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**Council of Europe Conference
of Ministers responsible for Media and Information Society**

*Artificial Intelligence – Intelligent Politics
Challenges and opportunities for media and democracy*

On-line keynote speech by Dunja Mijatović
Council of Europe Commissioner for Human Rights

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Dear Ministers,
Ladies and Gentlemen,

It is a great pleasure to be with you today, even if only remotely. We would all have preferred to meet in person in Cyprus as originally planned, but circumstances have decided otherwise.

This meeting is of special importance. In several of our member states, media freedom and democracy have been undermined for years, including through bad design or a biased use of artificial intelligence tools.

There is a clear interconnection between artificial intelligence systems and the quality of our democracies. Good governance can make the best out of technology for humans and the living environment. Bad governance will exacerbate inequality and discrimination and challenge fundamental democratic values.

Within the digital revolution, artificial intelligence is probably the sector that has expanded the most, without due regard to human rights. Sometimes AI causes harm because developers and users are too confident about the powers of machines. In other situations, however, more conscious decisions are made to use AI's potential to reinforce stereotypes and consolidate political, social and economic power in the hands of a few.

Digital technologies are often used to manipulate public opinion. There is no lack of evidence that disinformation and incitement to hatred and violence have been propagated by tricking the algorithms of some social media platforms, including by using bots and fake accounts. This has contributed to instilling fear in the population and pushing the frames of anti-democratic movements and extreme right-parties in particular in connection with election or referendum days.

I am therefore pleased to see that the Council of Europe has been a leading force in promoting AI governance based on human rights standards. Solving the tension between the advantages of AI technology and its risks for the unimpeded exercise of our human rights is indeed one of the important challenges that democracies are facing nowadays.

For today's discussion, I would like to address more specifically three topics.

The first one relates to online content moderation, and the increasing role of large social media companies in enabling the exercise of our right to receive and impart information in practice. The use of AI systems in filtering online content has led to restrictions of user-generated content even at the point of upload and enabled the spread of disinformation.

It is usually stressed that freedom of expression should be equally protected online and offline. However, the role played by internet intermediaries online has from the beginning blurred the lines. Companies operating social media platforms have such control over access to information that they can shape public debate with little accountability, if any. Therefore, any decisions that these companies make can have huge implications for our democracies. This has been recognised early on by the Committee of Ministers of the Council of Europe, which adopted a Recommendation to member States on the roles and responsibilities of internet intermediaries in 2018.

A number of member states have also adopted or made proposals to regulate the activities of companies operating social media platforms. In this context, it is essential for legislations to contain clear and predictable provisions for all content moderation practices and for effective remedies to be available against all decisions related to user content. In addition, there are efforts at the European level to harmonise standards related to digital services and to establish legislation for regulating online platforms – which has the potential to help safeguard freedom of expression.

In this context, it is crucial to clearly define the scope, limits and liabilities of social media and internet companies. Should they continue to operate freely, or how can we ensure that they act according to a human rights legal framework? What happens when the services of a company based outside Europe negatively impact citizens in our continent? What kind of remedies are in place to ensure that journalists and human rights defenders in Europe are protected from an abusive use of digital technology either by member states or by countries beyond Europe? What if European countries acquire the services of companies which do not uphold European human rights standards?

These and other questions still need more precise answers than those found so far. This conference and the discussion that will follow are therefore important building blocks to ensure a human rights based governance of AI, digital technology and social media platforms even when they are operated by private companies.

This is particularly important considering that these technologies have not been alien to the spread of hate and intolerance – and this takes me to my second point, which is safety of journalists. Insults, threats, and smear campaigns against journalists have flourished on social media, in particular in content posted by politicians as well as in comments by the public. Such intimidation harms free expression and can have a chilling effect on media freedom. Indeed, in such a hostile environment, journalists may resort to self-censorship, which leads to a worrying restriction of the ability of people to obtain reliable and vital information.

Politicians, and political leaders in particular, bear a specific responsibility in combating hate speech and intolerance. They must refrain from promoting hostile speech against journalists and should lead by example in showing a higher level of tolerance towards public criticism. They should make responsible and dignified use of social media platforms and publicly condemn any attack against journalists, online and offline.

Another indicator of the deterioration of media freedom is the increasing number of abusive proceedings aimed at inhibiting critical reporting, including through strategic lawsuits against public participation, commonly known as SLAPPs. Such lawsuits pose a significant and growing threat to the right to freedom of expression in a number of Council of Europe member states, perverting the justice system and the rule of law more generally. I have called on member states to tackle this practice which puts pressure both on journalists and on civil society as a whole and dissuades them from critical reporting online and offline.

Finally, one cannot speak about media freedom today without mentioning the impact the pandemic has had and continues to have. Filtering of information and delays in responses to freedom of information requests have been observed in several member states. Some states have introduced in their legislation prison sentences for spreading “false information” and there have been reports of journalists being prevented from asking questions at press conferences, obtaining information from health authorities or documenting the operations of law enforcement officials. The pandemic has sometimes been used as a pretext to discourage the expression of dissent or political opposition, while journalists covering anti-lockdown protests have increasingly been subjected to physical assaults in recent months.

At a time when a large portion of the population is questioning the legitimacy and proportionality of the measures taken by governments to deal with the pandemic, when trust in public authorities is declining and people are turning to alternative sources of information, which they deem to be more reliable,

transparency regarding public services and their actions is essential. Promoting greater openness and transparency in the provision of information by public authorities would not only help to preserve public health, but also to build public trust and confidence in the public health measures and the authorities concerned.

There is no doubt that governments are facing unprecedented challenges during this pandemic. However, this cannot be an excuse to clamp down on the press and thus restrict the public's right to receive information. Journalists and media actors carry out indispensable work that serves the public good. Particularly in times of crisis, their work must be protected, not undermined.

In addressing today's challenges, European human rights standards related to freedom of expression must be at the core of our response. It is crucial that governments find adequate solutions, to ensure in particular that technology benefits and enhances freedom of expression, and that they demonstrate strong commitment to a free, independent and pluralistic media – a core element of a healthy democracy.

Thank you for your attention and I wish you a fruitful conference.