



Resolution 2326 (2020)¹

Provisional version

Democracy hacked? How to respond?

Parliamentary Assembly

1. The Parliamentary Assembly is concerned about the scale of information pollution in a digitally connected and increasingly polarised world, the spread of disinformation campaigns aimed at shaping public opinion, trends of foreign electoral interference and manipulation, as well as abusive behaviours and hate amplification on the internet and social media, which all represent a challenge for democracy and in particular for the electoral processes throughout Council of Europe member States, affecting the right to freedom of expression, including the right to receive information, and the right to free elections.
2. As regards cyberattacks, the Assembly recalls the concerns raised in [Resolution 2217 \(2018\)](#) and [Recommendation 2130 \(2018\)](#) “Legal challenges related to hybrid war and human rights obligations”, in particular with regard to numerous cases of mass disinformation campaigns intended to undermine security, public order and peaceful democratic processes, and to the need to develop tools to protect democracy from “information weapons”.
3. As the internet and social media seep into more aspects of the political landscape, the Assembly points to the need to improve the internet’s content and architecture, build up the resilience of Europe’s democratic systems and societies, counter disinformation, invest in quality journalism and preserve freedom of expression and media and political pluralism, especially in the context of elections.
4. The Assembly takes the view that data-driven electoral campaigning on social media, based on segmentation and profiling of users, especially dark adverts on platforms targeting potential voters, is a growing phenomenon which must be better regulated, in order to ensure transparency and data protection, and build public trust. The Assembly in particular:
 - 4.1. praises the work that has been done by the Council of Europe on personal data protection and electoral rights, in particular [the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data](#) (ETS N°108) and its relevance with regard to electoral rights, and welcomes and other soft law instruments addressing different aspects of privacy and personal data protection in the context of information society, including in social networks;
 - 4.2. welcomes the adoption of the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 223) modernising the convention and addressing emerging challenges resulting from the use of new information and communication technologies, and supports the call of the United Nations Special Rapporteur on the Right to Privacy, Mr Joseph A. Cannataci, to all United Nations member States to accede to Convention 108, where their legislation and practice comply with the provisions of the Convention;
 - 4.3. supports the future work of the Committee of Convention 108 on the use of personal data in elections and their possible misuse in a political context;

1. *Assembly debate* on 31 January 2020 (9th Sitting) (see [Doc. 15028](#), report of the Committee on Political Affairs and Democracy, rapporteur: Mr Frithjof Schmidt; and [Doc. 15056](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Emanuelis Zingeris). *Text adopted by the Assembly* on 31 January 2020 (9th Sitting).



- 4.4. invites Council of Europe member States to sign and/or ratify, where this is not already the case, and fully implement the Council of Europe Convention on Cybercrime (ETS No. 185) and its Additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems (ETS. No. 189).
5. To address disinformation challenges in the context of democratic elections, governments of Council of Europe member States need to:
 - 5.1. recognise the transnational nature of the problem and enhance co-operation with internet intermediaries and social media operators, whose commercial interests tend to collide with human rights and political rights, for instance the principle of electoral equity, in line with the Committee of Ministers' [Recommendation CM/Rec \(2018\)2](#) on the roles and responsibilities of internet intermediaries;
 - 5.2. enable voters to receive trustworthy information and become more informed and engaged, with a view to preserving the exercise of their right to truly free and fair elections;
 - 5.3. break up the monopoly of tech companies controlling, to a great extent, citizen's access to information and data;
 - 5.4. consider updating national legislation in order to counter disinformation campaigns more effectively.
6. To tackle these challenges, the Assembly calls on Council of Europe member States to implement a number of strategies from a European and global perspective and to create a model that includes co-responsibility and multiple regulatory and conflict-resolution approaches, in particular by:
 - 6.1. promoting media education and digital literacy skills to strengthen the legal and democratic culture of citizens, in line with [Resolution 2314 \(2019\)](#) on Media education in the new media environment, enhance public awareness of how data are generated and processed, empower voters toward a critical evaluation of electoral communication and increase society's resilience to disinformation;
 - 6.2. encouraging and supporting collaborative fact-checking initiatives and other improvements of content moderation and curation systems which are intended to counter the dissemination of deceptive and misleading information, including through social media, in line with [Resolution 2281 \(2019\)](#) "Social media: social threads or threats to human rights?";
 - 6.3. securing adequate funding to independent public service media, so that they can allocate enough resources to innovation in content, form and technology to foster their role as major players in countering disinformation and propaganda and as a cutting-edge stakeholder in protecting communication and media ecosystems in Europe, in line with [Resolution 2255 \(2019\)](#) "Public service media in the context of disinformation and propaganda";
 - 6.4. strengthening transparency in political online advertising, information distribution and algorithms and business models of platform operators, in particular by:
 - 6.4.1. guaranteeing, where political parties and candidates have the right to purchase advertising space for election purposes, equal treatment in terms of conditions and rates charged;
 - 6.4.2. developing specific regulatory frameworks for internet content at election times and include provisions on transparency in relation to sponsored content on social media, so that the public is aware of the source that funds electoral advertising or any other information or opinion, in line with [Resolution 2254 \(2019\)](#) "Media freedom as a condition for democratic elections", and prevent illegal foreign involvement;
 - 6.5. addressing the implications of micro-targeting political ads with a view to promoting a political landscape which is more accountable and less prone to manipulation;
 - 6.6. supporting researcher's access to data, including datasets with deleted accounts and content, with a view to examining the influence of strategic disinformation on democratic decision making and on electoral processes, and possibly propose the setting up of a European network of researchers in this area;
 - 6.7. considering national and international regulation to share best practices and increase security agency co-operation, for instance by creating a specific mechanism for monitoring, crisis management and post-crisis analysis and sharing resources that already exist in various countries, in line with [Recommendation 2144 \(2019\)](#) "Internet governance and human rights";

6.8. calling on professionals and organisations in the media sector to develop self-regulation frameworks that contain professional and ethical standards relating to their coverage of election campaigns, including enhanced news accuracy and reliability and respect for human dignity and the principle of non-discrimination, in line with [Resolution 2254 \(2019\)](#);

6.9. initiating judicial reforms and set-up specialised divisions for judges and prosecutors focusing on disinformation and hate speech.

7. Furthermore, the Assembly welcomes the European Union's action to counter disinformation, address the threats of external intervention in European elections and ensure greater transparency on paid political advertising and clearer rules on the financing of European political parties, as part of the forthcoming European Democracy Action Plan for 2019-2024. It calls on the European Union to ensure synergy with the Council of Europe's action in those areas and promote further co-operation with all 47 member States of the Council of Europe. It also invites the European Commission and the Strategic Communication Task Forces of the European External Action Service to ensure greater participation of relevant NGOs, acting within the European Union, in the leadership and consultation of their relevant bodies countering disinformation, in order to better detect, analyse and expose disinformation. These bodies should work closely, in a more transparent way, and regularly exchange information, for the sake of the common good.

8. The Assembly also calls on the member States of the European Union to considerably increase the European Union's support for the Strategic Communication Task Forces of the European External Action Service in order to strengthen the European Union's capability to combat disinformation.

9. Finally, the Assembly supports the work of the European Commission for Democracy Through Law (Venice Commission) in its efforts to prepare a list of principles for the use of digital technologies in the context of elections and resolves to closely follow this matter.