

Comments by the Council of Europe's Information Society Department on the Report of the UN Secretary General's High-level Panel on Digital Cooperation

The Council of Europe Information Society Department welcomes the well-timed report from the High-level Panel on Digital Cooperation, its commitment to a broad multi-stakeholder approach, and the fact that it recognises the importance of human rights and human agency in the digital age as issues that require close attention from governments and other stakeholders.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member States are bound by the European Convention on Human Rights, which effectively secures the human rights and fundamental freedoms of 830 million people in Europe. Therefore, the Council of Europe has been providing continued guidance to governments on how best to discharge their human rights obligations, including vis-a-vis the digital transformation of multiple spheres of life.

In addition, several Council of Europe's instruments and frameworks address specific challenges stemming from the growing use of digital technologies. These instruments include the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108),¹ the Council of Europe Convention on Cybercrime (Budapest Convention)², the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse³, and the Oviedo Convention on Bio-Ethics⁴. The Council of Europe's legal instruments on data protection and cybercrime are recognised and applicable far beyond Europe, as they count a growing number of non-European states parties.⁵

The Council of Europe has also developed a vast body of standards of non-binding nature, such as the Committee of Ministers [Recommendation \(2014\)6 of the human rights guide for internet users](#), [Recommendation \(2016\)5 on internet freedom](#), [Recommendation CM/Rec\(2018\)7 on Guidelines to respect, protect and fulfil the rights of the child in the digital environment](#), the [Declaration on the manipulative capabilities of algorithmic processes](#) of February 2019, and many

¹ [Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#), ETS 108, as amended by the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, CETS 223...

² [Convention on Cybercrime of the Council of Europe](#), CETS 185.

³ [Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse](#), CETS 201.

⁴ [Convention for the protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine](#), CETS164

⁵ As of September 2019, the Convention 108 counts 55 states parties, the Budapest Convention counts 64 states parties.

more. Currently a draft recommendation on the human rights impacts of algorithmic systems is in preparation.

Technological advancement enhances human development and contributes to creating optimal conditions for the exercise of human rights. Digital technologies also hold significant potential for economic growth and innovation, which are goals that are essentially rooted in the shared values of democratic societies. Therefore, economic and other, including human rights-related, benefits deriving from technological progress cannot be realised without duly respecting these shared values. The broader implications of the use of digital technologies, as well as their possible misuse, for the core values of democratic societies must thus be taken very seriously.

Given the speed and scale at which digital advancement occurs, it is particularly important now to develop efficient responses to the newly arising challenges. Digital technologies affect all aspects of human life globally and transversally. All states and all stakeholder groups are therefore required to coordinate efforts and, inter alia, share information and good practices to ensure continued innovation in full adherence to the key values of human rights, democracy and the rule of law.

The Council of Europe has substantial experience in assessing the possible human rights risks that may stem from digital technologies and developing legal and non-legal mechanisms and standards for effectively amplifying positive effects of digital technologies for individuals, communities and societies while minimising adverse effects on human rights, the functioning of democratic societies and the viability of institutional frameworks. While doing so, the Council of Europe has sought to develop standards that can be used at global level, as fragmentation of rules hinders effectiveness and progress.

The Council of Europe applies a variety of working methods, being engaged at horizontal level (through the newly established [Ad Hoc Committee on Artificial Intelligence \(CAHAI\)](#) which will be examining the feasibility and potential elements of a framework related to the development of artificial intelligence in line with Council of Europe standards) and in sector-specific work for concrete guidance on integration of digital technologies in specific fields, such as judicial systems, data protection and privacy, freedom of expression, or child protection.

Aware of the outstanding role that the UN plays globally in setting and maintaining human rights standards in a range of spheres, we value the fact that our Organisations' efforts aim in the same direction and would welcome extended cooperation. In particular, the Council of Europe stands ready to offer its vast experience to be used in the context of the Human Rights Council's deliberations to support the aims of the Report.