability of quality media in the digital age, which is expected to be adopted in early 2019. It further progressed on the elaboration of:
- a Draft Recommendation on promoting a favourable environment for quality journalism in the digital age, and
 - a Draft Study on media and information literacy in the digital environment.
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An Implementation Strategy for Recommendation CM/Rec(2016)4 on the Protection of Journalism and Safety of Journalists and Other Media Actors was considered and approved by the CDMSI in November 2018.

The Secretariat contributed to the elaboration of the Venice Commission Study on the Role of Social Media and the Internet in Democratic Development, addressing the problems posed by Information Disorder.

The Council of Europe`s agreement (Exchange of Letters, 2017) to establish closer cooperation with the private sector and to enhance their engagement in promoting an open and safe online environment was further strengthened in 2018. The cooperation creates the basis for further bilateral cooperation between Council of Europe and business partners on projects that can cover variety issues. These initiatives are being developed by the different services of the Organisation. The list of cooperation partners: Apple, Deutsche Telekom, Facebook, Google, Kaspersky Lab, Microsoft, Orange and Telefónica, Computer & Communications Industry Association, DIGITALEUROPE, the European Digital SME Alliance, the European Telecommunications Network Operators' Association, GSMA and the Global Network Initiative, extended in May 2018 to Cloudflare and EuroISPA.

C11 – International and regional cooperation

The Council of Europe participated in the Internet Governance Forum (Paris, 12-14 November 2018) with the organisation os multiple events.

The Council of Europe was also present at the EuroDIG 2018, where it organised and participated in various sessions, including at high level.

The Secretariat of the Council of Europe participated in the 17th meeting of the UN Inter-Agency Committee on Bioethics (UNIACB) to discuss common challenges and opportunities regarding inter alia gene editing, artificial intelligence and public debate. The Secretariat also participated in the 25th (Ordinary) Session of the UNESCO International Bioethics Committee, the Joint Session of the IBBC and the Intergovernmental Bioethics Committee, and the 10th (Extraordinary) Session of the World Commission on the Ethics of Scientific Knowledge and Technology.

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), EU Fundamental Rights Agency and others. 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. Future actions and initiatives to be taken on implementation

The Council of Europe will continue its efforts to address the impacts of Artificial Intelligence and emerging technologies on democracy, human rights and the rule of law. A broad range of projects have been initiated within the Organization (https://www.coe.int/en/web/human-rights-rule-of-law/artificial-intelligence). The Council of Europe will elaborate a follow-up to its IG Strategy 2016-2019, which will place Internet Governance issues into the broader Organisation`s approach towards emerging technologies and digitisation.

The Council of Europe will conclude work in its MSI-AUT Expert Committee on the draft Committee of Ministers recommendation on human rights impacts of algorithmic systems, and

the draft study of the implications of advanced digital technologies (including AI systems) for the concept of responsibility within a human rights framework. In its MSI-JOQ Expert Committee, the Council of Europe will conclude works on a draft Committee of Ministers recommendation on promoting a favourable environment for quality journalism in the digital age and will present a study on media and information literacy in the digital environment.

The Second Additional Protocol to the Convention on Cybercrime (ETS 185) is expected to be elaborated by the Budapest Convention Protocol Drafting Group, addressing issues of enhanced international cooperation on cybercrime and electronic evidence.

The Council of Europe will further strengthen its co-operation with internet and telecommunications companies to promote an open and safe online environment, in line with the Exchange of Letters. Bilateral projects developed under this framework include the elaboration of a study on self-regulation and assessment of hate speech by internet businesses in line with Human Rights.

Further development of the Platform to promote the protection of journalism and safety of journalists will remain among the key priorities of the Council of Europe.

The Council of Europe will continue work on current challenges of the communications environment and the impacts of misinformation and targeted disinformation campaigns on democratic processes, including elections.

The Council of Europe will prepare a follow-up to the 2017 Comparative Study on Blocking, Filtering and Take-Down of illegal internet content.

The Council of Europe will issue a Media Freedom Report summarising developments in the area of media freedom in the Council of Europe member States in parallel with the annual report presented by the Council of Europe`s Platform to promote the protection of journalism and safety of journalists during 2018.

The Council of Europe has begun working on the topic of Artificial Intelligence, collecting information and input on its potential risks and opportunities with respect to gender stereotypes and equality. This topic will also be included in a draft Committee of Ministers Recommendation to prevent and combat sexism which is currently under preparation.

The Committee of Ministers the Committee on Bioethics (DH-BIO) is tasked with the preparation of a new 5 year Strategic Action Plan on human rights and technologies. The DH-BIO is also developing a guide to public debate on issues raised by developments in biomedicine, including those relating to emerging and converging technologies, as a tool for policy makers to engage with the public with a view to developing policy guidelines.

The Council of Europe will host the 18th UNIACB in Strasbourg in February 2019.

The Committee of Convention 108 is working on data protection and artificial intelligence with a view to the adoption of specific guidelines on the topic.

Further follow-up actions are considered based on the study on cyberviolence. In relation to capacity-building, specific targets include measures against cyberviolence, and fundraising for follow-up projects in Eastern Partnership region and South-eastern Europe.

The Finnish Presidency of the Council of Europe Committee of Ministers together with the Council of Europe will organise a High Level Conference "Governing the Game Changer: Impacts of Artificial Intelligence Development on Human Rights, Democracy and The Rule of Law", on 26-27 February 2019 in Helsinki, Finland. The Conference will discuss challenges

and opportunities arising from AI developments in the different fields of action of the Organisation.