

HUMAN RIGHTS,  
DEMOCRACY  
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,  
DÉMOCRATIE  
ET ÉTAT DE DROIT

EuroDIG 2020

Presentation  
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## European Digital Economy and COVID-19 pandemic

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The Council of Europe with its 47 member States is widely known for protecting its **basic values** of **human rights**, **democracy** and the **rule of law**.

The **ideal of economic and social progress** is equally embedded in the **1949 Statute** of the Council of Europe as one of its core foundations.

**Economic progress is a key precondition** for “the pursuit of peace based upon justice and international co-operation that is vital for the preservation of human society and civilisation”.

## Working remotely with kids



by eXo  
Ha Minh Le  
19 March 2020



- ✓ **Massive recourse to teleworking**
- ✓ Dramatic increase in the use of video-conferencing
- ✓ **Newly developing online services**
- ✓ Huge gains in time and cost efficiency
- ✓ **More resilience against the pandemic** than the real economy
- ✓ Use of digital tools to fight the pandemic
- ✓ **Massive boost in digitalisation** in schools, science and public services

- ✓ **Asymmetric 'winner-takes-all' model**
- ✓ **Growing division in the digital economy**
- ✓ **Data extracted from users are treated as commodity**
- ✓ **Dependencies on the few big platforms are growing**



Source: [Strategies.fr](http://Strategies.fr)

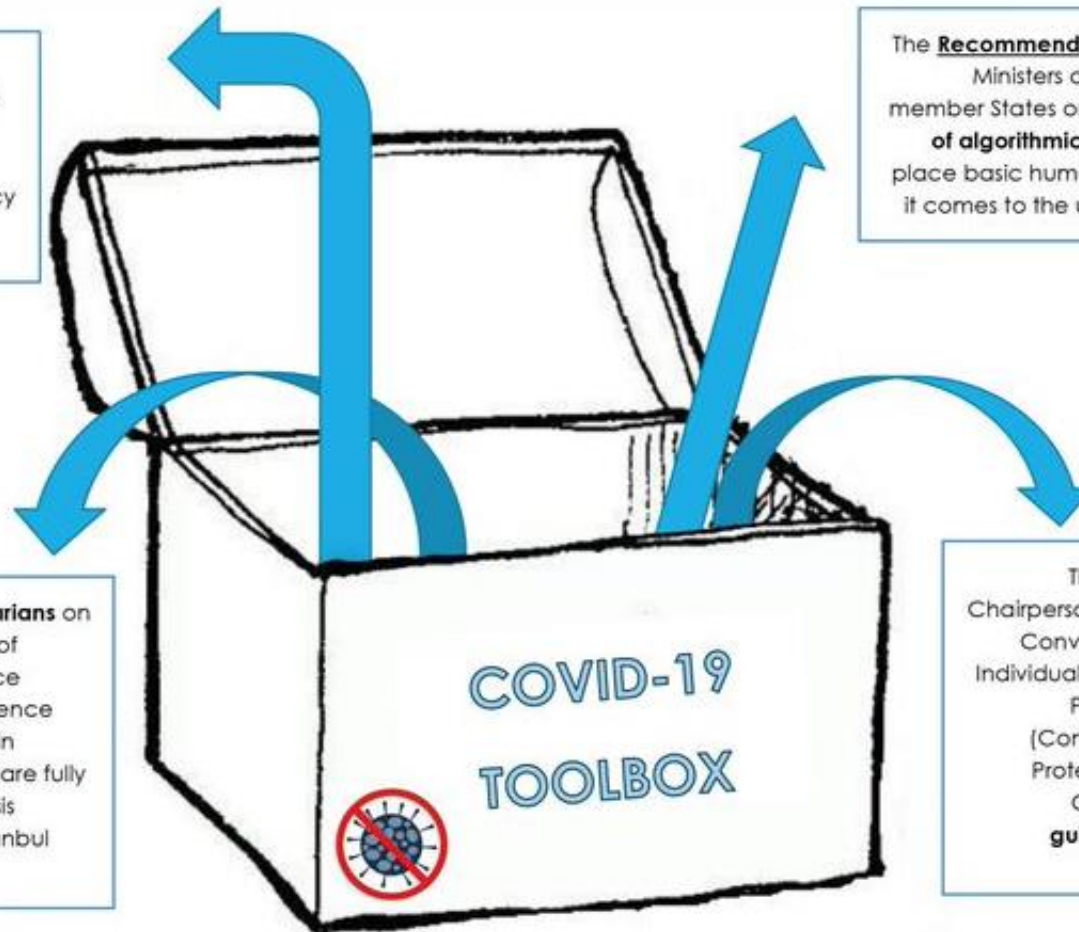
## What should be done ?

- ✓ **Provide clear and common standards for the digital economy**
- ✓ **Enable an environment of legal certainty and predictability**
- ✓ Promote vigilance and scrutiny with respect to human rights
- ✓ **Explain timely and carefully all interferences to the public**
- ✓ **Provide personal data protection guarantees**
- ✓ Ensure a spirit of cooperation and transparency
- ✓ **Develop innovation-friendly and rights-based policies**
- ✓ **Reduce the public-private technology gap**
- ✓ Adapt competition policies to the digital age
- ✓ **Restrain monopoly positions and protect consumer interests**

## AN OPEN-ENDED COUNCIL OF EUROPE TOOLBOX TO ADDRESS THE CHALLENGES POSED BY COVID-19 PANDEMIC

The **information document** of the **Secretary General of the Council of Europe** provides guidance and advice to member States on respecting human rights, democracy and the rule of law during the COVID-19 crisis.

The new **Handbook for parliamentarians** on the Council of Europe Convention of Preventing and Combating Violence against Women and Domestic Violence (**Istanbul Convention**) can assist us in securing that women and children are fully protected during the COVID-19 crisis according the standards of the Istanbul Convention.



The **Recommendation** of the Committee of Ministers of the Council of Europe to member States on the **human rights impact of algorithmic systems** will help us put in place basic human rights safeguards when it comes to the use of algorithmic systems.

The **Joint Declaration** by the Chairperson of the Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) and the Data Protection Commissioner of the Council of Europe, contains **guidance on track-and-trace applications**.



**Contact Tracing Apps** are being used in 28 countries

**Alternative digital tracking measures** are active in 32 countries

**Physical surveillance technologies** are in use in 10 countries

**COVID-19-related censorship** has been imposed by 16 governments

**Internet shutdowns** continue in 3 countries despite the outbreak

**There are currently 47 contact tracing apps** available globally

India's Aarogya Setu is the most popular, with 50 million downloads

23% of apps have no privacy policy

53% use GPS, 15% use Bluetooth & 28% use both GPS and Bluetooth





## Joint Statement on Digital Contact Tracing by Alessandra Pierucci, Chair of the Committee of Convention 108 and Jean-Philippe Walter, Data Protection Commissioner of the Council of Europe

- ✓ **Data processed** for digital contact tracing purposes should be reduced to the strictest minimum and any data that is not related or necessary should not be collected.
- ✓ **Digital contact tracing systems** should be subject to independent and effective oversight and audits to ensure respect of the rights to privacy and data protection.
- ✓ **Data protection authorities** should be involved from the outset in the development of those systems, and use their powers of intervention and investigation to ensure that data protection requirements are enforced.

Source: [Joint Statement](#)



## Recommendation on the human rights impacts of algorithmic systems

**Obligations of States:** Be aware of the distinct impacts and put in place effective risk-management mechanisms. Establish effective regulatory and supervisory frameworks that detect, prevent and remedy human rights violations, whether stemming from public or private actors.

**Responsibilities of private sector actors:** Private sector actors engaged in the design, development, sale, deployment, implementation and servicing of algorithmic systems, whether in the public or private sphere, must exercise due diligence in respect of human rights.

## CAHAI



Ad hoc  
Committee  
on Artificial  
Intelligence

- Intergovernmental Committee set up in September 2019
- Mandate delivered by the Committee of Ministers until 31 December 2021

To examine, on the basis of broad multi-stakeholder consultations, the **feasibility** and potential elements of a **legal framework** for the development, design and application of artificial intelligence, **based on Council of Europe standards** in the field of human rights, democracy and the rule of law

**Objective** Combine Council of Europe's expertise in HR-based policies and partners' expertise in digital technologies

## Opportunities for companies



- Boost public confidence
- Access to the network of the Council of Europe's 47 member states and 6 observer states and civil society organisations
- Better understand government and societal expectations
- Influence the development of Council of Europe policies for the internet
- Devise and implement corporate social responsibility initiatives more effectively.

**Membership**

**21 technology firms and associations**

Thanks for your  
attention !



further resources:

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

[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)

Facebook Page

**Information Society Group**

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 Cyprus - Chypre Nicosia - Nicosie	 Italy - Italie Rome	 Portugal Lisbon - Lisbonne	 Ukraine Kyiv - Kiev
 Czech Republic - République tchèque Prague	 Latvia - Lettonie Riga	 Romania - Roumanie Bucharest - Bucarest	 United Kingdom - Royaume-Uni London - Londres
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