



FREEDOM VS CONTROL FOR A DEMOCRATIC RESPONSE

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Final report

World Forum for Democracy

Strasbourg 2015

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Council of Europe

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Foreword

How can individual freedoms and the right to safety be reconciled?

This question – intrinsic to any democratic system – challenges democracies around the world. Today, more than ever, they need to confront the direct threats of violent extremism and terror, and others, more subtle, such as online hate speech and cybercrime. New technologies also hold the key to some of the answers.

It is essential to remain alert and with the right balance between freedom and prevention of risks.

How and through what means can the State exercise control?

At what point does it risks crushing individual freedoms?

Should we give up some basic rights in the name of security, in order to prevent radicalisation, the spread of terrorist networks and the risk of terrorist attacks?

Is it justified to bend the law in specific cases?

For example, is it acceptable to block certain social networks or web sites?

Should there be limits to freedom of expression? Should it be absolute, or can it be held responsible for instigating hatred?

Such questions were at the heart of the fourth edition of the Strasbourg World Forum for Democracy which focused on a theme in phase with the world news and the vigorous debate on a global scale: Freedom vs. Control: for a democratic response.

The global nature of threats calls for a global response, and for a return to universal principles, in particular those of the Universal Declaration of Human Rights.

Organised jointly by the Council of Europe, the European Parliament, the French authorities, the Alsace Region and the City of Strasbourg, the World Forum for Democracy is already an influential rendezvous on the international agenda.

Personalities from around the world meet at the Forum to debate the challenges for democracy in the light of global developments. This Forum edition was no exception, echoing directly the key concerns of States as well as the growing concerns of citizens.

Thorbjørn Jagland, Secretary General of the Council of Europe

Laurent Fabius, Minister for Foreign Affairs of France

Philippe Richert, President of the Alsace Regional Council, former Minister

Roland Ries, Mayor of Strasbourg

Highlights from 2015 World Forum for Democracy

"The terrorists cannot destroy our democracies, but we ourselves can do it." Thorbjorn Jagland, Secretary General of the Council of Europe

"We can tweet revolutions, but we cannot tweet institutions or laws. Institutions and laws, we have to build together.", Thorbjorn Jagland, Secretary General of the Council of Europe

"Democracy protects each and everyone of us, including people who want to kill democracy." Roland Ries, Mayor of Strasbourg

"Les terroristes veulent nous intimider et nous diviser. Nous devons faire le contraire : les combattre et nous rassembler. Les détruire et nous unir. Refuser les amalgames. Répondre avec la force de la démocratie et de l'Etat de droit." Harlem Desir, Secretary of State for European Affairs, France

"La démocratie est toujours une conquête. Un combat contre l'oppression, contre l'arbitraire, contre les ennemis de la liberté, contre le droit du plus fort. A tout cela elle oppose la force du droit, un cadre constitutionnel et international fondé sur des institutions légitimes et garantissant les droits de chaque personne. Ce combat, il se mène aussi par l'éducation, par la culture, la création, la liberté de création, le rire." Harlem Desir, Secretary of State for European Affairs, France

"Pour combattre les extrémismes et les dérives, pour agir contre les injustices, l'exclusion et les fossés qui se creusent non sans conséquences néfastes, pour prévenir le désenchantement en particulier des jeunes, pour établir ou rétablir la confiance si essentielle à la stabilité, pour contrer l'érosion des valeurs, il nous faut nous attaquer aux causes comme aux conséquences." « Michaëlle JEAN, Canada, Secretary General of the Organisation internationale de la Francophonie

"Le fragile équilibre qui peut maintenir liberté et sécurité sur un même plan impose d'imaginer des mécanismes capables de garantir que l'intérêt général primera toujours sur les intérêts particuliers, quels qu'ils soient, et que les droits de tous et de toutes seront toujours respectés, que l'état de droit et la justice pèseront toujours dans la balance." Michaëlle JEAN, Canada, Secretary General of the Organisation internationale de la Francophonie

"The difficulty is in the ability of enforcing data protection laws, not to create it. Security is what everyone wants and no one provides." Raegan McDonald, Senior Policy Manager, EU Principal at Mozilla

"Some of the totalitarian countries treat media as an intelligence operation. Being associated with our online media is going against the government." Emin Milli, Journalist and Executive Director of Meydan TV Azerbaijan

"Major developments into a society usually come from immigrants, not from those living there, but from immigrants" Mr Leen Verbeek, Netherlands, King's Commissioner of the Province of Flevoland and Vice-President of the Congress of Local and Regional Authorities of the Council of Europe

"Journalism role is a counter-power in the name of civil society". Journalism is for reporting, for "pointing the finger". Ricardo Gutiérrez, General Secretary, European Federation of Journalists

"We need more, not less democracy." Jacob Appelbaum, Independent security researcher and journalist

"Verifiable encryption is necessary for our economy, our privacy and our ability to regulate and reinforce the law." Nadim Kobeissi, PhD researcher and Cryptocat lead developer

"Radicalisation is like an epidemic and a strong community capital is like immunity helping to fight it." Forum participant (Lab 12)

Conclusions and recommendations

The 2015 edition of the World Forum for Democracy took place after the 13 November Paris attacks, highlighting the pertinence of the theme chosen and the urge to provide answers to the three sets of questions raised. A high turnout, discussions in multiple fora and the testing of initiatives in the labs, not only provided material for in-depth reflection, but also for a number of recommendations (see below) that can be addressed to national authorities, media, and local communities as well as to international organisations such as the Council of Europe.

"The terrorist cannot destroy our democracy... but we can"

The debates emphasised the need to check the *cost-effectiveness of surveillance*, the risks of its encroaching into constitutionally guaranteed freedoms, its effects beyond national borders, the way in which it is managed and the central question of proper oversight – parliamentary, judiciary and financial. Even though the debate about surveillance is lively, whistle blowers are still few and no meaningful democratic control can be exercised by civil society. This is because the civil society is not equipped as it should be to assess the effectiveness of surveillance and its impact on freedoms. Calls for an enhanced civic engagement over surveillance issues can only be made in functioning democracies with sufficient cyber literacy levels.

Whilst legal restrictions to freedom of speech and attacks against journalists were still being encountered in many countries, *media* themselves felt they had their own unique role to play when it came to exposing governments and secret agencies mishandling and/or violating citizens' rights. Civil society was also concerned with up-holding the vital role of a free and independent media. A recent PEW research study presented at the Forum showed that in some countries there was large support to limit the press' freedom when dealing with sensitive issues related to national security. Hence the strong calls made to journalists to continue to focus on investigative journalism, to report from the scene and to respect the ethics at all times.

"You can tweet a revolution, but you cannot tweet institutions"

The consolidation of "counter-revolutions" regimes following the Arab spring was seen as a major contributing factor to the thriving of Daesh. Populations in the region were doubly hit, by tyranny and terrorism. Calls were made to stop cautioning such regimes, and instead give support to forces committed to changes towards democracy.

"We need less reaction and more reflections"

Although fear can never be eradicated fully, it was assessed that the best antidotes against it were: keeping a high level of trust in democratic institutions - notably in the justice system - and avoiding the traps of singling out entire groups or geographical areas as dangerous or deviant. The diversity in our societies need to be managed by building "shared narratives" by integrating different approaches/stories that exist within local communities. This was successfully showed by the winner of the democracy innovation award. Building resilience and trust could not come from the top-down. Grass roots, community-level work towards integration were seen as the first necessary step(s) towards changes in the orientations of political leadership.

Recommendations

To national authorities:

- ▶ Focus on targeted surveillance, based on a strictly professional approach – within remit of specific mandates entrusted to agencies by law based on effective use of manageable data and respect of Human Rights (HR) standards
- ▶ Provide adequate parliamentary, judiciary and financial oversight as well as financial auditing over spending of intelligence agencies
- ▶ Up-date legal framework to catch up with technology and ensure transnational cooperation through existing structures and institutions (including CoE) in order to provide adequate oversight over practices that circumvent national HR restrictions
- ▶ Communicate objectively and clearly about security threats

To national authorities and international organisations:

- ▶ Fight terrorism by supporting change towards democracy in the Arab world
- ▶ Promote policies, programmes aiming at “de-radicalisation”, well targeted, and not extended to entire groups or geographic areas
- ▶ Enhance cyber-literacy
- ▶ Support confidence-building measures (CBMs) for journalists from countries in conflict situations
- ▶ Support the setting up of a new function of UN SG Rapporteur General for Journalists’ protection

To media:

- ▶ Continue engaging in investigative journalism, notably investigating big business and reporting from the scene
- ▶ Maintain professional ethics at all times, apply the same standards when reporting about terrorist attacks
- ▶ Refrain from using too clear-cut, readymade analysis and resist pressure of offers with high speaking fees, TV contracts and book deals
- ▶ Adapt journalism to new formats that speak to young people and internet users

To civil society:

- ▶ Work closer with national and local authorities on the integration of migrants and refugees
- ▶ Support and defend media freedom defenders
- ▶ Local Communities to create own – bottom up- narratives about integration, not using counter but shared narratives
- ▶ Avoid the danger of closing down on a single narrative

Forum concept

Can we protect democracy without weakening it?

Giving up a certain amount of freedom for the benefit of security is at the heart of the “contract” between individuals and the State - be it democratic or not. However, democratic States engage to guarantee citizens’ fundamental rights and freedoms and impose strict rules for the control of security arrangements. “As the Preamble of the European Convention on Human Rights states, “Fundamental Freedoms ... are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the Human Rights ... this means that a balance must be sought between the exercise by the individual of the right guaranteed to him ... and the necessity ... to impose secret surveillance for the protection of the democratic society as a whole...”¹

There is a growing sentiment across democracies worldwide about vulnerability to a diverse range of threats – from violent extremism to economic, technological, environmental and geopolitical risks. This acute public awareness – particularly the fear generated by violent attacks driven by ideology – can accentuate societal divides, sharpen latent conflicts, and destabilise society. The lack of data protection with regard to personal data held by internet companies is also a major concern. The growing tension between the concern for safety and the protection of freedoms is one of the key challenges facing democracies today.

This tension is partly due to the weakening trust in democratic institutions. The revelations made by intelligence agencies on their intercepting of information over digital networks have undermined trust in government’s capacity to oversee these agencies. Citizens are also becoming more aware of the control that major digital corporations have over their data as well as some governments’ attempts to limit the freedom of expression and internet communications in the name of security.

Can democracies deal with security risks linked to the digital revolution without jeopardising freedom and democratic stability? Can they resist the escalation of fear and formulate responses based on civic responsibility and active citizenship? What does democratic security mean today? How can a balance between security and freedom be maintained in a democratic society under threat? These questions were in focus at the 2015 World Forum for Democracy.

Democracies are solid when its fundamentals are secured.

1. Klass and others vs. Germany 1978, European Court of Human Rights Judgement

Democratic fundamentals include:

- ▶ freedom of thought and expression, enshrined in a free press, art and communications;
- ▶ representative and accountable institutions and independent judiciary
- ▶ good governance and the equality of citizens before state and law.

A vibrant, critical and pluralistic civil society is also *sine qua non* for a viable democracy which stimulates the democratic debate beyond the majority-opposition divide.

Equally important to these formal features of democracy is the capacity to foster the desire for freedom, to provide public opinion with the ideal of an open and inclusive society. When citizens are no longer able to take ownership of all rules and institutions of democracy as active and thinking subjects, the public imagination is more vulnerable to extreme and violent ideologies exploiting anxiety, and instigating hatred, sectarianism or nationalism. When there is a growing deficit of trust between citizens, and vis-à-vis representative institutions, democracy is truly in danger. Democracy must be defended for its principles as a constantly reasserted ideal, not as technocratic machinery driven electoral concerns.

Security and respect for freedom – how can we find the right balance?

A democratic state has the obligation to protect those residing on its territory. Terrorism and sectarian violence seek to undermine democracy by attacking its core principles such as freedom of expression and the fundamental values it rests upon, in particular the right to life. Such threats may require “exceptional powers” curtailing of other freedoms such as the respect for privacy – but the use of such powers should remain limited and temporary.

Such measures, however necessary they are, address the manifestations of violence but not their underlying causes. They can present risks for democratic principles and should be treated with extreme caution so as to avoid permanent and disproportionate curtailing of freedom. Caution more than ever is needed, since non-democratic regimes can be tempted to justify violating fundamental rights and freedoms (such as the repression of peaceful demonstrations and limitations of media freedom) for security imperatives. The case law of the European Court of Human Rights² and a range of Council of Europe legal instruments and key texts provide useful guidance as to the limitations of the freedom of expression and other individual freedoms for the protection of higher public interests.

What institutional and procedural safeguards should be put in place to ensure democratic oversight over the definition of extreme threats and the reasons which justify exceptional powers, including in the field of foreign policy? How can we ensure that a system of secret surveillance for the protection of national security will not undermine or even destroy democracy while defending it, in the context of a growing sophistication of communication technology? Can democratic oversight be sufficiently robust to prevent it, as Clive Walker puts it, government from *attributing to any political violence, novelty and extraordinary seriousness so as to justify correspondingly alarming incursions into individual rights and democratic accountability*³?

How can democracies respond?

The World Forum for Democracy engaged decision-makers, opinion leaders and social innovators⁴ in a debate about the approaches to be adopted at the international, national, regional and local levels in order to ensure the protection of freedom in democracy facing violence and extremism. The exchanges were based on real-life initiatives by public authorities or grassroots actors, which were critically examined by an interdisciplinary

2. For instance the case of Klass and others vs. Germany 1978, and Weber and Saravia vs. Germany, 2006

3. Walker, C. 2009. 'Book review: Executive measures, terrorism and national security: have the rules of the game changed?' by David Bonner, European Public Law, vol. 15, pp. 662-665

4. The term 'social innovator' refers to strategies, concepts, ideas and organizations that meet social needs of all kinds related to working conditions, learning, health, community development and the strengthening of civil society

international panel. General guiding principles were then drawn up to encourage and support future policy responses and field action. In addition, the Forum gave way to the presentation and critical review of and untested, novel ideas.

Initiatives and ideas presented and assessed at the forum were grouped under four themes.

Theme 1: How much control kills democracy?

The weakening of the nation state – illustrated by the difficulty of states to manage the economy, the transfer of authority to supra-national institutions such as the European Union, the violations of the principle of territorial integrity (eg. the Crimean crisis) or the loss of control over a part of the national territory (e.g. the threat of the “Islamic State”) further increases the state’s motivation to assert its power. The strengthening of intelligence and the repressive apparatus to fight violence and extremism reinforce state power. However, care should be taken to ensure adequate democratic oversight over such measures.

Actions under this theme included initiatives holding intelligence agencies accountable through international law, encryption software, the introduction of constitutional requirements for public debate and consultation on the definition of security risks and the “freedom price” for addressing them; public debate on the legitimate ways of ensuring security key decisions, as well as legislative and civil society oversight over security agencies; safeguards for balancing freedom of information, data protection and freedom of the Internet with security concerns; investigation of mass surveillance and prosecution of cyber-crimes, etc.

Theme 2: Freedom from fear in a diverse society?

The economic crisis and the widening economic inequalities also lead many to question the legitimacy of democracy.

In the increasingly diverse societies across the world the question of migrant integration is also topical. Is fear rooted in the ignorance of the culture of ‘the other’?

Securing democracy demands to address the issues at stake and take steps to increase the legitimacy of democratic institutions and interpersonal trust in multicultural societies.

Initiatives under this theme focused on protecting civic space and encouraging active citizenship; inter-faith dialogue and anti-hate initiatives; intercultural dialogue and anti-prejudice training; preventing radicalization and violent extremism; leaders countering extremism; exploring effective and just migration policies; and building a culture of human rights and fostering the desire for freedom and unity in diverse societies.

Theme 3: Is freedom of expression and information a reality?

What should be the adequate response of media to ideological violence and terrorism? What is the impact of media ownership, and the control of major internet companies over personal and other data, on freedom and democratic debate? If whistleblowing is a necessary element of democratic control over institutions, how can whistleblowers be protected by the risk of abusive prosecution?

Initiatives under this theme focused on safe whistleblowing platforms; civic action for media freedom; designing a transnational model of democratic accountability in internet governance; framing freedom of expression between media regulation and the protection of personal data; and platforms to ensure the safety of journalists.

Forum Presentations and Discussions

Opening session

Thorbjørn Jagland, Secretary General of the Council of Europe, **Roland Ries**, Mayor of the City of Strasbourg and **Lilla Merabet**, Vice-president of Alsace Region, opened the 2015 World Forum for Democracy Freedom vs control: for a democratic response, a theme of high relevance especially in the aftermaths of the tragic events of the terrorist attacks in Paris, Beirut, Ankara or Syria. The Secretary General of the Council of Europe asked the audience for a minute's silence in memory of the victims of the attacks and called upon them to stand up for democracy and human rights. He underlined that terrorism suggests that there is space for better police work, and that we have to adapt to new realities. Within this context, the Secretary General stressed that there is a need to boost our values, as we cannot combat undemocratic forces with undemocratic means. The Secretary General stated that despite many thoughts that the terrorists try to destroy our democracies, the reality is that they cannot, but only we, ourselves can destroy our own democracies. Therefore he said that there is a need to strike the right balance between security and freedom. The Secretary General stressed the importance of the Forum as a space of reflection, with results which matter.

Roland Ries, Mayor of Strasbourg, welcomed all the participants to the Forum and reminded them that our democratic values have been under attack by people who do not share them. He emphasised the need to react to these attacks by strengthening the respect for diversity, by accepting people who are different from us. He further called for solidarity in this crisis situation, and for finding the proper balance between freedom and control. He recalled that the Council of Europe was created in 1949, by people who wanted to create change in a world that was emerging from the horrors of the Second World War. Therefore, he called upon everybody to stand up for our common values and to be united.

Lilla Merabet, Vice-President of Alsace Region, recognised the importance of the event and welcomed the participants. She also outlined the importance of the decision to hold the Forum and not to cancel it even in the circumstances of an exceptional security state after Paris attacks. She underlined the need to resist the violence in order to pay tribute to victims, to find ways to continue transmitting democratic messages, and declared further support of Alsace Region for the Council of Europe World Forum for Democracy.

The keynote speakers of the session were the representative of the French Government, **Harlem Desir**, Secretary of State for European Affairs, and **Michaëlle Jean**, Secretary General of the International Organisation of Francophony.

Harlem Desir started his speech by recalling the attacks in Paris of 13 November, which left hundreds of victims of more than 18 nationalities - victims guilty only for the desire to breathe freedom in a free city. He stated that the right response to terrorism is exactly the opposite of what the terrorists aim at, concretely he called for not becoming intimidated nor divided, but fight them and stay united. He stressed the need to respond to terrorism with the power of democracy and the rule of law. He highlighted the importance of the Council of Europe and of the European Court of Human Rights for preserving the values of a continent founded on the law and on the liberty of any citizen, without discriminations of origin or religion. He called for an international community response, for solidarity, cohesion, unity and coordination. Underlying that mobilisation is a responsibility of the entire international community, he put forward a series of immediate actions to be implemented: the reinforcement of police and judicial cooperation between intelligence services, the adoption of the EU Directive regulating the use of Passenger Name Record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime for keeping the name records of passengers, the review of the Directive on the control of firearms, the fight against financing of terrorism and money laundering, actions concerning the Internet actors, as the Internet should not become a school for training jihadists, a space for radicalisation, a space of hate speech. Furthermore, he depicted democracy as a conquest, a fight against oppression, arbitrary, enemies of freedom, against the law.

Saluting the presence of Nobel Peace Prize Laureate at the World Forum for Democracy, Harlem Desir reminded that education, culture, creativity and freedom to create, laugh, etc. are values to carry on in the fight against terrorism. He spoke about fear and the need to combat it united, as democracy always triumphed against totalitarianism, oppression and war.

Michaëlle Jean, Secretary General of the International Organisation of Francophony, started her speech by deploring the terrorist attacks in Paris, Beirut, West Africa and other targets, and expressed sadness that young people were used against other young people, motivated by hatred. She drew attention to the fact that democratic institutions were under attack when perpetrators entered the Canadian Parliament or Military School in Quebec, but also the cultural values, education, freedom of expression and all human rights. She underlined that we are not in front of a war between civilisations, but in front of a fight between two society projects at global level: one founded on destruction, regression, obscurantism and hatred, and the other founded on construction, progress, fraternity and humanism. In front of such a threat to the future of our world, she called for resistance, unity, and mobilisation.

The Council of Europe World Forum for Democracy was seen as a melting-pot of ideas and a fertilising place for dialogue between the cultures of Europe, Africa, Asia, Americas, and the entire globe, the place which offers a place for discussing challenges, best practices and solutions in respect of freedoms and diversity. In front of constant and increasing threats to democracy, citizens, or states, the Secretary General of the International Organisation of Francophonie highlighted that the responses are complex and difficult, as balancing freedom and security; the public interest prevailing to private interest requires complex solution findings, in cooperation, common will, unity, inclusion and solidarity of all the players concerned. She also stated that societies are now confronted with deep changes, which upsets entirely the relations between individuals and the world, a world where alienation, exclusion and injustice are increasing. In the absence of dialogue and transparent decisions, radicalisation finds a fertile soil.

Plenary session 1: Surveillance – what is the right dose?

Anne Brasseur, President of the Parliamentary Assembly of the Council of Europe, welcomed the Forum participants to the first plenary session with the title “Surveillance – what is the right dose?” and recalled the topic’s importance in the context of recent terrorist attacks, for example in Paris and Egypt. She stated that today it is more important than ever to refute populist messages linking terrorism to migration. All democratic forces should be united and are invited to join the Council of Europe’s “No Hate” campaign. It is important to note that democracy does not stand for absolute freedom or for the lack of any kind of control. Freedom comes with responsibility and abuse of this freedom should be prevented. Hence, surveillance can in some cases be justified in democratic societies. However, we increasingly experience an abuse of surveillance and a lack of democratic control over it. Security services must never forget that they are servants of democracy and have

to play by democratic rules. We have to be clear that there is no free society without security risks. The state cannot guarantee absolute security for its citizens. Over the last few years, the issue of surveillance has received much attention, especially after the Snowden revelations and has, as such, also become more prominent in the Council of Europe, watchdog of human rights and democracy in Europe and in some cases on a global scale. The purpose of the Forum's first plenary session was thus to help develop a better understanding between the growing concern for safety and the protection of freedoms as one of the key challenges for democracy.

Faiza Patel, Co-Director of the Liberty & National Security Program at Brennan Center for Justice, New York University School of Law, stated that democratic values should not be abandoned for the so called war on terror, which happened after the 9/11 attacks in the United States by the adoption of new surveillance laws, drone strikes, or torture in Guantanamo. She said that we are experiencing a similar situation in Europe following the attacks in Paris. When Muslim refugees are no longer welcome and hate crimes are on the rise, the basic pillars of democracy must be defended. Instead of giving in to xenophobia, this crisis should be used for positive changes, such as making intelligence agencies more effective, transparent and accountable in order to better prepared to prevent terrorist acts. There is a need to review the costs and benefits of mass surveillance. Whereas surveillance before the digital revolution focused on specific targets which were of interest for matters of national security, such as military stations or potential terrorists, today mass surveillance programmes are spying on every citizen, by collecting metadata of all digital communication, revealing the most intimate details of citizens' private life. These programmes are not subject of the judicial system and therefore under no democratic oversight. At the same time, mass surveillance is not targeted towards national security threats and does not sufficiently fulfill its original purpose of providing security for citizens. Overall, surveillance is carried out in secret, it is used to suppress dissent, it hinders free speech and has chilling effects on citizen's autonomy. Privacy still matters for citizens and is deeply connected to freedom of expression. Both values are essential for functioning democracies and in order to protect them, surveillance programmes must be brought under democratic oversight.

In his speech, **Jacob Appelbaum**, independent security researcher, journalist, developer and advocate with the Tor Project, warned of reacting to terrorist attacks with interventions which would result in more violence and, in this way, play into the hands of the terrorists who aim at enlarging xenophobia and promoting fear in society. He said that intelligence services have failed citizens. Intelligence agencies claim that encryption is the problem. However, evidence shows that the attacks in Paris were perpetrated by people who used their own personal credit cards and who used unencrypted text messages. He emphasized that it is not technology or encryption that is the core contributing problem, but intolerance, a lack of openness, a lack of welcoming, and fear of the other. Pre-emptive arrests and internment of Muslims must not happen, as they are against the rule of law and even if they were legal, they are against fundamental civil liberties.

Appelbaum stated that the answer to terrorist threats cannot be to commit to more violence, to undermine fundamental liberties or to add backdoors to technology. Instead, we need to study and look to the root causes. Violence eschews dialogue and so to respond with violence only leads to more violence and tragedies. It is not possible to bomb Syria into peace; at best one may bomb it into submission. However, submission is not the same as peace. He advocated looking to the Norwegians for a response, rather than the Americans. After Breivik committed egregious acts of racist, violent, terrorism, Norway decided that they would choose a more democratic path, one where instead of alienating and pushing people away, Norway as a country would refuse to allow the terrorists to change Norwegian society. We should thus follow the Norwegian example for more democracy and not violence. The response is to consider expanding liberty. We must be extreme in our openness, in our welcoming nature, in a commitment to justice, and with an absolute refusal to push away refugees. There is an extremism that is correct, that we have an unlimited right to form and to hold beliefs, that these rights must not be abridged. This includes the right to a trial, and our right to face an accuser. There is technology today that helps us to confirm, to ensure, and to expand our liberties, where we have a right to read, and we have a right to speak freely.

Appelbaum recommended to install the free software Signal on the smartphone, which provides encrypted voice calls and text messages without backdoors, beating targeted and mass surveillance, and to install the Tor browser, which will give the ability to browse the web and to be anonymous on the internet. He concluded by emphasizing that our security situation today is not a matter of security versus privacy. Our security requires strong privacy, and our security requires autonomy, it requires transparency and accountability, it requires free speech, it requires fundamental human rights to be respected. And rather than less democracy, we need more democracy.

William Binney, former high-level National Security Agency intelligence officer, stressed that the NSA is not only collecting metadata but also digital communication's content. The justification for bulk acquisition of data

is a financial one. He emphasized the lack of financial audits for intelligence agencies and the missing judicial or democratic oversight. The problem with the bulk acquisition of data is also a practical one, as it is impossible to go through and make sense of such huge amounts of data in an efficient manner. Therefore, a more targeted approach to surveillance, which has existed all along, needs to be rediscovered and implemented. This would be much less costly and avoid the dysfunctionality caused by bulk overload. Not only is the NSA using the data collected through surveillance, but also law enforcement agencies, such as the FBI or the DEA. In the past, this data has already been abused for blackmailing politicians with inconvenient agendas. Privacy is liberty, is democracy, Binney stated. We need to stand up and fight for it.

After the panelist's opening statements, the session's moderator Anne Brasseur opened the discussion for questions and comments from the audience in the hemicycle and the audience following the debate online. The first question from a Twitter follower asks how to work with intelligence agencies and whether it is possible to work with them at all. **William Binney** replied that he does not trust intelligence agencies. He has submitted a list of recommendations on how to fix the NSA to Congress, the US government and the EU. First of all, no government should trust their intelligence agency because they spy on their own government and the government has no way of verifying any information from the intelligence services. Therefore, a verification process needs to be put in place. **Faiza Patel** added that the respective laws governing the work of intelligence agencies should be simplified in order to facilitate compliance with them.

From the audience, the President of Brussels Parliament, who is living in Molenbeek, the part of Brussels where at least one of the terrorist involved in the Paris attack lived, stressed that Molenbeek has never been as much under surveillance as it has been during the past ten years. The terrorist had been wiretapped for some time and still the attacks were not prevented. He asked what purpose surveillance serves when it does not prevent terrorist attacks and maybe even worsens the situation by leading to radicalization. A youth participant from the audience added the question what happened if the "wrong people", such as criminals, use encryption software. **Jacob Appelbaum** responded that one should dismantle intelligence services altogether. He said that the Stasi had some legitimacy as they were protecting the state from an outside threat, but that it is still clear that most of their actions were wrong because **they were violating human rights**. To the second question he replied that it is horrible if the wrong people use encryption services, however, rights such as privacy and anonymity belong to every citizen, as they are universal human rights. Therefore, they also apply to the 'bad guys'.

Further questions from the audience revolved around issues such as how to protect democratic values in France after the Paris attacks, what does a surveillance and intelligence network that one can trust and rely on look like, and on what basis the NSA can carry out targeted surveillance. **Anne Brasseur** emphasized that the Council of Europe must make sure that laws of the member States are in conformity with the European Convention on Human Rights. **William Binney** added that targeted surveillance is possible, by for example using specific IP addresses for surveillance only. In this way, one can focus and extract exclusively information that matters in terms of national security, on the basis of legitimate reasons of suspicion. Moreover, governments should be legally committed to fixing the internet in order to ensure privacy. **Faiza Patel** stressed that court proceedings need to become more transparent and should not be held in secret. **Jacob Appelbaum** expressed the concern that with targeted surveillance, activists and dissidents might still be targeted and prefers to abolish secret surveillance all together. Secret surveillance, acting outside of existing laws, necessarily leads to changed patterns in people's behavior. Therefore, each time a person is subject to surveillance, this person should be notified and able to lodge an appeal against the action before the court. Moreover, more people should use software for encrypted communication, such as Tor or Signal, to make surveillance more difficult and costly. People should study cryptography in order to remove the possibility for states to harm citizens. However, the solution cannot be merely technological. Strong laws protecting human rights are also needed. In order to protect privacy everyone has to become more aware and actively involved on a daily basis. **Anne Brasseur** concluded the session by reminding the participants that we can only find solutions if we strengthen democracy and stand together in solidarity.

Plenary session 2: Lifting the veil of fear – building trust and resilience in diverse societies

In the aftermath of the tragic events of 13 November in Paris, and similar terrorist attacks in other parts of the world, the plenary debated the question of trust and resilience in a culturally diverse society, confronted with an ever increasing level of fear. The session benefitted from the presence of **Tawakkol Karman**, a political and human rights/women's rights activist, and a Nobel Peace Prize Laureate 2011, who delivered a key

note speech on the topic. The panel then followed a dynamic of questions and answers structured in a logical manner by the moderator, with the aim to identify possible ways to cope with fear and restore the trust in the society frightened by terrorism.

Tawakkol Karman started her intervention by conveying condolences to France on behalf of the Arab youth and nations. She further stressed that the crimes in France were not representing the religion of Islam. She said that solely the people who committed and managed these crimes are benefitting from it. She stated that Islam is a religion of peace, of co-existence and of tolerance, as is all other religions, and that terrorism has no religion and no nation.

The key message Tawakkol Karman conveyed was that terrorism and tyranny are the two faces of the same coin, they go hand in hand, and they should be fought with by choosing a third way, the one which preserves values of freedoms, democracy, equality, human rights, good governance.

She gave examples of today's world crisis like Syria, Yemen, Iraq, Afghanistan, and she maintained that the only way to resolve it is through supporting the movements of change and enlightenment, deepening democracy, standing by our humanitarian values, fighting corruption, promoting a culture of peace.

Referring to the refugees' crisis, she appealed for the continuation of an open borders policy, for a welcoming approach, for health, education and welfare services for those people who seek countries where civil rights are respected.

Maciej Janczak, the Deputy Director of the UN and Human Rights Department in the Ministry of Foreign Affairs of Poland, conveyed to France a message of support on behalf of his country. He maintained that after Paris, Copenhagen, and other terrorist attacks, society was indeed experiencing fear, which comes in waves, rising and falling OR increasing and decreasing with time. Therefore he said that in societies more or less diverse it is very important to attach the right level of attention to education of both receiving (indigenous) communities on one side and refugees or migrants on the other side. He further stressed that "the culture of others might bring fear", seems just an excuse, a click away from the real problem, which in fact should be addressed with more education, in particular human rights education. He gave a concrete example of Poland, whereby in facilitating the integration of refugees/migrants, with organised dialogue, workshops and language courses helped in the understanding of each other's cultures.

Francesco Ragazzi, Assistant Professor in International Relations, Leiden University, Netherland, focuses his research on issues related to radicalisation, terrorism, migration and citizenship. At the World Forum for Democracy he spoke about attitudes, about fear concerning all of us, and about fear in different forms – from the fear of terrorism to the fear of being discriminated. He spoke about consequences in a society, where a good part of its members are under suspicion, humiliated and under the constant feeling of non-belonging. Dr. Ragazzi opined that we should question the measures to counter radicalisation, the mixing of the work of law enforcement with that of health, social workers and educators, as what appear to be the consequences is the undermining of trust. Taking the example of the Paris attacks, he pointed out that all individuals involved and their networks were well known to Police and Intelligence Agencies. Therefore putting an entire part of society under suspicion, he said, is not only undermining trust, but also limits the possibilities of political expression. And he further questioned what alternatives, if the possibilities for political debate in society are reduced only to those the governments agree with? He questioned if the policies we are enacting are building trust and resilience, or just the opposite?

Ahmad Iravani, Ayatollah and President of the Center for the Study of Islam and the Middle East, Washington D.C., responded to the question of Islamophobia, increasing abuse against Muslims especially after 9/11. He said that he himself is also confronted with this reality, every time he is travelling is subject to a random check. He therefore sees a need for education of law enforcement, which sometimes seems to be disconnected of human feelings, with consequences for the society, where a good part of its members feel under suspicion and humiliated. He stated that the feeling of non-belonging is a possible seed to terrorism. He maintained that a way to integrate refugees in Western societies should be through the use of interfaith dialogue, as always a religious perspective is a source of peace. The fear comes from the lack of knowledge of other people and cultures, tolerance and living together can be learned. He said that governments, NGOs and civil society should work more towards this scope, and that double standards should be excluded so that dictatorships should be fought against.

Francesco Ragazzi stressed that there are two categories of works dealing with migrants/refugees issues, and these works should not be mixed: on one hand there is law enforcement, on the other hand are social workers, educators, doctors, etc. The fact that all the terrorists were known to the Police and their networks were under intelligence surveillance is a basis for not devising Police to target an entire population. Such behaviour only undermines trust in society and limits freedoms, including possibilities of political expression. Therefore, the policies should build trust and resilience, reducing the attractiveness of extremist ideologies.

Tawakkol Karman underlined that if the international society will continue to be silent, ISIS will hit again. She stressed that between dictatorship and terrorism there is a very strong link.

Maciej Janczak stressed that the respect for others culture, for human rights, can be achieved through education, communication and dialogue.

The panellists concluded that human rights should be guaranteed for everyone, building inclusive societies should be an objective; inter-religious, inter-cultural dialogue and education are ways of achieving it, in order to combat radicalisation and terrorism.

Plenary Session 3: Media responsibility in the “age of terror”

Professor **Katrin Nyman-Metcalf** from Estonia, Head of the Chair of Law and Technology at Tallinn Law School, Tallinn University of Technology, welcomed the participants to the second day of the World Forum for Democracy 2015. She opened the plenary session by stating that any limitations to freedom of speech in a democratic society must be demonstrably necessary and proportionate. If we limit freedom of expression for matters of security and the security measures cannot be proven to be effective, limitations of freedom are no longer proportionate. Media is still the most important means to exercise the right to freedom of information and freedom of expression. With social media and citizen journalists, media has changed a lot in the last decades. Media can have a positive effect on society by teaching citizens about what is happening in other parts of the world, but media can also have negative effects, for example through incitement to hatred, the creation of fear or the confirmation of prejudices. Unfortunately, fear often sells better than trying to explain complicated contexts and backgrounds of events. Hence, media has a very important responsibility, to act and react. At the same time, media finds itself targeted in a climate of fear and journalists often become victims of harassment.

Nadezda Azhgikhina from the Russian Federation, Vice President of the European Federation Journalists and Executive Secretary of the Russian Union of Journalists, warned that today, journalism is under threat. Very frequently in recent years, the rights of journalists have been limited in the name of national security, and, even more so, abused and limited in other spheres as well. The concept of ‘violent extremism’ is in many cases defined so broadly that it enables governments to charge journalists in court when they criticize civil servants or decision-makers in the course of their investigative reporting. In Russia, Nadezda Azhgikhina said, data protection laws are abused to protect civil servants and politicians from investigations carried out by journalists. Moreover, in times of economic crises, media outlets are suffering from financial pressure, making it more difficult to afford expensive in-depth investigations. Also, journalists have frequently become subject to violence in the last few years. The use of the internet unfortunately does not always contribute to freedom of expression. It is a way of transferring information very quickly, but it can also be a platform for hate speech, disinformation and aggression. In addition, journalists have increasing problems investigating big businesses and cannot fulfill their obligation to provide society with the relevant information. The significance of journalists for society cannot be overestimated as they are the main transmitters of information for citizens.

Philippe Bilger from France, Honorary Judge and President of the ‘Institut de la Parole’, emphasized that media responsibility in the “age of terror” should be the same as media responsibility at any other time. In this regard, a duty of conscience and journalistic skills go hand in hand. These qualities should exist on a daily basis in the life of a journalist. In the “age of terror”, journalists should develop their knowledge skills and conscience even further. If we have to contend with an unspeakable terror, such as the one that hit France in November 2015, media should impose a brief period of decency. For a period of 48 hours, the media should report on how terrorism can never be justified. He said that, far too often, whenever our

democracies are under threat and methods for self-defense are chosen, the media is quick to warn about being careful and claim that security measures are jeopardizing our democracies. However, we ultimately need to promote people's security. Philippe Bilger added that in some situations, the security for all must weigh more than the absolute freedom of a small group of individuals and that this is not a message of fear, but a message of hope.

Rita Chinyoka from Zimbabwe, Publisher/CEO of Alpha Media Holdings, stressed that the "age of terror" is manifesting itself in different ways across the world. There is no single way of describing the phenomenon as it has different meanings for everyone. Terror has no boundaries and is not discriminating against anyone. It is affecting all of us and taking place at three levels: individual, group and state. At the individual level, someone commits terror against the community in which he or she lives. At the group level, people come together around a unifying ideology and unleash terror in their own communities or globally. Finally, at state level, a government which may be democratically elected terrorizes its citizens. The media, now more than ever before, needs to be aware of its strengths as a provider of information, instigator of public debate and watchdog, as the "age of terror" brings new challenges for the reporting of news. The media must actively promote responsible journalism to avoid fuelling violence and extremism. The media must tell both sides of the story fairly and accurately without bias, so that the audiences can make up their own minds about the news. Media should refrain from sensationalizing terrorist attacks for headlines. The emphasis on race and religion of the perpetrators just causes mistrust and anxiety among the population. The internet offers a challenge and an opportunity to reach much broader audiences, particularly young people. Media should present news in a way that appeals to young people, while explaining complex issues, and making youth less vulnerable to radicalization. Rita Chinyoka emphasized that we must do everything we can to emphasize the practice of journalism and ensure media is able to continue reporting news freely without fear. When we look at people, we should not see their race, colour, or origin. Likewise, media should treat all people as equal human beings.

Hans-Wilhelm Saure from Germany, Chief Reporter at "Bild" newspaper, agreed that freedom of expression must at all times be guaranteed without any form of censorship. In the "age of terror" journalists have the same responsibility as they do at other times, but they find it increasingly difficult to access information. They often hear that the restricted access to information is due to the protection of national security, although it might only be for not having to answer uncomfortable questions. However, no responsible journalist would threaten the safety of his or her fellow citizens and not all information a journalist gathers in his research will automatically be published. This is the difference between journalists and operators of whistleblowing websites which host documents in an unfiltered manner online. Journalists have a supervisory role to play and it is their responsibility to unmask the shortcomings and wrongdoings of political decision-makers or secret services. Hans-Wilhelm Saure stated that in the context of freedom of information, Germany is still a developing country, as it is extremely difficult for journalists to get access to information concerning intelligence services. However, in a democratic society, access to information is crucial to ensure public debate. An example of how the government restricts information is when the German "Bild" newspaper had evidence that the German government already knew in 1952, eight years before he was arrested, where the high-level Nazi Adolf Eichmann was residing. In 2010, the German intelligence agencies refused to disclose these historical records, following a press request. It was only after an official complaint that a German court ordered these records to be published. In a democracy, it is of utmost importance to fight for press freedom and it should not be treated as a luxury which we can only afford on sunny days, as press freedom is one of the foundations of democracy in the past and today.

After the introductory statements by the panelists, the moderator **Katrin Nyman-Metcalf** invited the panelists to comment on each other's statements.

Nadezda Azhgikhina said that she is impressed by the French attitude towards media freedom in times of crisis. She agreed with Rita Chinyoka that media should give a voice to the people. Journalists should learn and collaboratively develop a strategy to support each other, promoting the values of freedom of expression while becoming more pro-active. **Philippe Bilger** added that we need a strategy to understand both the strengths and weaknesses of democracy. If he had the choice between guaranteeing the security for all while losing a small part of his freedom, he would choose security for all. **Rita Chinyoka** directed the discussion to the way forward for media. In this regard, the main challenge is to find better ways to collaborate with each other in order to find solutions on how to combat terror. **Hans-Wilhelm Saure** stressed that journalists should not be seen as a threat for security, but as a guarantee for security.

After the comments, the moderator opened the floor for questions from the audience.

A youth participant from Georgia commented on how media's negative portrayal of certain minorities in society can lead to their exclusion and radicalization. He urged media to report about the positive aspects of diverse societies instead of stigmatizing minority groups. A Russian participant, representing the European Youth Press, stressed that there should be more organizations protecting journalists in the field and asked how to strengthen ethical standards in journalism. Another journalist in the audience reminded participants of the fact that media, as a business, is forced to publish sensationalist headlines to sell more newspapers.

Philippe Bilger responded that the media coverage reflects the troubled state of society we currently live in. In times when terror is present, it is natural that media reports about terrorist attacks and one cannot expect media to only address pleasant issues when atrocities have just been committed. **Rita Chinyoka** said it is crucial, even in the age of terror that no societal groups or individuals are singled out. If for example a white Christian man committed a terrorist attack, this person would not be identified by his religion or colour. However, this is happening to the Muslim community at the moment, strengthening terrorist movements even more. Another problem for media in developing countries is that governments are increasing the use of legal pressure to attack media outlets. By suing media in court for certain stories they aim at generating financial losses for the media outlets. It would help if these cases had some support on the international level. **Nadezda Azhgikhina** agreed that it is crucial for journalists to change negative perceptions of certain societal groups in people's minds and to combat hate speech. **Hans-Wilhelm Saure** added that in Germany there is a Press Council as well as a Press Codex. If the reader is unhappy with media reporting, he or she can address the Press Council with the issue, which will be investigated and if needed the newspaper will be reprimanded. Saure said that people usually do not want the images of terrorists and terrorism to be published. This is a problem because it is the duty of journalism to portray the truth as it is. He further stated that it is not necessarily true that media is only reporting negatively about certain groups, for example about Syrian refugees. In Germany, where media has defended refugees against the populist attacks of some politicians, quite the opposite is the case. However, one should also keep in mind that the purchasing behavior of the reader has much power over what the journals are printing.

A participant from the audience asked regarding the decent timing of media reports after terrorist attacks, raised by Philippe Bilger, whether this suggestion is compatible with financial considerations of media businesses. Another participant responded to Bilger by quoting Benjamin Franklin ("Those who would give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety"), raising the question whether safety can at all be guaranteed in these times. A participant from the former Yugoslav Republic of Macedonia emphasized that media is a public good and must therefore be treated by professional journalists and citizen journalists with responsibility. A Ukrainian participant said that besides the military conflict in Ukraine, there is also a conflict about information. She asked if journalists were confronted with propaganda from an opponent in times of crisis, should they answer with propaganda or stick to their principles as responsible journalists.

Hans-Wilhelm Saure responded to the questions and comments from the audience that media censorship must be avoided at all times. He added that people should keep in mind that quality journalism costs money and that citizens should be willing to pay for independent reporting in newspapers or online magazines and should not expect to get all information for free online. If media must rely on subsidies by the state, it is doubtful whether it is still fully independent. **Rita Chinyoka** commented that she wished newspapers would get funding from the state in Zimbabwe as they could then report with less financial pressure. This would also reduce the temptation to only print sensationalist headlines and offer better wages for journalists in developing countries. **Philippe Bilger** said that even though he considers freedom of expression a high priority, he feels that it is very difficult to find an ideal tradeoff between freedom and security, even in times of peace. In periods of terror, the altruistic wish of security for all should be prioritized over the individual's wish to preserve its limitless freedom. **Nadezda Azhgikhina** stressed that she is strongly against censorship. Instead, self-regulation of journalists should be promoted. Propaganda should never be used by journalists as a means to support their aims. Only open and responsible journalism can be a response to propaganda.

The moderator concluded the session by thanking the panelists and the participants for their valuable contributions.

Plenary session 4: The democratic response - theme reports and debate with panellists

The panel discussed the three challenges addressed by the Forum - ensuring security and bringing surveillance under control, liberating society from fear and nurturing the desire for freedom, freedom of information in the "age of terror" - and the conclusions of each series of Labs dedicated to these challenges.

Under the theme "Ensuring security and bringing surveillance under control", **Faiza Patel**, the moderator of the session, first launched a debate on the effectiveness of mass surveillance, as a tool to prevent terrorism. Speaking about the Paris attacks, she mentioned that all the terrorists were known to the law enforcement agency/police, and still the attacks were not prevented. Then she put forward the question of mass surveillance vs targeted surveillance and the question of cyber literacy.

Georgios Kolliarakis, Researcher of Security and Strategy Affairs, University of Frankfurt, replied that there is a mismatch between the legal responses and the technological development, and therefore the cooperation and dialogue between all actors - legal experts, policy makers, technology specialists - is necessary. He stated the need to be anticipatory and not only reactive when preparing legislation and to work with clear definitions. When speaking about general surveillance, the conclusion of the Forum debates led to the idea that targeted surveillance is better than mass surveillance. The legal experts were of the opinion that surveillance is necessary in order to bring evidence, to help investigation, but it has to be accompanied by respect for fundamental rights and rule of law. He recalled that the Council of Europe in a 2015 Resolution of the Committee of Ministers made the first steps to point to an oversight mechanism over the intelligence services, being Parliamentary, judicial or citizens' oversight. Mechanisms involving citizens panels or mixed experts-citizens panels in the decision making process together with authorities, an open democracy mechanism, though ambitious, may increase the legitimacy and accountability. In addition, cyber literacy programs are necessary in order to create awareness and civil society's capacity to follow the developments, to know the risks of online communications, and to take protection measures like encryption for example.

Manuel Arriaga, Portugal, Visiting Research Professor at NYU Stern, reminded that the recent revelations of Snowden and other whistleblowers about the US, UK and other surveillance programs showed the fact that ordinary citizens are severely unequipped to evaluate the effects of mass surveillance, totally blocked in official communication with government officials, in the absence of information from media with regards to the number of terrorist attacks prevented, for example.

Tim Karr USA, Senior Director of Strategy at Free Press, stated that media, at least in the US seems to take government sources on their word. He recalled that President Obama convened the Civil Liberties Oversight Board following Snowden's revelations, which could not identify one single instance when mass surveillance helped in the process of fighting terrorism. He further stated that there is a growing awareness that the mass surveillance is an ineffective tool, and the governments invested too much in it, and in aggregation of data and metadata of all citizens, while there are more credible sources to prevent terrorism.

Georgios Kolliarakis responded that the cost opportunity for a strategy that is not delivering is a misfire or even a backfire if it has undesirable effects like getting the wrong groups.

Jerzy Pomianowski, Executive Director of the European Endowment for Democracy, stated that the answer, when governments ask for more control, is to also have more control on/over them. However, he said that this would work in democracies, but not in non-democratic regimes. Therefore, selling and the distribution of surveillance technology should be limited only to democratic governments.

Christophe Deloire, Journalist and Secretary General of Reporters without Borders, maintained the role of Parliamentarians in the control of the effectiveness of surveillance, while the journalists have a different role to play. In a situation of state of emergency like the one in France, there is censorship and more control applied to the press, even if the press, he said, is the solution, not the problem.

Tim Wilson, Australia's Human Rights Commissioner, said that mass surveillance is an ineffective tool, but mass data collection can have a role in targeted surveillance when there is a substantive basis to make an investigation. He said that more important is to have safeguards in place and institutional infrastructure for oversight. He saw a crucial role of media in this respect, as an ally and a check balance.

Faiza Patel raised the question of risks to mass data collection, reforms and requirements to private companies holding that data.

Tim Karr responded that those companies are big Telcos with a long term background of dealing with intelligence Agencies. He said that reliability and accountability of the process needs to be tested against the history after history.

Tim Wilson spoke about the need to have data retention for the sake of dealing with criminality, but he stated that accountability is the key of/to freedom. Therefore, it is important to know how long the data is collected for, who holds it, what safeguards are in place, who has access to the data. The effectiveness of the mechanism should be tested as there is a need to have a proper institutional mechanism in place to hold the data. He said that government and politicians should be held accountable, but a key condition of freedom is that if people abuse their freedom and commit crimes they too can be held accountable. The question about balancing rights and security remains for the Human Rights Commissioners to answer.

Faiza Patel advanced the question of whistleblowers and the discrepancy between whistleblowers disclosing information which might endanger the country and the people.

Christophe Deloire raised the attention on the fact that the whistleblowers are in United States, revealing problems from United States, which is a democracy. He questioned how is possible to ensure that whistleblowers in non-democratic countries can disclose freely information.

Tim Karr stated that one of the challenges we face when we deal with mass surveillance is there are different communities dealing with it – legal experts, policy makers, technologists, civil society - each of them with different interests and preoccupations. However, the better the coordination and communication between these groups can lead to more effectiveness.

Jerzy Pomianowski said he has the experience of working with activists in nondemocratic countries, where there is a big question about who holds the data and what this is used for. Some governments can use this data to modify the landscape, to influence discussions, to change the careers of people. While media is hungry for information of this kind, these governments are changing the reality and we should not forget that it is necessary to address this problem at international level, not only to analyse the data collection in democracies. He drew attention to the fact that the technological transfer should be controlled and limited, as data collection does not only belong to democracies. And if in democracies we can find a way to hold the government accountable, in non-democracies this is not the case.

Tim Wilson asked if the standard applied now to online environments, would be accepted in an offline environment and gave the example of bank records, saying that the threat would be real when data can be aggregated from different systems that collect it.

Manuel Arriaga reported on the second challenge "Liberating society from fear and nurturing the desire for freedom". He stated that terrorism aims to create fear. Therefore, one of the conclusions that emerged from the Labs was to answer fear by creating more inclusive societies, overcoming the divide which seems to be the root of the problems. The Labs presented a variety of intercultural initiatives, to build dialogue, to combat hate speech, to combat terrorism and radicalisation. Among the issues discussed were immigration policies, protecting NGOs and civil society, coping with diversity, building new narratives in developing abilities for a new notion, combating fear of foreign elements, of diverse groups. He spoke about exploring fear and how fear is cultivated.

Tim Karr stated that creating different narratives is a challenge in the context of DAESH or 9/11. But the example of Nashville's welcoming strategy changed the ideas about the Islamic world and showed that change in a popular culture is possible. However, the challenge lays with the need for a new culture political narrative that political leaders would follow, in order to also produce change in the policies.

Christophe Deloire spoke about the responsibility of media and the need to not only limit showing the Western point of view, if we do not want to have a closed and hostile society. He called for support for the UN Special Rapporteur for the Protection of Journalists.

Jerzy Pomianowski stated that fear is a right and a natural response of humans, therefore rationalizing it may have dangerous consequences for human beings.

Tim Wilson maintained that fear is natural, but there is a need for media reports to accurately use the existent institutions in managing fear, to empower communities.

Tim Karr reported on the Labs dedicated to challenge “Freedom of information in the “age of terror”. He spoke about the journalists and journalism today, in the digital age. He mentioned that one of the questions that came out was about the legitimacy of whistleblowers in the ecosystem. He stated that the rights reserved to journalists should be extended to everyone who is engaged in the information ecosystem, including bloggers, and other people who set news sites via Facebook for example. Therefore, he said that journalism should be defined by the act itself and solution policies should be well-reasoned/well thought through to better protect all players in the information ecosystem. On the whistleblowers, he stressed that they would deserve protection only in case their revelations are serving the public interest.

Faiza Patel concluded that there is a broad consensus that freedom of information is critical to democracies, to our abilities to participate as citizens in our own societies, and play a role in international politics. She said that the responsibility of media extends beyond accurate reporting; she recognises that the citizens changed journalism, as the Internet changed the way the press and activism operate. With regards to whistleblowers, she said that they are an antidote to secrecy in situations where governments are trying to hide information. When speaking about mass and targeted surveillance, oversight is necessary, and technical self-defense through encryption and cyber-literacy remain crucial abilities.

Closing Session and Democracy Innovation Award

Three preselected initiatives by the Forum participants were presented during the closing session: Civil Society Coalition on Oil and Gas, Water Governance Institute Uganda, Anti-prejudice training in prisons, Greece, and More than One Story, Sweden. The Council of Europe’s Democracy Innovation Award is given each year to the World Forum for Democracy’s most popular initiative, which was presented in the labs and voted by the Forum participants.

The first initiative was aimed at increasing civil society participation in decision-making processes and to create a critical mass of actors to make the government more responsive. The initiative has succeeded in introducing 53 clauses in the petroleum legislation and has become a model in Africa.

The second initiative aimed at tackling stereotypes by applying the anti-rumour model in a prison in Western Greece. It aimed at changing prejudices about immigrants, dealing with discrimination, promoting equal rights and opportunities for all.

The third and winning initiative of the Council of Europe Democracy Innovation Award, was based on a unique and powerful card game which builds bridges between people of all ages, background, cultures, and has proven to be a valuable tool for teachers, social workers, religious leaders, as well as communities. It facilitates the process of integration and inclusion through an innovative approach.

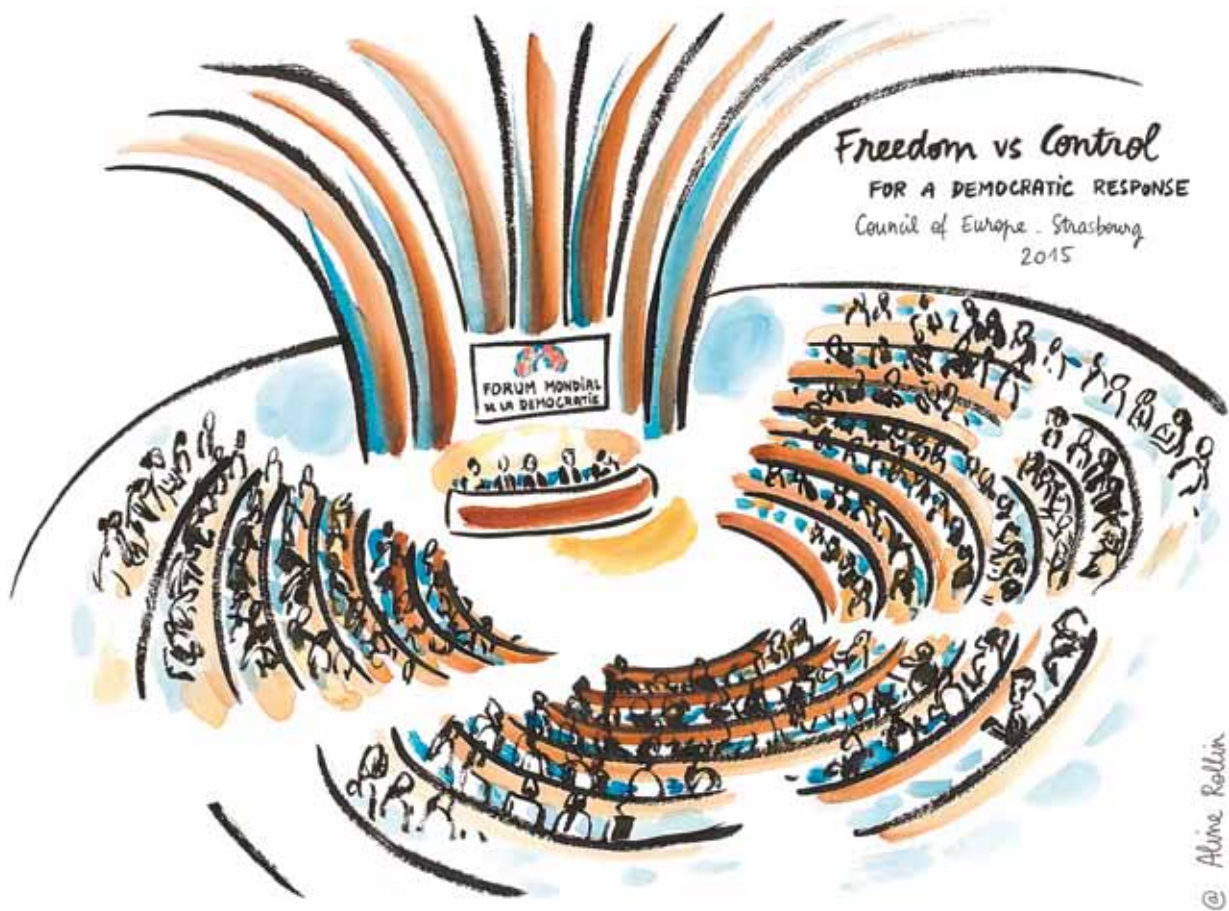
The Secretary General presented the Democracy Innovation Award 2015 to the representative of the More than One Story initiative. The Secretary General also introduced the first results of the Forum, attended by more than 2000 people coming from over 100 countries.

He stated that we should give a clear signal that we expect our governments to act in the right way, to be tough on terrorism, but also to respect human rights and the rule of law.

He spoke about surveillance, in the context of new technologies development and use and he made clear that surveillance should be proportionate, targeted and subject to democratic oversight. He said that freedom of expression should not suffer from the methods used for surveillance, but it is very important to have safeguards in place to protect it. Hate speech should be combatted, and the Council of Europe is running a campaign in this regard.

Furthermore, he spoke about the culture and history of Europe and how the continent has been built with the contribution of Arab, Asian and African people. Therefore, inclusive societies should be created and they should be at the center of the fight against terrorism.

He called for unity and alliance, against alienation, stigmatization, marginalization and exclusion. He stressed that all of us have the right to life, the rights to freedom of expression, the rights to assembly, and these rights should be upheld and protected.



LAB 1 – LEGAL RESPONSES

Moderator: Mr Rudolf LENNKH, Austria, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Austria to the Council of Europe

Initiative: Holding intelligence agencies accountable through international law, Privacy International, United Kingdom

Presenter:

Mr Matthew RICE, Advocacy Officer, Privacy International, United Kingdom

Discussants:

Mr Nils MUIZNIEKS, Council of Europe Commissioner for Human Rights

Mr Kaoru OBATA, Japan, Professor of International Law, Nagoya University

The Lab in brief

The purpose of this Lab was to identify ways of re-enforcing the democratic oversight of security responses in a context of a generally perceived threat to security. *It discussed governmental and corporate violations of democracy, mass surveillance that daily leads to abuses regarding civil liberties and human rights. One of democracy's main principles is the equality of citizens before state and law. How can we make sure that the law and the justice system can adequately protect citizens from abuse of their privacy and freedoms by corporations and governments? Answers pointed towards keeping the governmental agencies within democratic borders.* The moderator announced that the findings and the results of the Lab will be further included in the work of the Council of Europe and its institutional partners, knowing that the Council of Europe is a watchdog and a standard setter in terms of democracy, human rights and rule of law, for the entire European continent, but also with a global outreach.

Matthew Rice from Privacy International focused his presentation on **How to hold intelligence agencies accountable through international law**, how to reconcile the work of intelligence agencies in democratic societies, and in societies increasingly using communication technologies.

Nils Muiznieks, Council of Europe Commissioner for Human Rights, intervened by saying it is not only privacy rights that are at risk through this mass surveillance we are facing nowadays, but also freedom of expression, unlike before journalists are no longer that sure of confidentiality. The right to a fair trial is also endangered, since unfortunately there is no confidential relationship with lawyers anymore. The relationship between a lawyer and a client must be confidential to assure a fair trial, a basic human rights principle that the European Convention of Human Rights stand for.

He pointed out that there were two worrying episodes: the actual orientation of many states serving the CIA and helping it by illegally detaining people; furthermore there are so many different models observed by states: intelligence services and agencies are given too much intrusive inspection powers, partly because no one knows what their actual work is. But there is a basic principle also underlined by UN standards, not only by the Council of Europe: the inestimable protection of the private life of human beings. And this has to be extended to the borders of member States, regardless of nationality, like Matthew Rice said.

WATCH THE WATCHERS



In order to preserve high democratic standards and protect our societies, there is a need of monitoring in order for the countries to stick to the rule of law and lawful treatment of protected data. There is also a need

to communicate with security services: they need to be aware of the threats to human rights they expose individuals to on a daily basis. Much of what they do is secret but it is really important to make them aware that human rights should be respected and protected. As examples of the most intrusive intelligence service were given the Dutch ones in Europe, and the ones the United States of America. It is extremely important to evaluate and review periodically the legal and institutional frameworks, procedures and practices for the oversight of security services. Nils Muiznieks said "Give the Intelligence Services more resources, but give the overseers more resources as well!"

Rudolf Lennkh, Permanent Representative of Austria to the Council of Europe, underlined that there has to be a balance found between the division of resources: how much governments can access private information and how much this information is needed for criminal investigations.

Kaoru Obata, Professor of International Law, Nagoya University, said that it is important to implement secure data protection at the grass-roots level. He further recognised that democracy in Europe is supported by numerous NGOs which is not the case in his country, Japan.

However, there are a few legal principles to be observed: first of all, the right to effective remedy in court cases, as established by the European Convention on Human Rights in Article 13, is not subject to any restriction or limitation. "Freedom vs. control" means that rules have to be applicable without exceptions; surveillance should have a limited access to information, cooperation with agencies is fundamental to take effective measures to ensure respect of human rights. There should also be a balance between surveillance and protection: the principle of proportionality is fundamental. The ZUANE Principles try to ensure that global principles such as the right of information and personal securities are respected. The principle of non-discrimination in terms of surveillance in the Universal Declaration of Human rights is also affirmed.

Nils Muiznieks, Council of Europe Commissioner for Human Rights, pointed out that the non-discrimination principle is at the moment not accepted by the U.S. and this strongly affects us because the U.S. controls every source of information and if the world wants to be a safe place then we need the United States "on board" for everybody to be protected. Also, Internet is a very tough area for human rights with the key players being the private sectors and governments.

Matthew Rice, Advocacy Officer, Privacy International, concluded on a positive note that there seems to be

changes: for example ten years ago, he said, "we wouldn't even be here talking about it, but now we are!" There is never going to be a perfect balance, but we have to look in that direction. There is a communication duty on society and governmental authorities need to be questioned and not taken as they are now.

About the initiatives

The idea behind Privacy International's initiative called **How to hold intelligence agencies accountable through international law** is to better hold intelligence agencies accountable by placing, in as many jurisdictions as possible, an explicit statement that all people, regardless of nationality, have the same level of protection afforded to them when it comes to spy operations. In some countries litigation can be taken to assert this, in others where reform of intelligence laws are underway, advocacy can be used to achieve the goal. The scope is one that can be adopted, with enough participation, as a developing international norm. The participants can be willing members of the public or civil society organisations.

The former NSA contractor Edward Snowden revealed in 2013 and 2014 the existence of mass surveillance programs with a cross-border coverage, conducted by governmental agencies in some countries around the world, which pose a major threat to democracies, and also to human rights, in particular to the right to private life. Such an example was MYSTIC, a formerly secret program that was being used since 2009 by the US National Security Agency (NSA) to collect the metadata as well as the content of phone calls from several countries.

He further explained the functioning of the Internet, where the original communication from start to end is broken into packets, each of them finding its route to the destination, usually crossing many jurisdictions. He also stated that it was clear that communication technologies were built and developed to be trans-national.

Matthew Rice gave examples of legislation in the UK, France and Germany, which discriminate and apply different treatment to the internal - national communication, which does not leave the country's territory and external - non-national communication.

Under these circumstances, the question ahead is how to create safeguards and since it is clear that the technology cannot be changed, the response should be in changing or putting into place adequate laws. He stated that we need to have legislation that treats everybody equally, because each individual should be accorded the same level of protection with disregard to nationality. Human rights are universal: article 14

of the European Convention of Human Rights explicitly says that rights have to be secured regardless of sex, race, national or social origin. We should be looking to form a norm, to place surveillance intelligence practices in a framework norm, taking into consideration human rights framework. By doing so, the aim is achieve not rights that are great on paper, but human rights that are practical, effective and guarantee protection.

Conclusions

- ▶ Mass surveillance might endanger human rights, not only the right to privacy, but also other rights like the right to freedom of expression;

the right to a fair trial might be affected since the confidentiality in the relation of a client with their lawyer is put at risk.

- ▶ The technology cannot be changed, but the response to mass surveillance should stay in changing or putting into place adequate laws, which create safeguards for human rights and rule of law.
- ▶ The legal and institutional frameworks, procedures and practices for the oversight of intelligence services should be periodically evaluated and reviewed.

LAB 2 – TECHNOLOGICAL RESPONSES

Sponsored by the Parliamentary Assembly of the Council of Europe

Moderator: Mr Günter Schirmer, Deputy head of the secretariat of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe

Initiatives: Cryptocat, INRIA, France
Mass surveillance vs encryption, Parliamentary Assembly of the Council of Europe

Presenters:

Mr Nadim KOBEISSI, Lebanon/Canada/France, PhD researcher and Cryptocat lead developer
Mr Pieter OMTZIGT, Netherlands, Member of the House of Representatives of the Netherlands and Member of the Council of Europe's Parliamentary Assembly, Committee on Legal Affairs and Human Rights

Discussants

Ms Nighat DAD, Pakistan, Executive Director, Digital Rights Foundation
Mr Thomas DRAKE, USA, National Security Whistleblower, Former NSA Senior Executive
Mr Christian KARAM, Lebanon, Lead Cyber Threat Researcher at the Cyber Research Lab at INTERPOL

The Lab in brief

The Lab discussed how security and freedom can be ensured in the context of mass surveillance and encryption. Encryption was presented as a tool for a secure Internet communication, but also as an accessible tool to protect fundamental democratic values from mass surveillance. "The encryption is a response to poor legal standards" said one of the speakers.

Mass surveillance is considered to protect societies from terrorism and organised crime. However, governments are not always able to supervise the framework of intelligent services' activities which may often go beyond the frames as was revealed recently by Edward Snowden. Therefore, citizens are forced to search for other methods to protect their fundamental freedoms such as freedom of expression, religion, right to privacy. How Internet users can deal with mass surveillance?

Some important issues were highlighted by the panelists. Firstly, in order to make the fight against terrorism more efficient and to avoid mass data collection and storage by several intelligence services, we need to strengthen cooperation between intelligence services throughout the world. Secondly, people must be educated about encryption as an accessible tool for informational self-defense. Easily accessible encryption is aimed at safeguarding the fundamental rights and freedoms. Thirdly, the use of encryption by millions may result in cybercrimes that are very difficult to investigate. And most importantly, law enforcement has to follow a directed approach – it should be human rights friendly.

The speakers highlighted that the collection of personal data can follow only personal acceptance or it should be based on a Court order. To make the fight against terrorism more efficient and to avoid mass data collection and storage by several intelligence services, they identified a need to strengthen cooperation between intelligence services throughout the world.



The panelists expressed concern that the recent terrorist attacks in Paris will lead to an increase of control without increased oversight by governments. It is much better to use a directed surveillance than a mass surveillance. Even though it is hard to carry out, it limits the scope of violation of fundamental freedoms. Directed surveillance implies a targeted approach which is the best way to tackle both terrorism and to ensure the right to privacy to the internet users.

The panel discussion continued on the issue of possible side effects of the encryption used by millions. In countries where surveillance remains an issue, digital security trainings to the vulnerable people where they can get knowledge about encryption is a need. "There is need to educate people how to make the Internet a safer place". But the main related problem is that encryption might be illegal until you get permission from the authorities.

A National Security Whistleblower and Former NSA Senior Executive, expressed the opinion that there is no need to increase mass surveillance to protect people from terrorist attacks. To some extent it will make society even less safe, as despite collected information, their reaction can be late. Likewise another speaker, Researcher at the Cyber Research Lab at INTERPOL, brought up the issue of encryption and data protecting software usage by criminals. One should keep in mind that encryption is something that is very useful in some cases, but it also helps criminals to carry out their criminal offenses. Unfortunately, police officers are not trained to solve cybercrimes.

About the initiatives

Cryptocat is a Free and Open Source Software (FOSS) browser extension that aims at making encrypted instant messaging accessible and portable. It is used by millions of people today and is translated into 28 languages. Cryptocat was the first modern usable encryption method. It was underlined that in order to guarantee the right to privacy and to make a real public difference, encryption has to be accessible. "Verifiable encryption is necessary for our economy, our privacy and our ability to regulate and reinforce the law."

The second initiative "**Mass surveillance vs encryption**" of the Council of Europe's Parliamentary Assembly aims to foster the usage of encryption among non-experts and make it safer against unlawful intrusion by third parties, including intelligence services. Undoubtedly, mass surveillance is a threat to many freedoms: the right to a fair trial, freedom of religion, the right to privacy, to name a few. That means informational self-defense should take place. "This is not protecting the state against the citizens; this is protecting the citizens against the state." Third countries have still no idea about this technology.

Conclusions

- ▶ Mass surveillance is a real threat to democracy; it does not justify such a loss of freedom.
- ▶ Easily accessible encryption is aimed to safeguard our fundamental rights and freedoms.
- ▶ Law enforcement has to follow a directed approach – human rights friendly.

LAB 3 – CITIZEN OVERSIGHT

Moderator: Mr Ulrich BUNJES, Germany, Special Representative of the Secretary General of the Council of Europe for Roma Issues

Initiatives: Jury Duty Revisited, Global Organization of Parliamentarians against Corruption (GOPAC) Citizens Juries - Setting Standards on Freedom Laws, The newDemocracy Foundation, Australia

Presenters:

Mr Jean Pierre CHABOT, Canada, Program Director at the Global Organization of Parliamentarians against Corruption

Mr Iain WALKER, Executive Director of the newDemocracy Foundation

Discussants:

Ms Marcelline GBEHA-AFOUDA, Benin, President of the High Court of Justice of Benin

Mr Robert SPANO, Iceland, Judge at the European Court of Human Rights

The Lab in brief

The lab discussed the possibility, advantages and drawbacks of including citizens in the decision-making process regarding mass surveillance, as a safeguard to ensure democratic oversight in society. The question was about the relevance and legitimacy of citizens to participate in decisions concerning their own surveillance. *Two initiatives were presented and discussed in the lab: Jury duty initiative by Go Pack presented by Jean Pierre Chabot (Program Director at the Global Organization of Parliamentarians Against Corruption, Canada) and Initiative Citizen Juries presented by Iain Walker (Setting Standards on Freedom Laws, The new Democracy Foundation, Australia).*

The lab discussed the need and the difficulties to find a balance between democracy, liberty and security issues. The participants highlighted the necessity to develop tools and new standards to ensure democracy. This lab was about testing new ideas. Indeed, in a very insecure world where terrorism has become a grave and urgent issue, we face the challenge to guarantee security while staying attached to fundamental values like the freedom of speech or the right to privacy. This is not an easy issue to solve and new ideas on how to improve democracy are welcome.

Participants emphasised the need for states to get information in order to be able to make the right decisions. In the light of terrorism which has become a global and imminent threat, the need for information has become inevitable to ensure the security of citizens.

Nevertheless, presenters, discussants as well as the audience agreed that surveillance may pose to human rights and may even endanger security. Massive surveillance proved ineffective and sometimes used for illegitimate or illegal purposes. This situation could be addressed by including citizens in the decision-making

process, with the creation of citizens' juries, modelled on citizens' juries in the judicial system. The participants emphasized the positive aspects of these citizen juries, which in real democracies would allow citizens to have a say on why and how they are being watched, and to what extent this is acceptable or not. Such a mechanism would also restore public trust in intelligence services and ultimately in governments.

The discussants agreed on the participation of citizens as being a pillar of democracy. However, they wondered how the citizens would be selected and questioned the capacity of ordinary citizens to make decisions on such complex issues like freedom vs control, with no scientific knowledge or skills to respond to these questions. They also called for tackling such issues at the root, by promoting education and focusing on the young people and inter religious dialogue in order to do away with terrorism's sources, such as ignorance and obscurantism.

Marcelline Gbeha-Afouda, President of the High Court of Justice of Benin, emphasised the difficulty of the role of citizens in surveillance, namely, the right balance between the need for security and the respect and guarantee for human rights. She recalled that governments have the duty to respect citizens' privacy. However, she highlighted that citizens also have to organise themselves in order not to let governments invade their private life. She summed up by questioning: do citizens not have to consent to some sacrifice of their freedom in order to protect their security, while still caring for their rights? She appreciated the Citizens Jury Initiative, but showed disagreement with including politicians to work with these juries. She emphasized education, in all its dimensions including moral and religious, starting with early ages, might be a solution for addressing the problem at its roots. She advocated for cultivating the religion of love, the culture of diversity and inter-religious dialogue.



Robert Spano, Judge at the European Court of Human Rights, expressed that it is crucial for citizens to participate in the decision-making process. Increased participation of society in decision-making processes has roots in direct democracy. The two presentations are not necessary dealing with the same topic; they have different dynamics and require different elaboration. He pointed out the fundamental difference between the two initiatives; one is dealing with freedom laws and the other with the oversight of surveillance. In today's world, citizens lack trust in decision-makers, therefore it is important to involve citizens more in the process. Spano highlighted his concern regarding the selection of citizens being involved in both initiatives. Purely a random process cannot lead to expected results. The question regarding oversights of freedom laws is mainly dealing with surveillance. Why do we require oversight of surveillance? The main reason for oversight is public trust, protection of individual rights, and the most important thing is to create oversight mechanisms. There is a fundamental difference between a citizen jury in the criminal case and a citizen jury creating a balance between freedom and surveillance. What mechanisms for oversight are necessary? There is a need for oversight in every process of collecting data – collection, storage, selection and analysis. There is a need for oversight with every stage of proceedings. How will citizens participate in this? Surveillance has to be prior and post fact. Citizens without special knowledge cannot participate in such a process. There is a need for bodies that will prevent actions and also post fact decide on the lawfulness of the measure.

About the initiatives

Citizens' oversight concerns the massive surveillance of citizens by states and their intelligence services in order to counter threats like terrorism or corruption and criminal activities.

Jury duty initiative of the Global Organization of Parliamentarians against Corruption (GOPAC) proposed to test and to explore the feasibility of Citizen Juries granting surveillance approvals in the same way they currently pass judgment in criminal proceedings. Cases could be determined, by a jury, a judge, or both. The idea is to grant the responsibility of determining rules and guidelines for approval of surveillance to parliamentarians and citizens. There is a need for intelligence professionals working for a good aim, as well as the need to involve a jury in order to keep the mass surveillance on a democratic level and to follow proper procedures and protocols. The main goal of the project is to increase democratic oversight and support for those involved in surveillance activities. The jury only needs to know why a person represents a risk and the backup of the assessment of risk in order to protect confidentiality. He also called for ethical training of intelligence officers and a transparent democratic access for granting warrants for invasive forms of surveillance. Support with proper procedures for professional ethics is needed, along with the protection for whistleblowers..

Citizens Juries - Setting Standards on Freedom Laws initiative of The newDemocracy Foundation, Australia, also called for citizen juries to make decisions about political matters and in this case about intelligence and citizen oversight. The idea is to operate a random selection of a wide range of views and skills and to let the citizens pick the experts. The presenter said that although you cannot turn citizens into experts, their contribution might be helpful and will help restore public trust. With citizen juries setting standards on freedom laws, this initiative intends to replace public opinion with public judgment. It has been explained that with public opinion instead of public judgment, the task of electing people to make freedom laws is impossible. There is too much pressure on representatives, who seek to be (re)elected. The decision-making process in this case may become slower, but more effective at the same time. When the majority of the population will look at decisions as trust worthy, the question about the difference between freedom and control no longer has to be raised.

Conclusions

- ▶ Citizens' engagement is a fundamental pillar of democracy.
- ▶ Education and ethical training have a major role to play in tackling these problems, including the training of law enforcement officials.

LAB 4 – CIVIL SOCIETY RESPONSES

Sponsored by the INGO Conference of the Council of Europe

Moderator: Ms Anne-Marie CHAVANON, France, Chair of the Democracy, Social Cohesion and Global Challenges Committee of the Conference of INGOs

Initiatives: Civil Society Coalition on Oil and Gas, Water Governance Institute, Uganda
Enabling and Protecting Civil Society, Amnesty International, Turkey

Presenters:

Mr Henry MUGISHA BAZIRA, Uganda, Executive Director of the Water Governance Institute
Ms Ruhat Sena AKSENER, Turkey, Campaigns and Advocacy Director, Amnesty International, Turkey

Discussants:

Mr Rajith KEERTHI TENNAKOON, Sri Lanka, Executive Director of the Centre for Human Rights and Research
Ms Alexandrina NAJMOWICZ, Romania, Director of the European Civic Forum

The Lab in brief

This lab discussed different counter measures that can be taken in order to prevent governments from shrinking the space for civil society in the name of a better security system.

Facing the pressure of governments and lobby industries, civil society and public space are threatened in many countries. In order to justify repressive legislation, political authorities are targeting organisations which promote democracy, rule of law, human rights and basic liberties. But can security be a justification for muting the voice of civil society? Instead of keeping these organisations silent, government repression is actually creating a stronger will from civil society to make its voice heard and to act in order to counter political power. Groups of citizens have taken advantage of increased personal and political freedoms and come together to voice their concerns and advocate for greater inclusion in national and international affairs.

From this desire to act can emerge great initiatives like the two introduced during the lab. For both, the starting point seems to be the same. It is unacceptable, the fact that there is no alternative power in their countries to balance any criticism or questioning of the government's activities. The problem might be found in the growing fear about all the outside threats that are complex and uncertain, especially terrorism.

The multiplication of terrorist attacks in every region of the world without distinction of origins, religion or social class reinforces governments' aspiration to fight and stop this plague. But in order to ensure security some governments may intentionally reduce space for civil society.

Civil society organizations (CSO) set up in order to give a space for citizens' expression and emerged to be a relay between the people and the political power.

The examples presented in the lab were playing on two different fields but shared the same goal: bringing people together behind one cause.

Mugisha Bazira, representing **Civil Society Coalition on Oil and Gas** explained that this project appeared from the civil society's need to be included in the decisions taken in the petroleum industry in Uganda. The Coalition, a collective work towards a unique voice, gather financial and professional resources to enhance its political impact and influence on national policies related to fossil energies. The need to replace the debate in the public sphere with an inclusive mechanism urged the development of the Coalition. In order to express itself and interact with political power, the civil society has to invest public space through the mediation of civil society organisations. According to Mugisha Bazira that was made possible only by collective action. The bigger the movement the more it is likely to weigh in the balance.

But the problem is how to enable people to invest in the public sphere? Most of the time, the civil society, not being informed about major issues, cannot call on their representatives or ask for accountability. The lack of credibility of civil society could be solved thanks to the Coalition, which provides information, knowledge and numbers to their members, and to the rest of the citizens. He recalled that the Coalition is important because of carrying strong values not only to face governments but also the stakeholders (industries, lobbyists, political parties, etc.).



Ruhat Sena Askener, representing Amnesty International in Turkey, underlined that human rights and freedoms are at stake in many countries. Not only in Turkey but in many regions around the globe, human rights and basic freedoms such as freedom of speech are violated by law enforcements and governments through different measures and methods, including censorship, police intervention, activists' detention, etc. This shrinking of civil society and the targeting of human rights defenders have a serious impact. Human rights defenders and organizations feel under threat and pressure, in both legislative and practical areas. This is also a vital issue for many human rights organizations and Amnesty especially in some countries. If this trend is not reversed, the consequences will be devastating for millions of people who rely on human rights defenders and others in civil society, empowering others to know and exercise their rights. The result might be most probably societies characterized by greater inequality, disenfranchisement, political social instability, stalled growth and/or greater poverty, and a potentially violent conflict. Amnesty International in Turkey aims at addressing this pressing public situation in this country: human rights organisations observed in the last few years, an unprecedented number of offenses by states on civil society with growing restrictions on freedom of expression, assembly, association, and a crackdown on human rights defenders.

The panelists explained that the power of people scares the governments. Nonetheless the tangible complicity between political power and economic power tends to let civil society behind and finally prevents it from being part of the participative process. CSOs have to consolidate the place of civil society in discussions on governments' activities, but also to allow an interaction with stakeholders (like with petroleum industry in Uganda).

A couple of people from the audience asked the panelists what they think should be the role of the EU in civil society responses. Unanimously, the speakers admitted that the European Union and the Council of Europe should show more support to CSOs and encourage cooperation between existing citizen networks notably in the lesser democratic countries, and the international institutions. The panel pushed the reflection further and proposed the nomination of Human Rights diplomats mandated by the European Union in order to defend human rights at every level of the society, independently from the State's interest.

About the initiatives:

Civil Society Coalition on Oil and Gas (CSCO) is a loose network of CSOs working on issues related to oil and gas. It was initiated to pool professional and financial resources of various CSOs as a way to enhance their research and advocacy agenda, to work collectively and connectedly, and speak as one voice on issues related to oil and gas exploitation in Uganda as well as to enhance their political impact to effectively influence national policy, governance and decision-making. The network was also intended to protect individual CSOs from being isolated and victimized by unscrupulous government agencies and officials. This was on the realisation that the emerging petroleum industry in Uganda was highly politicised and regarded as a sensitive security/secret matter. It was also on the realisation that the space for civil society organisations to operate individually and speak freely about the emerging industry was shrinking. A changing political environment, shifting towards increasing intolerance to an alternative/divergent opinion contrary to the ruling regime's agenda, the opposition's politics and the installation of telecommunication surveillance systems to monitor "subversive" information flows led the civil society to recognise its need to reoccupy public space.

The initiative called **Enabling and Protecting Civil Society** of Amnesty International from Turkey

One of the main goals in the struggle of CSOs is to mobilise all the stakeholders in a country to preserve civil society space, in countries where civil society seems to suffer from fear, as fear comes from the everyday violation of freedom of expression by some

governments and the repression, sometimes violent, of civil society demonstrations in certain countries. For example in Turkey, freedom of press is constantly under pressure and journalists censor themselves. In order to overcome fear, the citizens need to have alternative ways of information and often opt for social networks or international media. However, when Twitter or Youtube is blocked by the government, it becomes obvious for CSO to be the alternative.

Conclusions

- ▶ It is necessary not to give up in front of fear, to continue to occupy public space even when not invited, to increase the responsibility of the population by raising awareness and capacity building on technical issues, human rights, so they know about their rights, to mobilise the youth, in order to be relevant, reliable and build trust with political partners and economic partners.

LAB 5 – NETWORK RESPONSES

Moderator: Mr Dirk VAN EECKHOUT, Belgium, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Belgium at the Council of Europe

Initiative: Terms of Service and Human Rights, Center for Technology and Society FGV Rio Law School

Presenter:

Ms Jamila VENTURINI, Brazil, Researcher, Center for Technology and Society FGV Rio Law School

Discussants:

Nadia KAYYALI, USA, Activist at Electronic Frontier Foundation

Ms Raegan MACDONALD, Canada, Senior Policy Manager, EU Principal at Mozilla

The Lab in brief

This lab discussed a project aiming to safeguard people's rights to privacy and freedom of expression which tend to be threatened and often violated due to the abusive formulation of the Terms of Service (ToS) that are used on various online platforms.

During this Lab, the participants had the chance to get familiar with the 'Terms of Service and Human Rights Project' by the Centre for Technology and Society at Fundação Getúlio Vargas Law School in Rio de Janeiro. The main presenter, Jamila Venturini, explained how they developed a methodology to analyse the level of protection of privacy and freedom of expression – rights which are often threatened due to the abusive formulation of the Terms of Service (ToS) on a variety of online platforms. The Council of Europe's Guide to Human Rights for Internet Users has been a defining tool for the identification of the standards which should be used for the necessary methodology. The project mainly aims at triggering an international dialogue on the role of online platforms' providers as cyber-regulators, and helps these online platforms to fulfill their responsibility to respect human rights. At the same time, a production of evidence on the impact of Terms of services on individuals' human rights is something that also needs to be achieved. The final goal is to put forward concrete policy recommendations to enhance the respect of users' rights.

Specifically, the Terms of services are widely used despite specific national legislations. Despite their expanded existence, very few people read them. What is needed it to have them clear and harmonized with human rights. The providers must have corporate responsibility. For this reason, the project checked 50 entities to review their respect towards human rights, specifically right to freedom of expression, right to private life and due process. The main focus was on private intermediates. The findings showed that online platforms collect through their Terms of services more information than needed, moreover they share it with

third parties, do not observe data protection measures, and they generally do not respond to users' jurisdictions.

The panelists started by pointing out the importance that the Council of Europe plays nowadays to the Internet and the human rights aspects related to it, especially in regard to the right to freedom of expression and the right to privacy.

At the **representative** of Electronic Frontier Foundation underlined the obligation of human rights protection on any online platform, the requirement to present information in a digestible manner and that the Terms of services somehow censors users with real effects. Some big companies are willing to give data to authorities. 'The access to platforms is crucial. Being an activist without Facebook and Twitter is impossible.' 'People are thrown in jail for things that they say and this happens because many times people have no knowledge about which court is responsible when their rights are infringed. Safe harbour agreement is a voluntary agreement which companies have to agree to due to European data protection. The Terms of Service are often for the most part of the people, very unclear, embedding a lot of information in a difficult language for the regular user. This is why a technical background is needed. Therefore any analysis of the Terms of services required contributions from a diverse range of experts, not only legal ones.

Another speaker stated that the contracts control behavior. Though the most Terms of services are very similar (80%), they are complicated enough, so "In order to understand Terms of services you do need a PhD". It is difficult to understand what is lacking. Another challenge is the question arising: to which national legislation do the Terms of services apply? The project on Terms of services analyses the international ones. In the second phase it envisages the development of a methodology of implementing national legislations. Thus, cooperation with local groups is more than necessary. 'The difficulty lays

with the ability of enforcing data protection laws, not to create it. 'Security is what everyone wants and no one provides'

Jurisdiction is a big challenge to many multinationals, not clear enough and not in favor of individuals. Terms of services seem not to be a contract, but a legal document to protect the company. It came that big companies have national versions of Terms of services, and there are many differences between these versions. Sometimes clauses differ depending on the country of the user. One of the desired outcomes of the project is to develop basic standards for Terms of services, based on international standards, to draft model clauses in the future, adapted to each kind of company. Law has to be enforceable. The relevant directive of '95 is too old. There should be a project for new data protection regulation in order to give individuals control as well as incentives to comply at all levels. The price of not accepting the Terms of services may create an inconvenient for the Internet user, as he/ she will not be able to use the respective online service anymore, but it was recognised in the meantime that individual consent is a personal choice. Therefore, there should be a competition between online platforms. Facebook for example, used by 20% of the world's population, undermines the concept of choice. There is a need to act together to change this situation.

About the initiative

The **Terms of Service and Human Rights Project (ToS)** by the Center for Technology and Society at Fundação Getúlio Vargas Law School in Rio de Janeiro developed a methodology to analyse the degree of protection of privacy, freedom of expression and due process offered by the Terms of Service (ToS) of a variety of online platforms. The standards identified as a basis for the methodology derive from existing international human rights documents, notably including the Council

of Europe's Guide to Human Rights for Internet Users. The Project has analysed the policies of a corpus of 50 platforms in a pilot experience aimed at enhancing the methodology and identifying the main practices adopted by platform providers. Some of the main goals of the project are to: (i) trigger international debate on the role of online platforms' providers as cyber-regulators and fulfil their responsibility to respect human rights; (ii) produce evidence on the impact of Terms of services on individuals' human rights; and (iii) put forward concrete policy recommendations to enhance the respect of users' rights. The ToS project reflects the transnational dimension of the Internet. Almost no one can understand the Terms of services and their value for consumers' protection. At the moment there is no obligation of notifying users for any change of conditions in the Terms of services. Moreover, there is little information on active monitoring and therefore it is difficult to identify which content is removed. The project is also looking into the role of the Terms of services in regulating behaviours: 'Internet is a space where you can exercise your rights, to express yourself, to express ideas'. Actually, the idea is to see how much companies comply with the human right standards by analysing the process of safeguarding freedom of expression, privacy and data protection. The main challenge that remains is how to deal simultaneously with the recognition of the need of privacy, and the feeling 'that I don't have anything to hide'. The awareness raising about human rights online is an important component of the project.

Conclusions:

- ▶ Terms of Service should be clear, transparent and respect international human rights standards.
- ▶ As Internet has a transboundary construction, there is a need for transnational cooperation

“ AMERICAN WEBSITES CAN'T APPLY EUROPEAN LAW BECAUSE THEY GIVE INFORMATION TO THE NSA ”



LAB 6 – ENSURING SECURITY AND BRINGING SURVEILLANCE UNDER CONTROL, PROSECUTOR’S RESPONSES

Moderator: Mr Alexander SEGER, Head of Cybercrime Division, Council of Europe

Presenter:

Mr Harald RANGE, Germany, Former Attorney General of Germany

Discussants:

Ms Yvonne ATAKORA OBUOBISA, Ghana, Director of Public Prosecutions, Ministry of Justice & Attorney-General's Department

Mr Rintaro KURAMOCHI, Japan, Lawyer for constitutional matters at Japan Federation of Bar Associations and lecturer for Constitutional Law at Keio University School of Law

Mr Christoph PARTSCH, Germany, Lawyer Specialist on Freedom of Information

Mr Péter POLT, Hungary, Prosecutor General of Hungary

Mr Cédric VISART DE BOCARME, Belgium, President of the Consultative Council of European Prosecutors of the Council of Europe

The Lab in brief

This lab discussed the Prosecutor's role in acknowledging and investigating mass surveillance and the question whether mass surveillance is a necessary tool for the prosecutor's work for detecting criminals and terrorists.

The prosecutor has an outstanding and difficult role: on the one hand, he has to maintain national security and public safety in a country while, on the other hand, he should guarantee the rights of individuals. There is no doubt that he needs legal tools to fulfill these tasks. That is why all the prosecutors discussing in the lab session agreed to the statement that mass surveillance is a necessary tool for the prosecution authorities in order to prevent/impede terrorist threats. It can be legal as Article 8 Para. 2 of the European Convention on Human Rights allows the interference to the right of privacy when it is prescribed by law and necessary in a democratic society, in the interest of one of the named greater goods. In this case the greater goods are national security and public safety.

The Internet era has brought a lot of innovations and new forms of crime. This led to new challenges for the prosecutors to fulfill their tasks as traditional investigation tools would not be effective in this area. Mass surveillance programs have been installed especially after 9/11, but the question is how far these programs should go. To what extent is mass surveillance legal? Is evidence gained through mass surveillance allowed to be used in court procedures/proceedings?

After Snowden's revelations there has been a roll back in society and international institutions in favor of more privacy. That is why, now, clear and transparent rules need to be established by the legislator and/or the judiciary in order to define the application scope

of this secret method. The panellists agreed that mass surveillance can only be legal as an ultima ratio method.

Even if there is consensus that clear and transparent rules need to be established, protests were raised during the lab session against mass surveillance actions in general.

Governments use security reasons in order to restrict media freedom. These are dangerous signs to our freedom because the fundamentals of today's societies are put at risk. We should not fall into the trap of using terrorism as a general excuse for privacy infringements. Obviously, the government was not able to prevent the Paris attacks in November. Before such a powerful tool as mass surveillance is given to the prosecutor, it should be analysed extensively whether it really can prevent terrorist threats. A look at the whole picture is needed: What happened before the terrorist attacks? What happened after? Would methods of mass surveillance have helped?

The question is how much freedom we want to give up. One of the discussants is sure: To live in a free society, people have to accept a certain degree of possible terrorist threats.

Summary of discussions

Harald Range, Former Attorney General of Germany, emphasised that prosecutors are officers who act on behalf of society to secure the rights of citizens. There is a dilemma between public safety and privacy. Privacy includes the right of information and freedom of expression. Surveillance is of great importance in the prosecution of crimes and terror. Prosecutors agree that the secret method should only be used when there is no other method available that will give the same results.

In cases involving mass surveillance, there is often a lack of evidence or lack of national laws to deal with the subject. We should improve our laws in order to limit mass surveillance. Every society must decide upon how much mass surveillance they prefer/want.

Peter Polt, Prosecutor General of Hungary, said that the tragedy in Paris shows that we have to use mass surveillance to protect society. Criminal law systems are oriented by several international treaties and soft law documents. In prosecuting terrorist crimes, the level of conspiracy is so high that mass surveillance could be needed. Prosecutors have an outstanding role.

Yvonne Atakora Obuobisa, Director of Public Prosecutions, Ministry of Justice & Attorney-General's Department, said that in Ghana prosecutors have a limited role because of their legislation. We cannot throw mass surveillance away altogether. We must have clear legislation on the admissibility of evidence from mass surveillance.

Rintaro Kuramochi, Lawyer for constitutional matters at Japan Federation of Bar Associations and lecturer for Constitutional Law at Keio University School of Law, stressed that we must pressure the Japanese governments and keep up the universal struggle for freedom. Through security laws and other laws the fundament of society is put at risk, including fundamental rights and values.

Christoph Partsch, Lawyer Specialist on Freedom of Information, said that the governments are using acts of terrorism to reduce individual freedom. For example

after the terrorist attacks in Paris, France declared extended state of emergency, allowing a limitation of individuals' fundamental freedoms. The speaker observed that while the argument of terror is spreading, a powerful tool as mass surveillance becomes even more dangerous if there is not accompanied by more transparency in law enforcement. In addition, as the current laws have proved not being successful in stopping terrorism, he argued that prosecutors' acts need also a stronger control.

Cedric Visart de Bocarme, President of the Consultative Council of European Prosecutors of the Council of Europe, stated that we need to use police and prosecutor's related means in order to fight terrorism. However, there are society related issues that we have to respect. There is a lack of clear regulations, the nature of our communication system is fragile – it could be watched without people knowing, ECJ has underlined that human rights can be in compliance with services carried out by intelligent services.

Conclusions

- ▶ In the question of surveillance, states must take measures to protect their citizens against abuse, to set clear rules in a transparent way and in compliance with the legislation. It is important to be aware of the challenges and the effects of surveillance.
- ▶ The intelligent and police services have to work together, although it is difficult, to share information, in order to be able to stop terror attacks before they happen.

The key role of prosecutors:



@Aline Rollin

LAB 7 –INTERFAITH RESPONSES

Sponsored by the City of Strasbourg and the INGO Conference of the Council of Europe

Moderator: Mr Antoine SPIRE, France, Vice-President of Ligue internationale Contre le Racisme et l'Antisémitisme (LICRA)

Initiatives: Facing Facts!, CEJI – A Jewish Contribution to an Inclusive Europe
Interfaith Tour, Coexister, France
"ComUnitySpirit- Interreligious Dialogue", Afro-Asian Institute, Graz, Austria

Presenters:

Ms Robin SCLAFANI, Belgium, Director of CEJI – A Jewish Contribution to an Inclusive Europe
Mr Victor GREZES, France, Member of the InterFaith Tour and Development Director of Coexister
Ms Claudia UNGER, Austria, Head of the Afro-Asian Institute Graz

Discussants:

Mr Vladimir GRADEV, Bulgaria, Professor and Head of the Theory and History of Culture Department to the Faculty of Philosophy at Sofia University
Ms Nawel RAFIK-ELMRINI, France, Deputy Mayor of Strasbourg

The Lab in brief

This lab discussed three projects with an aim to unite people from different religious backgrounds and foster mutual understanding in an interreligious environment in order to avoid hatred and prejudices.

One of the factors encouraging society to add control measures is fear. People fear what is unknown to them – often different positioning towards the fundamental questions that religion strives to answer to cause anxiety and insecurity. The aim of the lab was to envisage how the understanding of one another's faith and beliefs can liberate the society from fear and therefore contribute to an environment with more freedoms.

The first presenter introduced the project "Facing Facts!" by CEJI – A Jewish Contribution to an Inclusive Europe. For more than 20 years, the project has focused on anti-discrimination advocacy, interfaith/intercultural dialogue, such as Jewish-Muslim dialogue initiatives, anti-bias diversity training and education. One really important lesson from these last 20 years is that dialogue is not enough to engage communities with each other – cooperation towards common goals is needed. At the same time, cooperation without dialogue is not enough. Intercultural dialogue and participative processes must be incorporated into the methodology of cooperation initiatives in order to be effective in building relationships that are sustainable in the face of resistance.

The second speaker represented Coexister, an association present in all of France, promoting solidarity, common values and education of people of different

faiths. They focus on the principles of tolerance and living together in peace. Two concepts to be reached are identity and integrity: finding your identity and that of others, then approving it so that there will no longer be a need for change. There are three steps to reach all of this: 1) dialogue; 2) doing together and 3) encouragement of others to do the same. The project that was chosen to be presented is called the Interfaith Tour.

The third presenter introduced the audience to measures taken in the city of Graz, Austria, in order to promote understanding and peaceful coexistence. Different religious groups cooperate in various ways, building a sustainable living environment together.

To sum up, it is very important to support the initiatives aiming towards mutual understanding and respect for different faiths and beliefs. A lot of hate crimes and confrontation is triggered because of misunderstandings in the religious context. In addition, the globalisation and freedom of mobility has resulted in a fractioned environment where it is of prior importance that different religious groups and non-believers can live together peacefully.

In the aftermaths of terrorist attacks, finding balance between tolerance and insecurity is challenging. It is crucial to answer to recent terrorist attacks in France in a democratic way.

A quote from Martin Luther King Jr., cited by the panelists, described the general feeling of the lab very well: "We must learn to live together as brothers or perish together as fools."

About the initiatives

The project **Facing Facts!** aims at unmasking the reality of hate crimes. It is dedicated to empowering Civil Society Organisations to collect data on hate incidents and hate crime through training, so that bias motivated incidents can no longer be denied, victims' rights will be protected and effective prevention and intervention measures can be implemented. This is done through means of advocacy and training. By advocacy they mean holding governments accountable to their international agreements, encouraging greater cooperation between law enforcement agencies and civil society organisations and facilitating intercultural solidarity towards common policy goals. The aim of trainings is broad consultation with civil society organisations across Europe towards creating guidelines. **The initiative** aims also at supporting self-development, empathy skills and critical thinking. There is a need for a closer cooperation between entities working against hate crimes and terrorism. The concerns raised by the audience involve miscomprehension of Islam, lack of public understanding. In order to involve the community more, CEJI has come up with online activities.

Interfaith tour brings together five young people from different faiths to spend 10 months together on a world tour, resulting in friendship and brotherhood over religious boundaries. Spending time together traveling makes them find common understanding and create an idea of a non-religious state where all religions can live together and political and religious questions are separated from each other. The next

world tour will be documented in a video. The project recognizes the importance of separating the church and the state, and the significance of associations, as something unbiased from the outside. The concept of laïcité can be challenging, but human rights are a universal concept that should belong to everyone. The problem with associations spreading this message is that former generations are afraid of all associations because they are associated with totalitarianism.

ComUnitySpirit interreligious conference 2013 brought together various religious groups of Graz and created as an outcome the Graz declaration of interfaith dialogue. The interreligious council of the city of Graz brings together people with different faiths to work together for the greater good. Dialogue is a very fragile gift and therefore people need to be careful when facilitating the interaction between religious groups. It is always better to bring the talking to a practical level and make people do things together instead of just talking. The biggest challenge is to involve those not involved in the dialogue.

Conclusions

- ▶ The common feature of the interfaith responses initiatives was with the importance of getting to know each other.
- ▶ Education should be part of an integrated system to fight against terrorism and radicalisation, in a coherent strategy, as the security measures alone has proven not to be sufficient.



LAB 8 – ANTI-HATE RESPONSES

Sponsored by the Parliamentary Assembly of the Council of Europe

Moderator: Mr Pierre-Yves LE BORGNE, France, Member of Parliament and Member of the Parliamentary Assembly of the Council of Europe

Initiatives: No Hate Parliamentary Alliance, Council of Europe Parliamentary Assembly
Anti-prejudice training in prisons
Counter-speech platform

Presenters:

Ms Milena SANTERINI, Italy, Member of Parliament and Member of the Parliamentary Assembly of the Council of Europe, General Rapporteur on Combating Racism and Intolerance
Mr Antonios ZIKOS, Greece, Director of "Saint Stefan" Prison of Patras
Mr Guillaume BUFFET, France, Founder and President of Renaissance Numérique

Discussants:

Dr. Qanta AHMED, USA, Associate Professor of Medicine, State University of New York, Author of "In the Land of Invisible Women", Journalist and Human Rights Advocate
Mr Paul GIANNASI, United Kingdom, Police Superintendent and Leader of a Cross-governmental Hate Crime Programme in the Ministry of Justice
Ms Cécile KYENGE, Italy, Member of the European Parliament

The Lab in brief

This Lab discussed the different measures that can be taken in democratic countries to face hate speeches.

In a world where the threats of terrorism are real and hurting the societies, one of the hardest task of democracies is to preserve freedom and peace. Hate reinforces fear, violence, and intolerance: the duty of everybody and every society is to keep these evils far from humanity. The panelists debated on what the democracies can do to prevent their citizens from being victims of hate-speeches. The power of their actions is defined by the frontier that must be cleared between freedom of expression and hate-speeches. To keep its legitimacy, democracy can't fight hate by hate, but democracy promotes pacific ways. Indeed, hate is the object of an endless process that reinforces hate. Then, does that mean democratic states are supposed to reinforce the security of their citizens in front of the increasing violence led by terrorism? They may also be a risk of hurting freedom of expression, because democracy considers as a good thing the fact of being able to protest and express some disagreement. It seems that, to face hate, the struggle is much more at the individual scale. Indeed, this is a struggle that concerns everybody, as a victim or a creator of hate. How are we, citizens of a democratic society, supposed to face hate speeches? The issue was exposed through three different initiatives.

About the initiatives

The **No Hate Parliamentary Alliance** is composed of parliamentarians committed to taking open stands

against racism, hatred and intolerance on whatever grounds and however they manifest themselves. The Alliance was launched in January 2015; 41 members of the Parliamentary Assembly have joined it so far. Its main goals are to raise awareness among politicians and civil society against racism and intolerance and to promote non-discrimination and respect for diversity. Partners of the Alliance include national parliaments and national committees of the Council of Europe "No Hate Speech Movement".

The Alliance promotes different actions. For example, in September 2015, the alliance approved a roadmap, a text that confirms what fields of hate they must defend with priority. The members of this alliance also plan a conference, so as to share advice to the countries on how to struggle hate speeches inside their boundaries. The alliance also wants to promote the July 22nd as the day for defense of hate-crimes victims.

Anti-prejudice training in prisons tackled stereotypes by applying an anti-rumor model through a workshop implemented at "Saint Stefan" prison of Patras (Western Greece). It aimed to: challenge existing misconceptions and prejudices about immigrants, combat underreporting in the field of discrimination, contribute to good relations between different groups, promote equal rights and opportunities for all, build understanding through interaction and explore stereotypes that contribute to discrimination on the ground of ethnicity and religion. The initiators realized that it is hard to understand how the prisoners live,

because the prison is a world disconnected from the rest of society. It is a place where violence and prejudices rule every day. He got the idea of giving to the prisoners an **anti-prejudicing training in the prison**, so as the prisoners can learn to live together, with all their differences. The objectives also were to put an end to prejudices around migrants, fight against discrimination, encourage links between groups, and promote the democratic values. The prisoners had to form groups for debate. The prisoners were satisfied, because the prison was interested in them. They thought again the stereotypes in their prison. Real partnership has emerged.

However, this project wasn't free of difficulties: the staff had to collect permissions to enter the prison, and to be sure that the project content was acceptable for the prisoners. Participants said they had learned things that they didn't expect could exist. Antonio Zikos added that this project had the advantage that it can be reproduced by everybody and everywhere.

The **Counter-speech platform** reestablishes links between citizens to counter "hate speech" thanks to the digital. To tackle hate speech issues on the Internet, Renaissance Numérique promotes a platform that allows anyone to report an abuse. As soon as the request is submitted, a warning is sent to volunteers gathered in teams (e.g. psychologists or associations)

among which, one of them is selected to begin a well-argued dialogue with the hate-discourse author. It's high time to show again policy-makers how the Internet can be used by citizens as an unbelievable democratic tool.

The counter-speech digital platform put in place by Renaissance Numérique is composed of volunteers, who have professional experience in fighting against hate speech. If someone becomes a victim of hate speech on the web, this person can call this platform for help. Then, a volunteer is supposed to have a talk with the hate speaker, so as to calm the conflict. The initiators highlighted that «the scope is absolutely not to denounce. Denunciation is not the solution, it reinforces hate discussions ». This project, financed by private funds, starts in January 2016.

Conclusions

- ▶ Hate speech must be discouraged for the prejudices it causes.
- ▶ Education and awareness raising campaigns should be conducted in order to combat hate speech.
- ▶ Decision-makers, civil society and journalists should create together platforms for non-discrimination and counter hate speech.



LAB 9 – INTERCULTURAL RESPONSES

Sponsored by the Congress of Local and Regional Authorities of the Council of Europe

Moderator: Mr Denis HUBER, France, Head of the “Co-operation, Administration and External Relations” Department and Executive Secretary of the Chamber of Regions of the Congress of Local and Regional Authorities of the Council of Europe

Initiatives: Competences for Democratic Culture, Council of Europe Education Department
Intercultural Dialogue Awareness Raising for Cooperation, Youth Service Organisation (YSO), Rwanda

Presenters:

Ms Pascale MOMPOINT-GAILLARD, France, Social psychologist, trainer, consultant

Mr Pacifique NDAYISHIMIYE, Rwanda, Founder and President, Youth Service Organization

Discussants:

Ms Amina BOUAYACH, Morocco, Secretary General of the International Federation for Human Rights

Ms Dusica DAVIDOVIC, Serbia, Member of the Nis City Parliament, Member of the Congress of Local and Regional Authorities of the Council of Europe

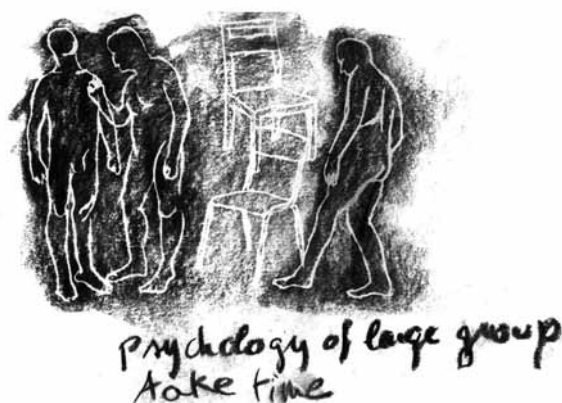
The Lab in brief

This lab discussed the power and the efficiency of integration, intercultural policies and policies in the prevention of radicalisation of migrants and minorities and in the fight against terrorism. In the current context of the rise of extremism and radicalisation and of the recent terrorist attacks in Paris, this lab was timely and topical. As our societies are facing these challenges, it is interesting to answer questions of what are the tools that our societies can use to prevent and to fight against these dangers. Integration, education and intercultural policies indeed seem to be the privileged tools, which we may use to build inclusive and safe societies and to answer the recent challenges we are facing.

Who are the main actors of this fight? How can education help us fighting terrorism and radicalisation? It should be first recalled that before even looking at the education system, one needs to think of the type of society we want to achieve, in order to adapt the forms of education accordingly and achieve his goal. Once the objective has been set and agreed on, both formal and informal educations should be used to reach the vision.

As regards formal education, it should be clear from the start that teachers need to go beyond mere transmission of knowledge: teachers themselves have to be trained, to find the meaning of what they are sharing with their students and to find the ways and methods to do so. Teachers should be taught themselves, thanks to the development of various tools, which will help them go into a deeper reflexion about the meaning of who they are, what are their values and what it is that they want to share with their students in the framework of their work.

Yet, it is clear in our situation that formal education in school is no longer sufficient. On the contrary, it should be combined with informal types of education and intercultural dialogues practices, as a complementary part of the construction of inclusive societies. It is indeed sometimes easier to connect people in an informal way, for instance by using culture or traditions as a mean to connect different groups of people, who may not share anything else. Getting people to know each other and make them gather together, beyond their ethnical or social belonging is of utmost importance to fight misinformation and ignorance from one another, which may ultimately lead to mistrust and fear. Young people have to be in the centre of the whole plan of action, as they are the future of our societies.



Besides, the practice of intercultural dialogue requires the involvement of a high number of stakeholders: apart from the families, who remain the first stakeholders in the transmission of values and knowledge to young people, education, civil society organisations as well as politicians, media and social media also have

a role to play. All of these actors have to engage to promote a higher level of dialogue between cultures and hence build a better understanding.

The fight against radicalisation and extremism has to be carried jointly by all these actors and by using all the means possible, including the media, the internet and the new technologies, which may be useful to reach the largest audience possible.

About the initiatives

“Competences for Democratic Culture”, was developed since 2013 and aims at developing a reference framework to develop competences for democratic culture and intercultural dialogue. This tool is designed for the use of both education practitioners on a day to day basis and politicians, when planning education. The possession of these competences by young people will help them to remain free and support democratic system and values.

Teachers have to develop and to share a “whole package” with their students, which include values, attitudes, skills and knowledge (or critical understanding). The development of these competences is a shared responsibility, which can help in the fight against terrorist and radicalisation. Even though there is no typical profile of a person who might become an extremist, there are general trends and tendencies, such as the lack of belonging, the disappointment by traditional policies etc. Education should be able to prevent these weaknesses. By developing a series of competences, teachers can also make terrorism and its propaganda less “glamorous” and fight its simplistic models, to break the attraction it exerts on young and/or vulnerable people. The mechanisms of terrorist propaganda need to be understood, so as to deconstruct and to decode it. This forms also part of the prevention role of education.

Intercultural Dialogue Awareness Raising for Cooperation uses traditional dance as part of the culture of the country (Rwanda) and as a form of expression for people. In the tough post war context, with migration and genocide, discrimination of some groups, the intercultural dialogue promoted by this initiative allows for respect, sharing of culture and tolerance.

This project brings together people from different tribes and ethnics in the country, and allows for

creating forms of cooperation between them, beyond their differences. Moreover the people trained directly by the organisation become trainers themselves in their communities and share a message of peaceful coexistence, which increases the impact of the initiative.

This initiative encountered challenges: misinformation between tribes limits collaboration and due to the marginalisation of some groups, they do not all feel welcome and do not dare to participate in the activities proposed by the organisation. Bringing different people together through dance and culture allow for better understanding and trust, which ultimately creates the conditions for partnerships and collaboration. It was also found that the support of politicians, religious groups and civil society organisations is required to enable people speaking and breaking stereotypes.

Conclusions

- ▶ Civil society has an important role to play in the fight against radicalisation and extremism, in which religious communities should also be included.
- ▶ Local authorities are another major stakeholder in the fight against radicalisation and extremism, as they have the responsibility to decide on the priorities and on the budget that will be allocated for the relevant services.
- ▶ Effective integration and education policies can prevent the radicalisation of migrants and minorities, and in this way combat terrorism.
- ▶ Social media plays an important role and has power in the fight against radicalisation and extremism, as well as in the promotion of dialogue.
- ▶ An efficient intercultural dialogue within a society can help people be better connected and understood, while decreasing feelings of exclusion and misunderstanding.
- ▶ Education should be part of an integrated system to fight against terrorism and radicalisation, in a coherent strategy, as security measures alone have proven not to be sufficient.

LAB 10 – LEADERS COUNTERING EXTREMISM

Sponsored by the Club of Madrid

Moderator: Lord John ALDERDICE, United Kingdom, Member of the House of Lords

Initiative: Madrid +10, Club of Madrid

Presenters:

Mr Sadiq AL-MAHDI, Sudan, Prime Minister of Sudan (1966-1967; 1986-1989)

Mr Andrés PASTRANA, Colombia, President of Colombia (1998-2002)

Discussants:

Mr Fouad AHIDAR, Belgium, 1st Vice-President of the Brussels Parliament

Mr Richard HOROWITZ, Israel, Attorney and former officer in the Israel Defence Forces

The Lab Summary in brief

This lab addressed the challenges of confronting radicalisation and violent extremism through firsthand experience of high-level political leaders, who promoted and implemented related necessary policies and tools in their countries. Among the identified sources of extremism were regional differences in education and economic development, as well as racism.

The speakers shared their own experience of violence and extremism and brought emotion as much as tension in the room.

Andrés Pastrana confessed to the audience about the challenges he had to face when he was president of Colombia. He spoke about his war against violent guerrilla joined by young people, just as young Europeans are joining ISIS in Syria. He reminded the audience that the struggle needed to take place on different levels: military, institutional, economic and social, as he has done in his project called "Plan Columbia". As he explained, Pastrana came to the Council of Europe in early 2000's and warned the Europeans leaders that the problem of drug trafficking would affect sooner or later the old continent. He stated that the money generated by drug trafficking would supply terrorist groups, making it a global issue.

Basing his speech on his personal experience, the Vice-President of the Brussels Parliament **Fouad Ahidar** insisted on the consequences brought by extremism and terrorist attacks. As a Muslim, he particularly deplored that political leaders often have been making generalizations without clearly pointing at the enemies. The different reasons that urge a person to decide to kill other people need to be comprehended before making dangerous connections. The stigmatization of minorities is dividing societies more than it helps unity, said Ahidar. According to him, humiliation

felt by a certain category of the population can create a feeling of injustice and then lead to extremism. And so it's an endless circle. In a way, he explained, the states need to take their part of responsibility on the rise of the extremism.

Some « solutions » have been mentioned by the Belgian parliamentary such as improving the transmission of information between states intelligence services and make a better use of the data of people suspected of extremism. He finally regretted that the decision was always made when the worst had already happened and that the impact of government's policies has often had a negative effect on civil society rights.

Richard Horowitz, a former officer of the Israeli military forces, had some critical comments and reservations for the Madrid 10+ document. According to him, some points should be clearer, especially the exact nomination of the issue. He observed that on the Madrid agenda of 2004, the word 'terrorism' was explicitly used in the text while it disappeared in the 2014 document and was replaced by « violent extremism ». However, he said, the enemy and the fact have to be clearly defined to know against what we are fighting. Besides he explained that he couldn't understand why naming « Islamic terrorism » is problematic because terrorists claim to be Muslim.

Finally he expressed his reservations on the anti-terrorism measures especially since military means aren't able to defeat an ideology.

Indeed it seems that violent extremism took a new face these past few years that the former strategies such as the Madrid Agenda fail to comprehend. All speakers seemed to agree that new measures against terrorism and new strategy need to be set up and that the policy has to be taken to the next level.

About the initiative

After the terrorist attacks in Madrid on March 2004, a panel of world leaders, former heads of government, experts and scholars called the **Club of Madrid (CdM)** met at a unique conference to analyse the causes of terrorism and to find sustainable solutions to fight violent extremism and preserve democracy. It resulted within the Madrid Agenda, which launched a general debate over the question of how to counter violent extremism.

Ten years after, the Club of Madrid brought the stakeholders together again in order to check the results of the 2004 conference, but also to rewrite a new agenda adjusted to the new issues and the new circumstances of the 2010's. The Madrid +10 wanted to be an initiative bringing people from different backgrounds and parts of the world, to discuss and exchange about experiences of violent extremism and practices to fight it.

The Madrid Agenda and the Madrid +10 are both setting up principles and recommendations for international cooperation to combat terrorism and mobilizing all stakeholders to eradicate extremism. The soft power strategy is rather considered as a solution than the military one and the initiative includes the

psychological side to understand the failures that can lead people to turn themselves to radicalization and extremism.

The complexity of the factors (social, economic, religious) and actors (terrorist groups, rebels, etc.) actually made the fight more complicated as well and military forces can't be the unique answers to a problem which the causes aren't clearly defined.

By supporting each other and working together, but also by eradicating the foundations of extremism groups, like their finances and territory, it is possible to constrain and beat them.

Conclusions

- ▶ The complexity of the factors (social, economic, religious) and actors (terrorist groups, rebels, etc.) make the fight against terrorism more complicated and military force can't be the unique answer to the problem.
- ▶ Ideologies can't be fought with weapons.
- ▶ By supporting each other and working together, and by cutting the terrorism finance supplies and its territory, it is possible to defeat it.



LAB 11 – FREEDOM GAMES

Sponsored by the Congress of Local and Regional Authorities of the Council of Europe

Moderator: Mr Andreas KIEFER, Austria, Secretary General of the Congress of Local and Regional Authorities of the Council of Europe

Initiatives: Dream Thailand, Friedrich Naumann Foundation for Freedom, Thailand
More than one story, Department of Culture and Leisure of the Municipality of Simrishamn, Sweden

Presenters:

Ms Pimrapa DUSADEEISARIYAKUL, Thailand, Project Manager, Friedrich Naumann Foundation for Freedom, Regional Office for Southeast and East Asia

Ms Traon PONGSOPON, Thailand, Project assistant, Regional Office for Southeast and East Asia, Friedrich Naumann Foundation for Freedom

Mr Seth SELLECK, Youth Coordinator, Municipality of Simrishamn, Sweden

Discussants:

Ms Andrée BUCHMANN, France, Regional Councilor of Alsace, Member of the Congress of Local and Regional Authorities of the Council of Europe

Ms Francesca TRALDI, Italy, Secretary General of Magna Carta Foundation

Mr Steven WAGENSEIL, USA, Acting President of the Council for a Community of Democracies

The Lab in brief

The Lab aimed at identifying solutions for creating dialogue between different societal groups. Two initiatives were presented in the Lab. “**Dream Thailand**”, a campaign based platform to give Thai citizens a voice, and a card game produced by the Municipality of Simrishamn, in Sweden, which aims at intercultural understanding, combatting prejudices and fear. Both projects got overwhelmingly positive feedback from the audience and the discussants. The participants were especially impressed with the universality of the Swedish card game and its successful application in a range of different situations and appreciated the potential of the projects to foster dialogue and understanding between different societal groups.

The panellists underlined the importance of communication and discovered that this is a common central feature in both projects. Among the conditions for success were identified the trust of citizens in civil society, the political support of governments for the both initiatives, the publicity around them, the involvement of youth, the importance of education.

The moderator stressed the three common key elements of the projects: they represent a bottom-up approach to establish societal interaction and build societal foundations, they create chances to open up people to one another and they enable people to unleash energy and creativity. The projects were thus seen as a very promising approach to foster democratic values.

About the initiatives

“**Dream Thailand**” is a project of the Friderich Naumann Foundation for Freedom Thailand, which aims at engaging citizens of different societal groups to collectively develop visions for the future of Thailand. It was developed after a group of young people looked for reasons why surveys showed that 65% of Thai youth had no interest in politics.



Looking at citizens' forums and the way they were organised separately as youth forums, senior forums or women forums, the project initiators discovered a lack of an intergenerational dialogue about the future of Thailand, to cross the strong intergenerational hierarchies present in Thai culture. The format for the dialogue responded to this need and ensured that forums focus on the participants' dreams for the future of Thailand, and not on their problems. Public forums were held throughout the country and identified dreams were mapped across different regions in Thailand. The project also trained citizen journalists, in order to sustain the discussion and help to create a public sphere ready to continue in a sustainable manner. Based on the dreams, which ranged from a peaceful society to equal access to justice and the wish to use local wisdom in working for a just society, targeted programs have been developed and some of the results were shared with the Prime Minister Office.

The initiative **More Than One Story** is a card game developed by the municipality of Simrishamn in Southern Sweden and is based on the identified danger of a single story. The game contributes to greater intercultural understanding, exchange, acceptance and appreciation and help to integrate minorities in society, tackling prejudices and fears. It changes attitudes of people towards each other. The game was printed with the contribution of many volunteers across the world.

The municipality cooperated with different organisations across the world. Since 2011 almost 35,000 copies of the game were thus printed and it was translated in over 20 languages. A PhD researcher is currently looking into measuring the success of the game and to find out how it changed attitudes. An app that uses the questions was downloaded 8,000 times so far 500,000 people shared at least five million stories while playing the game.

DREAM THAILAND INITIATIVE:

« First, we wanted to ask about the problems of the people but... »



Conclusions

- ▶ It is important to support initiatives aiming at improving democracy, rule of law and mutual understanding, as these are ways to involve people more in the process of public policies and to improve the intercultural atmosphere in society.
- ▶ It is not easy to implement these innovative initiatives and even harder to assess their functionality, impact on the government and various groups of people.
- ▶ These initiatives may be used in post or pre-conflict areas.
- ▶ Do not discuss the problems of the past, but improvements of the future.

LAB 12 – COUNTERING RADICALISATION

Sponsored by the Congress of Local and Regional Authorities of the Council of Europe

Moderator: Ms Jocelyne CABALLERO, France, Ambassador, Permanent Representative of France to the Council of Europe

Initiatives: Preventing radicalization and violent extremism in Aarhus, Denmark
The Welcoming approach to community development, Nashville, USA

Presenters:

Mr Sten SORENSEN, Denmark, Deputy Chief Superintendent, Head of Crime Prevention Unit, East Jutland Police, Danish National Police
Ms Rachel PERIC, USA, Deputy Director of Welcoming America

Discussants:

Mr Hans BONTE, Belgium, Mayor of Vilvoorde
Mr Karl DEAN, USA, Former Mayor of Nashville
Mr Leen VERBEEK, Netherlands, King's Commissioner of the Province of Flevoland and Vice-President of the Congress of Local and Regional Authorities of the Council of Europe

The Lab in brief

This lab discussed different political and social strategies to prevent radicalisation through further integration of marginalised communities within the society.

Radicalisation has recently been presented as a crucial issue regarding the increasing development of terrorism, particularly in Syria whose action has deeply affected the whole international scene after the devastating terrorist attacks in Paris on the 13rd of November 2015. This phenomenon of radicalisation mostly affects marginalized communities in the society as it is thought to be a consequence of a lack of integration, especially for young people or immigrants, who tend to become more and more involved in radicalized groups, such as the Islamists who eventually get them enrolled in terrorist actions in Syria.

As a consequence, political leaders as well as the police have tried to implement a series of measures addressing the marginalization of minorities to tackle radicalization which definitely puts at risk our democracies. Indeed, the prevention of marginalization of minorities in the society was particularly seen as an effective means to counter radicalization by many discussants.

In a world where radicalisation is a pressing problem, which can be encountered at every corner, there are two virtuous examples where the problem has been efficiently tackled within a community and thanks to the community: one in Denmark – Aarhus Model, and the Welcoming Approach of Nashville in the U.S.A. in integrating migrants.

The presenters introduced the two different initiatives which both aim at preventing this phenomenon of radicalisation in their own societies through first, social prevention and secondly, the promotion of integration so as to create a sense of belonging in the society and show all the benefits that we can get from encouraging diversity. However, if those political and social measures that were taken so far, have shown some positive effects on the tackling of marginalization, other solutions have to be explored: in fact, the promotion of liberties and stability of our democracies faces new challenges since new forms of radicalization are emerging.

About the initiatives

The essence of the **Aarhus model** is preventing radicalisation by working with at-risk citizens to improve their possibilities for inclusion in society and to help them develop better life skills. Work in this area began in 2007 with the aim to prevent radicalization - political as well as religious. It is collaboration between the East Jutland Police and the Aarhus Municipality, and is a supplement to the existing crime prevention efforts. In this initiative, prevention of radicalization is seen as crime-prevention, demanding of the authorities that they can navigate between the citizen's constitutional right to political and religious activism and the penal codes regulations on the means. The initiative deals with early prevention of radicalization, both for groups and individuals through various methods, which will be examined in this lab.

Denmark has been dealing with the radicalisation problem for many years. To avoid situations where Danish people leave the country to support religious wars in Muslim countries, work should be done for

prevention and early intervention. The collaboration of the population with authorities is fundamental.

The Danish government produced an act of police enforcement in order to promote the prevention of criminal actions, investigation and stopping criminal actions. If the police has reasonable indication that there is a bad case, it is entitled to give this information to the intelligence services.

There is a special combination of three key factors: school prevention and control, social services and late police intervention, if needed.

An early intervention is “soft approach” to counter radicalization: authorities receive vital help from parents networking; they provide families and individuals with mentoring opportunities, also by advising professional staff on radicalization risks and how to tackle them.

The Aarhus Model consists in going back to school, providing help in finding a job and this has proved to be extremely useful to discourage radicalization. This model is based upon the model used to fight drugs dealing and with some adjustments has been applied to religious extremism.

Some of those 17 people gone to Syria or Iraq came back, the police put them back in contact with their families and had conversations with them. Police advises these individuals at risk on the possible challenge they face, also whether there are proofs they will be charged (terrorism accusations), and if not, or after their sentence they help them go back to school and reintegrate into society.

Where is the line between a prevention model and enforcement model? The prevention model goes until some individuals make a decision to leave for Syria: the work stops before they leave and starts again just after they are caught and filed in Danish territory. These people are marginalised already in their own communities (i.e. Islamic in these cases). This leads to a more general consideration on how to make every community more comfortable and welcoming and inclusive, not only when countering terrorism.

Applying the Aarhus Model to the US for example would not be that easy probably, because of the idea of a repressive role of police authorities. In many countries there is an idea of repressive role of police. In Denmark for example there is another approach to authorities and that work in close contact with social entities.

The **Nashville model** was born in Tennessee, in 2006, after some violent attacks to the Islamic community living in the territory. Then the project “Welcome America” was born.

Nashville is an American city that rejected the temptation to marginalise its growing immigrant population. Led by a visionary Mayor, and a non-profit and business community that saw the potential inherent in its rapidly growing immigrant community, Nashville has shaped itself into one of the most welcoming cities in the United States. As a result of these efforts, Nashville has benefited economically, and the immigrant community - including a sizable Muslim population - has made its way into the mainstream.

Nations that are more accepting will have a higher economic growth. This is something Nashville firmly believed and therefore the community helped immigrants to integrate into society by helping them to start their own business and this led to a major growth of the city.

Karl Dean, the former Mayor of Nashville informed that there was a severe crisis in 2009/2010, a period of political elections. The city became increasingly diversified. Doing business in Nashville could only be made in English, no translation of any regulation was available at that time. The business community opened up for business and the whole community encountered an impressive growth. Schools created a program called “parents ambassadors” for parents of children of the same national background that could support new immigrant to develop a link to the community.

Radicalisation is dangerous within our societies. It is not something far away but with own surroundings. We need to organize networks of civil societies.

People gathered against violence of the Paris attacks; there is the ground of interreligious dialogue, living in the community together. Some Islamists went to Syria with great surprise and disappointment of what they found in the ISIS army: many of them did not expect to live their experience under certain conditions. Parental supervision is therefore very important to counter radicalization: indoctrinated lack of parental guidance leads to radicalization in many cases. Living in the community it is important to work with individuals at risk. Despite efforts, when people go to Syria we need to investigate the causes of the choice.

Conclusions and final remarks

- ▶ The promotion of social measures and the involvement of different actors are necessary to tackle marginalization and highlight all the benefits that a society can get from diversity and its integration.
- ▶ Radicalization has emerged as a complex issue which threatens the stability of our democracies and our liberties, therefore it becomes

fundamental to identify the causes of radicalisation in order to find the most effective responses

- ▶ There is not only one solution to the problem, as the two initiatives have shown

- ▶ Among key principles and notions for this problems are: tolerance, inclusion, feeling of belonging, importance of diversity, importance of working as a network with the inclusion of all stakeholders involved



LAB 13 – A CALL FOR EFFECTIVE AND JUST MIGRATION POLICIES IN EUROPE

Sponsored by the Council of Europe Schools of Political Studies

Moderator: Ms Irina ALEXIEVA, Bulgaria, Executive Director, Bulgarian School of Politics “Dimitry Panitza”

Presenters:

Ms Denitsa BOEVA, Bulgaria, Alumna, Bulgarian School of Politics

Ms Houria ES-SLAMI, Morocco, Member of the National Human Rights Commission and Chair of the National Human Rights Commission Working Group for International Relations

Mr Ljubisa VRENCEV, Greece, Symβiosis, Head of Programmes

Mr Gert WESTERVEEN, Netherlands, UNHCR, Representative to the European Institutions in Strasbourg

Discussant:

Mr Ahmed DRISS, Tunisia, Director, Tunisian School of Politics

The Lab in brief

The lab focused on the need to implement more effective and fairer migration policies in Europe, particularly with regard to the current context of the refugee crisis.

Migration policies are nowadays one of the European Union's biggest challenges, especially within today's refugees' crisis which show the limits of the current system. Different speakers analysed the problems from various angles and from specific experiences they were confronted with.

Irina Alexieva, Executive Director, Bulgarian School of Politics, stressed the opportunity this lab represents to address this issue into looking at different perspectives. Migration policies not only concern the EU member states but also North Africa's states. These states play a key role for migrants as transit countries between the Sub-Saharan Africa and Europe. They also represent host countries for all the migrants who cannot reach Europe. Therefore migration policies have to be improved in the EU but also in North Africa's countries and efforts have to be made to create better coordination between the different areas of the Mediterranean.

The debate was animated in this view by experts with different approaches depending on their areas and fields of action. Yet the discussion remained in the framework of the protection of human rights, the rule of law and human dignity. According to all the presenters, these values at the core of any democratic system have to prevail over the economic logic. Migrants' human rights have to be preserved and the priority must be by allowing them to stay safe. This implies reforms of the current legal system of hosting migration, but also an evolution of the mentalities. The presenters stressed that migration is still seen as a negative factor for the EU, whereas many positive aspects can flow from migration. The amalgam between migration and terrorism was also underlined

on several occasions during the debate. The rise of extremism in Europe and the fear of terrorist attacks led people to link together different elements, but terrorism does not flow from migration but from social issues.

Denitsa Boeva presented the conclusions of the Summer Academy 2015 of Alumni of the Bulgarian, Tunisian and Moroccan Schools of Political Studies on 'Culture and Security', supported by the Council of Europe. The participants focused on issues generally associated with migration like terrorism, extremism, armed conflicts, poverty, social exclusion or water shortage. They also presented some ideas of actions, as the building of common values, the improvement of better international security coordination, the simplification of bureaucratic procedures, the incentive measures for the development of underdeveloped regions to improve this situation. The water shortage problem should for instance be solved through a regional strategy and the construction of common infrastructures between the countries concerned by this problem. The aim is to prevent people from migrating by improving living conditions in their homeland. Denitsa Boeva concluded by arguing that transnational problems just require a comprehensive approach and a transnational solution.

Gert Westerveen, UNHCR Representative to the European Institutions in Strasbourg, underlined that the title of the lab presupposed that existing migration policies were ineffective, unfair or both. In his view, one of the biggest problems relative to European migration policies is that migration is still seen as undesirable. According to the speaker, the absence of a legal road for migrants fosters the growing importance of irregular migration with all the risks it implies for migrants. He also emphasized the still unequal repartition of the migrants between the EU member states flowing from the Dublin System, and

the lack of common approach to address these problems. Yet he pointed out that the 1951 Convention related to the status of refugee presents an effective protection framework for the refugees. He further underlined the need to cease considering migration as something bad for the EU and for the economy; stressed the importance of a common file processing and of harmonization of the standards between EU member states.



Houria Es-slami highlighted the growing importance of migration issues, especially after terrorist attacks. A representative of Morocco National Human Rights Council, she spoke about Maghreb as transit and host countries for migrants and refugees from South and East Africa to Europe. She emphasized the legal measures taken in Morocco for the recognition of refugee status and the rights of foreigners, but informed that the lack of infrastructure for receiving these refugees create problems in ensuring their decent living conditions. She advocated for a better coordination with the EU institutions as Frontex, in managing migration.

Ljubisa Vrancev, Head of Programmes at Symβiosis,, focused on the Greek case, and stated that the refugee crisis showed He considered 2015 as the year European migration policies have been in a deadlock. According to him, was caused by the inadequacy of European Union legal frameworks. He showed that European policies seem to be still divided between their theoretical humanist logic and the pragmatic fear of a lack of security at the borders. For instance, only

the licit migrants can benefit from integration programs in hosting countries, whereas illegal migrants can wait 18 months in detention centers before being turned back at the border. The only exception concerns people in need of international protection. For some years, the number of migrants from Syria, Iraq or Eritrea to Europe has continued to rise (increase of 900% in Greece in 2015 compared to 2014), while the European infrastructure, material and human resources for dealing with migration phenomenon became unable to respond to all these needs. This situation led to frustrations of all parties concerned – migrants, authorities and local populations. Therefore, the speaker as his predecessors stressed the need to ensure the right conditions to manage such a crisis. Moreover, he reminded that the refugees flee terror, extremism and Islamic State, and chastised the xenophobic reactions of some states in dealing with refugees' crisis.

Ahmed Driss, Director of the Tunisian School of Politics, asserted that nothing was really to discuss, insofar as decisions had already been taken in a hurry. In a crisis context, the fair prevails over reason. According to him, the EU and the presenters do not sufficiently distinguish between the usual migration and the current crisis. This leads to decision-makers' measures that are not really appropriate to the situation. He also stressed the idea that North Africa is now a transit region between South and North, and that there is a clear lack of coordination between the EU and this region today. Europe is seen as a "fortress" and this fosters frustration leading to radicalization. This cannot change if the migration issue is not addressed in terms of exchange. He wondered how to address these issues of frustration and extremism, as the amalgam between migration and terrorism. Terrorism was asserted not to be an offshoot of migration but of a social problem. In the Greek islands for instance, crime has not risen since the beginning of the massive influx of refugees.

Conclusions

- ▶ The European states have a duty and a responsibility in receiving refugees fleeing from war zones;
- ▶ There is a need for better coordination between European Union and the North African countries in addressing the migration/ refugees' problem;
- ▶ This common problem of EU member States requires common solutions.

LAB 14 – PROTECTING CIVIC SPACE IN INTERGOVERNMENTAL SETTINGS

Sponsored by the INGO Conference of the Council of Europe

Moderator: Ms Anna RURKA, Poland, President of the Conference of INGOs of the Council of Europe

Initiatives: Observatory for the Protection of Human Rights Defenders of the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT)
Community of Democracies Working Group on Enabling and Protecting Civil Society

Presenters:

Mr Antoine MADELIN, Belgium, Director for International Advocacy, International Federation for Human Rights

Ms Suehila ELKATEB, Canada, Chair of the Community of Democracies Working Group on Enabling and Protecting Civil Society and Deputy Director, Democracy Division, Department of Foreign Affairs, Trade and Development, Government of Canada

Discussants:

Ms Bea BODROGI, Hungary, Human Rights Activist

Mr David MOORE, USA, Vice-President, Legal Affairs, the International Center for Not-for-Profit Law

Ms Maria POMAZKOVA, Russian Federation/France, Member of the Expert Council on NGO Law of the Conference of INGOs

Ms Herdis Kjerulf THORGEIRSDOTTIR, Iceland, Vice-President of the European Commission for Democracy through Law (Venice Commission), Council of Europe, Professor, Faculty of Law, Bifrost University

The Lab in brief

The lab analysed different solutions and mechanisms which provide for protection of civic space in inter-governmental setting, in the context of increased pressure on civil society in countries where security and sovereignty are used as pretexts to interfere with the freedoms of association, freedom assembly and freedom of expression. This lab zoomed into protection initiatives that protect citizens in Council of Europe members States.

The panelists analysed the challenges and identified the needs that are not yet covered.

Two initiatives were presented in this lab, namely the Observatory for the Protection of Human Rights (OBS), Defenders of the International Federation for Human Rights (FIDH), the World Organization against Torture (OMCT) and the Community of Democracies Working Group on Enabling and Protecting Civil Society.

The panelists debated about the decline of global freedom in 2015 for a 9th consecutive year, as the surveys of Freedom House showed. They also described a deteriorating human rights situation for civil society and their organisations in countries of Eastern Europe and not only. One of the speakers presented different actions to counter this situation. For example, ProtectDefenders.eu is the European Union Human Rights Defenders mechanism, established to protect

defenders at high risk and facing the most difficult situations worldwide. It is led by a Consortium of 12 NGOs active in the field of Human Rights. In order to help those in countries where there is no fair trial possibility, the organisation help with filing cases in third countries or going to international courts. He further presented the Twitter campaign #ForFreedom, which raises awareness and helps human rights defenders to get out of prison. A video game was created in relation to the European Games that took place in Baku, Azerbaijan, where many civil society activists were jailed on charges which were fabricated. It shows that if you are an activist and fight for human rights you are not welcome to the European Games and you might be jailed. The panel appreciated that social media and video games are good tools to getting to a large public and raise awareness and further encouraged the publicity about such initiatives.

The panelists further identified among challenges posed to civil society the lack of transparency of government actions, the lack of resources and the limited access to external resources for NGOs, and the need to weighing the risk of the advocacy efforts in challenging environments. It was noticed that especially in the aftermath of the terrorist attacks, governments try to rush and adopt laws that restrict the civic spaces. This hastily written legislation may further cause as many problems as it solves. The speakers reminded that restrictive law must meet a strict test of justification,

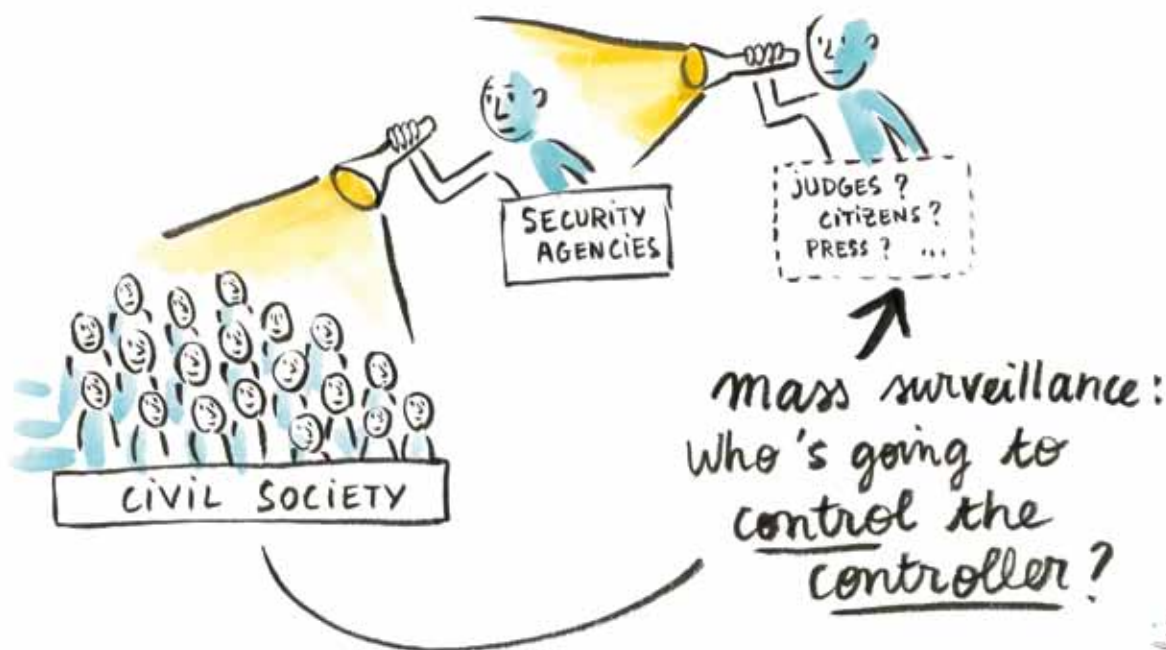
and one freedom without another is not sufficient. One of the speakers presented a difficult situation in Hungary, where the Prime-Minister accusing “paid political activists” launched an audit of 59 NGOs, but the audit did not find any violations by these NGOs.

The panel appreciated the need of more safeguards at the international level, but also encouraged for more political mobilization on the ground when civic space is threatened by restrictions.

About the initiatives

The **Observatory for the Protection of Human Rights Defenders** was established in 1997, during the time when civil society actions but also repressions against it reached a very high proportion. It is a global programme for monitoring and support aimed at reinforcing the protection and security of human rights defenders. The Observatory offers emergency protection to human rights defenders (urgent interventions, international missions, material assistance), raises awareness on cases of harassment and repression (urgent appeals, press releases or letters to authorities), mobilizes the international community, civil society and the media as protection agents for defenders (reports on violations of the rights and freedoms of human rights defenders) and cooperates with national, regional and international intergovernmental protection mechanisms with a view to promoting and reinforcing these mechanisms.

Community of Democracies Working Group on Enabling and Protecting Civil Society is an INGO that brings governments and civil society together. It has 6 working groups and one of them is the Working Group on Enabling and Protecting Civil Society. The Working Group is chaired by Canada and includes 13 states and the EU, 3 Advisory Bodies, as well as civil society partners and international organizations that mobilize to protect civil society from threatening legislation. Since its inception in 2009, the Group has been working to support the essential role that civil society organisations play in a well-functioning democratic society. The Working Group focuses on restrictions of legal nature via diplomacy, raising awareness and technical assistance. Through diplomacy the Working Group enhances information sharing, builds and reinforce international norms, engages with relevant UN experts, issues ‘Call for Action’ to the International Contact Group. International Contact Group, which consists of 110 contacts, is an early warning mechanism that is used when restrictive draft legislation arises in respective countries. So far there have been 10 ‘Calls of Action’. Through raising awareness the Working Group tackles the regional and multilateral fora and civil society focused events, as well as participates in international norm building supporting civil society related resolutions. Through technical assistance it provides legal and constitutional drafting expertise and organises in-country sessions for learning and sharing information. The next step of the Working Group is to expand its membership and



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geographic representation by focusing on the use of technology, capacity building activities and disseminating best practice legislation.

Conclusions

- ▶ The protection of civic space is multidimensional and requires various levels of action: clear international standards both legal and political, national regulations and practice of appropriation of the civic space by NGOs and national civil society.
 - ▶ It is of utmost importance that in those countries where civic space is being narrowed, the actions of intergovernmental institutions are strengthened. This reinforcement requires links of these international organisations with national NGOs and dialogue with the states.
 - ▶ There must be cooperation between institutions, between the NGOs and also between NGO's and the governments.
- ▶ Responses to human rights violations at an early stage are preferred, as they are more effective.
 - ▶ International mandate to address these issues should be found in institutions such as the EU or Council of Europe.
 - ▶ Attention to local struggles must be paid to find the challenges and to be able to address them appropriately.
 - ▶ Communication between governments and individuals should be well functioning, so that the individuals know who to turn to in case of violation.
 - ▶ Mobilizing people is an efficient tool. In regards to this, special attention should be paid to technological possibilities and innovative initiatives.

LAB 15 – SAFE WHISTLEBLOWING

Moderator: Mr Erdoğan İŞCAN, Turkey, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Turkey to the Council of Europe

Initiatives: Publeaks, Free Press Unlimited, The Netherlands
Globaleaks, Hermes Center for Transparency and Digital Human Rights, Italy

Presenters:

Mr Teun GAUTIER, the Netherlands, Chairman of the Board of Publeaks
Mr Claudio AGOSTI, Italy, Co-founder, Developer and Advocate of GlobaLeaks

Discussants:

Ms Nica DUMLAO, Philippines, Programme Coordinator, Internet Rights, Foundation for Media Alternatives
Mr Faheem HUSSAIN, South Korea, Assistant Professor in the Department of Technology and Society, College of Engineering and Applied Sciences at State University of New York
Mr Kirk WIEBE, USA, Former Senior Analyst at the US National Security Agency

The Lab in brief

This lab discussed about platforms to connect whistleblowers with journalists and to safeguard whistleblowers' anonymity. Whistleblowing is defined as making a disclosure that is in the public interest. The panelist argued the need for a whistleblowing technology, starting from the target of the revealed information through whistleblowing. Some constitutions developed the whistleblowing technology for digital anonymity. The goal of whistleblowers is to break the silence and to make the public aware of something that is being hidden, though it is in the interest of the public to detain this information. Whistleblowers are people who have something to tell. The concept of democracy is based on a society that is self-critical, where there are watchdogs that keep the authority in power in check, a society in which criticism is expressed and discussions are raised.

The panelists highlighted that whistleblowing technology aims to bring transparency, to report systematic abuse of power in today's world. The whistleblowers are enabled to contact journalists, lawyers or activists anonymously, with decreased personal risks. Moreover the whistleblowing technology are free software, allow that every topic may have an appropriate Whistleblowing site, and allow the use of e-mail, web browsing, phone calls, locations, tracking, metadata and data retentions.

The panelists analysed various challenges that affect whistleblowers nowadays: censorship, surveillances, legal liabilities, physical risks, intimidations and other issues. Social activism by soliciting whistleblowers is not just about twitter accounts and running a whistleblowing platform. There are different social goals, methods, and threat models for various actors and

different ways to "transform information into action". The responsibility of the receivers is not to trust only the data, but to seek further information on the respective subject in order to have enough understanding on what has been disclosed. The panellists assessed that the power of whistleblowers is increased by technology, which ultimately allows for empowered citizens. Online data control is a business in itself and data control is commonly present on the Internet by different actors. The whistleblowing software is just a part of the puzzle which should make whistleblowers safer. It guarantees whistleblower's anonymity, protection from a censorship attempt and **do not disclose the whistleblowers' service provider physical location**. It also provides a space to journalists where they can find a safe way of getting information. The panellists reminded that Cyberspace safety is a preoccupation of all governments; however freedom of speech might be affected in the context of security issues. Therefore safe whistleblowing needs a strong legal protection. Such protection has to be given not only by governments, but also by associations or the United Nations. Moreover, investigative journalism should be supported more and there is no doubt that Whistleblowing and journalism are important parts of democracy.

About the initiatives

Free Press Unlimited supports the investigative journalism. Generally, the governments or institutions are not interested in having certain topics investigated. Publeaks is an open source project started by a group of dedicated journalists and ICT professionals in the Netherlands who created an anonymous, censorship-resistant Whistleblowing platform. Journalism is the 4th power, as it is called in many countries. Several journalism initiatives have set up their own leak sites. The

key words for Free Press Unlimited are creativity, empathy and team spirit. Free Press Unlimited constructs around the motto "people do deserve to know". Free Press Unlimited provides investigative journalists and whistleblowers with a safe environment. **GlobaLeaks** is a platform which aims to present systematic abuse of power in today's world, in a transparent manner, through whistleblowing. Enabled with GlobaLeaks technology, the whistleblowers can contact journalists, lawyers or activists anonymously, decreasing their personal risk. Journalists can uncover secrets and

challenge those in power. The lawyers can assist the whistleblowers if they decide to go public, and the activists can transform the information into actions. Their goal with GlobaLeaks is security and flexibility in the Whistleblowing process. Security is needed to mitigate any potential threat faced by whistleblowers and in some cases legal support can be organised. They require flexibility because the organisations using the software to receive the information can be of any type- media, human rights activist, anti-corruption, or non-governmental organisations.



Conclusions

- ▶ The whistleblowing platforms can help to build more democratic societies.
- ▶ Investigative journalism and whistleblowing are not the same thing.
- ▶ There must be more human rights protection online and offline.
- ▶ The whistleblowing platforms should be supported not only by governments but also by organizations and institutions like the Council of Europe and EU.

LAB 16 –PROTECTION OF JOURNALISTS AND FREEDOM OF INFORMATION

Sponsored by the Alsace Region

Moderator: Ms Işıl KARAKAŞ, Turkey, Judge at the European Court of Human Rights

Initiatives: Platform to promote the Protection and Safety of Journalists, European Federation of Journalists/ Council of Europe

How do I know, Palestinian Center for Development and Media Freedoms, Palestinian National Authority

Presenters:

Mr Ricardo GUTIÉRREZ, General Secretary, European Federation of Journalists

Mr Mousa RAHIMI, General Director, Palestinian Center for Development and Media Freedoms

Discussants:

Ms Cristiana CASTELLOTTI, Italy, Editor in Chief, Radiorai 3

Mr Jean-Paul MARTHOZ, Belgium, Journalist at «Le Soir», Professor of International Journalism at Université Catholique de Louvain, Advisor of the Committee to Protect Journalists (New York)

Ms Najiba SHARIF, Afghanistan, Journalist, Laureate of the Alsatian price for Democratic Engagement

The Lab in brief

This Lab discussed the role of journalists in the current debate between control and freedom of information and its limits. Freedom of information and press freedom are basic pillars of democracy. In many countries of the world, however, journalists are attacked, harassed, detained and even killed because of their work of reporting. What can media do to oppose the threat to freedom of information and fully play its role as an instigator of public debate?

A response founded at the Council of Europe level was the setting up of a platform where incidents involving journalists and journalism can be reported. Since its inception in early 2015 there have been on this platform 99 alerts in 25 countries. Only in half of the cases the incident has been further tackled by the country involved. It is important to bear in mind that the main perpetrators of these attacks are usually the state and public authorities. Around 30% of the reported situations involved Turkey. There is an interaction



between NGOs and intergovernmental organisations that respond to the alert. Notably, this tool has already registered a success in Slovenia, where disclosing classified information by a journalist will no longer be treated as a crime if it can prove this act serve the public interest. In 2015 it has been reported that 11 journalists were killed, and 23 kept in detention. However, today there are still many threats to free journalism in Europe. The so called "Gag Law" in Spain, allows for fines for those inciting an unauthorised protest online and showing disrespect to the police, even in comment posted in social media. The ECHR judgement in the case of Pentikäinen v. Finland implies the risk for journalists to be detained, prosecuted and convicted for disobeying a police order while covering a public demonstration. The proposed European Commission Directive on Trade Secrets is also a relevant threat to the freedom to be informed that journalism defends.

About the initiatives

The "**Platform to promote the protection and safety of journalists**" is a joint project between the Council of Europe and the European Federation of Journalists, with the help of other partner associations. This platform creates a list in which any collaborator can report incidents against freedom of journalists to make them public, including both state and private sector violations. It includes a record of the authors and the seriousness of the threat or violation. Many of the reported incidents are followed by the Parliamentary Assembly of the Council of Europe, which decides ways to address them with the authorities of the respective states.

The initiative "**HOW do I know**" has evolved over the years from the idea of "MADA El'Illam Magazine"

to a digital platform. Its goal is to make Palestinian citizens vigilant with regards to the erosion of their freedoms and rights, to disseminate information and empower active citizen participation by creating this online platform "**HOW do I know**". Palestinians have the right to know why and how things are progressing or not, but they don't have the power or tools to demand their rights. Palestine urgently needs an Access to information law and an acute public awareness of this right and how to benefit from a comprehensive and modern law that protects their rights. This platform will be a tool for journalists and citizens.

Conclusions

- ▶ Freedom of expression means true democracy: it is very important to increase the awareness about the danger to freedom of information in EU;
- ▶ There is a clear need of cooperation between NGOs and States to defend the press;
- ▶ If Europe is an example for the world, there is a clear need to improve and to eliminate all limits to freedom;
- ▶ There is a financial threat to journalists in many countries, high fines that put pressure on them;
- ▶ When journalists are afraid of the government, democracy is in danger;
- ▶ Ultimately, press is the reflection of society; it is not its role to heal society, but to present the information in a professional manner.

LAB 17 – FRAMING FREEDOM OF EXPRESSION? BETWEEN MEDIA REGULATION AND THE PROTECTION OF PERSONAL DATA

Sponsored by the International Organisation of La Francophonie

Moderator: Mr Francis KPATINDÉ, France, Journalist and lecturer at the Institute of Political Studies, Sciences Po Paris

Initiative: Between media regulation and the protection of personal data: index of hate speech in Tunisian audiovisual media - Tunisia's media regulatory authority (HAICA)

Presenter:

Mr Nouri LAJMI, Tunisia, Chairman of the Independent High Authority for Audiovisual Communication

Discussants:

Ms Muriel HANOT, Belgium, Director of Studies and Research in the Higher Audiovisual Council of the Federation Wallonia-Brussels

Ms Drudeisha MADHUB, Mauritius, Data Protection Commissioner of Mauritius

Mr Bogdan MANOLEA, Romania, Executive Director of the Association for Technology and Internet

Ms Marguerite OUEDRAOGO, Burkina Faso, President of the Commission on Information Technology and Liberties, Vice-President of the Association of Francophone Personal Data Protection Authorities

The Lab in brief

This lab discussed the freedom of expression in today's context of terrorist threats and aimed at understanding what does it mean the protection of personal data in such a context.

Faced with the rise of radicalism: what to do? Speeches about democracy, tolerance, freedom are required in these unstable times. Nevertheless these speeches cannot be delivered without an accountability speech. It is difficult to determine exactly what a hate speech is. Freedom of expression can be considered as the key to all freedoms. Many international and philosophical texts are going in this direction.

According to the European Convention on Human Rights' article 10: *"Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."*

The International Covenant on Civil and Political Rights also says in its article 19:

"Everyone shall have the right to hold opinions without interference."

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

The panelists drew the attention that the lack of a uniform definition of "hate speech" concept might be a source of confusion, both in national and international contexts. An initiative of the High Commissioner for Human Rights (HCHR) proposed a workshop of experts for the prohibition of incitement to hatred. A review meeting was held in Rabat in 2012: a guidance document with detailed recommendations was produced to interpret and implement international obligations penalizing any propaganda. These recommendations are addressed to states, civil society actors, religious figures, media.

The exercise of these freedoms entails duties and responsibilities, and may be subjected to some formalities, conditions or restrictions. However, today the question is: about the limits to freedom of speech. The panelists tried to analyse this issue from different perspective and experiences, with examples of solutions to this problem. Such an example came from Tunisia, where a new authority, HAICA became part of the foundation of a free democratic society, aiming to ensure respect of freedom of expression and prohibition of hate speech.

The balance between freedom of expression and security of personal data was also under discussion. It was revealed that many courts have attempted to define the borders between freedoms and security. The panelists highlighted that it is not only the freedom of expression in question, as there is a related link between all human rights. In practice people often worry about the protection of privacy in the abstract but not in the concrete. Many authors have

noted the difference between what people say they value and what they actually do online. People give out more and more very personal information. The transnational nature of the Internet makes it difficult to know in which jurisdiction and region the data is transmitted. Individuals are no longer sovereign of their data. It is a complex debate as the disappearance of sovereignty over own personal data, should be accompanied by some control over those who administer these data.

The balancing of freedom of expression and privacy is a debate of general interest. The law must provide for restrictions on freedom of expression and it must be sufficiently accessible. We need to understand that this is a legitimate purpose that this freedom of expression is expressed; the measures must be necessary and reasonable in a democracy.



About the initiative

The Tunisian initiative HAICA is a regulatory body created in the wake of the Arab Spring (2013); it tries to establish a number of rules and measures for audio-visual media. It wants to organise this sector and follow a number of rules concerning the functioning of the trade, for ethics and deontology.

HAICA aims to conduct a monitoring of media discourse that incites hatred, based on the different

criteria of an action plan in Rabat. Among these criteria there are background of the expression, author, intention of the author to incite hostility, extent and intensity including its audience. With the support of the UNHCHR, a project has been developed in partnership with the Moroccan regulator, the HACA. This specific project allows the study of the contents that might constitute incitement to hatred.

Media have a responsibility and play a role in the incitement to hate speech. Care must be taken to cover the event in its factual and significant details and it is important to remain vigilant during live broadcasts. The idea is to respond quickly during live broadcasts to end hate speech. The regulatory body wants to avoid unnecessary references to race, religion, sex... Media should avoid any approach based on discrimination and promote understanding between people.

The structures to collect this information have certain obligations especially concerning the operating life of the data, the consent, and the purpose should correspond to the goal for which the data was collected. A data protection authority must generate awareness for citizens for instance with digital campaigns towards young people. It must get individuals, youth, government to use the same kind/type of digital content.

Conclusions

- ▶ Data protection and the other freedoms are not a contradiction: a balance between freedom of expression and security of personal data should be found.
- ▶ As free citizens, we can say “no” and keep the ability to define the optimal conditions for democracy even though deniers speeches exist and will always exist.
- ▶ The regulators see their role changing into teachers, guides rather than gendarmes.
- ▶ Having laws that provide for sanctions is not sufficient, in addition there is a need for an in-depth work on awareness and supervision.
- ▶ There is a need for quality journalism, which to present information in a professional manner. Regulating the field does not present sufficient guarantees to achieve quality journalism, but media education has to be put at center.

LAB 18 – CIVIC ACTION FOR MEDIA FREEDOM

Sponsored by the European Endowment for Democracy

Moderator: Ms Alexandrina-Livia RUSU, Romania, Chargé d’Affaires a.i., Deputy Permanent Representative of Romania to the Council of Europe

Initiatives: SMART (Syrian Media Action Revolution Team), Syria
Grani.ru, Russian Federation

Presenters:

Mr. Chamsy SARKIS, Syria/France, Co-founder of SMART & ASML
Ms Yulia BEREZOVSKAYA, Russian Federation, CEO of Grani.ru

Discussants:

Ms Tetiana POPOVA, Ukraine, Deputy Minister of Information Policy
Ms Salima GHEZALI, Algeria, Journalist, writer and women’s rights activist, Winner of the 1997 Sakharov prize for Freedom of Thought
Mr Emin MILLI, Azerbaijan, Journalist and Executive Director of Meydan TV

The Lab in brief

This Lab discussed the role of free media and voluntary journalism for the freedom of information in the “age of terror” and presented two initiatives of media projects run by activists.

The role of media in the “age of terror” has become very influential when it comes to political and social change. In some countries state media are of strategic importance as they have an impact on the society. Therefore, in many parts of the world being a journalist means being an activist. Sometimes there are only free media that can provide people with independent and objective information. As a rule, they are run by volunteers often risking their lives, working in hostile environments in conflict zones. Such media lack support from the government and, what is more, can be banned or persecuted.

The Lab discussed the role of free media for societies and their support: how can free media be supported when powerful governments or corporations exercise pressure on journalists in the name of national security?

Likewise, two initiatives of free media were presented at the Lab. The first one is SMART, a Syrian civil society organization founded in the wake of the Arab spring that launched various media projects in Syria. Its aim is democratization of the society by educating it and providing it with information to which otherwise it would not have access. The second one is Grani.ru, an independent online media for Russians and Russian-speaking audiences. It is a major source of information on such subjects as free speech violations, the plight of political prisoners and street protests. Although Grani.ru was banned by the Russian authorities after

the Crimean annexation informational coverage, it still has a significant audience.

About the initiatives

This summary includes panelists’ contributions as well as issues raised in the discussion with the audience.

SMART (Syrian Media Action Revolution Team) initiative is a Syrian civil society organization created in spring 2011 to support the non-violent movement that rose up against the regime of Bashar Al-Assad. It appeared with the Arab spring in Syria. Working with hundreds of volunteers in the country, SMART has successfully launched various infrastructure and media projects to help construct a democratic and pluralistic Syria. It has created a Syria-based media pool of 150 volunteers working full-time. SMART organizes media centers, educates activists via Skype. It supports print press, radio stations and children’s media. Thanks to the volunteers more Syrians are able to access independent news. SMART’s mindset is pro-democracy resistance.

A short film about SMART initiative depicts reporters working in dangerous areas of Latakia, activists installing FM broadcasters under the explosions and so on. The aims of SMART activities are: educating how to survive in a hostile environment, convincing donors to support Syrian-led projects, building a sustainable foundation for the Syrian society. The last one is of the primary importance because Syrian society is being radicalized for the last decades. Thus, SMART’s role is democratization of the society by educating it.

The **Grani.ru** initiative is an online media established in 2000, which present to the Russians and

Russian-speaking audiences, topics such as the violation of the freedom of speech, the plight of political prisoners and street protests. Special attention was paid to the Ukrainian crisis. After the annexation of Crimea the website was banned by the Russian authorities. Nevertheless, Grani.ru platform still has its core Russian and Russian-speaking users. This is the unique platform for the Russian civic society. The main aim of the project is to protect human rights in Russia, and to inform European citizens about the challenges that freedom of speech encounters in Russia.

The panel's discussion continued with the issue of media in the annexed Crimea and Ukrainian conflict zone in Donbas. Tatiana Popova, representing the Ministry of Information Policy of Ukraine gave an insight into the media war in the east of Ukraine. The main points were that Russian channels took over the TV towers owned by the Ukrainian government,

introduced censorship in Crimea and forbid the transmission of Ukrainian TV channels.

Conclusions

- ▶ Voluntary journalism is the main source of independent information especially in the countries where democracy is put at stake;
- ▶ The only criteria to do journalism is credibility and professionalism: in that perspective, activists can do journalism work, and there is no need to oppose those two categories;
- ▶ There are many other ways to support society think-tanks without informing a totalitarian government, and they should be used;
- ▶ Free media activities are of great importance and they have an undeniable role in political and social change.



LAB 19 – WHO IS “CONTROLLING” THE INTERNET? TOWARDS A TRANSNATIONAL MODEL OF DEMOCRATIC ACCOUNTABILITY

Moderator: Mr Lee HIBBARD, Coordinator of the Council of Europe’s Internet Policy

Initiative: ICANN’s approach of multi-stakeholder governance

Presenter:

Mr Jean-Jacques SAHEL, Vice-President, Europe & Civil Society (Global Stakeholder Engagement), ICANN

Discussants:

Ms Lea KASPAR, Head of the Programmatic Portfolio at Global Partners Digital

Ms Stefania MILAN, Italy, ICANN GNSO Councillor & Researcher at Universiteit van Amsterdam

Mr Julien NOCETTI, France, Research Fellow at Institut Français des Relations Internationales (IFRI)

The Lab in brief

The lab aimed at questioning the role of the Internet in shaping democracy through the analysis of ICANN’s multi-stakeholder approach. Participants got an overview of ICANN’s system and governance and discussed the challenges of playing democracy on a digital arena.

Whether the Internet is a new “public space” or not, is no longer to be proved. This precious digital means is both a place for the society to interact and a public resource that shall be managed in the public’s interest. Bonding is strong between internet and democracy, as it offers a new arena for debate and is also threatened by a firm control on netizens. Therefore does control on the Internet also imply control on democracy?

Understanding who really governs the Internet is not an easy task as everyone can have an impact on what is being spread, told and advanced on the digital platforms. As all networks are being glued together, it is important to elaborate a model of governance that brings all stakeholders in connection with each other. ICANN’s activities aim at that goal through elaborating a unique worldwide system of identifiers. Nevertheless, ICANN detains a monopole on the attribution of domains and coordinating their names worldwide. It is also the only organization that decides whether an address is valid or not. According to its supporters, the monopole is justified by the need for a unique manager that has to oversee the global landscape. Decentralizing decisions and activities would without a doubt paralyze the whole system. ICANN is set for the present challenges but is in constant evolution. It is an upgradeable model that adapts to the prerequisites of its environment.

The main current pressing concern about regulating the Internet is related to ensuring the representation of all netizens. During the 21st century, Internet has become more and more open and inclusive. Therefore,

ICANN promotes “polycentric governance”. Within its work, ICANN gathers a worldwide community of users that share concerns and advice. Users are also invited to partake in elaborating ICANN’s policies. Nevertheless, every human being is involved and touched by the issues that are being discussed. How can an organization ensure the representation of 7 billion stakeholders? Representation of different communities on the internet is unevenly distributed around the Globe. ICANN is active in developing countries to build the capacity of those communities to be involved in Internet governance, and this is an “ongoing effort”.

It should not be forgotten that the Internet is a relatively new means of communication. It deeply modifies exchanges and governance worldwide. Can the Internet really make a difference and change governance? The Internet has become not only a tool but a belief system. The principle of Internet openness suddenly clashes with long-rooted norms and disputes national sovereignty. On all these matters, the future of the Internet is not yet predictable.

About the initiative

ICANN’s approach of multi-stakeholder governance

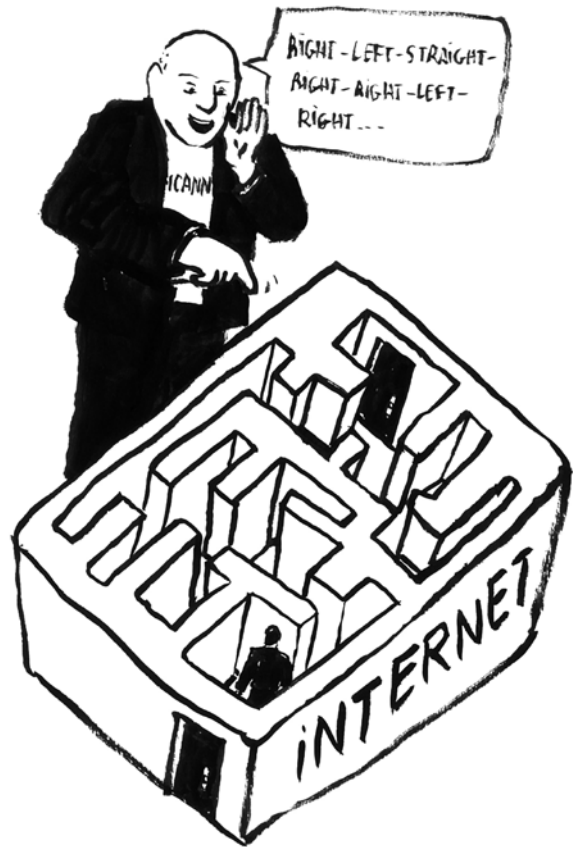
The Internet has attributes of a general purpose technology affecting directly or indirectly the daily lives of every person on the planet, every economy, culture and society. This new global commons should be shared and protected, and the means of governance of the Internet should serve the global community as a whole, rather than the particular interests of a small number of actors such as corporations or states, or driven by decisions made in policy making venues that are only open to a few. Internet governance should adhere to the principles of democratic governance. These governance principles have been illustrated in practice by the emergence of pioneering, so-called

'multi-stakeholder' models of governance. However, some crucial questions remain unanswered: What will be the source of legitimacy and the processes which ensure transparency and accountability of Internet governance? How can we make sure that the rights of Internet users will be protected in this new environment? How can Internet governance venues that address crucial Internet policy issues be held accountable, and do we need criteria that specifically address and establish standards of accountability and transparency in Internet governance?

As ICANN detains a monopole on regulating the internet, the accountability of the organization needs to be regarded. ICANN is currently going through a process of restructuring. Accountability shall be regarded in terms of efficiency. Critics must be taken into account to design a proficient organization. Regarding the governance of the organization, any user can nominate people that could be chosen to be members of ICANN's board. Volunteers can also become executives. ICANN's system relies on individual involvement.

Every individual can get involved on the internet, even the most dangerous ones. ISIS has a Twitter account and spread its call for hatred through this platform. In spite of all the issues it raises, Twitter decided to leave the account opened. The audience was critical about the important power placed in the hands of private companies. Mr SAHEL responded that Twitter has its own Human Rights policy. Working hand in hand with the private sector is essential to fight against cybercrime.

The new environment offered by the internet originated a new kind of romanticism. People worldwide saw the internet as an empowering opportunity for freedom. ICANN must address these wishes to ensure that the internet remains free. The internet cannot be compared as "cyberspace". Though it is a new landscape, it does not consist in a seventh continent, for we are without doubt surrounded by it. To avoid capture, ICANN must make sure that it eliminates the risk that the organization is used for some own benefit.



Conclusions

- ▶ The Internet is a new "public space", a place for the society to interact and a public resource that shall be managed in the public's interest;
- ▶ "Internet is ours", each and every one of us can have an impact in it, and ICANN ensures it through a multi-stakeholder approach and a polycentric model;
- ▶ Internet governance should adhere to the principles of democratic governance ensuring the participation of all the stakeholders and communities, including the private sector, concerned.

Satellite events

What is a Satellite event?

Since its first edition in 2012 the World Forum for Democracy has gained recognition as an arena for seminal discussions on issues of modern democracy. In order to reach out to a wider range of contributors and enrich the debate, the Forum welcomes the organisation of “satellite events” by universities renowned in the sphere of political studies and international relations, non-governmental organisations, municipalities and other institutions. This idea has been successfully implemented for the first time in 2015, when five outstanding universities organised satellite events related to the Forum’s topic.

The challenges of free speech and democratic debate online

Roundtable debate at College of Europe, Bruges, Belgium

There is no doubt that new information technologies have a contribution to make towards better democracies and for more informed public debates. They allow for a stronger and better interaction between citizens, decision makers and public administration, and also contribute to enhance the access to information. However, there are also challenges for democracy associated with their use: from opportunities of communication surveillance, challenges to data privacy to the diffusion of rumours and lower quality debates. The European General Studies Programme organized a debate in association with the World Forum of Democracy. The Professors BENOÎT-ROHMER and HAARSCHER and Professor TUÑÓN NAVARRO (Visiting Scholar from the Universidad Carlos III Madrid) have addressed some of these issues in an open discussion with students.

Digital whistleblowing: blessing or curse?

A roundtable debate at Hertie School of Governance, Berlin, Germany

The digital era has brought remarkable opportunities to advance open government. An open, transparent government often allows citizens of a democracy to control their government, monitoring state capture and graft. The invention of social media and its increasingly wise usage furthers the translation of transparency into accountability by expanding the accessibility of civic participation. An army of citizens using their smartphones to check on their government can only bring health to a democracy. But the world is not made only of democratic states or indeed groups or individuals with democratic views. And digital tools are just tools - they can be used for every purpose. Is digital whistleblowing in every area an instrument of the public good and should it be encouraged? What are the opportunities and the pitfalls of digital whistleblowing?

The Hertie School brought together a set of panellists from numerous countries and fields to present their own experiences of working with whistleblowing. The panel was moderated by Anne Koch, regional director for Europe and Central Asia at Transparency International.

The different panellists showcased various experiences of working in the context of whistleblowing: Marius Dragomir, a journalist and senior manager for the independent journalism programme of the Open Society Foundations in London, Maksymilian Czapurski, working at the Atlantic Council which recently supported the collection of evidence for the presence of Russian troops in Eastern Ukraine by crowdsourcing information from citizens. It also featured Simona Levi, the founder of Xnet, a Spanish online journalism platform specialized in engaging citizens. Xnet actively calls upon citizens to become whistleblowers and leak undisclosed information in order to uncover corrupt behaviour.

The final two panellists were Mara Mendes, project manager for Open Knowledge Germany and Alina Mungiu-Pippidi, professor of democratization at the Hertie School. They presented DIGIWHIST, a new EU Horizon 2020 project. The project aims at increasing transparency and efficiency of public spending. It will do this through the systematic collection, structuring, analysis, and broad dissemination of information on public procurement through online platforms. Alina Mungiu-Pippidi highlighted the centrality of procurement data in fighting corruption. Linked to information on aggregate asset and income declarations data, she hopes that this data will help detect potential conflicts of interest and identify systemic vulnerabilities. In this way DIGIWHIST is supposed to specifically support journalists in creating transparency within the procurement sector.

What is a whistleblower?

One reoccurring theme at the discussion was the actual definition of a whistleblower. Anne Koch opened the panel by describing it as “any person that wants to report wrong doing to someone who can do something against the problem.” This stood somehow in contrast to the experience of Xnet’s Simona Levi, who, for instance, collected emails from whistleblowers at big Spanish banks and reported on wrongdoings in these contexts. The panel agreed that a whistleblower does not necessarily have to be someone working for the government or a private enterprise releasing information from the inside. For Alina Mungiu-Pippidi it was “a person who is aware of a situation the rest of the world is not and brings it to public attention.” It can also be a group of people collectively gathering information that the wider public is unaware of, or analyse data collectively in order to highlight important information.

Who has the right to decide?

The debate also looked at the pitfalls of whistleblowing and discussed the questions of what safeguards are needed to prevent harm to innocent individuals through whistleblowing. In many countries the protection of whistleblowers is still deficient and there are no laws specifically protecting whistleblowers from prosecution. Often those willing to share information are unaware of technical tools which can be used to protect their identity. The participants highlighted tools such as GlobalLeaks, which provides anonymous channels for whistleblowers. Journalists in particular carry a twofold responsibility. On the one hand they need to protect their sources and those who entrust them with information and on the other by teaching them secure ways to share information. Journalists, however, are also responsible for the information they publish. When Anne Koch asked the panel who has the right to decide what publications are in the public interest, the panel generally agreed: journalists can decide, but they also have to be mindful/ conscious of such responsibility. They will, however, always be better placed to decide than civil servants who might incriminate themselves by publishing data.

In the end, the best kind of whistleblowing might be done collectively. Communities of people can uncover corrupt behaviour of local officials and document what is happening around them. Also, individual whistleblowers depend on those around them. Alina Mungiu-Pippidi pointed out: “In the end, laws cannot protect whistleblowers, but public opinion can.” A similar conclusion was also taken at a panel on safe whistleblowing at the World Forum for Democracy in Strasbourg, which representatives of ERCAS also attended. One conclusion to be taken from both discussions is that whistleblowing should not remain an exception, but it should become the norm for citizens to report wrongdoings that they witness.

Freedom from fear in a diverse society

Central European University, Budapest, Hungary

The CEU conference took Hungary as a case-study and aimed at putting the issue of migration and the influx of asylum seekers into a broader context of public acceptance and integration by questioning the legitimacy of the

broadly understood integration claims. Speakers consistently emphasized that Europe, and Hungary in particular, has been characterized by a growing number of deterrent measures aiming at keeping refugees and migrants away. As the keynote speaker observed: deterrent measures do not work, they merely result in the change of migration routes and contribute to the more frequent use of smugglers and crime organizations. Migration and the influx of refugees is often seen by states as a security and humanitarian threat. Thus the appropriate state approach is often policing and charity, and the vertical intervention is primarily centered on immobilization. The refugee crisis especially in Hungary has been, on the one hand foregrounded by a narrative of crisis, and on the other as a duty to protect resulting from the equation of the security threat and the threat to the society. Anti-immigration campaigns, such as the one concluded by the Hungarian government, not only harms the migrants who are the most directly affected but also impacts and contaminates the mind of those who otherwise have no negative feelings on the issue. Without institutional help de-biasing is impossible and in the Hungarian context when the billboards were placed all over the country, avoiding exposure is a difficult task. While the preliminary results of public polls do not suggest a radical increase of the traditionally high level of xenophobia, there are worrying trends: the proportion of those who unequivocally have no negative attitude visibly decreased.

The conference also provided a forum to hear from the grassroots and established organizations working with refugees about their experience during the refugee crisis in the summer and early fall of 2015. Besides hearing about the organizational issues and challenges, representatives of the civil society organizations spoke about the difficulties that working in a hostile political environment raises. Despite the unprecedented support received from the public, their cooperation with the established charity organizations and the governmental agencies remains controversial. However, the lack of institutional constraints help these grassroots movements to quickly adjust their activities and mission to the changing social and legal settings, and although their work is not needed in Hungary any longer they continue their operation in the crisis regions.

World Forum for Democracy “Freedom vs control”

Windesheim University of Applied Sciences in Zwolle, the Netherlands

The Windesheim University of Applied Sciences in Zwolle, the Netherlands, hosted a parallel event during the World Forum for Democracy (WFFD). This event was organised by second year students of the Windesheim Honours College. The satellite event focused on different aspects of democracy, such as human rights, interculturality, localism and migrant issues.

The relationship between youth and democracy represented by scholars can sometimes be contradictory. However, it is time to recognize that the new generations envision democracy from a different perspective, mostly focused on a collective approach rather than an individual interest. Linked to the participation of four WHC students in the World Forum for Democracy in Strasbourg, a satellite event was organised by another group of students from the college. The event was held to discuss topics related to the WFD theme “Freedom vs. Control: A democratic response”. The topics of discussion were focused on human rights and the challenges which democracy currently faces. The students organising the event created a diverse programme that facilitated dialogues between experts and students. How can we be prepared to adapt to the global challenges? What is the history of human rights and how can we guarantee these for the future? What are possible solutions to the refugee crisis in Europe? All of the participants could experience two days, full of ideas, discussions, and debates; all related to the topic of democracy. The different activities were created in a way that it was possible to give the complex topic of democracy an understandable and comprehensible meaning. The future ahead of us is only a future if we take into consideration diversity, connectivity, acceptance, dialogue, and balance between control and freedom.

Freedom vs. Authority: from fear and will to freedom. Are human rights the new challenges for development in XXI century?

European Law Student's Association ITALIA, Second University of Naples, Italy

“Freedom vs. Authority: from fear and will to freedom. Are human rights the new challenges for development in XXI century?” was organized by ELSA SMCV, one of the local boards of ELSA (The European Law Student's Association) ITALIA, on 9 December 2015 in the Second University of Naples, situated in Santa Maria Capua Vetere, a city not far from Naples. This conference was about the rule of human rights in our society and their

importance in this century, characterized by systematic violations of International and Community agreements on human rights, whereas a negative human rights situation is often caused and/or exacerbated by the absence of democracy and inefficient and corrupt government structures. The speakers of this conference were:

Mr. Giuseppe Limone, Professor of Philosophy of Law at the Second University of Naples, who illustrated the birth of human rights, their development and meaning during the centuries;

Ms Rabea Willers, Project Officer at the Council of Europe, Directorate for Democratic Governance, who presented the results of the World Forum for Democracy in Strasbourg;

Mr. Mario Ventrone, PhD in International Studies at the University of Naples "L'Orientale", who highlighted the relation between human rights and the terrorist threats by ISIS and the role of International Community to protect them;

Reverend Li Xuanzong, General Prefect from the Italian Taoist Church, who described the role of human rights in the Taoist religion.

The conference gave the students the opportunity to analyse this issue from different points of view, improving their knowledge about the history of human rights and their impact of our lives.

2015 World Forum for Democracy: facts and figures

- ▶ More than 2000 people from more than 100 countries, covering all continents participated in the Forum.
- ▶ The speech of Jacob Appelbaum, independent security researcher and journalist, in less than one week, had more than **257.000 views** of the speeches' video which was published by the Forum's media partner OpenDemocracy. Other distinguished speakers included Bill Binney, Thomas Drake and Kirk Wiebe, NSA whistleblowers, or Mourad Benchellali Ex-prisoner at Guantanamo.

Twitter

On Twitter, the #CoE_WFD hashtag involved **1533 contributors** from all around the World with **5018 tweets** sent on 17-20 November 2015. This has actively reached **4.7 million unique users**, with almost **26 million timeline deliveries**. The @WFDemocracy account has received approximately **6700 new followers** only during the Forum days. The #CoE_WFD was trending in Belgium during the entire Forum, as well as in New York during the second day.