

Protecting
human rights,
democracy and
the rule of law
in the digital
environment

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The policy approaches

The Council of Europe is the leading European Organization with respect to human rights. Nowadays, it counts 46 member States, all parties to **the European Convention on Human Rights**. The implementation of the Convention and the respect of the fundamental human rights thereby accorded in all the member States is safeguarded by the **European Court of Human Rights**.

Recognising that individuals shall enjoy their rights and freedoms **both offline and online**, the Council of Europe has defined a new **Digital Agenda 2022-2025** in order to ensure a widespread **sustainable, people-centred and right-based approach to the Internet**. The same aims and values had inspired the Committee of Ministers' **Declaration on internet governance principles** in 2011.

Laying solid legal basis

Several Council of Europe conventions with a **global outreach** contribute to the shaping of global internet governance.

The **Council of Europe Convention on Cybercrime** ("the Budapest Convention") is the most relevant binding international instrument on cybercrime and electronic evidence. It constitutes a guideline for national legislation against cybercrime and a framework for international cooperation, while its Second Additional Protocol fosters enhanced cooperation and regulates disclosure of electronic evidence.

The **Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data** currently counts 55 parties. Its modernised version (known as Convention 108+) has reinforced individuals' protection in the digital age, while also facilitating free flow of data and ensuring coherence with other relevant frameworks.

The brand-new **Convention on the development, design and application of artificial intelligence**, based on the **Council of Europe's standards**, provides States with guidelines how to manage risks and harness opportunities of the newest technological revolution.

Assessing challenges

Early risk-assessment of new technologies is part of the Council of Europe DNA.

The study on **"Applications to ICANN for community-based new Generic Top Level Domains"** analysed related opportunities and challenges from the human rights' perspective.



The study on **"Blocking, filtering and take-down of illegal internet content"** compared law and practice in member States regarding restrictive measures, protection of copyright, fight against child sexual abuse and terrorism.

The study **"Algorithms and Human Rights"** depicted possible risks of automated data processing techniques for human rights.

The report on **"Responsibility and AI"** examined the implications on responsibility of advanced digital technologies.

The latest report on the **impact of the Metaverse** on human rights, democracy and the rule of law assessed potential challenges and provided respective recommendations to State authorities.

Developing standards and tools

A solid body of standards and tools to help members States and other stakeholders act in the digital environment in a human rights-compliant way has been gradually built and made available.

The **“Guide to human rights for internet users”** elaborates on human rights online, their possible limitations and due remedies in case of violations.

The **Recommendation on the roles and responsibilities of internet intermediaries** is a unique guideline highlighting internet intermediaries’ human rights obligations and responsibilities, on- and offline.

The Committee of Ministers **Declaration on the manipulative capabilities of algorithmic processes** warns about the risks of an improper use of machine learning tools.

The **Recommendation on human rights impacts of algorithmic systems** provides guidelines regarding the design, development and deployment of algorithmic systems to ensure human rights protection.

The **Guidance note on best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation** is a useful tool for policy-makers in addressing online content issues.

The **Recommendation on the impacts of digital technologies on freedom of expression** and its Appendix **“Guidelines on the impacts of digital technologies on freedom of expression”** provide a powerful tool to promote freedom of expression in the digital age.

The **Recommendation on Combating Hate Speech** outlines a comprehensive approach to addressing hate speech within a human rights framework.

The tools are promoted with national governments through multiple cooperation activities.

Fostering multi-stakeholder dialogue

The Council of Europe firmly supports and regularly participates in regional and global dialogue on Internet governance, including forums such as EuroDIG, IGF, WSIS, ICANN.

Since 2010 it has been observer to the Governmental Advisory Committee (GAC) of ICANN. The cooperation with ICANN has led to the adoption of two declarations by the Committee of Ministers: **“Declaration of the Committee of Ministers on ICANN, Human rights and the rule of law”** and **“Declaration of the Committee of Ministers on enhanced participation of member states in Internet governance matters”**) and to the production of several independent expert reports.

Since 2017, the Council of Europe launched a general **framework for cooperation with leading technology companies** and their representative associations entitled **Digital Partnership**, which enables them to play an active role in shaping digital policies. The partnership currently consists of 27 members.

Exploring new opportunities

The Council of Europe is continually deepening its efforts with respect to Internet Governance, AI, Privacy and Action Against Cybercrime, further enhancing cooperation with international organisations and technology companies.

In this respect an important process has been engaged for the **WSIS+20 Review Process and Vision Beyond 2025**, the **UN Summit for the Future** and the new **Global Digital Compact**, whose aim is to “outline shared principles for an open, free and secure digital future for all”.

The Council of Europe will also strengthen bilateral and multilateral cooperation in early risk-assessment and policy proposals concerning new technologies, such as Generative AI, Metaverse etc.

The internet

provides a space of freedom, facilitating the exercise and enjoyment of fundamental rights, participatory and democratic processes, and social and commercial activities.

In order to ensure a sustainable, people-centred and rights-based approach to the internet, the Council of Europe has engaged in setting and promoting standards, building partnerships and fostering multi-stakeholder dialogue.

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