Shaping the Digital Environment
Ensuring our Rights on the Internet

Graz, 13 – 14 March 2014

Conference summary and proposals

As a follow-up to the Council of Europe Internet Governance Strategy 2012-2015, over 150 participants from 37 countries, representing governments, international organisations, civil society and industry, came together to discuss the impact of the Internet on human rights, rule of law, and democracy.

Many people now depend on the Internet for everyday activities and this increases their expectations that the Internet should be a space in which their core values are protected and respected.

Human rights standards serving as global baselines for Internet governance

Council of Europe Standards, in particular Convention 108 on data protection and the Budapest Convention against Cybercrime are the only international legally binding instruments in their field. Both have an increasingly global reach and can serve as global baselines for Internet governance. The support of different stakeholder groups promotes and reinforces their significance and value in protecting and respecting human rights and the rule of law online. Better cooperation between states and other stakeholders will make these instruments evermore globally relevant. This also includes the need to keep Convention 108 in line with new challenges in order to safeguard the level of data protection by carefully evaluating if a modernisation is necessary.

Furthermore, the close cooperation between the Council of Europe and other relevant international organisations in this field (notably the European Union and UNESCO) are central for an effective Internet Governance.

Privacy and self-determination on the Internet: user orientation, guidance and effective remedies

More and more time is spent online and as the 'Internet of things' becomes a reality, the Internet will become ever more integrated into people's daily lives. Hence, only clear and understandable user orientation and guidance as well as effective and accessible remedies will allow digital citizens to become aware and eventually enforce their rights. A broad dissemination of the "Guide on human rights for Internet users" among a wide public is instrumental in this regard.

Large-scale automatic data collection and processing of 'Big Data' offers great possibilities to provide improved services to users. However there is a need to ensure that business models and technological solutions safeguard the right to privacy by adopting approaches such as 'privacy by design'.

Public service and Internet content – next generation education, cultures and freedoms in public service delivery

The Internet is no longer a simple service and should be regarded as a public commons considering that more and more public services are provided or facilitated online. This has the potential to make these services more accessible but it also carries the danger of excluding parts of the population without any or with poor Internet access. Hence future endeavours in this field need to also specifically address the particular needs of marginalised groups.

The next generation of public service delivery will need to work increasingly with open data. The re-use of public data by non-commercial users should hence be encouraged, so as to allow every individual access to public information, facilitating their participation in public life and democratic processes.

Business and human rights – Government and business expectations for industry responsibility

Business practices and human rights are in sharp focus when speaking about digital services. The UN Human Rights Council resolution 17/4 on human rights and transnational corporations and other business enterprises of 16 June 2011 must be applied in the field of Internet governance. Notably the relationship between statutory law and self-regulation is especially challenging. While over-regulation risks stifling innovation in the online environment, excessive reliance on self-regulation may undermine the enjoyment of human rights online. The right balance, resulting from multi-stakeholder dialogue, needs to be struck.

Internet governance strategy and oversight - Council of Europe priorities in 2014-2015

As shown by the mid-term evaluation of the Secretary General of the Council of Europe, the Internet Governance Strategy has delivered many tangible results and more progress is expected. The coming two years will focus on the delivery of appropriate legal and political instruments and other tools, such as key instruments and tools on net neutrality, transparency, free flow of Internet content, through relevant bodies and actors of the Council of Europe as well as by co-operation arrangements between governments, the private sector, civil society and relevant technical communities.

While governments have a clear responsibility to work in this area, strategies developed with different stakeholders will prove to be the most successful in the field of Internet governance. This includes working through the Council of Europe, but also requires strong coordination with other international and regional organisations and dialogue with civil society and industry.

Internet Governance Strategy 2016-2019 – Emerging priorities

Work undertaken in the framework of the 2012-2015 Internet Governance Strategy is moving in the right direction, but more needs to be done to reach the targets set and to address emerging issues. The Council of Europe should pursue its efforts with governments to build and reinforce the human rights dimension of Internet governance and contribute to shaping the digital environment in a sustainable way through its Internet Governance Strategy 2016-2019.

Among the emerging priorities the conference proposed that the Council of Europe should:

Explore the possibility of elaborating a framework agreement to:

– Protect and promote the universality, integrity and openness of the Internet,
– Reinforce users rights including the right to effective remedies,
– Assist States to protect the Internet and user's rights.

Explore the risks and benefits of establishing regional clouds

Bearing in mind that any "regional cloud" should not infringe the universality, integrity and openness of the Internet, explore from a political and legal perspective how the various initiatives to develop "regional clouds" would ensure that users benefit from the already existing human rights protection mechanisms.

Develop ways to restore trust

Explore ways to restore users' trust in the Internet including by:

– Increasing transparency by state and non-state stakeholders,
– Empowering users to understand their rights and responsibilities and to seek effective remedies,
– Encourage member states to ensure that existing remedies are effective or that they are put in place,
– Developing awareness especially for children and other vulnerable groups (elderly, disabled, disconnected) of their rights and obligations through inclusive, lifelong education.

Consider the human rights implications of "Big Data"

– Look into the human rights implications of big data in particular with the multiplication of mobile devices and the development of the Internet of things,
– Promote multi-stakeholder, dialogue notably with industry to ensure that privacy safeguards are introduced at the design stages,
– Analyse if there is sufficient monitoring to evaluate the effectiveness of existing checks and balances.

Look into the public/private dimension of public service delivery in the field of education and culture by:

– Developing, if necessary, a framework for public/private partnerships to:
    - Ensure that the diversity of European cultures is preserved in a sustainable manner for future generations,
    - Ensure the widest possible access to culture by different population groups,
    - Ensure that new technologies are introduced to serve educational purposes and are accessible without discrimination,
– Addressing the challenges of media literacy so as to empower citizens in the digital age.
– Encouraging national authorities to ensure that e-government and e-democracy are introduced to serve the needs of the citizens

Promote human rights and business guidelines by:

- Further developing education and awareness raising activities with the private sector to combat hate speech and incitement to violence,
- Creating targeted education for IT professionals including engineers on human rights and rule of law,
- Promoting the elaboration of necessary self/co-regulation, ethical codes and state regulation.