COUNCIL OF EUROPE

HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

DROITS DE L'HOMME, DÉMOCRATIE ET ÉTAT DE DROIT

CONSEIL DE L'EUROPE

Digital Partnership workshop on 21-22 May
Thematic session 1
Digital governance and freedom of expression

Freedom of Expression and CDMSI Division
Council of Europe

COUNCIL OF EUROPE APPROACH

46 Member States - 700 million citizens

→ Mission

To promote democracy, human rights and the rule of law across Europe and beyond

ARTICLE 10

Freedom of expression

1. 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.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

CONSEIL DE L'EUROPE — COUNCIL OF EUROPE

COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

COURT (PLENARY)

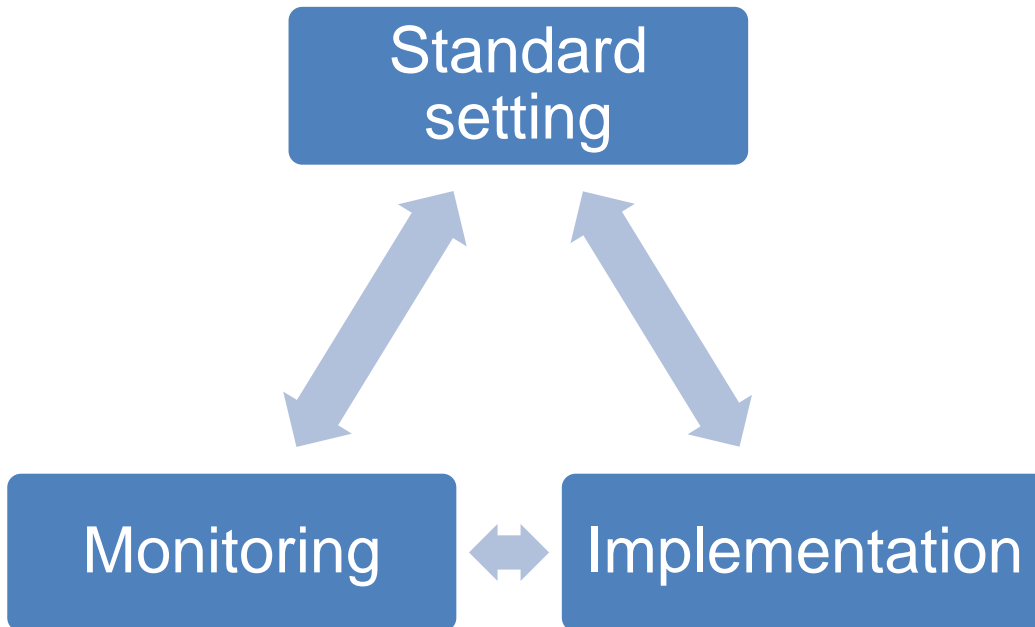CASE OF HANDYSIDE v. THE UNITED KINGDOM

(Application no. 5493/72)

JUDGMENT

STRASBOURG

7 December 1976

European Convention on Human Rights

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

DYNAMIC TRAINGLE

Standard setting

Monitoring

Implementation
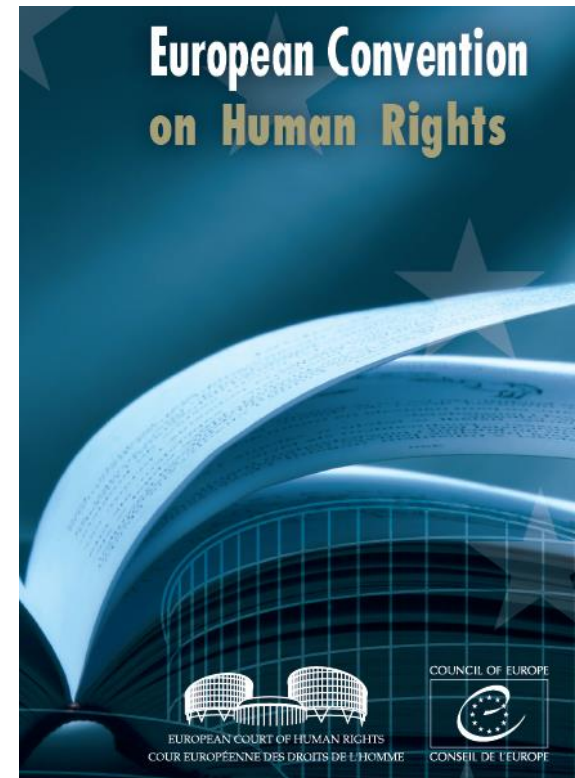
Albania	Liechtenstein
Andorra	Lithuania
Armenia	Luxembourg
Austria	Malta
Azerbaijan	Republic of Moldova
Belgium	Monaco
Bosnia and Herzegovina	Montenegro
Bulgaria	Netherlands
Croatia	North Macedonia
Cyprus	Norway
Czechia	Poland
Denmark	Portugal
Estonia	Romania
Finland	San Marino
France	Serbia
Georgia	Slovak Republic
Germany	Slovenia
Greece	Spain
Hungary	Sweden
Iceland	Switzerland
Ireland	Türkiye
Italy	Ukraine
Latvia	United Kingdom

THE METAVERSE

The metaverse unfolds as a dynamic, ever-evolving digital landscape. It offers boundless opportunities for progress while presenting intricate challenges. Policymakers are called upon to exercise prudence and foresight, ensuring that human rights, the rule of law, and democratic principles remain steadfast pillars in this ever-expanding digital frontier. The path forward demands vigilance, cooperation, and an unwavering commitment to safeguarding the core values of our society.

The metaverse
and its impact on human rights, the rule of law and democracy

The collaborative report by the Council of Europe and IEEE (Institute of Electrical and Electronics Engineers, the world's largest technical professional organization), aims at aiding Council of Europe Member States in understanding the metaverse's potential, applications, and associated risks concerning human rights, the rule of law, and democracy. It emphasizes the importance of a human rights, rule of law and democratic driven approach to technology development, acknowledging the uncertainty of the metaverse's future evolution.

The report, slated for release in late 2023, draws insights from nearly 50 experts, encompassing various technical, ethical, legal, and governance aspects of the metaverse.

Introduction

The metaverse, an expansive digital realm, presents unparalleled opportunities and intricate challenges.

Within this digital realm, individuals can don digital avatars to engage in a wide spectrum of experiences and interactions. They may socialize at virtual parties, collaborate with colleagues in virtual offices, embark on epic adventures in video games, co-create art and music in shared virtual studios, attend virtual lectures and classes, shop for digital fashion and accessories, explore historically accurate simulations, attend live concerts and theatre performances, participate in conferences and conventions from the comfort of their virtual spaces, traverse breathtaking landscapes that defy the laws of physics, compete in virtual sports leagues, and partake in an array of other experiences that blend the boundaries of reality and imagination. The metaverse presents an expansive canvas where individuals can replicate aspects of the physical world while unlocking new dimensions of creativity, connection, and exploration through the digital realm. As this digital universe unfolds, it necessitates a comprehensive examination of its impact on fundamental aspects of society.

Impact on Human Rights

The metaverse's rapid growth, driven by cutting-edge technology, calls for a steadfast commitment to being human-centric. Protecting individuals' human rights is paramount, encompassing privacy, personal data, and more. Furthermore, special attention must be given to the well-being of children, vulnerable populations, and ensuring universal accessibility.

Moreover, the emergence of transformative technologies like brain-computer interfaces (BCI) and neurotechnologies raises profound and complex questions. The use of brain stimulation and its potential to reshape human perceptions require rigorous scrutiny. As the metaverse extends into the physical world, safeguarding human rights remains a foundational principle, demanding careful examination.

Impact on the Rule of Law

The metaverse challenges the relevance and applicability of existing legal frameworks. Central to this challenge are the issues of jurisdiction, rights' owners, accountability and enforcement. Establishing accountability, upholding the rule of law, preventing and addressing virtual crimes emerge as pivotal imperatives in this era.

As the boundaries between virtual and real worlds blur, a comprehensive approach to legal oversight becomes imperative. Tackling online violations and offenses is crucial to maintaining the rule of law across these interconnected realms.

Impact on Democracy

The metaverse introduces transformative possibilities for democratic processes. E-governance and citizen engagement take on new dimensions within this digital universe. Yet, enhanced participation opportunities are coupled with increased risks for individual users and society, including in terms of discrimination, exclusion, manipulation with an adverse impact on the fairness and legitimacy of those processes.

A unified approach that aligns metaverse development with the high standards set by the Council of Europe is vital. Enhanced international cooperation is necessary to ensure that the metaverse's evolution aligns with CoE values and principles. Policymakers play a pivotal role in shaping the metaverse's future by upholding the tenets of human rights, the rule of law, and democratic values.

Conclusions

In summary, the metaverse unfolds as a dynamic, ever-evolving digital landscape. It offers boundless opportunities for progress while presenting intricate challenges. Policymakers are called upon to exercise prudence and foresight, ensuring that human rights, the rule of law, and democratic principles remain steadfast pillars in this ever-expanding digital frontier. The path forward demands vigilance, cooperation, and an unwavering commitment to safeguarding the core values of our society.

COUNCIL OF EUROPE CAMPAIGN FOR THE SAFETY OF JOURNALISTS

JOURNALISTS MATTER
Council of Europe Campaign for the Safety of Journalists

Objectives

- **promoting** the development of corresponding campaigns at national level;
- **encouraging** states to take measures towards the adoption of national Action Plan for the safety of journalists;
- **providing** help to the development of appropriate legal and institutional frameworks at national level;
- **changing** the situation effectively and significantly in practice.

Expected results

- **Journalists across Europe enjoy a safe environment** they need to play freely and more assertively their role of "public watchdogs".
- **National Action Plans - where relevant** - are adopted.
- **Enhanced legal and institutional safeguards** are in place.
- **Effective remedies** against the attacks against journalists and other media actors are set up.
- **Better investigations** of crimes against journalists and proper sanctioning of perpetrators are effective.
- **Increased awareness** of the positive role of journalists is acknowledged both by the general public and the decision makers in 46 member States.

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

Implementation Strategy of CM/Rec(2016)4

Implementation Guide to Recommendation CM/Rec(2016)4 on the Protection of journalism and safety of journalists and other media actors

National chapters

National Focal Points

National Committees

Continuity with previous and ongoing relevant work of the Council of Europe

- **Guidelines on the responsible implementation of AI systems in journalism**

- **Guidance note on countering online disinformation through fact-checking and platform design solutions in a HR compliant manner**

- **Recommendation CM/Rec(2022)13 on the impacts of digital technologies on freedom of expression**

- **CoE Framework Convention on AI and Human Rights, Democracy and the Rule of Law**

Guidelines on the responsible implementation of artificial intelligence (AI) systems in journalism

- Provide PRACTICAL GUIDANCE to news media organisations, but also other relevant addressees, in particular States, technology providers and digital platforms that disseminate news

- Cover the use of AI systems in DIFFERENT STAGES of journalistic production

- Propose RESPONSIBILITIES for technology providers and platforms, as well as for member states

Contents

1. *THE DECISION BY MEDIA ORGANISATIONS AND JOURNALISTS TO IMPLEMENT AI SYSTEMS*

2. *IDENTIFICATION AND ACQUISITION OF AI SYSTEMS BY MEDIA ORGANISATIONS AND PROFESSIONAL USERS*

3. *INCORPORATING AI TOOLS INTO PROFESSIONAL AND ORGANISATIONAL PRACTICE*

4. *THE USE OF AI TOOLS IN RELATION TO USERS AND SOCIETY*

5. *RESPONSIBILITIES OF EXTERNAL TECHNOLOGY PROVIDERS AND PLATFORMS*

6. *OBLIGATIONS OF STATES*

Guidance Note on countering the spread of online mis- and disinformation through fact-checking and platform design solutions in a human rights compliant manner

Adopted by the Steering Committee for Media and Information Society (CDMSI) at its 24th meeting, 29 November-1st December 2023

Contents

Guidance Note on countering the spread of online mis- and disinformation

a response to the proliferation of various kinds of mis- and disinformation in the digital space impacting on democratic processes, including electoral

proposes strategies to counter online mis- and disinformation in a manner that is compliant with human rights standards

Addresses States and Platforms in three key areas

fact-checking

Platform design

user empowerment

Our Rights, Our Future
Secretary General's 2024 report

Steering Committee on Media and Information Society (CDMSI)

Committee on online safety and empowerment of content creators and users (MSI-eSEC)

Committee on implications of GenAI for freedom of expression (MSI-AI)