



INFORMATION SOCIETY

FOCUS 2022/23

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

www.coe.int/internetgovernance

www.coe.int/dataprotection

www.coe.int/cybercrime

www.coe.int/AI

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.

In 2021 the Council of Europe Steering Committee on Media and Informational Society (CDMSI) presented new policy guidelines on media and communication governance; policy requirements concerning prioritisation of public interest content on relevant social and search platforms; recommendations on election communication and media coverage of electoral campaigns and a new legal instrument on combating hate speech.

The **Conference of Ministers responsible for Media and Information Society**, held in June 2021, recommended 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.

In 2022-23 CDMSI policy making will focus on new instruments:

- ✓ Guidelines on the **use of digital tools including artificial intelligence for journalism/by journalists**
- ✓ Good practices for **sustainable media financing**
- ✓ Draft Recommendation on **strategic lawsuits against public participation (SLAPPs)**
- ✓ Guidance on the **elaboration of dedicated national action plans on the safety of journalists**
- ✓ Practical **media and information literacy tools**

Promoting Freedom of Expression and the Media

Co-operation to promote and support effective implementation of Council of Europe's and European Union standards in member states and partner countries for 2022-2023 will focus on:

- ✓ enhancing pluralism and independence of public service media
- ✓ supporting safety of journalists and the protection of whistle-blowers
- ✓ promoting and safeguarding privacy and access to information
- ✓ strengthening capacities of judiciary and law enforcement with respect to freedom of expression, media and internet freedom issues
- ✓ enabling and efficiently strengthening media regulatory authorities and civil society organisations.

Support and capacity building to priority reforms and duty bearers of about **16 member and partner states** shall take place through country, regional and theme interventions. Such interventions, (custom made support and advice, ad-hoc activities, projects, and programmes) shall be financed by budgetary (10%) and extra-budgetary (90%) financial resources.

Enhancing Digital Governance

Following the recommendations on the impacts of digital technologies on freedom of expression presented in 2021 along with guidelines on best practices for self-regulatory and co-regulatory mechanisms concerned with restriction or moderation of illegal or harmful content, in 2022-2023 the work will be focussed on:

- ✓ Guidance note on **countering the spread of online mis- and disinformation** through fact-checking and platform design solutions in a human rights compliant manner
- ✓ Study on the **human rights impacts of digital voice assistants**

The 26-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 December 2021 an interdisciplinary Ad-hoc Committee on Artificial Intelligence (CAHA) had presented a feasibility study for a legal framework for the development, design and application of artificial intelligence. As a follow-up, an ad-hoc Committee on Artificial Intelligence (CAI) has been tasked to draft an appropriate **legal instrument on the development, design, and application of artificial intelligence systems** based on the Council of Europe's standards on human rights, democracy and the rule of law, and conducive to innovation, by November 2023.

Safeguarding Privacy

The Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (more commonly known as "Convention 108") is the only legally binding multilateral instrument on the **protection of privacy and personal data**. It expands on all continents and provides for a principle-based framework for the protection of individuals' privacy and a viable forum for cooperation to supervisory authorities. It comprises 55 parties and 36 observers. The Committee of Convention 108 produces reference documents in areas such as Artificial Intelligence, Big data, health related data, facial recognition, media and privacy, data processing in the police sector, digital identity, political campaigns etc.

Convention 108 was modernised in 2018 and makes it the landmark instrument facilitating free flow of data and respecting human dignity in the digital age. It is a global tool of regulatory harmonisation and convergence re-instating the human being in her/his position of subject, and not a mere object, of algorithmic deduction, control or surveillance. It sets the commonly acceptable level of protection that an individual would seek to have in an ever-expanding digital era, in order to safeguard dignity and an intimate private sphere, and to fully enjoy the right to informational self-determination.

2022-23 objectives include:

- ✓ Digital identity
- ✓ Transborder data flows
- ✓ Personal data and electoral vote
- ✓ Inter-state exchanges of data for anti-money laundering and countering the financing of terrorism

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 66 States Parties, and another 14 States that had signed it or have been invited to accede, the Budapest Convention remains the most relevant global standard in this field.

Work has been finalised on a **second additional protocol to the Convention on enhanced co-operation and disclosure of electronic evidence**, aiming to facilitate access to electronic evidence in the cloud which will be opened for signature on 12 May 2022. 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 already 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.