COUNCIL of EUROPE @ IGF 2021

Digital technologies can greatly facilitate the exercise and the enjoyment of human rights and fundamental freedoms, boost participatory and democratic processes and facilitate social and commercial activities. But also, they carry with them human rights challenges that require prompt and balanced solutions.

The Council of Europe engages in setting standards, promoting the rule of law and fostering multi-stakeholder dialogue to ensure a sustainable, people-centred and human rights-based approach to the challenges of the digital environment.

Brief overview:
Council of Europe participation in the
Internet Governance Forum 2021

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Council of Europe at IGF 2021

The Council of Europe is the continent's leading human rights organisation. Its 47 member states are parties to **the European Convention on Human Rights**. The **European Court of Human Rights** oversees the implementation of the Convention. The Court's case-law makes the Convention a powerful living instrument for addressing new challenges.

In accordance with the Court's case-law, member states have the obligation to secure the rights and freedoms enshrined in the Convention to everyone within their jurisdiction, **both offline and online**. The **rule of law** is a prerequisite for the protection and promotion of the exercise of human rights and for pluralistic and participatory democracy.

Based on these principles and drawing on the conclusions of the World Summit on the Information Society, the Council of Europe adopted the **Declaration on internet governance principles** (2011). It underpins the Organisation's people-centred and rights-based approach to internet governance and identifies major features of the internet underlining its **public service value**.

The latest policy orientations of the Organisation in the area of the digital sector have been also largely reflected in the 4 Resolutions and a Final Declaration adopted during the Ministerial Conference Artificial intelligence – Intelligent politics: Challenges and opportunities for media and democracy (10-11 June 2021, Nicosia).

Open Forum #4 Free expression and digitalisation: compatibility mode

Organised by the Council of Europe

7 December, 17:30 to 18:30 CET

Freedom of expression represents a fundamental human right that has to be upheld both in the real and online worlds. Digital technologies offer enhanced opportunities for expression, access to information and communication.

At the same time, they are not neutral. Some assume an active curatorial or editorial role in the dissemination of online content. They exercise editorial functions through content moderation and prioritisation, which mostly involve automated tools using artificial intelligence, complemented by human moderators. Consequently, a question of transparency of the regulatory measures arises. How can freedom of expression be balanced with respect to human rights in the digital environment? Can greater transparency of regulatory measures ensure that digital technologies support human rights? These and other questions will be discussed in the open forum.

The discussion will rely on Council of Europe's recent and ongoing work: the Guidance Note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation and the CDMSI draft recommendation on the impacts of digital technologies on freedom of expression.

Open Forum #16 Globalpolicy.ai

Co-organised by the Council of Europe, the European Commission, the European Union Agency for Fundamental Rights and the United Nations

9 December, 16:50 to 17:50 CET

Globalpolicy.AI is an initiative launched this year, aimed at helping policy makers and the public navigate the international AI governance landscape and access the necessary knowledge, tools, data, and best practices to inform AI policy development.

Globalpolicy.AI results from co-operation between eight intergovernmental organisations: the Council of Europe, the European Commission, the European Union Agency for Fundamental Rights, the Inter-American Development Bank, the Organisation for Economic Co-operation and Development, the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Bank Group.

Building upon the official launch of the Globalpolicy.AI initiative and the associated discussion during the FRA Forum earlier this year, this session aims at a more practice-oriented discussion.

The session will explore the pathways to trustworthy AI and the tools to achieve it, such as AI fairness frameworks, as well as the challenges en route, such as AI fair washing techniques.

Open Forum #57 The role of regulation in a post-pandemic context

Co-organised by the Council of Europe and UNESCO

10 December, 9:30 to 10:30 CET

During the Covid-19 pandemic, numerous new technologies focusing on two main areas: setting up a system enabling to store and provide health-related data on Covid-19 (e.g. about vaccination, evidence of past infection, tests' results) and creating information systems for the organisation and monitoring of vaccination campaigns have emerged to stop the spread of the virus. Governments and non-state actors have been working together to design and implement these digital technologies as a solution to the crisis often without a full assessment of the potential negative impact on human rights. It is time to raise the crucial questions and start the discussion on the role of regulation, in order to avoid any undesired effect and/or harmful use of these new technologies in a post-pandemic context. The Forum will discuss if regulation is enough to prevent harm or unnecessary or unproportionate interference with human rights of individual. Will the new regulations restricting human rights often for a better efficiency of new processing technologies will become the norm? Can the current enforcement bodies take up the challenge and ensure human rights can be fully exercised and, if restricted, that it complies with international standards? Are there international standards in restricting human rights? How will we deal with measures that have been taken as temporary? When and who will tell us it's over and we can get back to "normal"?

Special participations

High Level Panel 4

6 December, 15:15 to 16:15 CET

The Council of Europe will be represented by **Jan Kleijssen**, Director, Information Society - Action against Crime, Directorate General Human Rights and Rule of Law, in the discussion of the High-Level Panel on *How to promote inclusive and diverse innovation, investment opportunities and corporate social responsibility in digital technologies*?

Emerging technologies are transforming the way the business is done across all sectors and disciplines, one example being automation of job previously conducted by humans. They carry a potential for promoting resilience, sustainability and inclusion, but also risks. The discussion will focus on the close relationship between business growth and the sustainable development and governance of digital technologies, while respecting human rights.

UNESCO's Dynamic Coalition on IUIs session

9 December, 9:30 to 11:00 CET

The Council of Europe will be represented in the session on Dynamic Coalition on Internet Universality ROAM-X Indicators intended to promote free, open and accessible internet for all. UNESCO's Internet Universality ROAM Indi-cators advocate for an Internet that is based on human Rights (R), that is Open (O), Accessible to all (A) and nurtured by Multistakeholder participation (M).

The process of developing the UNESCO indicators has benefited from the cooperation with the Council of Europe. These indicators, focusing on the enjoyment of human rights on the internet – freedom of expression, the right to freedom of assembly and association, the right to private life and the right to an effective remedy, build on existing human rights standards and enforcement mechanisms and are intended to provide guidance to the member states in conducting a qualitative evaluation and reporting on internet freedom.

WS #175 Clash of Digital Civilizations: Governments and Tech Giants

9 December, 13:50-14:50 CET

The Council of Europe will be represented in this session by **Patrick Penninckx**, Head of the Information Society Department.

The workshop aims to raise awareness among users about digital platforms' data policies and the ways personal data is used by these companies.

Also, this discussion will help to explore the potential creation of joint regulation towards global digital platforms. The workshop is meant to strike a careful balance between risks and opportunities of creating the joint regulation for the digital platforms. The discussions will offer the opportunity for governments and online platforms to hear their mutual concerns and find solutions to their sticking points.

IGF Coalition for Platform Responsibility

9 December, 15:05 to 16:35 CET

The Council of Europe, part of Dynamic Coalition on Platform Responsibility (DCPR), will participate in this panel aimed at stimulating a multistakeholder discussion related to the online platforms interoperability and responsibility.

Digital platforms are regulated by the provisions in the Terms of Service of each platform provider and these are not subject to national jurisdictions. The absence of binding international rules in this area despite the universal nature of human rights represents a real challenge. This is why it is necessary to produce model contractual provisions to protect platform-users' human rights and foster platform providers' responsibility.

WS #196 Human Rights Impact Assessments throughout the AI lifecycle

9th December, 09:30 to 11:00 CET

The Council of Europe will be represented in this session by **Kristian Bartholin**, Head of the Digital Development Unit.

The European Commission unveiled its AI regulatory proposal with an aim to preserve the EU's technological leadership and to ensure that Europeans can benefit from new technologies developed and functioning according to Union values, fundamental rights and principles.

A framework for AI was set up, suggesting rules should be human centric, so that people can trust that the technology is used in a way that is safe and compliant with the law, including the respect of fundamental rights. Considering how all AI actors should respect the rule of law, human rights and democratic values, throughout the AI system lifecycle the main goals of this session will be:

- What are the roles and opportunities for all AI actors in ensuring human-centric and value-based development and Deployment of AI systems?

- Why it is important for deployers – in particular in the public sector - to conduct a impact assessment for intended uses and ensure transparency and accountability?

The session will contribute and feed into the negotiations of European Commission's much-anticipated regulatory proposal on AI that was released on April 2021.