INTERNET GOVERNANCE

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 engages in setting and promoting standards, building partnerships and fostering multi-stakeholder dialogue.

Brief overview of the latest Council of Europe guidelines and activities in the field of internet governance

Thematic

Focus

Information

Society

www.coe.int/freedomofexpression

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

INTERNET GOVERNANCE

Assessing challenges

The Council of Europe's **Internet Governance Strategy 2016-2019** aims at ensuring that public policy relating to the internet is people-centred and contributes to building democracy online, protecting internet users, and ensuring the protection and respect for human rights online. The strategy is a multi-disciplinary tool which covers issues concerning content, services and devices connected to the internet, including relevant aspects of its infrastructure and functioning which can affect human rights and fundamental freedoms. The strategy identifies many challenges to the internet and provides a mapping to governments and other stakeholders, including civil society, the private sector and technical and academic communities for addressing these challenges.

A number of studies and reports have been commissioned by the Council of Europe to shed light on particular aspects of internet governance. The study on "**Applications to ICANN for community-based new Generic Top Level Domains**" (2016) analyses opportunities and challenges from the human rights' prospective in the field of community-based applications for top level domains. The comparative study on **"Blocking, filtering and take-down of illegal internet content"** (2015) examines law and practice in 47 member states regarding restrictive measures, among others, in the fields of defamation, protection of copyright, fight against child pornography and combating terrorism.

Laying solid legal basis

The **Convention on Cybercrime of the Council of Europe** (CETS No.185), known as the Budapest Convention, is the only binding international instrument on cybercrime. It serves as a guideline for any country developing comprehensive national legislation against cybercrime and as a framework for international cooperation between states / parties to this Convention. It is a unique instrument providing strong safeguards and adequate protection for human rights and freedoms. In the face of new challenges to human rights in the ever evolving digital environment, the Convention is capable of providing timely and adequate responses by means of **Guidance Notes adopted by the Cybercrime Convention Committee (T-CY)**.

The **Council of Europe's Data Protection Convention**, better known as "Convention 108", is the only legally binding international treaty in the relevant field. It sets principles for protection of individuals with regard to automatic processing of personal data. These principles have been taken up in virtually all regions of the world. The Council of Europe is currently facilitating modernisation of the Convention to reinforce the individuals' protection and to ensure coherence with other relevant frameworks, which is of crucial importance in view of the role that this document is called upon to play on the world-wide scale.

Developing standards and tools

Drawing on the conclusions of the World Summit on the Information Society, on 21 September 2011, the Council of Europe adopted the **Declaration on internet governance principles** which identifies major features of the internet that source its public service value.

The "**Guide to human rights for internet users**" (2014) elaborates on human rights online, their possible limitations and available remedies for such limitations. Starting from the premise that human rights and fundamental freedoms apply equally offline and online, and based on the European Convention on Human Rights and other Council of Europe conventions and instruments, the Guide constitutes a comprehensive tool for all.

Fostering multi-stakeholder dialogue

The Council of Europe participates in regional and global dialogue on internet governance, such as IGF, WSIS, EURODIG, SEEDIG, ICANN and others, providing policy orientations and instruments.

On 3 June 2015, the Committee of Ministers adopted a **Declaration on WSIS+10 review and the extension of the IGF mandate** which reasserts the importance of multi-stakeholder dialogue on internet governance in order to respond to the challenges of the internet.

Since the inception of the **EuroDIG** in 2008, the Council of Europe has provided **secretariat support** to this forum and has actively participated in its planning and annual events. **Observer to the Governmental Advisory Committee (GAC) of ICANN** since 2010, the Council of Europe explores ways to assist the GAC, ICANN and its communities in making arrangements to ensure that human rights and the rule of law are referred to and considered by ICANN with regard to its policies and procedures. This has resulted in the adoption of two declarations by the Committee of Ministers and the production of independent expert reports.

Building partnerships

Steps have been taken to establish a framework for a **partnership for human rights, democracy and the rule of law between the Council of Europe and internet companies** with a view to creating a space for closer consultation with intermediaries on issues related to the exercise and enjoyment of human rights online. The Council of Europe thus also aims to promote dialogue between internet companies and other stakeholders.

Exploring new opportunities

Internet intermediaries play an ever growing role in terms of providing and customising internet content, managing user data, but also implementing restrictive policies or surveillance programmes. The Council of Europe has tasked an expert group to develop a rule of law-based policy for the relationship between state authorities and intermediaries and their respective human rights obligations and responsibilities.

In parallel, the work on **human rights dimensions of algorithms** discusses legal, social and ethical considerations related to algorithms and automated data-processing techniques. It explores areas such as automation, data analysis, social constructs around algorithms, the impact of algorithms on human rights as well as the mechanisms of governance accountability, transparency and ethics.