STEERING COMMITTEE FOR CULTURE, HERITAGE AND LANDSCAPE (CDCPP)

CDCPP(2015)8   Strasbourg, 16 May 2015

4th meeting
Strasbourg, 1-3 June 2015

DRAFT RECOMMENDATION ON THE INTERNET OF CITIZENS

DOCUMENT FOR DECISION

Item 5.1 of the draft agenda

The Committee is invited to:

- consider and approve the draft Council of Europe Recommendation on the Internet of Citizens;
- submit the text to the Committee of Ministers for adoption.

BACKGROUND

The 2013 Council of Europe Conference of Ministers of Culture requested via its dedicated action plan the setting-up of an exchange platform for policy makers and cultural and media practitioners on the impact of digitisation on culture.

A first platform meeting was held in the format of a multi-stakeholder conference on 4-5 July 2014 in Baku on "Creating an enabling environment for digital culture and for empowering citizens". Five areas of concern[1] were identified by Platform participants -representing policy making, cultural/arts/media practice, research and International Organisations- and elements for future policy guidelines drawn from the debates on two main issues: "moving from pre-digital to digital cultural institutions" and on "emerging trends of cultural production and related needs of the cultural sector".

A working group including members of the CDCPP started preparing a Council of Europe Recommendation on the "The Internet of Citizens" on the basis of Platform insights.

PROGRESS

A first draft of the text was reviewed in autumn 2014 by the participants to the platform, the Bureau of the CDCPP [CDCPP-Bu(2015)11] in March 2015 and following the Bureau's decision, Media and Information Society (CDMSI) and Educational Policy and Practice (CDPPE), in April 2015. CDCPP members were also invited to provide their comments in April.

NEXT STEPS

In the light of comments received, the Secretariat has revised the draft Recommendation, which is now submitted to the CDCPP for approval and subsequent presentation to the Committee of Ministers for adoption. The CDCPP's attention is drawn to a number of amendments that still need to be decided upon and which are marked in square brackets under point 2.3. e, 2.3 f, 3.2. and 3.5 of the Appendix.

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[1] *Create awareness of the impact of digitisation on society and culture and the need to overcome the digital/pre-digital divide, underlining the role of culture in achieving this; Scale-up and implement media and information literacy (MIL) inside and outside schools and in life-long learning; Adapt the mission, mandate, mind-set and governance of cultural institutions to be able to exploit the offline and online dynamics; Protect and promote the rights to access, create and distribute cultural content across multiple platforms; Enhance information and monitoring of cultural policies and their implementation related to digitisation.*

Draft Recommendation on the Internet of Citizens

The Committee of Ministers of the Council of Europe, under the terms of Article 15.*b* of the Statute of the Council of Europe,

i) Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

ii) Keeping in mind that the Council of Europe key cultural policy goals, namely to foster participation in and access to culture by as many people as possible, diversity of cultural expression and to promote identity and creativity, should lay the foundation of member states' cultural policies;

iii) Recalling the request of the 10th Council of Europe Conference of Ministers of Culture (15-16 April 2013) to offer a platform for exchange on the impact of digitisation of culture;

iv) Having regard to the work subsequently done on Culture and Democracy, which has shown the positive correlations between creative culture and economic strength, cultural participation and civic involvement, and culture and well-being;

v) Recalling the Council of Europe Strategy 2012 – 2015 on Internet Governance and Committee of Ministers' Recommendation CM/Rec (2007) 16 on Measures to Promote the Public Service Value of the Internet;

vi) Conscious of the impact of new communication technologies on cultural creativity, access to culture and freedom of expression and citizen participation;

vii) Considering that the internet has impacted culture by providing an unprecedented means for people to express, assemble and thereby to access and generate culture in different ways;

viii) Considering that internet's cultural impact further involves a transition to a more collaborative culture enabling hitherto unused or underused and innovative schemes such as crowd-funding, crowd-sourcing or collective creation;

ix) Keeping in mind that the "internet of things", which consists of inter-connected devices, networks and processes, is expanding and becoming more influential;

x) Believing that this significant development should be complemented by an "internet of citizens" who are aware of their rights and responsibilities;

xi) Convinced that the opportunities arising from the new digital environment should be used to reinforce access to and participation in open culture thereby strengthening democracy;

Recommends that member States and cultural institutions recognise digital culture as one of the key issues for modern cultural policy-making and revisit their cultural policy approaches with a view to implementing the Policy Guidelines appended to this Recommendation, so as to serve citizens in the best manner possible.

Appendix I

Policy Guidelines

Awareness

1.1 In addition to investing in the technical and infrastructural aspect of the "internet of things", equal consideration should be given to its cultural dimension and to the "internet of citizens".

1.2 Digital culture's positive potential should be fully exploited in helping build a culture of democracy, democratic citizenship and participation, while safeguarding against related threats such as infringement of privacy, breaches of data-security, hate-speech, manipulation. In so doing, the protection of the freedom of access to information in all policies on digital culture dealing with the digital shift is vital.

1.3 A multi-stakeholder approach should be adopted in view of the different actors driving digital culture's development, so that work on digital culture is carried out between:

   a) competent government bodies involved in digital culture;
   b) the main public and private constituents of the cultural sector, institutions, authors and artists, research institutions, businesses and civil society, who should be informed of and invited to contribute to the drawing up of policies on digital culture and related projects;
   c) the general public, who should be informed of their rights, duties and responsibilities as citizens on the internet as set out in the European Convention on Human Rights and interpreted by the European Court of Human Rights in its case law.

1.4 In order to ensure substantive equality for all in digital culture, an integrated approach should be followed when implementing these principles.

Cultural Institutions' Modernisation

2.1 Governments:

   a) in co-operation with cultural and research institutions, shall be responsible for drawing up an effective strategy for shaping the future digital ecosystem, including the promotion of creativity and the preservation of all relevant human creative expression for all time through mass digitisation programmes for libraries, archives, museum collections, and the setting of scientific standards for describing tangible and intangible cultural objects and artifacts so that cultural resources may be located, understood, used and reused.

b)	are urged to consider providing financial incentives to encourage cultural institutions to embark on digitisation transition programmes, such as earmarked grants, tax benefits, access to new sources of funding through the public-private partnerships, public-civic partnerships, crowd funding, other innovative funding methods or support to collaborative and/or networked digitisation centres, with the aim of creating a common institutional capacity.

2.2	With regard had to the above-mentioned multi-stakeholder perspective, cultural institutions should be encouraged to:

a)	take advantage of digital opportunities and face digital challenges with a view to reinforcing their ability to fulfil their mandates and strengthening their visibility;

b)	widen their mission and purpose, for example by diversification of the range of concepts, products and services they offer and by redefining synergies with research institutes and digital service providers;

c)	update their infrastructure, physical premises, working methods, working environment and staff qualifications, so as to take advantage of digitisation to complement the aims of their new mission or support more fully its previous objectives;

d)	finance the digitisation transition process by taking advantage of innovative business models;

e)	preserve digital resources which are either produced through digitisation or which are born-digital works;

f)	revise internal governance/self-regulation instruments, such as terms and definitions, cultural concepts and products, permissible sources of funding, partnerships.

2.3	In so doing, cultural institutions should further be encouraged to:

a)	recognise that part of the transition process entails the updating of traditional cultural and creative concepts to include new art forms and new types of creators. Nothing in this paragraph should be understood as undermining traditional culture and art forms;

b)	be more democratic and participatory in their approach, by adopting a demand-led logic for exhibiting their cultural materials so as to balance the traditional supply-led logic and appeal to a larger public. They should follow the principles of good governance, i.e. as regards transparency, responsiveness and accountability to their audiences;

c)	strengthen understanding of digital representations of cultural resources by including all sets of context information, which are often scattered across the web in several non-connected data silos;

d)   collate and evaluate data including audience data in order to assist the demand-led approach, strengthen cultural services and ensure substantive equality for all in participation in and access to cultural services, in fact and in law. Data processing should be carried out in conformity with the principles laid down in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS no. 108) as well as the rights, freedoms and duties set out in the European Convention for the Protection of Human Rights and Fundamental Freedoms as interpreted by the European Court of Human Rights in its case-law;

e)   digitise, index and offer a broader range of creative works both online and offline, in consideration of the different and changing cultural expressions and patterns of consumption. This should be done in the public interest and in full transparency of contractual conditions between funders of digitisation initiatives and cultural institutions;

f)   form partnerships and cooperative structures with other cultural institutions, so as to make cultural material that is unavailable for reasons such as geographical distance or cost [France proposal: lawfully] available online;

g)   make creative works [France proposal: lawfully] available online and offline, either free of charge or affordable to the most financially disadvantaged members of society;

h)   make digital cultural resources genuinely available and discoverable on the web by setting up a cumulative collection registry. It could consist of a network of thematic or sectorial collection registries;

i)   use innovative software applications to enhance audience engagement and experience;

j)   recognise the new cultural and creative domains, expressions, productions and industries by exhibiting their creative products or forming partnerships with them. Nothing in this paragraph should be understood as undermining traditional culture and art forms;

k)   compile, use and exchange information on digital cultural policy and its implementation through collaborative schemes such as peer-to-peer reviews, at the local, national and international levels so as to evaluate the successes and failures of cultural policies. This information should be made publicly available;

l)   make their best practices accessible to pertinent audiences, including on web-based information systems.

From Consumers to Prosumers and Creative Citizens

3.1 Member States should consider appropriate ways of dealing with transformative use of copyrighted works (such as sharing, disseminating, archiving, remixing, mashing-up or consuming) to empower citizens as consumers, creators and prosumers.

3.2 New online forms of dissemination and sharing, such as creative commons, should be exploited as appropriate in view of enhancing maximal access to works of art and culture and creative expression by citizens. [France proposal: deletion of this paragraph and replacement with the following text: Citizen access to works of art and to new creative means should be encouraged, with the appropriate regard had to intellectual property rights.]

3.3 Measures should be considered to reinforce people's access to creative material where this has been hindered through the imposition, for example, of costly commercial access models such as in the case of lending and e-lending by libraries.

3.4 20th century works which are out of distribution, have not been digitised and are very often "orphan works", yet do not come within the scope of the European Union's Orphan Works Directive 2012/28/EU, as well as a great quantity of cultural objects which are taken out of circulation, not usable or simply unavailable in the digital environment for reasons such as poor indexing and/or description, lack of interoperability, etc. should be preserved and made digitally available in line with the provisions of the European Convention for the Protection of the Audiovisual Heritage and its Protocol to afford people access to them as a creative resource and to prevent any loss.

3.5 A publicly available and sustainable digital space should be set up at the European level to enable cultural resources and cultural knowledge to be shared and accessed [France proposal: legally] without restrictions of time and place. This digital space should provide for global discoverability and accessibility of digital cultural resources and promote connections, interoperability and collaboration among communities and between collections. It should give leverage to existing initiatives, such as DARIAH.EU (Digital Research Infrastructure for the Arts and Humanities) in order to allow for a better integration of digital culture, digital cultural heritage and digital humanities communities.

3.6 Digital spaces established in collaboration with non-European countries should also be seen as a possibility with a view to facilitating the cross-border exchange of information.

3.7 Open Cultural data for public use and reuse should be identified and included in these digital spaces. In this undertaking, Public Service Media may play a significant role.

Multiliteracy Skills for Access to, Creation and Management of Digital Culture

School, university, adult education and lifelong learning

4.1   Multiliteracy skills and competences must be considered as fundamental as the skills of reading, writing and arithmetic, as well as a key element for participation in culture and thus for fostering active citizenship and democracy. They consist of a set of competences related to information cultures as they bring together media, information and computer literacies.

4.2   Therefore everyone should have access to multiliteracy skills education –including media and information literacy- which is effective, up-to-date, free of charge or affordable to the most financially disadvantaged members of society.

4.3   Particular efforts should be made through the educational and cultural system to scale up the multiliteracy skills of:

    a)   children, young people, adults and senior citizens/people, who have no or little access for socio-geographical, socio-economic reasons, as well as sometimes for reasons of place of residence and

    b)   children, young people, adults and senior citizens/people who have access to but do not use, lack the skills to use or under use digital technology (ie. in terms of diversity, frequency, intensity of usage).

4.4   A reference professional framework and related training programme should be drawn up to guide the new cultural professions emerging as a result of digitisation, for example in online videos, online gaming and online TV**,** 3D and virtual reality modelling. Such a framework and programme could be conceived and delivered in cooperation with research organisations.

Cultural institutions as learning centres

4.5   Cultural institutions should develop distant learning courses or collaborations also known as Massive Open Online Courses (MOOCS) and other innovative e-training schemes so as to:

    a)   exploit fully their potential as digital learning centres of multiliteracy skills for individuals, schools, colleges, universities and adult education institutions with special emphasis on arts and cultural education;

    b)   increase citizen uptake of cultural material;

    c)   stimulate creativity.

4.6   These courses and training schemes should be aimed at unlimited global participation through open access via the web and be free of charge or at least affordable to the most financially disadvantaged members of society. They should be evaluated on a regular basis and updated where necessary.

4.7 Cultural institutions should give either free or minimum cost access to online innovative digital educational applications which build and reinforce peoples' digital skills.

4.8 Research on multiliteracy and related education should be improved and expanded by appropriate research institutes and fed back into educational and relevant cultural programmes. The research should focus on different kinds of skills - creative, social, critical and technical - and on possible convergences between different literacy traditions (media, information, visual, digital, computer, Internet). It should also provide the data for evaluating citizens' knowledge, skills and attitudes towards information and the media, taking into account the semiotic, communicative, technical and ethical dimensions.

Appendix II

Glossary of Terms

Commons: relate to the natural and cultural resources freely accessible to all members of a given society, such as parks or lakes. In a digital context, it refers to resources critical for the digital environment, which should not be transformed into private property.

Creative industries: their borders with cultural industries are blurred because they tend to cover the same cultural goods (with additional ones such as arts and crafts, design), although their main raison d'être may be commercial. But the focus is on the creative individuals rather than the origins of funding and on the strong emphasis on information and knowledge-based goods and services.

Cultural industries: traditionally refers to cultural goods such as publishing, film, television, music, advertising, video and computer games that are usually protected by copyright law. They encompass the whole industrial chain of creation, production and distribution as it affects cultural consumption and participation.

Cultural institutions: classic examples are museums, art galleries, theatres, cinemas, libraries, cultural research institutes.

Crowd-sourcing: refers to the process of calling on the online communities of expertise to solicit contributions for ideas, solutions and contributions. The participants can be volunteers, online workers, professionals, amateurs, and they conceive of supply and demand in a different manner than in the traditional labour market.

Crowd-funding: refers to the practice of calling on the online communities to solicit funding for a project or to raise donations for a cause or a service on a large scale. It brings together the various interested parties through a digital platform.

Digital culture: refers to the various cultural and creative expressions and practices including in the field of heritage to have emerged or to have been facilitated and strengthened since the global explosion in information technology and social media. This culture is seen as more freely available, accessible and inclusive, removing dividing lines between creator and consumer and between traditional and most recent art forms, enhancing the democratisation of culture.

Digitisation: the conversion of information into digital format.

Internet of Citizens (IoC): The term citizens is used here in a general sense, meaning people or persons, and not in any legal sense.

Internet of Things (IoT): refers to the equipment of all objects and people with identifying devices (sensors, captors, QR codes…) so as to monitor and manage them via their virtual representation online. Such advanced connectivity between people, things and places could facilitate inventory of stock but also enable content creators and owners to control their work by tracing use and applying copyright.

Mash-up: to create something digitally, such as a piece of music, by combining elements from two or more sources.

MOOC: Acronym for massive open online courses referring to educational material disseminated online with free access.

Open cultural data: cultural data that is freely available to everyone to use and republish as they wish, without restrictions from copyrights, patents or other mechanisms of control.

Orphan works: a copyright protected work for which rights-holders are positively indeterminate or uncontactable. Sometimes only the originator or rights-holder name(s) are known, yet contact is stymied by the exhaustive unavailability of sufficient further details. A work can become orphaned through rights-holders being unaware of their holding or by their demise (e.g. deceased persons or defunct companies) and establishing inheritance has proved impracticable. In other cases, comprehensively diligent research fails to determine any authors, creators or originators for a work.

Prosumers: refers to the fact that the roles of producers and consumers can be blurred and merged in the digital world. Processes like crowd-sourcing and crowd-funding help elaborate goods where the consumer is involved in the design or benefits from specificities, thus being less passive and more creative.

Remix: a remix is a derivative art form that is similar to yet different from an original work. Digital affordances make it possible to take multiple perspectives on the same piece, creating differences while keeping the reference to the original more or less explicit.

Multiliteracy: refers to the online convergence of media literacy, information literacy and computer literacy as a means of enhancing the capacity to understand, use and publish across all kinds of platforms and types of media. It embraces reading, writing and arithmetic but also communication and information skills, within the framework of 21st century skills.