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**Council of Europe Strategy on Internet Governance
(2016-2019)**

Mid-term report of the Secretary General

Overview

1. On 30 March 2016, at its 1252th meeting, the Ministers' Deputies adopted the Council of Europe Strategy 2016-2019 on Internet Governance and mandated the Steering Committee on Media and Information Society (CDMSI) to oversee its implementation, in close co-operation with the Thematic Co-ordinator on Information Policy (TC-INF). They further noted that the Secretary General would provide them with a mid-term report on its implementation and a final assessment of the strategy.
2. The overall aim of the Internet Governance Strategy is to ensure that all public policies related to the internet, including relevant aspects of its infrastructure and functioning which can affect access to and the exercise of human rights are people-centered and respect the core values of democracy, human rights and the rule of law. These core principles of the Council of Europe are inter-related and interdependent, both in the offline and in the online environment. The strategic objectives pursued are (1) building democracy online, (2) ensuring online safety and security for all, and (3) respecting and protecting the human rights of everyone in the digital world.
3. The strategy is being implemented over two biennium cycles (2016-2017 and 2018-2019), focusing mainly on the implementation of legal instruments, the development of new policy documents, and initiatives to raise awareness and build capacity. This report mainly refers to the first biennium cycle (2016-2017).
4. Section I of the report provides an overview of activities undertaken by the Council of Europe during the reference period to achieve the three strategic objectives. It also covers the steps taken to review, strengthen and develop synergies and partnerships with key stakeholders, as foreseen in the Strategy.
5. Section II of the report focuses on the next steps to be taken, in particular in the second biennium of the implementation cycle. While specific activities foreseen in the strategy were carried out by responsible entities, the overall implementation process largely benefited from the transversal approach taken to its implementation. Furthermore, an increasing number of judgments of the European Court of Human Rights significantly complemented this work in providing direction to member states as regards the exercise of human rights in the constantly evolving digital environment, in particular concerning the balance between the right to freedom of expression and right to privacy.¹

¹ Among them: Magyar Tartalomszolgáltatók Egyesülete (MTE) et al. v. Hungary (no. 22947/13), Rolf Anders Daniel Pihl v. Sweden (no. 74742/14), Magyar Helsinki Bizottság v. Hungary (no. 18030/11), Kalda v. Estonia (no. 17429/10), Bédat v. Switzerland (no. 56925/08), Kahn v. Germany (no. 16313/10), Sousa Goucha v. Portugal (no. 70434/12), Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland (no. 931/13), Bărbulescu v. Romania (no. 61496/08), Medžlis Islamske Zajednice Brčko et al. v. Bosnia and Herzegovina (no. 17224/11), Selmani and Ors v. The Former Yugoslav Republic of Macedonia (no. 67259/14), Independent Newspapers (Ireland) Limited v. Ireland (no. 28199/15), Olafsson v. Iceland (no. 58493/13), Vasilică Mocanu v. Romania (no. 43545/13), Čalović v. Montenegro (no. 18667/11), Brambilla and Others v. Italy (no. 22567/09), Szabó and Vissy v. Hungary (no. 37138/14), Trabajo Rueda v. Spain (no. 32600/12), Aycaguer v. France (no. 8806/12), Mustafa Sezgin Tanrikulu v. Turkey (no. 27473/06), Roman Zakharov v. Russia (no. 47143/06).

Main achievements

Building democracy online

6. Building democracy online is an integral part of the Council of Europe's mission of making democratic institutions work. Everyone should be able to exercise their rights and freedoms online, in particular the right to freedom of expression and the right to the freedom of assembly and association without any discrimination. This presupposes, inter alia, the take-up of competences for democratic citizenship in formal education settings, robust action to counter hate speech, comprehensive inclusion and participation of citizens in cultural and public life, and proper conditions for electronic voting.
7. Building democracy online featured highly among the topics addressed in the annual editions of the World Forum for Democracy (WFD) in 2016 on "Democracy and equality – does education matter", and in 2017 on "Is Populism a Problem?". The latter focused on the issues and solutions for political parties and media actors to remain relevant in the 21st century democracies, showcasing digital initiatives to combat the spread of false information online, and of enhancing citizen's participation in decision making. The WFD secretariat will continue to work together with the network of digital democracy innovators, in order to develop innovations in the field of participatory e-democracy to be presented at the Forum's future editions.
8. Other notable results are:
 - adoption by the Committee of Ministers of the Recommendation CM/Rec (2017)5 on standards for e-voting,² which ensures that electronic voting complies with principles of democratic elections;
 - adoption by the Committee of Ministers of the Recommendation CM/Rec(2017)8 on Big-Data for culture, literacy and democracy³ which states inter alia that everyone can choose to be inscrutable in the digital age and therefore to not have predictions made by algorithms about one's cultural attributes, preferences and behaviours. In this connection, there were annual exchanges on culture and digitisation in Estonia in 2016 and in Germany in 2017;
 - adoption by the Committee of Ministers of Guidelines CM(2017)83 for civil participation in political decision-making⁴, which address inter alia online means of participation in addition to traditional ways of interaction.
9. Until its end in April 2018, there was renewed commitment by member states for the Council of Europe's No Hate Speech Movement Campaign which comprises 45 countries/territories with a campaign committee or support group involving national authorities, civil society partners, human rights and anti-discrimination bodies. During the reference period, new partners included

² Recommendation CM/Rec (2017)5 on standards for e-voting

³ CM/Rec(2017)8 on Big-Data for culture, literacy and democracy

⁴ Guidelines CM(2017)83 for civil participation in political decision making

Andorra, the Flemish-speaking Community of Belgium, Estonia, France, Germany and Luxembourg, as well as Morocco, Tunisia and Canada (Quebec).

10. The 11 action days were organised to raise awareness of a range of related topics including internet safety, sexist hate speech, Holocaust remembrance and solidarity with victims of hate crime, Islamophobia and religious intolerance, and anti-Semitic hate speech.

The 'Bookmarks' manual on combating hate speech online through human rights education has now been translated into 20 languages and was used to train 425 multipliers and activists in 18 European, regional or national training courses. The manual "We CAN!", which promotes taking action against hate speech through counter and alternative narratives, complements Bookmarks by providing tools to debunk expressions of hate and mis-information while promoting human rights narratives online. The "We CAN!" manual is available in four languages and has been disseminated through three European and regional training courses and four national courses, reaching 175 multipliers and activists.

Concise information on how to report cyber-bullying, hate speech and hate crime to national authorities, to NGOs and on five major social media platforms was launched on the campaign platform. These reporting tools complete the toolbox enabling young people to take comprehensive action on hate speech.

11. The European Commission on Racism and Intolerance (ECRI) prepared new reports that included an assessment of measures tackling hate speech on the internet in Andorra, Bosnia and Herzegovina, Iceland, Luxembourg, Montenegro and Ukraine. A joint statement was issued by ECRI, the EU Fundamental Rights Agency and OSCE/ODIHR on education and strong narratives to prevent incitement to hatred and to counter hate speech in the digital age.
12. The new Council of Europe Strategy on the rights of persons with disabilities 2017-2023 aims at achieving equality, dignity and equal opportunities for persons with disabilities. It prioritises quality access to information, communications and the digital environment for people with disabilities.
13. In 2016, the Steering Committee for Educational Policy and Practice (CDPPE) launched a new intergovernmental project entitled "Digital Citizenship Education," the aim of which is to contribute to reshaping the role that education plays in enabling all children to acquire the competences they need as digital citizens in order to participate actively and responsibly in democratic societies, whether offline or online. Supporting children and young people to participate safely, effectively, critically and responsibly in the digital age – were recognized as priority within this project.

An expert group conducted a review of existing literature and undertook a multi-stakeholder consultation on related projects and programmes in school settings. The group also mapped the administrative and legal responsibilities of school leaders, teachers, students and parents.

A dedicated website (www.coe.int/dce) was launched to provide information and knowledge about Digital Citizenship Education but also to encourage discussion and experience sharing on the matter. In October 2017 a report “Digital Citizenship Education: Overview and new perspectives”⁵ was published, providing a comprehensive overview of policy concepts concerning digital citizenship education. Further on, a report “Bullying: perspectives, practice and insights”⁶ (April 2017) and the “Internet Literacy Handbook”⁷ (December 2017) targeting learners and teachers were prepared. The latter, in particular, aims to support young learners in developing competences in order to engage positively with digital technologies, participate actively and responsibly in communities at all levels, get involved in a process of lifelong learning, and defend the notion of human dignity at all times.

Media, information and digital literacy were included in the Joint CoE/EU Programme 2016-2019 “Intercultural Learning Exchange through Global Education, Networking and Dialogue (iLEGEND)”⁸ which is implemented by the North-South Centre of the Council of Europe. The project aims to develop awareness and commitment among students and young people to promote respect for global development/education issues through the internet and social media, offering formal and non-formal educators as well as youth leaders’ competences and methodologies to develop activities that promote democratic values and participation.

Ensuring online safety and security for all

14. Member states of the Council of Europe have the obligation to secure to everyone within their jurisdiction safe access to the rights and freedoms enshrined in the European Convention on Human Rights, both offline and online. The internet should therefore not be a lawless space but should be governed in a manner that ensures the interests of national security, public safety, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights and freedoms of others. It goes without mention that everyone, including those who are vulnerable and marginalised, must be afforded protection in the digital environment.
15. To this end, several of the Council of Europe’s instruments and frameworks address specific challenges stemming from the internet environment. These instruments are in particular the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108),⁹ the Council of Europe Convention on Cybercrime (Budapest Convention),¹⁰ the Convention on the Protection of Children against Sexual Exploitation and

⁵ [Digital Citizenship Education - Overview and new perspectives](#)

⁶ [Bullying: Perspectives, practice and insights](#)

⁷ [Internet literacy handbook](#)

⁸ [Intercultural Learning Exchange through Global Education, Networking and Dialogue \(iLEGEND\)](#)

⁹ [Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data](#)

¹⁰ [Convention on Cybercrime \(Budapest Convention\)](#)

Sexual Abuse (Lanzarote Convention),¹¹ and the Convention on the counterfeiting of medical products and similar crimes involving threats to public health (Medicrime Convention).¹²

16. During the reference period Turkey, Mauritius, Senegal and Tunisia became Parties to Convention 108, bringing the overall total to 51 Parties. Argentina, Burkina Faso, Cape Verde and Mexico were invited by the Committee of Ministers to accede to the Convention. The Convention Committee also gained a significant number of additional observers (Chile, Ghana, Indonesia, Israel, Japan, Philippines, New-Zealand, South Korea and Privacy International).
17. The number of Parties to the Budapest Convention has reached 56 States. Andorra, Liechtenstein, Greece and Monaco as well as Israel, Senegal, Chile, Costa Rica and Tonga ratified or acceded to the Budapest Convention during the reference period. In November 2017, accession of Argentina was approved by the Congress allowing its Government to deposit the instrument of accession and to become a Party to this treaty in the near future. Thus, accession to the Convention by non-member states from different regions of the world remained a significant trend. To date, 15 (including Tunisia, invited to accede on 13 Feb 2018) States have signed the Convention or been invited to accede, most recently, Nigeria and Cabo Verde and Tunisia.

The Protocol to the Budapest Convention on Xenophobia and Racism now has 29 Parties.

18. Within the framework of the Budapest Convention two important Guidance Notes were adopted, one on Aspects of Terrorism and the other on Production Orders for Subscriber Information (Article 18 Budapest Convention).¹³

In June 2017, the Cybercrime Convention Committee (T-CY) approved the terms of reference for the preparation of a draft Second Additional Protocol to the Budapest Convention.¹⁴ The agreed terms of reference provide that the new protocol is to deal with enhanced international co-operation and to cover specific solutions regarding more effective mutual legal assistance, direct co-operation with service providers in other jurisdictions, rules for existing practices of transborder access to data, and safeguards regarding data protection requirements.

Moreover, the T-CY commenced work on cyber bullying and other forms of online violence aimed at strengthening action against cyberviolence, as well as reinforcing synergies between relevant Council of Europe standards.

The Cybercrime Programme Office of the Council of Europe (C-PROC) in Romania carried out more than 250 capacity building activities worldwide to

¹¹ [Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse \(Lanzarote Convention\)](#)

¹² [Medicrime Convention](#)

¹³ [Cybercrime Guidance Notes](#)

¹⁴ [Terms of reference - draft 2nd Additional Protocol to Budapest Convention](#)

strengthen legislation, institutions and practices in line with the Budapest Convention and recommendations issued by the Cybercrime Convention Committee.¹⁵

19. The Czech Republic, Estonia and the Slovak Republic ratified the Lanzarote Convention in the last biennium, due to which the Convention has now 42 Parties.

On 16 June 2016, the Parties to the Lanzarote Convention adopted a Declaration condemning the registering of web addresses which advertise or promote child sexual abuse material or any other offences established in accordance with the Lanzarote Convention.¹⁶

On 12 May 2017, the Parties to the Lanzarote Convention adopted an Interpretative Opinion affirming the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of ICTs¹⁷ and committing Parties to use all relevant tools, measures and strategies to effectively prevent and combat sexual offences against children that are facilitated through the use of ICTs.

As there have been cases of online streaming of sexual abuse of children which were prosecuted, inter alia, as trafficking in human beings, the Group of Experts on Action against Trafficking in Human Beings (GRETA) has started systematically asking Parties to the Convention if they have encountered such cases as well as to carry out research into the issue.

On 18 November 2017, the Council of Europe celebrated the European Day for the Protection of Children from Sexual Exploitation and Sexual Abuse.¹⁸ The day focused on strengthening the digital skills of parents to accompany their children in navigating safely and respectfully the digital environment. A series of online digital parenting tutorials was published.

20. Albania, Belgium, France and Burkina Faso acceded to the Medicrime Convention which addresses inter alia the supply and offering of and the counterfeiting of medical products using the internet.
21. The Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group), and the Committee of Experts on Terrorism (CODEXTER) organised training activities and monitoring of the sale of illicit drugs on the internet / 'darknet' which included discussion with social networks.
22. CODEXTER decided to prioritise the issue of terrorism and the internet. In May 2016 it examined the matter and held an exchange of views. Discussions led to the proposal to establish a forum for governments and major internet companies to improve co-operation in the area of preventing abuse of the

¹⁵ CPROC Activity Report Octobre 2016 - September 2017

¹⁶ Lanzarote Committee Declaration

¹⁷ Lanzarote Committee 3rd Activity Report

¹⁸ 3rd edition - European day for the Protection of Children from Sexual Exploitation and Sexual Abuse

internet for terrorist purposes.¹⁹ This activity is to be continued by the successor committee – the Committee on Counter-Terrorism (CDCT).

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

23. Pursuant to the European Convention on Human Rights and other relevant legal instruments, the Council of Europe's member states have a duty to protect and ensure respect for the rights and freedoms of internet users relating inter alia to non-discrimination, freedom of expression, freedom of assembly, association and participation, privacy and data protection, education and literacy, protection of children and young people, and access to effective remedies when rights and freedoms are violated. The Council of Europe has organised a high number of national, regional and international events to raise awareness of the specificities of the online environment when it comes to access to and exercise of human rights online. It has also co-operated with National Human Rights Institutions and organised conferences for judges of member states to promote an exchange of views with regard to the evolving number of disputes before national courts that involve the internet.
24. Furthermore the Council of Europe has engaged in various awareness-raising campaigns and events, as well as in the preparation of studies and reports aimed at facilitating better understanding of emerging internet-related challenges and at identifying possible solutions and common approaches. Another aspect of this work consisted in providing human rights policy guidelines and recommendations to facilitate interpretation and implementation of relevant provisions and principles contained in international treaties.
25. Notable results during the reference period included the following adoption by the Committee of Ministers of:
 - Recommendation CM/Rec(2016)3 on human rights and business,²⁰ which provides specific guidance to member states on preventing and remedying human rights violations by business enterprises;
 - Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors,²¹ including citizen journalists and bloggers, which marks an important step towards increased protection for journalists, whistleblowers and other contributors to public debate who perform journalistic activities or fulfil a public watchdog function;
 - Recommendation CM/Rec(2016)5 on internet freedom²² which encourages member states to periodically evaluate the extent to which human rights and fundamental freedoms are protected in the online space, based on specific

¹⁹ CODEXTER 30th Plenary Meeting - Abridged Report

²⁰ Recommendation CM/Rec(2016)3 on human rights and business

²¹ Recommendation CM/Rec(2016)4 on the protection of journalism and safety of journalists and other media actors

²² Recommendation CM/Rec(2016)5 on internet freedom

indicators provided in the Recommendation, with a view to elaborating national reports;

- Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership.²³ Media freedom and pluralism are key corollaries to the right to freedom of expression and central to the functioning of democratic societies. In the evolving media ecosystem, the role of public watchdog is increasingly also performed by non-traditional media actors, including multinational corporations, non-governmental organisations and individuals. All such actors must be accountable to the public in a manner that is appropriate to the role they fulfil in relation to the free circulation of information and ideas;
 - Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries.²⁴ The power of intermediaries and platforms as protagonists of online expression makes it imperative to clarify their role and impact on human rights, as well as their corresponding duties and responsibilities. The recommendation provides a rule of law-based framework that clearly establishes the obligations of states and the responsibilities of private companies when it comes to the protection and promotion of human rights in the digital environment.
26. The Steering Committee on Media and Information Society prepared a variety of pertinent studies that address new challenges posed by the constant evolution of the media environment in member states. These are:
- Study on the human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications;²⁵
 - Study on the use of internet in electoral campaigns;²⁶
 - Study on media coverage of elections, with a specific focus on gender equality.²⁷
27. The Ad-hoc Committee on Data Protection (CAHDATA) finalised the proposal for modernisation of the Convention for the Protection of Individuals With Regard To Automatic Processing of Personal Data. At the day of publication of the present document, the Ministers' Deputies had agreed to transmit the draft Protocol amending Convention 108 to the Ministerial Session for the Ministers for adoption and to decide on its opening for signature on 25 June 2018, during the 3rd part-session of the Parliamentary Assembly. Guidelines on the protection of individuals with regard to the processing of personal data in a

²³ Recommendation CM/Rec(2018)1 on media pluralism and transparency of media ownership

²⁴ Recommendation CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries

²⁵ Study on algorithms

²⁶ Study on the use of internet in electoral campaigns

²⁷ Study on media coverage of elections, with a specific focus on gender equality

world of Big Data were also adopted by the Consultative Committee of Convention 108.²⁸

28. A new fully revised version of the Council of Europe's Internet Literacy Handbook²⁹ was launched to offer users of all age groups the knowledge needed to navigate in today's digital world.
29. Moreover, several reports and studies were prepared to address key problems, in particular:
 - the report "Challenges and opportunities for news media and journalism in an increasingly digital, mobile, and social media environment"³⁰ explores key problems for news media and journalism in the digital changing media environment. It also examines possible forms of policy intervention, addressing market failures in the production of the public good of independent, professional journalism, securing competitive media market place, and ensuring that citizens develop necessary media and information literacy (October 2016);
 - the study "Journalists under pressure: unwarranted interference, fear and self-censorship in Europe"³¹ explores what types of unwarranted interferences are experienced by journalists today and highlights the significant impacts harassment, intimidation and often violence have across Europe in causing fear and self-censorship, thereby impeding journalists' exercise of their role of public watchdog (March 2017);
 - the report "Information disorder: Toward an inter-disciplinary framework for research and policy making"³² comprehensively examines the different types of mis-, dis- and mal-information that are circulating today and urges more critical thinking regarding the terminology that is used. It contains 35 recommendations to relevant stakeholders such as technology companies, national governments, media, civil society, and education ministries to help them identify suitable strategies to address the phenomenon (November 2017).

Partnerships and synergies

30. In line with the Internet Governance Strategy's firm commitment to co-operation and dialogue through a genuine multi-stakeholder approach, the Council of Europe has promoted partnerships and synergies with a variety of actors at the

²⁸ [Guidelines on the Protection of Individuals with regard to the Processing of Personal Data in a World of Big Data](#)

²⁹ [Internet Literacy Handbook](#)

³⁰ [Challenges and opportunities for news media and journalism in an increasingly digital, mobile and social media environment](#)

³¹ [Journalists under pressure: unwarranted interference, fear and self-censorship in Europe](#)

³² [Information disorder report 2017](#)

level of states, international organisations, the private sector, civil society and technical and academic institutions.

31. In November of 2017 and at the occasion of the World Forum for Democracy, the Secretary General exchanged letters with eight leading technology firms and six associations to launch closer co-operation with the private sector and to enhance their engagement in promoting an open and safe online environment where the core principles of human rights, democracy, and the rule of law are respected. The companies are Apple, Deutsche Telekom, Facebook, Google, Microsoft, Kaspersky Lab, Orange and Telefónica. The associations are Computer & Communications Industry Association (CCIA), DIGITALEUROPE, the European Digital SME Alliance, the European Telecommunications Network Operators' Association (ETNO), GSMA and the multi-stakeholder Global Network Initiative (GNI). Expressions of interests from other companies and associations have been received (see below, paragraph 38 onwards).
32. The Council of Europe supported and actively participated in major internet governance events, namely the UN-led Internet Governance Forum (IGF), the European Dialogue on Internet Governance (EuroDIG), and the Internet Corporation for Assigned Names and Numbers (ICANN). This included the preparation in 2016 of a leading expert report on "Applications to ICANN for Community-based New Generic Top Level Domains (gTLDs): Opportunities and challenges from a human rights perspective".³³
33. Capacity-building and co-operation activities on internet governance related themes continued during the reference period which included support for the 2017 Balkan School of Internet Governance and trainings (in co-operation with International IDEA) of electoral experts from six countries (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) on e-voting.
34. Partnerships and synergies in the field of cybercrime and electronic evidence were fostered through joint activities with Europol, Interpol, Organization of American States (OAS), African Union Commission (AUC), ECOWAS and others.

In addition to joint activities, Council of Europe formalised collaborations with:
- European Cybercrime Training and Education Group (ECTEG), which will be extended to all the capacity building projects carried out at the Cybercrime Programme Office of the Council of Europe (C-PROC).

³³ ICANN gTLD Applications Report

- African Union Commission by renewing agreement for co-operation aiming to jointly assist African Countries in the strengthening of their response against cybercrime.³⁴

- INTERPOL, in the framework of the GLACY+ project, by concluding the grant agreement foreseeing the establishment of one additional project unit at the INTERPOL Global Complex for Innovation (IGCI) in Singapore. INTERPOL's participation provides an additional opportunity for the project to draw on its resources on capacity building, such as those from IGCI's Digital Crime Centre and INTERPOL's regional Bureaux.

It is to be noted also that the following organizations are Observers to the Cybercrime Convention Committee (T-CY) and take part in its plenary sessions: AUC, Commonwealth Secretariat, European Commission and Council of the European Union, Eurojust, Europol, ENISA, G7 High-Tech Crime Subgroup, International Telecommunication Union (ITU), Interpol, OECD, OSCE, OAS, UNODC.

Next steps

35. New policy instruments will be finalised with a view to their adoption by the Committee of Ministers, including guidelines for member states to respect, protect and fulfil children's rights in the digital environment and a document on preventing and combating sexism, including online manifestations of sexism such as sexist hate speech.
36. As newly emerging technologies are shaping the life and future of millions of people, including in respect of access to and exercise of fundamental rights and freedoms, artificial intelligence is a cross-cutting issue that will receive high attention from all committees, intergovernmental and expert ones, and other bodies and structures of the Council of Europe.
37. The following activities are on-going in this respect:
 - the Committee of experts on human rights dimensions of automated data processing and different forms of artificial intelligence (MSI-AUT) is preparing a study on the development and use of new digital technologies and services, including different forms of artificial intelligence, as they may impact peoples' enjoyment of human rights and fundamental freedoms in the digital age – with a view to give guidance for future standard-setting in this field. The study will elaborate on the concept of responsibility for AI decision-making systems within a human rights framework and map the implications of AI decision-making for 'responsibility', in relation to other concepts, including authority, power and accountability, liability, fault and blame, and agency and legal personhood;

³⁴ [African Union CoE renew commitment](#)

- the European Commission for the Efficiency of Justice (CEPEJ) is working on the challenges in the use of artificial intelligence algorithms in judicial systems. This work will lead to the publication of a Charter on this issue accompanied by a Glossary and a thorough substantive document, to be adopted by the CEPEJ in December 2018. The latter will explain the limitations and possibilities inherent to the so-called “predictive justice” tools from a scientific point of view; it will also describe existing applications of such tools in the civil and criminal field in the light of the requirements of the ECHR. Finally, it will make a number of recommendations to policy makers from a governance, regulatory and ethical viewpoint;
 - the Consultative Committee of Convention 108 (T-PD) will prepare a report on the data protection implications of artificial intelligence with recommendations for how to limit their impact on dignity and individual freedoms and the importance of taking into account the ethical dimension of the use of such technologies;
 - the Bureau of the European Committee on Crime Problems (CDPC) will examine the criminal perspective of the use of artificial intelligence. A report providing an overview of the state of legislation regarding criminal liability for artificial intelligent agents in the 47 member states will be produced. The CDPC will consider the substantive criminal law challenges posed by the advances in robotics, artificial intelligence and smart autonomous machinery, including self-driving cars, drones and other forms of robots capable of causing physical harm independent of human operators;
 - the Culture and Cultural Heritage Division of the Secretariat aims at creating a platform for discussion on culture and digitalization, including artificial intelligence challenges - within the framework of the 5th Platform on Culture and Digitisation in October 2018, in Rijeka (Croatia), under the Croatian Chairmanship of the Committee of Ministers;
 - the Octopus Conference 2018 will include a debate on the internet of things and artificial intelligence and its implications for criminal justice.
38. The second biennium will also see a stronger involvement of businesses in a number of Council of Europe activities. Concrete follow-up to the exchange of letters with internet companies is foreseen in a number of areas, such as e-democracy, children’s protection in the online environment, combating cybercrime, and addressing abusive forms of expression online. In addition, there is active outreach between the Council of Europe and internet companies on the priority issue of new technologies and artificial intelligence (AI) and how they impact the exercise of human rights. The organisation of a conference is under consideration. The objective is to engage all relevant stakeholders in a critical conversation about the challenges and opportunities that AI carries for individuals, for democratic societies and for the viability of our legal and institutional frameworks.

39. The following activities are on-going in this respect: Also, and further solidifying the partnership of the Organisation with businesses, expressions of interest from additional companies have already been received.
40. It is expected that the process for the modernisation of Convention 108 will be concluded rapidly in 2018 (see para. 27), to cover the principles of data protection designed for the digital age. This will allow addressing the challenges arising in the digital environment and thereby reinforce the protection of persons with regard to the processing of personal data, notably through extending the range of rights of the data subjects and prescribing additional safeguards.
41. Other areas of work to be undertaken by the Consultative Committee of Convention 108 in the next biennium include (i) a follow-up to the modernisation of the Convention 108, (ii) promotion of the Convention 108, and (iii) developing a principle based guidance (recommendation) on data protection in genomics and genetics, recommendation on data protection considerations concerning use of robotics and artificial intelligence, and a guidance note on ICANN's personal data processing policies.
42. In the framework of the Steering Committee on Media and Information Society, supported by its two expert committees, work will be carried out with a view, where appropriate, to preparing new standard setting guidance in the following areas:
 - a follow-up to the study on the human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications in the form of a draft recommendation and a possible draft declaration;
 - a draft recommendation on the quality of journalism in the digital age;
 - a study on the development and use of new digital technologies and services, including different forms of artificial intelligence, as they may impact peoples' enjoyment of human rights and fundamental freedoms in the digital age;
 - a study on a possible standard-setting instrument on the promotion of media and information literacy in the digital environment;
 - a study on forms of liability and jurisdictional issues in the application of civil and administrative defamation laws in Council of Europe member states.

The Committee will further continue its reflections on the phenomena of mis-, dis- and mal-information known as the "fake news" phenomenon, manipulation and other threats in the digital context, their impact and responses on diversity of content and freedom of expression in the context of filter bubbles and echo

chambers; and the impact of new technologies, including artificial intelligence, on the freedom of expression.

43. In close consultation with civil society, data protection organisations and industry, the Cybercrime Convention Committee (T-CY) will further focus its work on identifying solutions for enhanced international co-operation to be envisaged by the 2nd Additional Protocol to the Budapest Convention.

Based on the recommendations of a mapping study on cyber violence, to be completed by the T-CY Cyberbullying Group by July 2018, further follow-up actions will be developed. These will be aimed at strengthening national responses but also those of the international community against cyber violence, as well as reinforcing synergies between relevant Council of Europe standards.

Countries worldwide committed to co-operate under the Budapest Convention will be further supported through capacity building projects managed by a dedicated Cybercrime Programme Office of the Council of Europe (C-PROC).

44. In the framework of the Committee of Bioethics, based on the results of the conference marking the 20th anniversary of the Convention on human rights and biomedicine (Oviedo Convention) held in Strasbourg on 24-25 October 2017, a Strategic Action Plan is being prepared to address the human rights challenges raised by new technological developments, including information and communication technologies. Also, the Committee is preparing a guide for the promotion of public debate on human rights issues raised by development of new technologies in the biomedical field.
45. Concerning co-operation on counter-terrorism issues, the Committee on Counter-Terrorism (CDCT) (before 1 January 2018 “the CODEXTER”) will identify and further elaborate areas of potential common interest in the Council of Europe Counter-Terrorism Strategy for the period 2018-2022. The CDCT will, in line with the Internet Governance Strategy (and the Counter-Terrorism Strategy (2018 – 2022) to be adopted by the CDCT in May 2018), organise regular meetings between representatives of member states and the major internet companies and associations to discuss issues related to the abuse of the internet for terrorist purposes, including the removal of illegal content, while fully respecting human rights, the rule of law and democracy. The first of these meetings at expert level is foreseen to take place in 2018.
46. ECRI will continue in its 6th monitoring cycle, starting in 2019, to review any changes, relevant developments, including legislative, new trends and good practices in the areas of hate speech, in particular via the Internet and make new recommendations where necessary. ECRI is considering the possibility under the hate speech part of its monitoring reports to cover not only states’

responses on combating hate speech but also self-regulation by the internet industry and imposition of administrative and civil liability for the use of hate speech.

The Anti-Discrimination department will explore co-operation with internet companies based on the exchange of letters framework (November 2017) concerning countering hate speech online through effective self-regulatory bodies, dynamic hate speech assessment protocols and training modules, as well as targeted advertisement offering counter and alternative narratives to populist rhetoric on action days in partnership with the Institute for Strategic Dialogue (ISD) and BING.

47. The Lanzarote Convention Committee's second monitoring round (June 2017 - 2019) will focus on the protection of children against the criminal exploitation of child self-generated sexual content (in particular sexually explicit images and videos).
48. A new tablet application "Online with the Websters - targeting children of elementary school age" will be launched to familiarise young users and their families with the main risks they face on the internet and how to avoid them. A two-year research project, launched in October 2017, will also examine the opportunities and risks for children with disabilities in the digital environment, with a view to providing guidance. Children with disabilities will be involved in the design of the research framework and in the analysis of findings.
49. Institutional and practical support to national authorities, civil society partners, human rights and equality bodies involved in the No Hate Speech Movement continues. The Youth for Democracy programme 2018-2019 also foresees translations and training on the manuals "Bookmarks" and "We CAN!" as well as increasing the access to rights of disadvantaged groups affected by discrimination and targeted by hate speech. The Anti-Discrimination Department through co-operation programmes will support member states with legislative and policy reviews, capacity building and awareness-raising programmes.
50. The Youth for Democracy programme 2018-2019 includes the drafting of a manual on Youth Participation in Internet Governance and training activities to strengthen the capacity of youth organisations to engage in internet governance processes at national and European level.
51. A seminar in fall 2018 will explore how the recommendations of ECRI General Policy Recommendation No. 15 on Combatting Hate Speech are best followed up. The seminar, involving ECRI members, internet businesses, civil society

partners and national authorities, will review existing practices and opportunities for future co-operation.

Conclusion

52. This mid-term report demonstrates that the strategy is implemented effectively and in a timely manner. The results-oriented approach based on solid evaluation, and on the openness to explore innovative working methods and embrace operational flexibility, has permitted the identification of rapid responses to emerging situations. The transversal model of work on the implementation of strategic objectives outlined in the Internet Governance Strategy has proven to be adequate. The role of the Internet Governance Task Force needs to be noted in context.
53. Capacity-building and co-operation activities constitute an important part of the Internet Governance Strategy and prove to be a successful and visible aspect of the Council of Europe's work. Activities supported by the Council of Europe, such as the Balkan School of Internet Governance organised for the first time in 2017, attract a lot of interest, contribute to enhancing the level of knowledge about internet related developments and problems in member states and constitute an inspiring platform for discussion, learning, exchange of best practices and solution finding.
54. It is the Council of Europe's long-standing approach to attach great importance to multistakeholder participation in research projects, standard-setting activities, implementation of policies and information sharing. Dialogue between the Council of Europe and the civil society, as well as the private sector, technical community and academia on internet governance matters is growing in relevance and importance.
55. Several projects launched in recent years and aimed at exploring ways to respect the human rights and fundamental freedoms of internet users (such as the Council of Europe's Platform for Protection of Journalism and Safety of Journalists launched in 2015, and collaboration of the Council of Europe with major internet companies and their representative associations initiated in November 2017) can be mentioned as valuable examples of such collaboration. This type of collaboration should be further developed and enhanced in the 2018-2019 biennium cycle. It is expected that this collaboration model will embrace such problems as targeting hate speech and misinformation online – while respecting human rights and rule of law standards, increasing the level of algorithmic transparency of internet intermediaries – while respecting internet users' right to privacy and family life and encouraging them to securely enjoy freedom of expression and right to assembly on internet, and protection of children on the internet.

56. Growing importance has been attributed in recent years to co-operation with academia – which has led to elaboration and publication of a number of reports and studies providing the Council of Europe, its member's states, the private sector and civil society with information on key problems and their possible solutions. This creative collaboration has proven to be successful and should be continued and further encouraged.
57. In the next biennium special importance will be attached to following-up on the modernisation of Convention 108 and the Budapest Convention, to ensuring the safety of children on the internet, to further exploring the specific human rights impacts caused by automated data processing techniques as well as to identifying possible regulatory solutions, to examining the impact of different forms of artificial intelligence on people's enjoyment of human rights and fundamental freedoms in the digital environment, to increasing efforts to promote a favourable environment for quality journalism in the digital age, and to promoting effective media and information literacy at all ages.