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**Submissions from entities in the United Nations system, international
organizations and other stakeholders on their efforts in 2019 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 23rd 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

2019

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 effective protection of all human rights. The issue of regulatory response remains high placed on the Council of Europe's agenda.

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. Urgent need to find solutions for a more efficient criminal justice response to cybercrime and other crime involving electronic evidence in accordance with data protection and other safeguards, calls for a coordinated action as well.

The Council of Europe attaches importance to the review, strengthening and development of synergies and partnerships with key stakeholders. In the year 2019 the Council of Europe further continuously promoted partnerships with different stakeholders amongst 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. Modern communication is influenced and shaped by digital tools and services that play a role in every sphere of life. The growing use of AI enhanced 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. 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 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.

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

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, and also by raising awareness of other Council of Europe Instruments such as the Convention on Access to Official Documents.

Based on Recommendation CM/Rec(2018)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment, a Handbook for policy makers and a child-friendly version of the Guidelines is currently in preparation, to be released before the end of 2019.

In 2019, the Council of Europe together with the EU Fundamental Rights Agency continued work on a joint “Handbook on Cybercrime and Fundamental Rights”, which is expected to be completed by autumn 2020.

The Handbook aims to highlight the key fundamental rights challenges of investigating cybercrime and securing electronic evidence, map the obligations of Member States to protect individuals, as well as identify promising practices of effective investigative techniques on cybercrime and electronic evidence in line with fundamental rights and rule of law requirements.

As a follow-up to the recommendations of the T-CY mapping study on cyberviolence adopted in July 2018, online resource on cyberviolence was developed in 2019 in order to receive, document and make available information and new developments on policies, strategies, preventive, protective and criminal justice measures taken by public sector, civil society and private sector organisations.

The Octopus Cybercrime Community online platform remains an important tool for information sharing and cooperation on cybercrime and electronic evidence.

C4 – Capacity Building

The 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.

Under the umbrella of the European Programme for Human Rights Education for Legal Professionals (HELP), a training manual on the safety of journalists aimed at legal practitioners, judges and law enforcement officials is currently in preparation, to be ready in the course of 2020.

Cooperation programmes aiming to develop holistic approaches to take action on hate speech and offering country-specific cooperation activities have been launched in the Western Balkans, and South region (Morocco and Tunisia).

The Council of Europe Secretariat continues providing support and expertise to Belarus in the drafting of data protection legislation compliant with Convention 108.

With its Cybercrime Programme Office currently implementing 7 projects worldwide worth more than 32 mln EUR, the Council of Europe remains 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 200 activities are carried out each year in priority regions in Europe as well as countries 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 CoE instruments in order to enhance emphasis on the rule of law and human rights safeguards.

C5 - Building confidence and security in the use of ICTs

The European Centre of Modern Languages (ECML) annually implements training modules on the promotion of the effective use of ICT tools and open resources in support of quality language teaching and learning.

The Committee of the Parties of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) is looking into “The protection of children against sexual exploitation and sexual abuse facilitated by ICTs” in its current monitoring round. At its last meeting in June 2019, the Committee adopted an Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children.

“Ending child online sexual exploitation and abuse@Europe” project (2018-2020), implemented by the CoE’s Children Division with the support of C-PROC, is ongoing. Its focus countries are Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Moldova, Montenegro, Serbia, Turkey and Ukraine.

The Pompidou Group is monitoring of sale of illicit drugs on the “darknet”. The private sector actors including social networks were invited to discuss drug trafficking on the “darknet” and the methods for cooperation to disrupt the delivery of drugs through mail and express mail. Discussions with the private sector are ongoing and became even more active and concrete in 2019.

While the Council of Europe’s No Hate Speech Movement (NHSM) campaigns have now 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.

In 2019, the number of parties to Council of Europe Council of Europe’s instruments and frameworks addressing specific challenges stemming from the digital environment continued to grow. In particular, as of September 2019, the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) counts 55 states parties, the Council of Europe Convention on Cybercrime (Budapest Convention) counts 64 states parties, whilst its Protocol on Xenophobia and Racism has 32 states parties.

In 2019, The Cybercrime Convention Committee (T-CY) extended Terms of Reference till the end of 2020 for drafting the Second Additional Protocol to the Budapest Convention. This protocol aims to enhance international co-operation, offering specific solutions for more effective mutual legal assistance, direct co-operation with service providers in other jurisdictions, rules for existing practices of transborder access to data, and safeguards regarding data protection requirements.

The Cybercrime Convention Committee delivered a Guidance Note on Election Interference by means of computer systems (July 2019).

Consultative Committee of Convention 108 adopted Guidelines on Artificial Intelligence and Data Protection.

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 Committee of Ministers adopted on 13 February 2019 Declaration on the financial sustainability of quality journalism in the digital age and Declaration on the manipulative capabilities of algorithmic processes.

The Council of Europe's Committee of experts on Human Rights Dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) finalised draft Committee of Ministers recommendation on human rights impacts of algorithmic systems.

The following studies and reports were published in 2019: "Freedom of Expression in 2018", Study on "Responsibility and AI", Study on "Liability and jurisdictional issues in online defamation cases" and "Media regulatory authorities and protection of minors".

The Committee of experts on quality journalism in the digital age (MSI-JOQ) finalised draft Recommendation on promoting a favourable environment for quality journalism in the digital age, and continues work on the draft Study on developing the skills to recognise and value quality journalism in the digital environment.

Preparation of the Implementation Guide to the Recommendation CM/Rec(2016)4 on the Protection of Journalism and Safety of Journalists and Other Media Actors has been completed.

A report on the implementation of the recommendation CM/Rec(2013)01 on Gender Equality and Media is currently being finalised.

The Council of Europe also organised a number of conferences and other events, such as the High Level Conference "Governing the Game Changer – Impacts of artificial intelligence development on human rights, democracy and the rule of law" (Helsinki, February 2019), "(Last) call for quality journalism" (Ljubljana, November 2019, co-organised with the Ministry of Culture of the Republic of Slovenia), Octopus Conference (November 2019).

C11 – International and regional cooperation

The Council of Europe participated in the EuroDIG 2019 and will participate in the Internet Governance Forum 2019 through organising sessions and taking active part in the debates. It also participated in a number of international and regional events and conferences, such as the Rights Con, the Global Internet and Jurisdiction Conference, the Summit for Accountability in the Digital Age.

Partnerships and synergies in the field of cybercrime and electronic evidence were fostered through joint projects with the European Union, cooperation with Eurojust and Europol, agreements with INTERPOL, the African Union Commission, ECOWAS or FOPREL, with institutions in Parties to the Budapest Convention such as Estonia, France, Romania, United Kingdom and USA, participation in ICANN or the Global Forum on Cyber Expertise, and many others. The Forum for Africa (Ethiopia, October 2018), the PILON meeting for Pacific Island States (May 2019) or the Eurojust/Council of Europe Conference on child abuse in the Darknet (September 2019) are examples of how such cooperation is of benefit to criminal justice authorities on the ground. 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, SELEC, UNODC.

4. 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 newly established the Ad Hoc Committee on Artificial Intelligence (CAHAI) will examine the feasibility and potential elements on the basis of broad multi-stakeholder consultations, of a legal framework for the development, design and application of artificial intelligence, based on Council of Europe's standards on human rights, democracy and the rule of law.

The Council of Europe will elaborate a new Digital Governance Strategy 2020-2023.

New Committee of Experts on Freedom of Expression and Digital Technologies (MSI-DIG), Committee of Experts on Media Environment and Reform (MSI-REF), as well as the joint Committee of Experts on Combating Hate Speech (ADI/MSI-DIS) will be set up.

The Council of Europe will further strengthen Platform to promote the protection of journalism and safety of journalists, as well as its co-operation with internet and telecommunications companies in line with the Exchange of Letters.

The Committee of Convention 108 in its next biennium work programme for 2020-2021 which will focus on (a) the development of new terms of reference and rules of procedure, (b) the review of the current landscape and examination of the Recommendation CM/Rec(2010)13 of the Committee of Ministers to member states on the protection of individuals with regard to automatic processing of personal data in the context of profiling, (c) facial recognition, and (d) data protection in the educational sector.

A Conference of ministers responsible for media and information society will be held in Nicosia, Cyprus (28-29 May 2020).

The Cybercrime Convention Committee aims to finalize the 2nd Additional Protocol to the Budapest Convention by December 2020. Once the Protocol is adopted, Parties to the Convention would need to be supported in its implementation.

In terms of capacity building, specific targets set for the Cybercrime Programme Office for the upcoming period include among others measures against racism and xenophobia, fundraising for the follow-up of the current projects, and in general, following the path that has proven to produce results and make an impact in partnership with other organisations.