



# INFORMATION SOCIETY

## FOCUS 2021

*The current pace of informatisation and digitalisation of the society has brought numerous new opportunities, but also challenges to protecting human rights in the digital environment.*

*To address these challenges the Council of Europe has assumed a leading role in policy making on defending freedom of expression, enhancing digital governance, safeguarding data protection, exploring artificial intelligence and combating cybercrime.*

Brief overview of major Council  
of Europe activities in the field  
of information society

Strategic  
Focus

Information  
Society

[www.coe.int/freedomofexpression](http://www.coe.int/freedomofexpression)

[www.coe.int/internetgovernance](http://www.coe.int/internetgovernance)

[www.coe.int/dataprotection](http://www.coe.int/dataprotection)

[www.coe.int/cybercrime](http://www.coe.int/cybercrime)

[www.coe.int/AI](http://www.coe.int/AI)

[www.coe.int/informationssociety](http://www.coe.int/informationssociety)

## Defending Freedom of Expression

Revolutionary digital technologies, on-going market transformation and ensuing societal evolutions call for renewed policies and tools to defend freedom of expression and promote media freedom.

The Council of Europe Steering Committee on Media and Informational Society (CDMSI) will present in 2021 its guiding principles for **media and communication governance** in order to address the shift from established channels to social networks and of related risks (manipulation of public opinion, lack of public trust, information disorder); new policy requirements concerning **prioritisation of public interest content** on relevant social and search platforms and other news aggregators, as well as recommendations on **election communication** and media coverage of electoral campaigns.

Furthermore, it is developing in co-operation with the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI), a new legal instrument on **combating hate speech**.

The **Conference of Ministers responsible for Media and Information Society** will discuss in June 2021 ways to address the radical changes brought by the new wave of technologies, including Artificial Intelligence (AI), that have affected the media and the internet environment and, with it, the exercise of Freedom of Expression.

**Co-operation projects** to promote implementation of Council of Europe's standards in member states and partner countries will focus on enhancing pluralism and independence of public service media, on safety of journalists and the protection of whistle-blowers, on safeguarding privacy in the media, on the judiciary with respect to media and internet freedom issues, and on media regulatory authorities

## Enhancing Digital Governance

Following recommendations on the roles and responsibilities of internet intermediaries, on internet freedom and on network neutrality, a new recommendation on the **impacts of digital technologies on freedom of expression** will be developed along with guidelines on best practices by and with internet intermediaries for self-regulatory and co-regulatory mechanisms concerned with **restriction or moderation of illegal or harmful content**.

The 22-strong **partnership with digital companies** will be further extended to involve broader and deeper the industry leaders in a human rights dialogue with the Council of Europe expert groups.

## Exploring Artificial Intelligence

In 2019 the Committee of Ministers issued a declaration on manipulative capabilities of algorithmic processes and a recommendation on the **human rights impacts of algorithmic systems**. As a follow-up, an interdisciplinary Ad-hoc Committee on Artificial Intelligence (CAHAI) has been set-up to examine the feasibility of a **legal framework for the development, design and application of artificial intelligence**, based on the Council of Europe's standards on human rights, democracy and the rule of law. Its progress will be nourished by three working groups: on policy development, on legal frameworks and on outreach.

## Safeguarding Privacy

The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (more commonly known as "Convention 108") is still, on its 40<sup>th</sup> anniversary, the only legally binding multilateral instrument on the **protection of privacy and personal data**. It currently has 55 parties and 25+ observers participate in its Committee. Beside the work related to the implementation of the Convention itself, the Committee of Convention 108 has produced reference documents in important areas such as Artificial Intelligence, Big data, health related data, media and privacy, data processing in the police sector, etc.

**Convention 108 was modernised in 2018** to adapt this landmark instrument to the new realities of an increasingly connected world, and to strengthen its effective implementation. The Protocol amending Convention 108 (CETS No. 223) should enter into force in the coming years. Its key objectives are the for the protection of human dignity and integrity in the digital age. Convention 108+ (as amended by the protocol) is seen to become the global standard on privacy in the digital age.

In 2021 new reports on **data protection** and digital identity, as well as in the context of political campaigns will be published, together with an annual report on the state of data protection in the 55 countries bound by Convention 108.

Targeted **assistance activities** will be provided to improve legislation and practice in respect of the right to data protection in numerous countries across the globe.

## Combating Cybercrime

The Budapest Convention of the Council of Europe, is the only binding **international treaty on cybercrime and electronic evidence** that provides a framework to States regarding:

- ✓ criminalisation of conduct (that is, offences against and by means of computers),
- ✓ procedural powers for criminal justice authorities to secure electronic evidence in relation to any crime and subject to rule of law safeguards, and
- ✓ international cooperation on cybercrime and electronic evidence.

It is supplemented by an additional **Protocol on Xenophobia and Racism** committed via computer systems.

With 65 States Parties, and another 12 States that had signed it or have been invited to accede, the Budapest Convention remains the most relevant global standard in this field that continues to evolve.

Work is underway on a **second additional protocol to the Convention**, aiming to facilitate access to electronic evidence in the cloud. The Protocol will be of much operational value for practitioners, setting international standards for efficient cooperation with appropriate safeguards and ensuring the continued relevance of the Budapest Convention.

The prospect of this Protocol creates more demand for capacity building. A large **cooperation programme** provided by C-PROC will continue to strengthen criminal justice response, offering legal expertise, training activities, expert platforms as well as development of professional networks and synergies worldwide.