

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

Council of Europe's work on information society

Freedom of Expression, Data Protection, Artificial
Intelligence and their impact on Serbia

Presentation

3 September 2020

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Head of the Information Society Department

This year's election in Serbia was the most controversial in the last 20 years, a new report finds

- ✓ Numerous irregularities, which greatly influenced the electoral outcome, were documented.
- ✓ Serious media imbalance, pressure on voters, blurring of lines between state and party activities and misuse of public resources.
- ✓ In-office campaigning, and most probably a manipulation of official statistics on the COVID-19 pandemic for political gains.
- ✓ Lack of trust in the electoral process, as well as an unrepresentative parliament.

Source: [European Western Balkans](#)

Jansa is eroding press freedom in Slovenia, IPI warns

- ✓ Jansa has launched “vitriolic attacks on reporters on Twitter”.
- ✓ A wider increase in digital harassment from online trolls and contributing to an increasingly hostile climate for watchdog journalism.
- ✓ The government has sought to portray mainstream media outlets as heirs of the Yugoslav-era communist security services.
- ✓ The government plans to amend public service media legislation, which some experts see as an attempt to rein in state media.

Source: [Balkan Insight](#)

Free press is under pressure



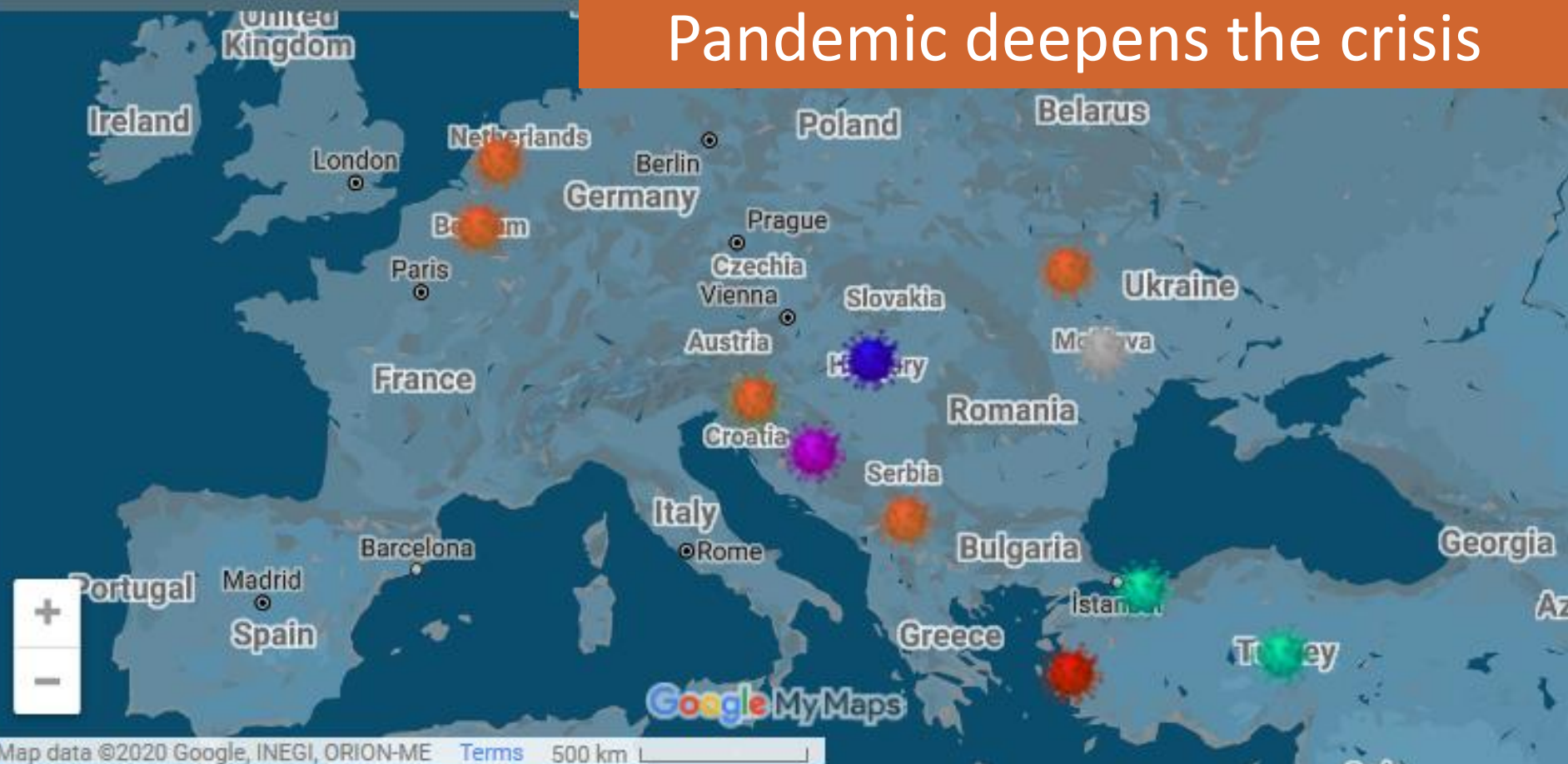
Extremism is on the rise







Pandemic deepens the crisis



Detention or arrest



Social media restrictions



Legislation change to restrict media freedom



Journalists not being allowed to report



Surveillance



Disinformation/fake news



Attacks on journalists/cartoonists



Other attack

Fake news proliferate

THE US CREATED
THE VIRUS

DISINFORMATION

CORONAVIRUS IS A TOOL
TO INTRODUCE TYRANNY

DISINFORMATION

SCHENGEN HAS
COLLAPSED

DISINFORMATION

CORONAVIRUS IS
THE CHERNOBYL
OF THE EU

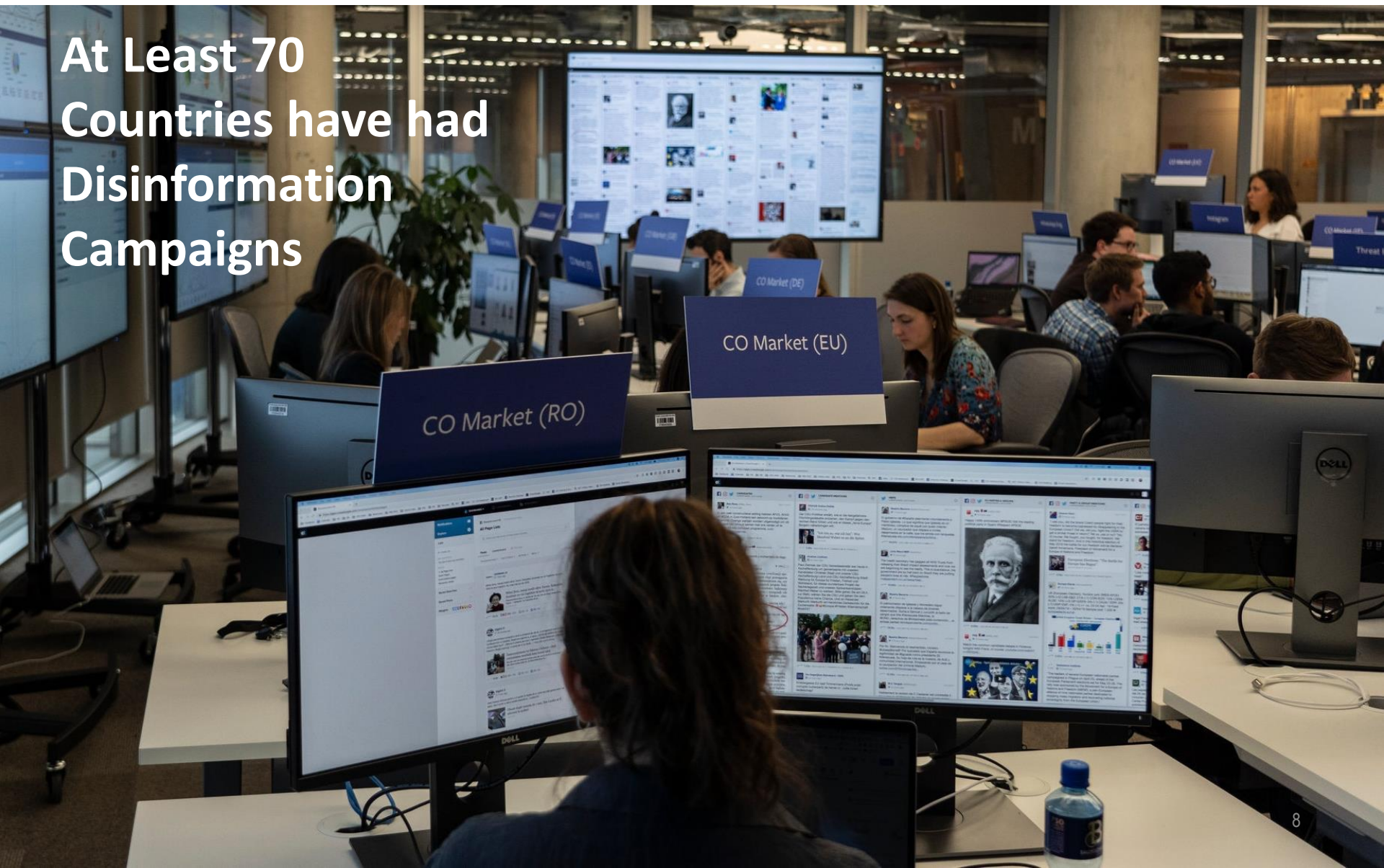
DISINFORMATION

THE VIRUS IS NOT
DANGEROUS

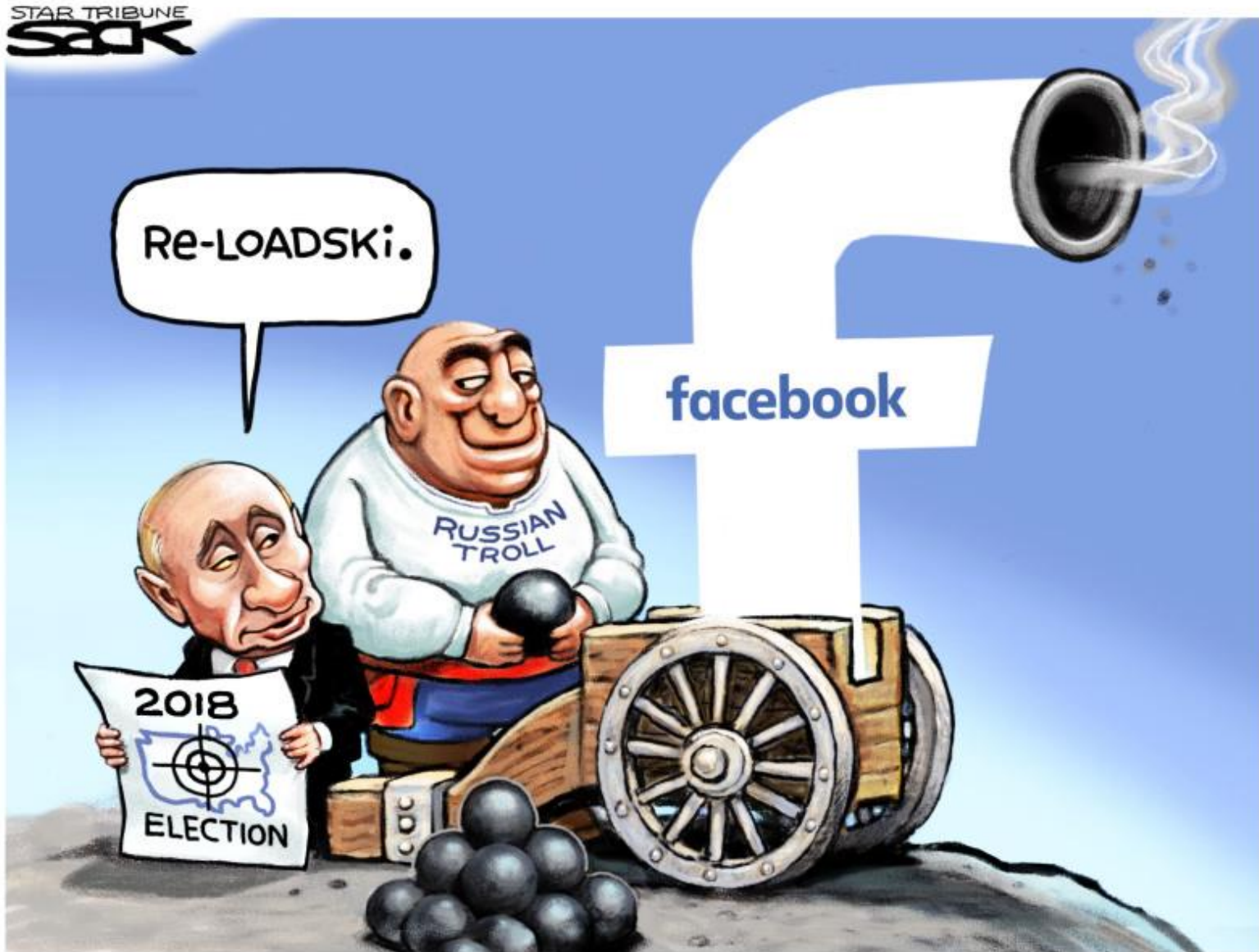
DISINFORMATION



At Least 70
Countries have had
Disinformation
Campaigns

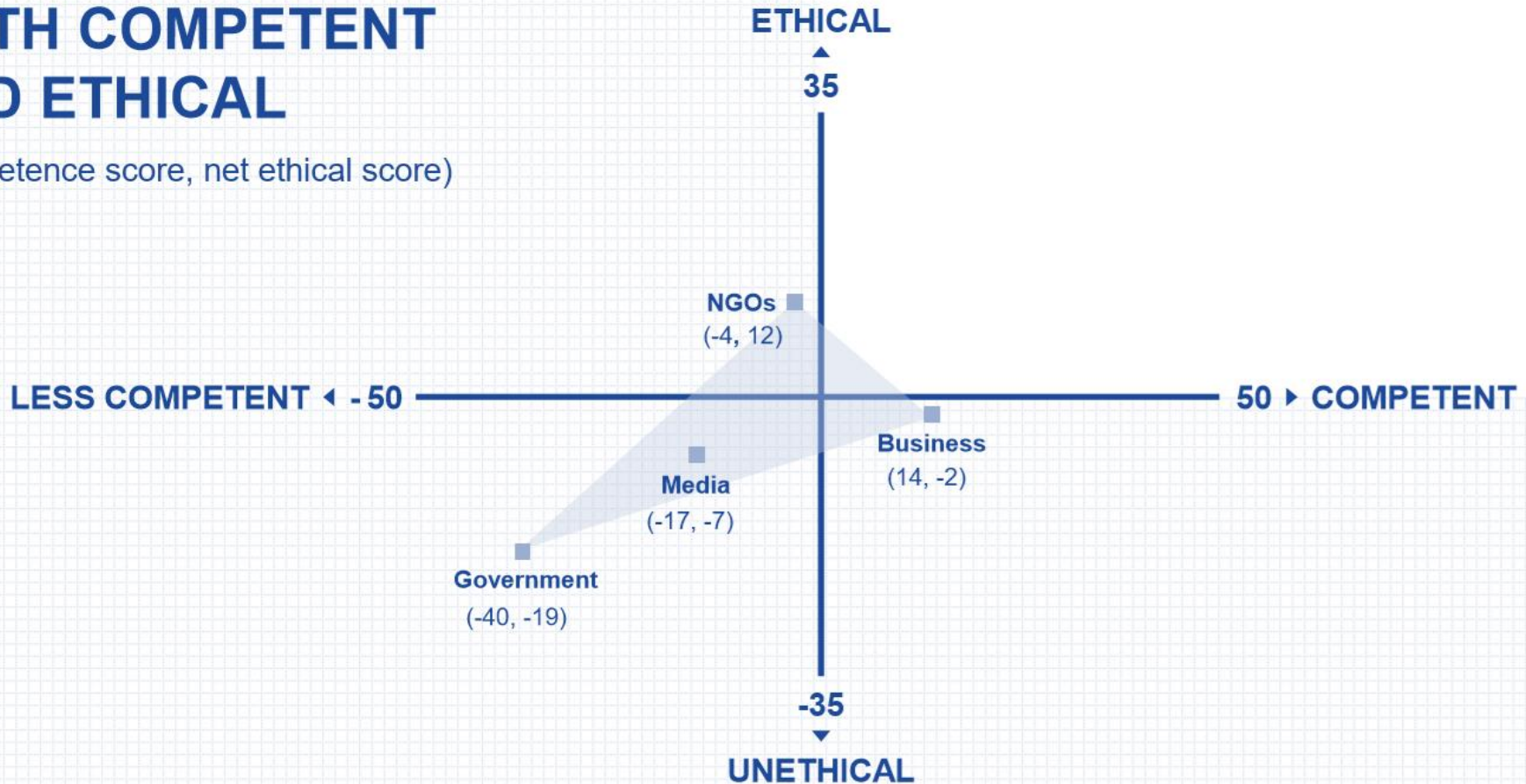


Disinformation rigs elections



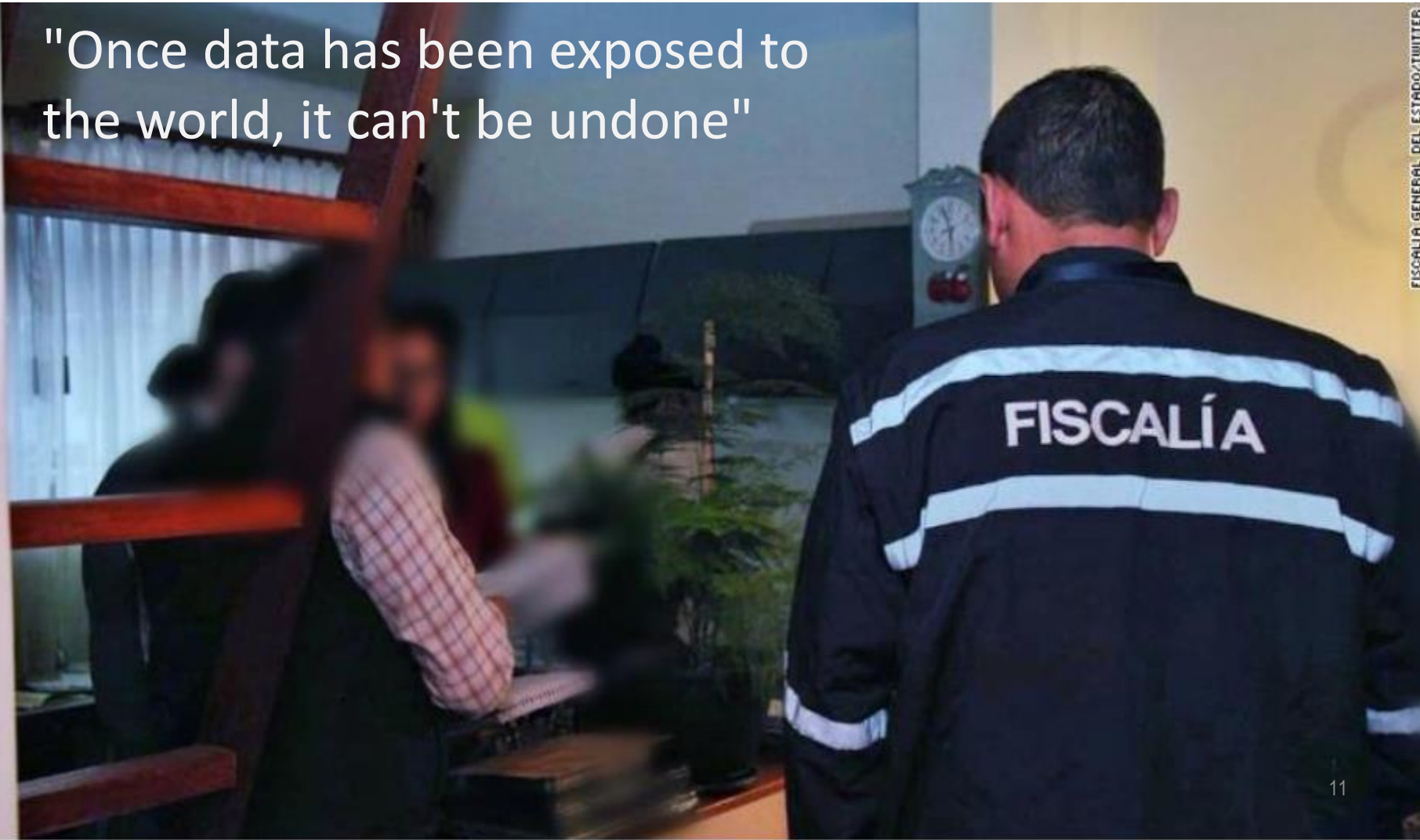
NO INSTITUTION SEEN AS BOTH COMPETENT AND ETHICAL

(Competence score, net ethical score)

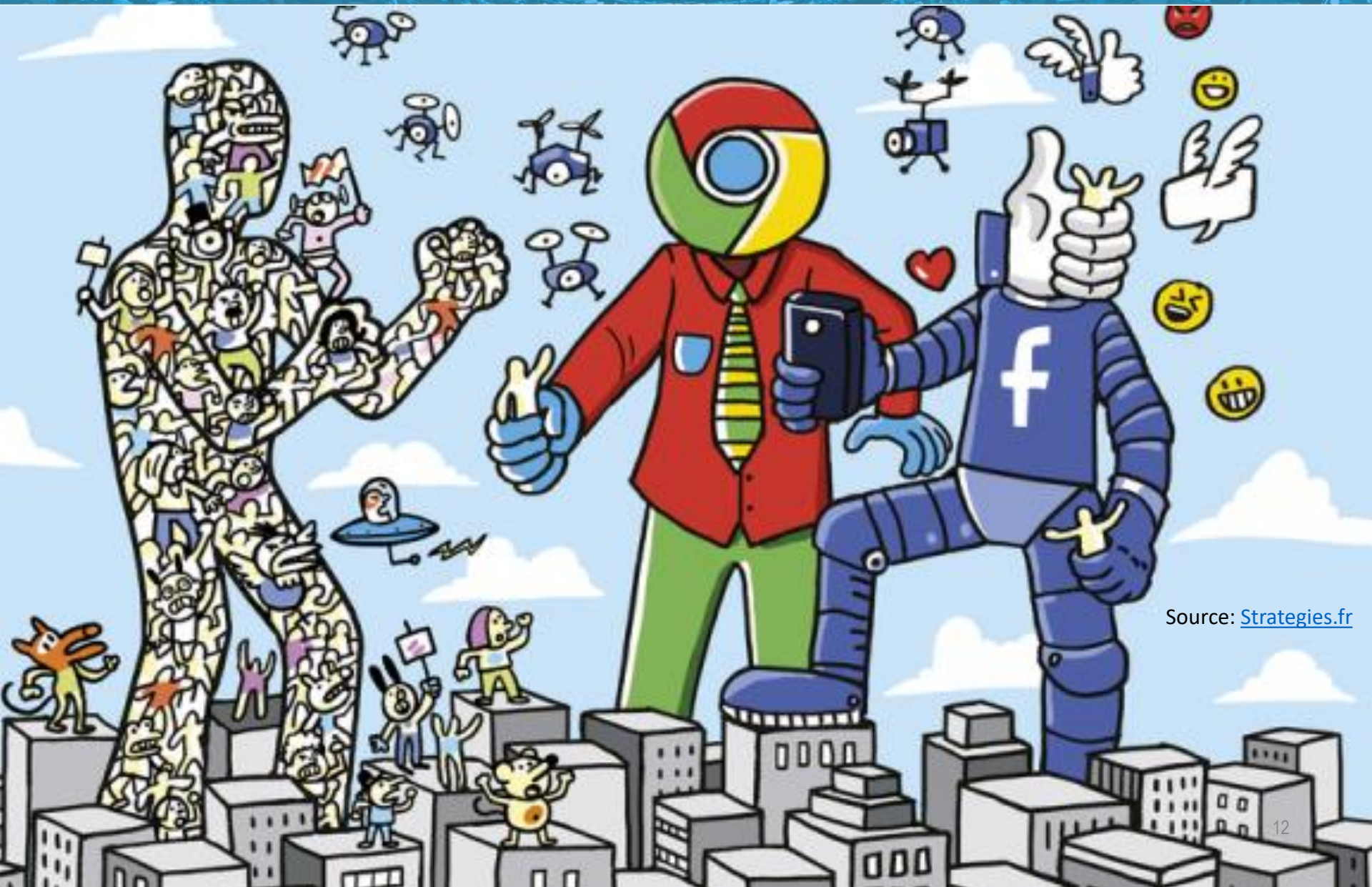


Almost entire population of Ecuador had data leaked !

"Once data has been exposed to the world, it can't be undone"



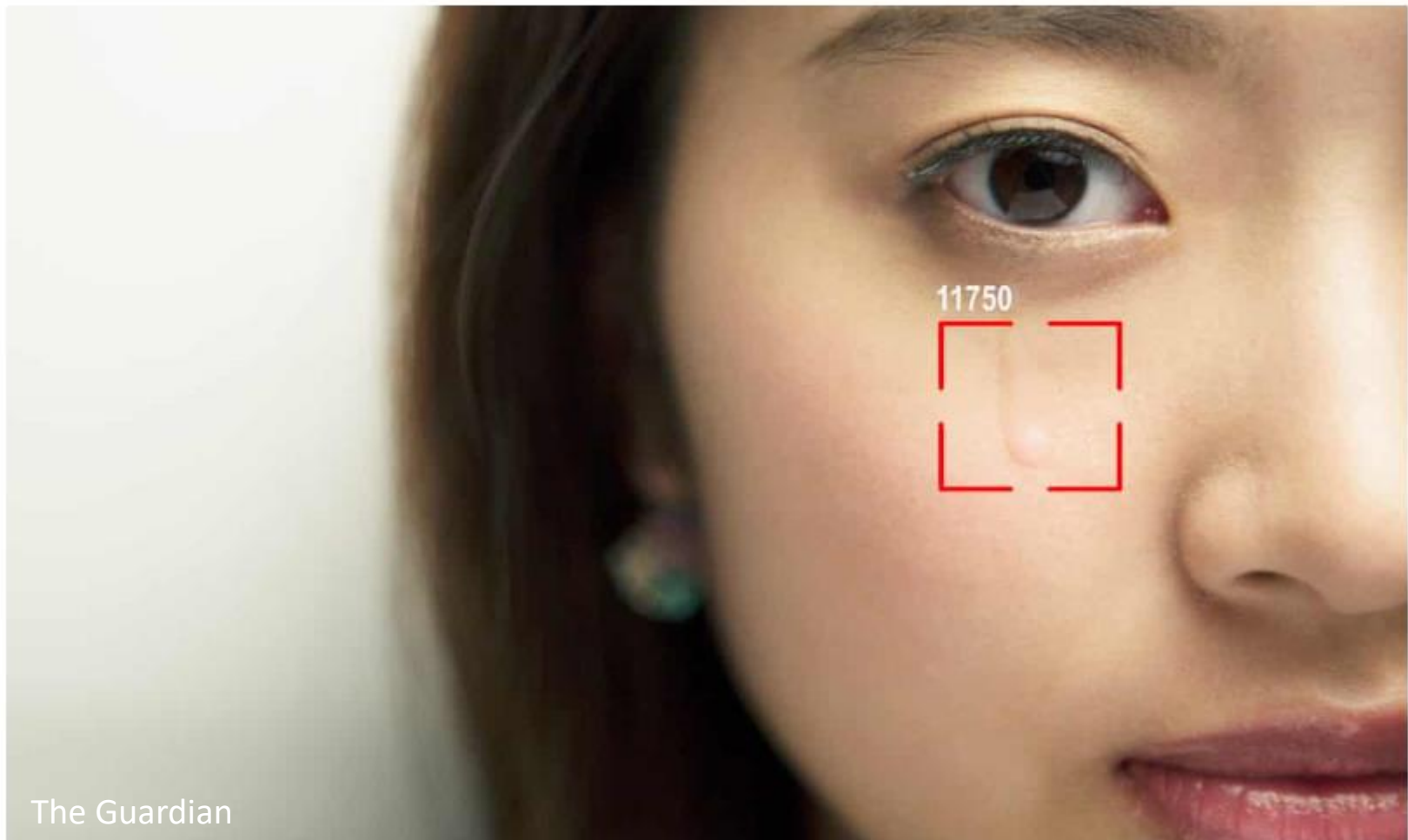
Data are treated as commodity



Source: Strategies.fr

Machines are smart

Machines can now allegedly identify anger, fear, disgust and sadness. 'Emotion detection' has grown from a research project to a \$20bn industry



Your face: a \$20bn industry

The Guardian



▲ Monitors display a video showing facial recognition software in use at the headquarters of the artificial intelligence company Megvii, in Beijing. Photograph: New York Times/eyevine



My face is recognised

A database of 7.5m faces from 87 countries

The Guardian



▲ Visitors check their phones behind the screen advertising facial recognition software during Global Mobile

As with most machine learning applications, progress in emotion detection depends on accessing more high-quality data.



Police monitors me everywhere



The Metropolitan Police has announced it will use live facial recognition cameras operationally for the first time on London streets.

I am constantly profiled...



I like my phone



Who does
not use a
smartphone ?

My phone spies on me



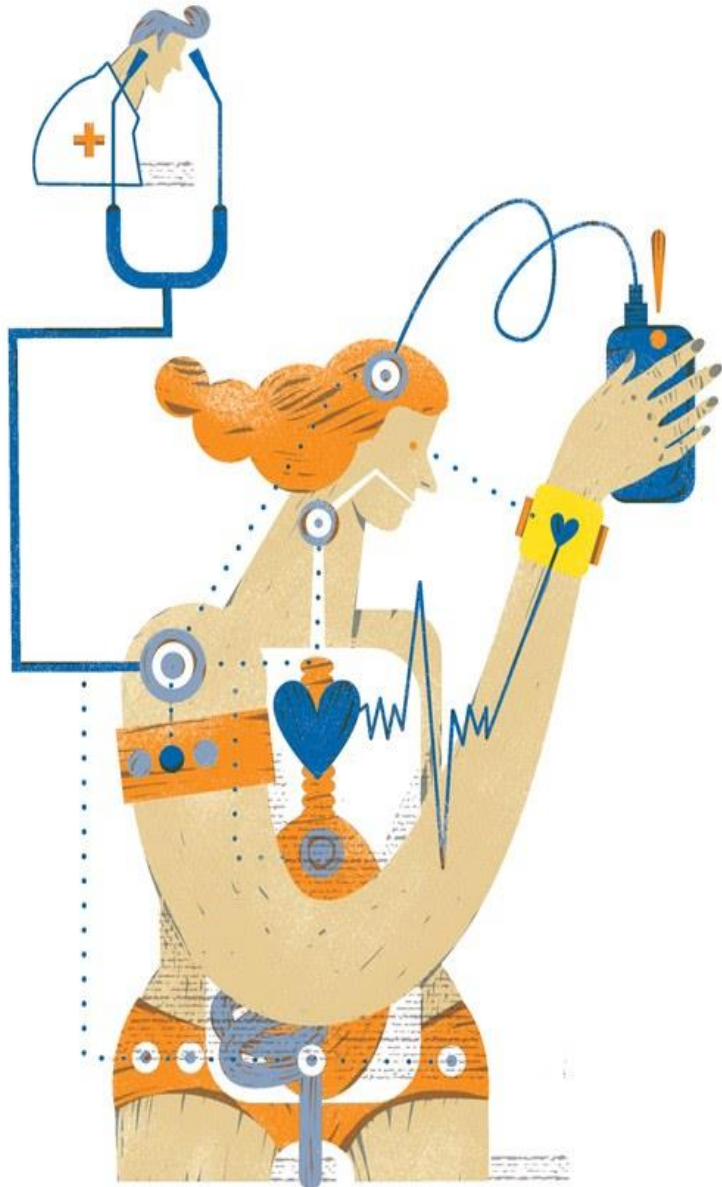
Source: Internet

14 sensors!

I am always connected



AI monitors my health



Medical wearables:
will your doctor soon
prescribe a fit bit ?





Facebook and Twitter take down Donald Trump's video claiming children immune to COVID-19

Source: [NIE](#)

AI selects my content

FACEBOOK Transparency Report

NUDITY
21 million
removals
99,8% by AI

HATE SPEECH
2,5 million
removals
38% by AI

**TERRORIST
CONTENT**
1,9 million
removals
99,5% by AI

**GRAPHIC
VIOLENCE**
3,4 million
removals
85,6% by AI



DID GOOGLE MANIPULATE 'MILLIONS' OF 2016 VOTES FOR HILLARY?

I know what
you did there.

You don't have
any proof!



Microsoft sacks journalists to replace them with robots



Values and uncertainty collide

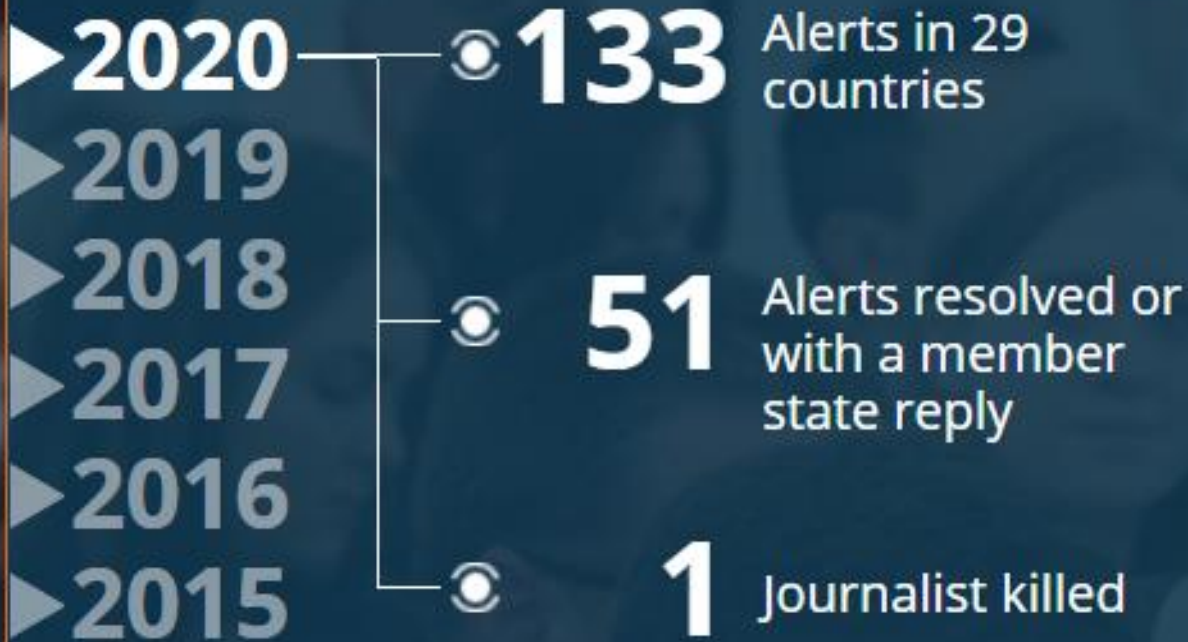


The future is uncertain



Artificial intelligence, quantum computing, 5G and the rise of the Internet of Things are just some of the emerging technologies that could aid cybercriminals in ways that could make them more dangerous than ever – and law enforcement must innovate quickly in order to help keep citizens safe.

Journalists are being attacked



CURRENTLY

115

journalists in detention

22

cases of impunity for murder

Platform to promote the protection of journalism and safety of journalists

🕒 Figures since April 2015 (Platform launch date)



Media freedom is challenged



Romania

47 ↓ -3



Serbia

90 ↓ -14



Bosnia-
Herzegovina

63 ↓ -1



Moldova

91 ↓ -10



Croatia

64 ↑ +5



North
Macedonia

95 ↑ +14



Kosovo

75 ↑ +3



Montenegro

104 ↓ -1



Albania

82 ↓ -7



Bulgaria

111 → 0

Source: Reporters Without Borders (RWB), World Press Freedom Index 2019
and rank developments since 2018. Basis: 180 countries

**Coronavirus
used to
promote
anti-EU
narrative in
Balkans**





Disinformation sharpened tensions between Serbia and Montenegro,
following the adoption of the Law on Freedom of religion of Montenegro.

Source: euvstdisinfo

Alerts in Serbia are numerous



Serbia

31 active alerts | 8 resolved alerts

2020



10 Alerts in this country

2019

2018

2017

2016



2 Alerts resolved or with a member state reply

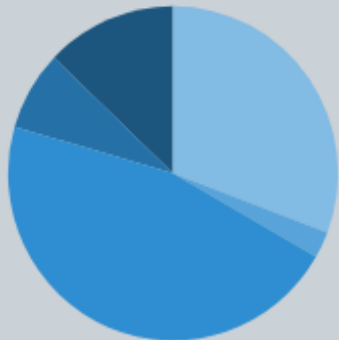
CURRENTLY

0

journalist in detention

2

cases of impunity for murder



Attacks on physical safety and integrity of journalists 12

Detention and imprisonment of journalists 1

Alerts resolved or with a member state reply 25

Alerts without a reply 14

20-08-2020

Creation 20/08/20

Serbian Journalist Jeton Ismaili's Family Threatened during Break-In

03-08-2020

Creation 12/06/20

Journalist Bojana Pavlović Harassed in Front of the Police who Confiscated her Phone

03-08-2020

Creation 03/08/20

Serbia: Finance Ministry Demands Access to Bank Records of Journalists and NGOs

15-07-2020

Creation 15/07/20

Several Journalists Attacked while Covering Protests in Novi Sad and Nis

15-07-2020

Creation 15/07/20

Journalists and Media Workers Attacked and Obstructed while Covering Belgrade Protests



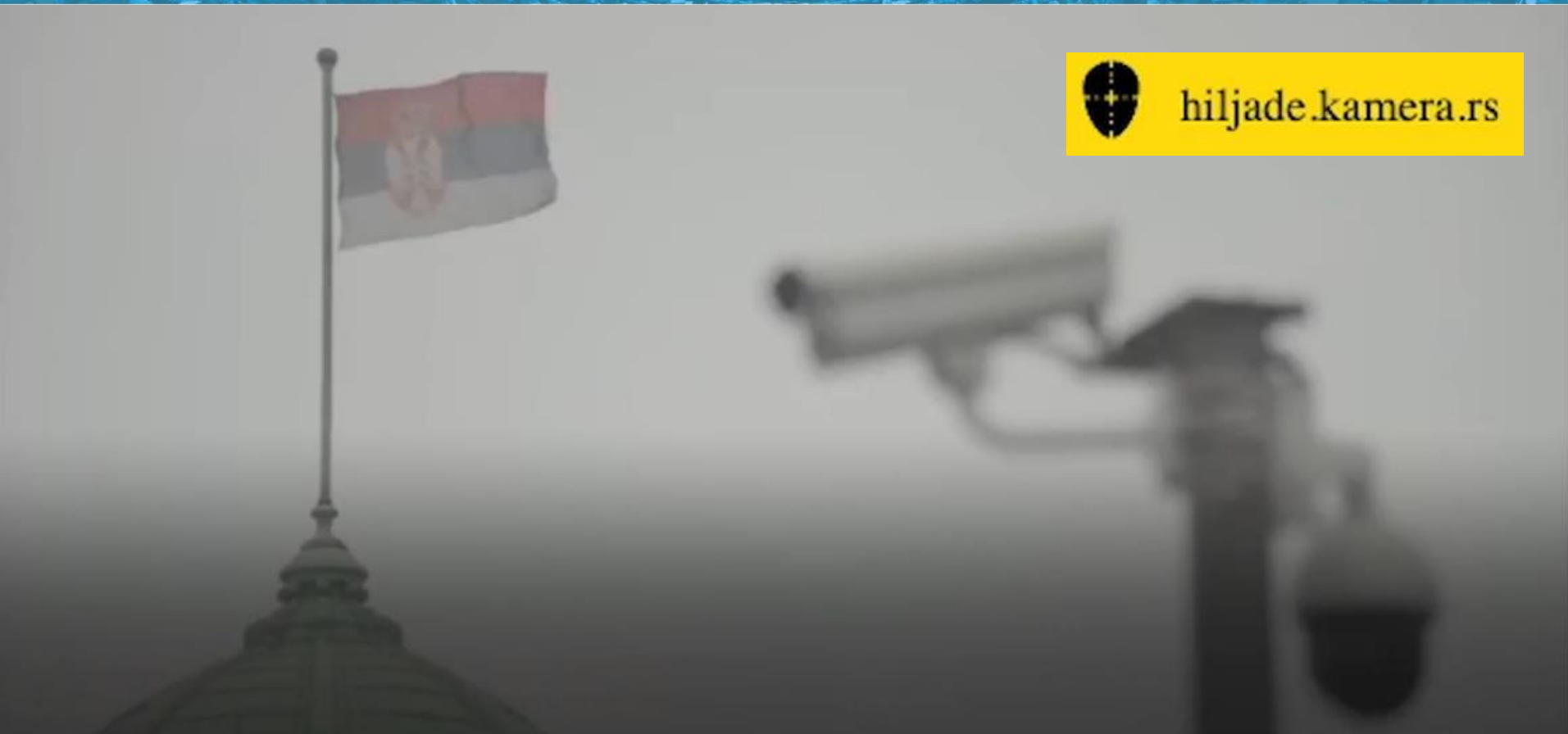
- More than 200 journalists and media workers of the Public Broadcasting Service of Vojvodina, Radio-Television of Vojvodina (RTV) will be made redundant on September 1.
- This is a direct consequence of the Republic of Serbia's budget rebalance, which leaves this institution short of more than RSD 200 million.
- The cut will directly affect programs in languages of ethnic minority groups.

Source: Letter from the Independent Journalists' Association of Vojvodina (IJAV), 21 August 2020

Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership

Public service media have – and need to retain – their special status also because they cater to and for the widest range of societal groups, including cultural, linguistic, ethnic, religious, sexual and other minorities, thus reflecting political pluralism and fostering awareness of diverse opinions.

Belgrade enhances surveillance



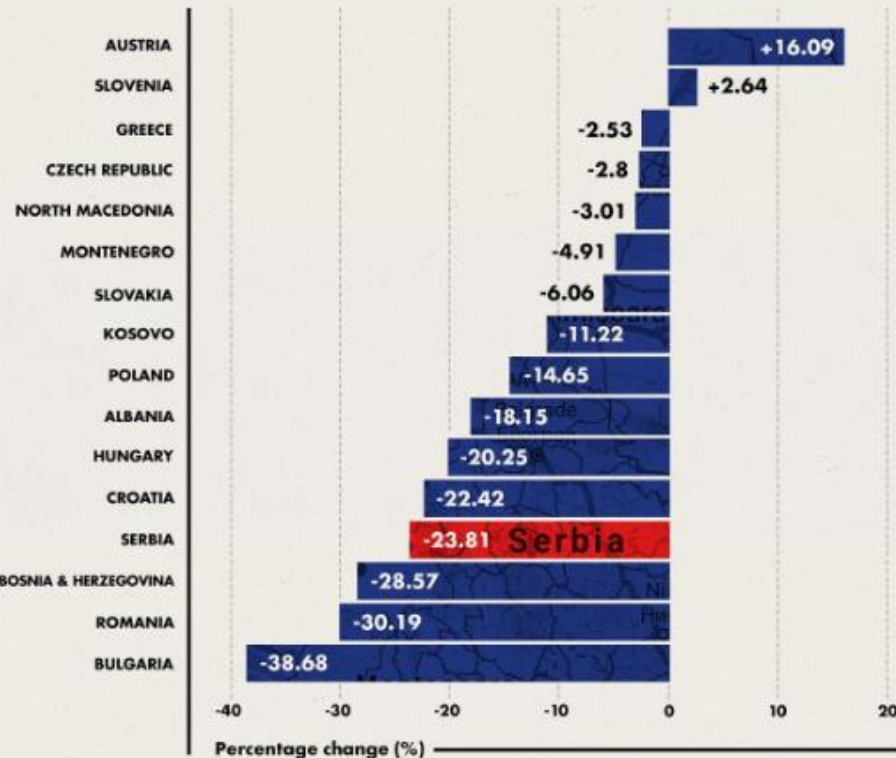
hiljade.kamera.rs

Belgrade authorities are deploying 1,000 cameras capable of face recognition, supplied by the Chinese company Huawei as a part of a “Safe City” project.

A group of NGOs has launched a website providing the public with information on a controversial mass-surveillance system...

BIGGEST DEMOGRAPHIC LOSERS

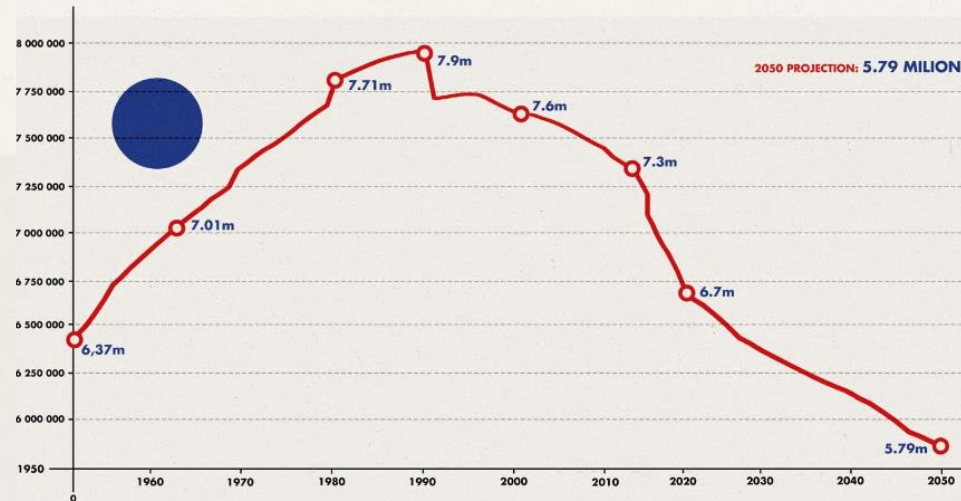
Projected population change in countries
of Central and Southeast Europe (1989-2050)



Source: United Nations, World Bank, Kosovo Agency of Statistics

SERBIA'S CHANGE IN POPULATION

Actual and projected population 1950-2050



Source: Statistical Office of the Republic of Serbia. Figures do not include Kosovo. From 1961-2002, censuses and estimates included citizens working and living abroad. Source for 2050 projection: World Bank.

BjRN

-23.81%

Projected population decline
1989-2050



OUR OBJECTIVE

Assist member States to change their policy, legislation and practice to effectively protect and promote freedom of expression, media freedom and data protection in line with Council of Europe standards.

TRIANGULAR

Methodology

Projects

Programmes

ASSISTANCE

STANDARDS

Recommendations

Conventions

Surveys

Mechanisms

MONITORING



Article 8

Right to privacy

For the Government of the Kingdom of Belgium (Signature: Paul-Henri Spaak)

For the Government of the Kingdom of Denmark (Signature: P. P. Nielsen)

For the Government of the French Republic (Signature: René Mayer)

For the Government of the German Federal Republic (Signature: Konrad Adenauer)

Article 10

Freedom of expression

For the Government of the Italian Republic (Signature: Alcide De Gasperi)

For the Government of the Kingdom of the Netherlands (Signature: J. A. A. M. van der Stoep)

For the Government of the United Kingdom (Signature: Lord Hailsham)

For the Government of the Kingdom of Norway (Signature: Helmer Larsen)



FIELDS OF ACTION

- Media Freedom
- Freedom of Expression
- Data Protection
- Cybercrime
- Artificial Intelligence

Protecting journalists



- ✓ European survey of **“Journalists under pressure”**
- ✓ Recommendation on **safety of journalists** and other media actors
- ✓ **Guidelines to states** on how to protect journalists

Forthcoming publication

- ✓ **Qualitative study of journalists’ experiences and responses**
“Mission to inform: journalists at risk speak out”

Promoting media pluralism

- Recommendation CM/Rec(2018)1 on **media pluralism and transparency of media ownership**
- Recommendation CM/Rec(2018)2 on the **roles and responsibilities of internet intermediaries**



- **“Media Pluralism – How can we deliver?”**,
International Conference, Strasbourg, 2019

Sustaining quality journalism



- ✓ Declaration on the **financial sustainability** of quality journalism in the digital age
- ✓ “(Last) call for quality journalism?”
International conference, Ljubljana, 28-29 November 2019
- ✓ Study on supporting quality journalism through **media and information literacy**
- ✓ Draft Recommendation on promoting a **favourable environment** for quality journalism in the digital age

Tackling disinformation



Recommendations to :

- Technology companies
- National Governments
- Media Organisations
- Civil Society
- International Institutions

- **Study “Information Disorder”**
- **Cooperation with Digital Companies**



Victims of harassment

- Marginalised populations, including older persons, Roma, LGBTI people, minorities, migrants and foreigners.
- Journalists, whistle-blowers, human rights defenders and even medical and health care professionals

Responsibilities of states

- Enact positive policy measures
- Condemn hate speech
- Clearly define prohibited conduct and enact sanctions

Ministerial conference Artificial Intelligence Intelligent Politics

Challenges and opportunities
for media and democracy

10-11 June 2021, Cyprus

Key topics

- ✓ **Implications of AI-driven tools** in the media for freedom of expression
- ✓ **Taking action to protect journalists** and other media actors
- ✓ **Media literacy for all** – supporting marginalised groups through community media
- ✓ **Media freedom, regulation and trust** - a systemic approach to information disorder



- **How free can media be ?**
How media environment challenges are reflected in the national legislations
- **Challenges of online campaigning**
How to address the shift of electoral communication to the internet
- **Prioritisation of public interest content** How to make relevant quality content more accessible and visible
- **Responsibilities of business companies** involved in AI development in protecting and ensuring freedom of expression – **reinforcing cooperation with 21 partners**



Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108)

- **The only legally binding multilateral instrument** on the protection of privacy and personal data
- **A source of inspiration** since 1981 for international and national privacy legislation

Convention 108 +
Convention for the protection of individuals
with regard to the processing
of personal data

Data Protection Convention



55 Parties
25+ Observers

Key
Parties to Convention ■
Acceding Countries ■
Observer Countries/ DPAs ■

Convention 108 Committee

- ➔ 75 participating countries
- ➔ Set international standards in areas such as:
 - Artificial Intelligence
 - Big data
 - Health related data
 - Media and privacy
 - Data processing by the police

Convention 108

- ➡ 55 countries
- ➡ Outlaws processing of sensitive data on:
 - Race
 - Politics
 - Health
 - Religion
 - Sexual life
- ➡ Enshrines the individual's right to access and correct personal data

Convention 108 +

(adopted on 18 May 2018)

- ➡ New rights for individuals related to big data and algorithms
- ➡ New obligations for data controllers on transparency and accountability
- ➡ Reinforced powers for Data Protection Authorities
- ➡ New monitoring mechanism
- ➡ Signed by 36 States and ratified by 5

Data Protection Convention

Global standard on privacy in the Digital Age

Recommendation by the UN special Rapporteur on the right to privacy to all UN Member States to accede to Convention 108+,

Recognition of an adequate level of data protection, consistent with the European Union GDPR and the Law Enforcement Directive.

Convergence towards a set of high data protection standards.

Advantages for Serbia

A new Data Protection law (adopted end of November 2018 – entered into force August 2019) that introduces:

- ✓ A larger scope;
- ✓ New forms and stricter requirements of consent;
- ✓ New rights (such as data portability) and expansion of some others;
- ✓ Removal of the database registration obligation;
- ✓ Requirement to design a data protection officer;
- ✓ Accountability, data security and privacy by design & default obligations;
- ✓ Personal data breach obligations.

Ratification of Convention 108+ on 27 May 2020.



Convention 108 Committee



Current focus:

- facial recognition
- the educational sector
- digital identity programmes
- political campaigns and elections

- ✓ Data processing and human rights
- ✓ **Use of AI by the Judiciary**
- ✓ Criminal law implications of AI
- ✓ **Bioethics and AI**
- ✓ Environment
- ✓ **Education**
- ✓ Gender equality
- ✓ **Youth and children**
- ✓ **Anti-discrimination**
- ✓ Culture
- ✓ **Elections**
- ✓ Media freedom
- ✓ **Action against cybercrime**

**Organisation-
wide
transversal
topic**





CAHAI

Intergovernmental Ad Hoc Committee on Artificial Intelligence

Mandate: examine the feasibility and potential elements of a legal framework for the design, development and deployment of AI in line with Council of Europe standards of human rights, democracy and the rule of law.

Meetings:

- 18-20 November 2019
- 6-8 July 2020



Feasibility study for a legal framework for Artificial Intelligence

- ✓ Mapping of legally binding and non-binding legal frameworks on AI
- ✓ Identifying risks and opportunities arising from the development, design and application of artificial intelligence (including human rights impact)
- ✓ Detecting possible gaps
- ✓ Identifying applicable principles to the design, development and application of AI.

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019-2022

FREEDOM OF EXPRESSION AND FREEDOM OF THE MEDIA IN SERBIA (JUFREX)

Freedom of expression and freedom of the media in Serbia and WB , JUFREX

The project is part of the “Horizontal Facility for the Western Balkans and Turkey 2019-2022” - a joint initiative of the European Union and the Council of Europe

Objective: promote freedom of expression and freedom of the media in line with European standards, with special focus on protection of journalists.

Beneficiaries:

- Legal professionals
- Media Regulatory Authority
- Media actors and Faculty of Political Sciences

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019-2022

FREEDOM OF EXPRESSION
AND FREEDOM OF THE MEDIA
IN SERBIA
(JUFREX)

- **Strengthen capacities of the Judicial Academy** to deliver training on freedom of expression and safety of journalists - create training materials, organise training of trainers and peer to peer trainings.
- **Raise awareness of legal professionals** on media actors' rights, duties and responsibilities, resulting in aligning of the practice of domestic courts with European standards on freedom of expression.
- **Enhance the role of law enforcement** in protecting freedom of expression, journalists and other media actors who are facing threats such as censorship, political and economic pressure, intimidation, job insecurity, abusive use of defamation laws as well as physical attacks.

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019-2022

FREEDOM OF EXPRESSION
AND FREEDOM OF THE MEDIA
IN SERBIA
(JUFREX)

- **Strengthen capacities of the Media Regulatory Authorities** to deal with specific topics such as accessibility of media content to people with disabilities, media literacy, European works, video sharing platforms.
- **Support media actors and reinforce universities' capacities** with freedom of expression materials.

Further focus in Serbia:

- **Enhance capacities of the Ombudsman and of the associations of journalists** on safety of journalists' issues

HORIZONTAL FACILITY FOR THE WESTERN BALKANS AND TURKEY 2019-2022

FREEDOM OF EXPRESSION
AND FREEDOM OF THE MEDIA
IN SERBIA
(JUFREX)

Completed activities:

- Study visit to the Council of Europe and the European Court of Human Rights for lawyers of the South-East Europe region.
- Translation into local languages and publication of studies on media literacy for preschool children, on information disorder etc.

Upcoming activities:

- Organising jointly with the Faculty of Political Sciences of Belgrade University of two international scientific conferences: on regulatory framework for media during elections and on regulatory framework for freedom of expression on the Internet.
- Organising jointly with the Judicial Academy of training sessions on freedom of expression for judges and prosecutors.

New courses

PROTECTION & SAFETY OF JOURNALISTS

HELP

Human Rights Education for Legal Professionals

FREEDOM OF EXPRESSION

HELP

Human Rights Education for Legal Professionals

Translations and adaptations are ongoing and will be used in training of judges, prosecutors, police officers and students (law and journalism).

Cooperation in the region

Potential areas of cooperation

- Internet/freedom of expression online
- Communication between judiciary and media
- Reporting on judicial proceedings
- Awareness raising on importance of European standards in the field of freedom of expression and freedom of the media
- Information disorder (fake news)
- Gender and media
- Hate speech
- Artificial intelligence
- Data protection



Thanks for your
attention !



See also: Facebook Page
Information Society Group

Thematic resources

www.coe.int/freedomofexpression

www.coe.int/dataprotection

www.coe.int/cybercrime

www.coe.int/AI

