

# **Steering Committee on Media and Information Society**

COUNCIL OF EUROPE



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## **Internet Governance Strategy 2016-2019**

Democracy, human rights and the rule of law in the digital world

Revised draft

### Introduction

1. The Internet is increasingly significant in the everyday activities of European citizens. It should be a safe, secure, open and enabling environment for everyone without discrimination<sup>1</sup>. Everyone should be able to exercise their human rights and fundamental freedoms on the Internet, including the right to private life and the protection of personal data, subject, in certain cases, to narrowly circumscribed restrictions. They should be protected from crime and insecurity online, and not have to fear surreptitious surveillance of their activities. They should be free to communicate without censorship or other interference, and they should feel confident about sharing their personal data, creating and participating on-line. As a tool and public space for democracy, Internet governance should enable dialogue and interaction between all segments of the population to promote respect, equality, tolerance, and living together thereby fostering engagement and participation in a democratic society. Above all, the Internet should remain universal, innovative, and continue to serve the interests of users. It is a global resource, the integrity of which should be protected and managed in the public interest. In this connection, the multi-stakeholder model for its governance should be further enhanced by the Council of Europe.

### A continuum of core values

2. The strategy on Internet governance 2012-2015 brought together relevant Council of Europe standards and monitoring, co-operation and capacity-building activities. The strategy linked legally-binding treaties, such as the 'Budapest'<sup>2</sup>, 'Istanbul'<sup>3</sup> and 'Lanzarote'<sup>4</sup> Conventions, the transversal strategies on gender and children's rights, the dynamic platform for youth participation, and led to the Guide to human rights for Internet users. It enabled member States to debate the cultural challenges of the Internet. It also facilitates better in-house co-ordination.
3. The Council of Europe is recognised for its work on protecting the Internet's universality, integrity and openness. It has reasserted the need to protect and empower citizens without chilling their freedom to use the Internet for everyday activities. The public service value of the Internet, in particular the legitimate expectations of Internet users, were recognised. The Organisation was also connected with a large number of public and private actors at European and global levels, and able to deliver important messages, such as 'doing no harm' to the Internet and 'no hate' online.

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<sup>1</sup> They must not be discriminated against on any grounds such as gender, race, colour, language, religion or belief, political or other opinion, national or social origin, association with a national minority, property, birth or other status, including ethnicity, age or sexual orientation (Para 4 of the Appendix to CM Recommendation on the Guide to Human Rights for Internet Users).

<sup>2</sup> Council of Europe Convention on Cybercrime (ETS No. 185).

<sup>3</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence (CETS No.: 210).

<sup>4</sup> Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201).

Aims and objectives

4. The strategy is a multi-disciplinary tool which covers issues concerning content, services and connected devices running over the Internet, including relevant aspects of its infrastructure and functioning which can affect human rights and fundamental freedoms. The strategy identifies many challenges to the internet and provides governments and other stakeholders, including civil society, the private sector, technical and academic communities, with means to address them.
5. Its overall aim is to ensure that public policy for the Internet is people-centred meaning that it should respect the core values of democracy, human rights and the rule of law. Its strategic objectives are to build democracy online, to protect Internet users, and to ensure respect and protection for human rights online. To this end, the strategy proposes a series of specific activities.

Strategic objectives**Building democracy online**

6. The Internet is of critical value for democracy. Its capacity to allow people to impart and exchange their ideas, knowledge and opinions as well as to share and store vast amounts of information is unprecedented and offers the potential to promote understanding and tolerance between people of diverse cultures, backgrounds and of different beliefs. The Internet provides opportunities for the inclusion and participation of all people without discrimination and helps to connect those who may feel vulnerable or marginalised thereby making it easier for them to access public services. Connecting their voices to the Internet, including those living in geographically remote or underdeveloped areas and persons with disabilities, is important for pluralism and diversity in dialogue, and for bridging the gaps in dialogue between states and citizens.
7. Beyond the deployment of e-democracy and e-voting, e-government and e-justice initiatives, the Internet's public service value should be developed further. This includes enabling online participation in public life, also at local level, which respects the privacy (and freedom from mass surveillance) of citizens while ensuring that any personal information processed is not mismanaged or misused. Prerequisites for building democracy online include access to both sustainable digital culture and authentic digital content and access to public documents and data. Also important is the introduction of new approaches to public administration and service delivery to enhance e-governance at the local level, and of innovative methods of engaging and participating in the democratic process. It is important to introduce digital citizenship education into formal education systems as part of the official curriculum. It further means encouraging citizens to engage with digital culture and benefit from its potential for inclusion and innovation as well as to develop a healthy and balanced relationship with the Internet, one which is based on the freedom to connect but also to disconnect (i.e. the so-called 'digital detox').
8. In this context, the Council of Europe will:
  - a. Further develop its network of (digital) democracy innovators in the framework of the World Forum for Democracy. Future Forum topics for consideration include the future of the Internet and its governance, the use of digital tools for greater efficiency and accountability, citizen participation and transparency in democracy, a possible 'Magna Carta' for the Internet, and 'net-citizenship'.
  - b. Explore ways and propose concrete measures to prevent hate speech online, including speech which leads to violence. This comprises awareness campaigns to prevent manifestations of hate towards any member or group in society and the continuation of the No Hate Speech campaign.
  - c. Launch a consultation and survey on European formal and non-formal education, critical knowledge, skills and attitudes in the digital world, with a view to preparing a whitepaper on media and information literacy. Guidelines for digital citizenship education in European schools, the creation of a network of European 'digizen' schools and digital badges for democratic skills based on the framework of competences for democratic culture will also be developed.
  - d. Continue to strengthen European dialogue and good practice exchange on the creation, access and management of digital culture to promote citizen engagement, openness, inclusion and tolerance in democratic societies. This includes the organisation of multi-stakeholder platform

exchanges, preparation of policy guidelines for member States, cultural institutions and practitioners and the development of an interactive website on the Internet of Citizens.

### **Prioritising online safety and security for all**

9. The online safety and security of Internet users is a shared responsibility. This requires action to combat violent extremism and radicalisation, cybercrime, as well as the exploitation, harassment and bullying of people using the Internet. This also includes the protection against sexual abuse and exploitation of children online, action to fight organ and human trafficking, and the sale of counterfeit medicines and drugs. A continuous effort to harmonise the criminalisation of such acts and to harness cooperation in the fight against them remains vital.
10. Domestic legal frameworks should take into account relevant Council of Europe legal instruments and guidelines. Law enforcement agencies should have the necessary skills and capacities to carry out criminal investigations, secure and protect the integrity of electronic evidence, engage in effective international cooperation, and bring offenders to justice.

At the same time, the powers of intelligence and security services must be subject to appropriate limits clearly set out in law which are enforced with effective oversight and control.

11. In this context, the Council of Europe will:
  - a. Continue to promote the Budapest Convention on Cybercrime and ‘Convention 108’ on data protection<sup>5</sup> as global standards and promote accession by a maximum number of countries worldwide. This includes the development of practical tools to foster international co-operation, common Internet governance policies and strategies, and sharing principles of mutual trust and shared responsibility.
  - b. Steward debate and propose concrete measures to address the issues of mass surveillance and the bulk interception of data, including the challenges for the protection of personal data and human rights generally, while ensuring security.
  - c. Develop a European strategy to counter extremism and radicalisation on the Internet which covers all level of government, having regard to the Council of Europe Action Plan for 2015-2017, and the Convention on the Prevention of Terrorism including its Additional Protocol on “foreign terrorist fighters”.
  - d. Monitor action taken to protect everyone, in particular women and girls, from online abuse, such as cyber-stalking, sexism and threats of sexual violence.

### **Respecting and protecting the human rights of everyone in the digital world**

12. Individuals rely on the Internet for their everyday activities and it is welcomed that more and more people have access to online services. For many, including children and young people, it is their primary means of information and expression. The Internet is therefore an invaluable space for the exercise of fundamental rights such as freedom of expression and information. Moreover, better awareness is needed of legitimate expectations and restrictions when using Internet services, and how to seek redress and remedies when human rights have been violated. The important role played by media and new media actors, as enablers of access to pluralistic and diverse information should be underlined whilst remaining mindful of the possibilities to discriminate Internet traffic and interfere with content generally.
13. There are increasing risks to the human rights of Internet users as it becomes easier to connect or to be connected to the Internet and information and communication technologies (ICTs) using every day (household) devices and objects (e.g. cars). Digital tracking and surveillance, the collection of personal data, including sensitive data related to health, for the purposes of profiling pose a threat to privacy and the general enjoyment of human rights including freedom of expression and access to information. Anonymity and encryption tools can help Internet users protect themselves against these threats although respecting their will not to disclose their identities should not prevent member States from taking measures and co-operating in order to trace those responsible for criminal acts.

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<sup>5</sup> Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

14. In this context, the Council of Europe will:

- a. Promote the setting-up of a network of national institutions to guide Internet users who seek redress and remedies when their human rights have been restricted or violated based on the Council of Europe Guide to human rights of Internet users. This includes cooperation assistance in raising awareness and developing tools to build capacity.
- b. Conduct triennial reporting on the state of data protection and privacy on the Internet in Europe, having regard to the (modernised) 'Convention 108' on data protection.
- c. Develop policy on the role of intermediaries and their impact on freedom of expression and media freedom in the light of national law and practice in blocking, filtering and takedown of Internet content and the case-law of the European Court of Human Rights.
- d. Periodically report on the state of media and Internet freedom in line with Council of Europe standards, in particular by means of the Council of Europe platform for the safety and protection of journalism and the reports of the Secretary General on freedom of expression in Europe.
- e. Establish a platform between governments and major Internet companies and representative associations on their respect for human rights online, including on measures (such as model contractual arrangements for the terms of service of Internet platforms, and principles of accountability and transparency to the multi-stakeholder community regarding the collection, storage and analysis of personal data) to protect, respect and remedy challenges and violations to them.
- f. Assess and review, in cooperation with governments, the European Commission, and other Internet governance stakeholders, the governance of mobile health ('mHealth') and electronic health ('eHealth'), in order to preserve and improve the access of patients to all available (quality) health and healthcare products, as well as information and related services. This includes consideration of ways to prevent the illegal sale of drugs and counterfeit medicines as well as illicit trafficking in drugs online.

#### Partnerships and synergies

15. The Council of Europe recognises and is firmly committed to cooperating with leading actors in the field of Internet governance, including relevant UN agencies, the EU, OSCE, ICANN, the private sector, and civil society. It is also supportive of the work of other Internet governance stakeholders who help to shape public policy for the Internet, including those engaged in the implementation of the 'NETmundial' Multi-stakeholder statement, the Internet Governance Forum (IGF), and the European Dialogue on Internet Governance (EuroDIG).
16. The effective protection and promotion of democracy, human rights and the rule of law in the digital world is a shared task and a common goal between many stakeholders. This necessitates partnerships and synergies with and between states, international organisations, civil society, the private sector, technical and academic communities. The Council of Europe will therefore review, strengthen and develop synergies and partnerships with key stakeholders, including the following:
  - a. European Union;
  - b. Organisation for Security and Cooperation in Europe (OSCE);
  - c. Organisation for Economic Cooperation and Development (OECD);
  - d. United Nations and its agencies, including those involved in the follow-up and implementation of the World Summit on the Information Society (WSIS): UN Educational, Scientific and Cultural Organisation (UNESCO), Office of the High Commissioner for Human Rights UN Office on Drugs and Crime (UNODC), and the International Telecommunication Union (ITU);
  - e. Organisations, networks and initiatives on cybercrime and cybersecurity such as Europol, Interpol, the Virtual Global Task Force, Commonwealth and others;
  - f. European Broadcasting Union;
  - g. World Bank;
  - h. Internet governance networks and bodies, including the European Dialogue on Internet Governance (EuroDIG), the Internet Governance Forum (IGF), the Internet Corporation for Assigned Names and Numbers (ICANN), national Internet governance initiatives,

- Freedom Online Coalition, 'London Process', 'NetMUNDIAL' Initiative, and the Internet Society (ISOC);
- i. Private sector, and representative associations including European Internet Service Providers Association (EuroISPA).
  - j. European Youth Forum, and related youth networks.
  - k. Cultural networks and representative professional associations such as CultureActionEurope.
  - l. Research communities.

#### Working methods and budgetary implications

17. In line with the European Convention on Human Rights and the jurisprudence of the European Court of Human Rights, the Council of Europe's legally-binding treaties and mechanisms, and, where appropriate, in conjunction with the Parliamentary Assembly, Congress of Local and Regional Authorities, Conference of INGOs, and Commissioner for Human Rights, the Council of Europe will implement the strategy through its steering and convention committees, transversal strategies on gender, children's rights, monitoring bodies, commissions, networks including the national committees of the 'No Hate' Speech campaign, cooperation and capacity building programmes of activities, and by the action of its Secretariat. This will include ongoing assessment of the instruments and other work of relevance to Internet governance.
18. The strategy will span two biennium budgetary cycles of the Council of Europe (2016-17 and 2018-19). The implementation of its key actions and activities are in line with the priorities of the Secretary General for 2016-17 (see document CM(2015)81) [as reflected in the programme and budget of the Council of Europe for 2016-2017]. Extra budgetary resources and joint programme funding may also be used.

#### Planning, implementation and evaluation of the strategy

19. The strategy will be carried out by the relevant steering and convention committees of the Council of Europe as well as through its networks and platforms of inter alia young people, NGOs, public authorities, and legal professionals. Oversight of the implementation of the strategy will be the responsibility of the Steering Committee on Media and Information Society (CDMSI) in close co-operation with the Thematic Co-ordinator for Information Policy (TC-INF) of the Committee of Ministers.
20. The Secretary General will ensure the strategic planning, implementation and evaluation of the strategy.
21. Similarly, the Secretary General will ensure that work relating to Internet governance is prepared in consultation with relevant stakeholders. These processes will be gender balanced and as inclusive as possible building on good practices.
22. Transversal working methods will be developed, where necessary, to facilitate the delivery of the strategic objectives. Best practice and, where appropriate, outstanding action resulting from the Internet governance strategy 2012-2015 will be carried forward.
23. Reviewing progress on the implementation of the strategy will be carried out by the Secretary General, in particular by means of mid-term and final assessment reports to be submitted to the Committee of Ministers for consideration in due course.

Glossary of terms [to add]

Appendix of all Council of Europe planned actions pertaining to the strategy [to add]

