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Internet and politics: the impact of new information and communication technology on democracy

Report[1]
Committee on Culture, Science, Education and Media
Rapporteur: Ms Anne BRASSEUR, Luxembourg, Alliance of Liberals and Democrats for Europe

Summary

The Internet now lies at the heart of democratic society, according to the Committee on Culture, Science, Education and Media. It has enabled citizen groups to mobilise and hold governments and politicians accountable as never before, expanding public participation in democratic processes. Social media, in particular, can reconnect citizens with their democratic institutions, whether parliaments or political parties, in new and dynamic ways.

On the other hand, fragmented web-based decision-making is not necessarily suited to complex policy-making, the committee points out. Replacing representative democracy with some form of "direct democracy" via Internet voting would bring the risk that small groups with greater resources could dictate final decisions without being known or required to account for them, wielding illegitimate power. The web can also facilitate abuse: it hosts intolerance and hatred, allows organised crime syndicates, terrorists and dictators to flourish, and enables the insidious monitoring of private life, not least – as recently revealed – unacceptable intrusion by State secret services.

The Internet belongs to everyone, and ways must be found to preserve its openness and neutrality while preventing it from becoming a gigantic prying mechanism, beyond all democratic control. Web-users and operators must be encouraged to regulate themselves, while parliaments should lead the way in ending the digital divide and setting new norms in areas such as "semantic polling", data-gathering, evaluating search algorithms and curbing Internet trolling. The ultimate aim will be to be find a model of Internet governance which ensures web freedom and guarantees online safety while respecting human rights, especially in countries where these are most under threat. To this end, the committee proposes that the Council of Europe begins work on a White Paper on "Democracy, politics and the Internet".

1. Reference to committee: Doc. 12924, Reference 3871 of 25 June 2012.

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A. Draft resolution[2]

1. The Parliamentary Assembly notes that the expansion of the Internet has had major consequences in terms of the exercise of the fundamental rights which are central to the construction of our democratic societies, such as the right to freedom of information, expression, opinion, assembly and association, and the protection of the private sphere.

2. This expansion and the exponential acceleration of capacities for transmission on the network have put an end to the concentration of informative power and changed the paradigm of communication. The public space has been enlarged and the web has become an enormous unbounded field, a veritable global forum where all individuals can seek and exchange information, share knowledge, express opinions on any subject and become committed to an idea or a cause.

3. The upheavals caused by the Internet have altered the relationship between the political world and citizens and the balance between representative democracy and direct democracy. They make it imperative for us to discuss both the new prospects that are opening up for a stronger and more dynamic form of democracy and the new dangers which may undermine it, along with the role that legislators should play in this process.

4. The Internet helps citizens to rally together and ensures increased visibility for their action. It has also radically changed institutional communication and the articulation of relations between voters and the political forces, as well as among citizens, elected representatives and government departments. More broadly, it has extended the possibilities for participation in political life. The Internet is thus an essential part of modern democracy, and the political institutions must take account of the plethora of citizen participation initiatives which take shape on the web.

5. However, the Assembly does not think that in today's complex world it would be possible to replace the universal-suffrage mode of political representation with any sort of model based primarily on processes of direct democracy through electronic channels, even supposing that everyone had access to the consultation procedures and voted via the Internet and that appropriate means are found to remove all obstacles to the general use of electronic voting.

6. The definition and implementation of policies necessitate a number of long-term choices, requiring complex negotiations and involving conflicting interests which are difficult to balance; such complexity is not sufficiently appreciated in the decision-making processes on the web, which must necessarily simplify the contents of discussions. Public policies also require internal coherency and co-ordination, to which the fragmentation of the decision-making process on the web would set up insuperable obstacles.

7. Lastly, in such a system, the people – who would have more resources and would necessarily be fewer in number – who would *de facto* dictate the final decisions would neither be known nor required to account for these decisions, and would therefore wield a type of power which was both illegitimate and unaccountable. In this case we can no longer speak of democracy.

8. Participation and representation are inseparable; this requires representative democracy to be genuinely participative. For several years now, the Assembly has been regularly observing the erosion of public confidence in political institutions. In order to halt this tendency, politicians should listen more, develop citizen participation and promote active citizenship.

9. In this connection, the Assembly notes that the Internet and the social media are opening new doors to enlarged dialogue between citizens and elected representatives and stimulating more dynamic participation in democratic life. We must seize this opportunity to reconnect the democratic institutions, via the Internet, with the citizens who have moved away from them, and develop, particularly in our parliaments, the capacities and competences required for exploiting this positive potential provided by the Internet.

10. Alongside the elected representatives, the political parties have an extremely important role to play; the Assembly invites them to reflect on their relations with their electoral bases and on the use of the new information and communication technologies in order to develop permanent dialogue with their electors and involve them in devising, and subsequently implementing, their political programmes.

2. Draft resolution adopted unanimously by the committee on 3 December 2013.

11. However, the Assembly is aware that the Internet increases the risks of abuses and aberrations liable to jeopardise human rights, the rule of law and democracy: it accommodates the expression of intolerance, hatred and violence against children and women; it arms organised crime, international terrorism and dictatorships; it also intensifies the risk of biased information and manipulation of opinion, and facilitates insidious monitoring of our private lives.

12. Control over the lawful use of data processed on the web is difficult: national legislations on data protection differ and privacy policies of the transnational Internet corporations – which are the world's largest personal data operators – are subject only to the law of the States where the corporations are registered. It is especially worrying that personal data have been reduced to tradeable goods and are misused for commercial or political purposes, posing a serious threat to the protection of private lives. In addition, the increased use of new semantic polling techniques can lead to the manipulation of public opinion and distort political processes.

13. The Internet belongs to everyone; therefore, it belongs to no one and has no borders. We must preserve its openness and neutrality. However, the Internet must not be allowed to become a gigantic prying mechanism, operating beyond all democratic control. We must prevent the web from becoming a *de facto* no-go area, a sphere dominated by hidden powers in which no responsibility can be clearly assigned to anyone.

14. Web surfers can help make the Internet a safer environment which respects human rights and the operators must shoulder their responsibilities in fighting abuses and aberrations. Self-regulation is vital here to guarantee Internet neutrality and should be encouraged; it would not, however, appear to be sufficient.

15. States must take concerted action and adopt common rules, while ensuring that the supervisory mechanisms themselves do not threaten fundamental freedoms, to protect the Internet as an area of freedom. The revelations about the operations of secret services which go beyond any legal framework by ordering systematic intrusions into private life are unacceptable; this must lead us to reflect seriously on the price we pay for our security and on the precautions which we must take in order to avoid annihilating the space for freedom on the Internet.

16. National parliaments provide key forums for discussing democracy and the possible renewal of the democratic system in the Internet age; they must, however, open up, intensively involve all stakeholders – such as State institutions, private entities and commercial companies – and mobilise the whole of civil society for the debate on democracy, politics and the Internet.

17. Accordingly, the Assembly recommends that the member States, and in particular their national parliaments:

17.1. increase the capacity of the political – and in particular the parliamentary – institutions to use the new information and communication technologies to improve the transparency of the decision-making process and dialogue with the citizens;

17.2. continue, in this context, developing targeted Internet training programmes for elected representatives, modernising the websites of parliaments and governments and improving the use of online consultation and participation facilities;

17.3. not merely reproduce traditional tools online but reach out to citizens in the virtual spaces they are creating and think creatively about the Internet's potential as a platform for engagement and knowledge sharing;

17.4. use the Internet more effectively as a source of aggregate data that can be used to identify citizens' preferences and needs so that the political agenda on all levels of government better reflects the issues of concern to society, while bearing in mind the long-term effects in the context of the general interest;

17.5. take advantage of the functions of the Internet to boost co-operation between the authorities, civil society and universities with a view to developing and implementing initiatives to promote political and democratic engagement among citizens;

17.6. combat the socio-cultural inequalities which perpetuate the digital divide, including by introducing educational programmes aimed at teenagers and young students so that they acquire the necessary competences for using the Internet as well-informed web surfers;

17.7. promote the convergence of education in the new media and education for democratic citizenship and human rights, which should take due account of the advantages and problems of the Internet, and develop programmes capable of reaching the various age brackets and social groups; these programmes should mobilise school and university circles, social partners and the media;

17.8. invite universities to develop academic courses in the area of data science, including ethical, technical, legal, economic and societal aspects;

17.9. initiate, both at the national level and within the Council of Europe, discussions on the norms and mechanisms, keeping pace with the development of the technologies, required for:

17.9.1. creating a safe space on the web while also guaranteeing freedom of expression as set out in Article 10 of the European Convention on Human Rights (ETS No. 5) and the protection of private life as set out in its Article 8;

17.9.2. preventing risks of information distortion and manipulation of public opinion, and consider, for instance:

17.9.2.1. devising coherent regulations and/or incentives for self-regulation concerning the accountability of the major Internet operators;

17.9.2.2. establishing an independent institution with sufficient powers, technical competences and resources to give expert opinions on the algorithms of the search engines which filter and condition access to information and knowledge on the web;

17.9.2.3. developing principles and general standards for regulating the new semantic polling practices;

17.9.2.4. devising regulations that must be applied by companies offering Internet communication systems to prevent the abuse of individuals' personal or family life by trolling activities, while maintaining a balance with freedom of expression;

17.10. ensure, on the one hand, respect for human rights on the web, and on the other, freedom of the Internet, and take action within the international bodies responsible for Internet governance to preserve these rights and this freedom throughout the world, especially where democracy has been weakened, threatened or abolished;

17.11. unreservedly support the proposal to launch the preparation of a Council of Europe White Paper on "Democracy, politics and the Internet" set out by the Assembly in its Recommendation ... (2014) "Internet and politics: the impact of new information and communication technology on democracy".

B. Draft recommendation[3]

1. The Parliamentary Assembly, referring to its Resolution … (2014) "Internet and politics: the effects of the new information and communication technologies on democracy", stresses the strategic importance of these technologies for the development of democracy and the major impact that the Internet is having on relations between parties, elected representatives and citizens, as well as individuals' and social groups' conception of participation in political life.

2. The debate on democracy and the possible renewal of the system of representative democracy in the Internet age must take place at the national level, but it also requires a European dimension to ensure that each member State can benefit from the experience and expertise of the others, and that the States can work together to build up an environment conducive to a mode of Internet development consonant with a common European vision, in order to guarantee fundamental rights and the protection of private life.

3. Accordingly, the Assembly recommends that the Committee of Ministers:

3.1. launch without delay the preparation of a Council of Europe White Paper on "Democracy, politics and the Internet", to serve as a major Council of Europe contribution to the global reflection on Internet governance;

3.2. closely associate the Parliamentary Assembly with all stages of the design and formulation of this white paper;

3.3. involve all the national parliaments and governments of the member States in the collective discussion process, as well as the political forces and, where practicable, secrets services, the main Internet operators, the media – particularly public broadcasting services and national and European media associations – universities, human rights non-governmental organisations (NGOs) and associations defending Internet users' rights;

3.4. use the Internet and the social media for this project in order to widely consult civil society on how to renew our systems of representative democracy via optimum exploitation of the positive potential of the Internet;

3.5. centre the analysis in particular on the exercise of fundamental freedoms (individual and collective) and their protection on the web, and on citizen participation in the decision-making process and in public life by means of the Internet, and study, in this context:

3.5.1. how best to reconcile three fundamental requirements: preserving the openness and neutrality of the Internet; protecting rights to fundamental freedoms and particularly web-surfers' privacy; ensuring national security and effective action against crime;

3.5.2. how to use the Internet to reinforce participation of the general public in the governance of our societies;

3.6. take into consideration in this analysis:

3.6.1. foreseeable developments, in view of the rapid technological progress in this field;

3.6.2. the relations between the State and commercial operators and between the State and citizens, and the networks of relations among social groups, between commercial companies and users and between parties and electors;

3.6.3. the existing legislative framework and the gaps that need to be filled by the adoption of legal instruments or various modes of self-regulation, notably in order to prevent manipulation and use of the Internet for criminal purposes or with a view to destabilising a democratic regime;

3.6.4. training individuals to use the Internet responsibly, *inter alia* in order to protect themselves from specific dangers;

3.7. invite other partners and in particular the European Union to participate in this project and look into the expediency of involving the Internet Governance Forum.

3. Draft recommendation adopted unanimously by the committee on 3 December 2013.

C. Explanatory memorandum by Ms Brasseur, rapporteur

1. Introduction

"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion … parliament is a deliberative assembly of one nation, with one interest, that of the whole; where not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general wisdom of the whole." Edmund Burke[4]

1. On 25 June 2012, the Parliamentary Assembly referred to our committee for report and to the Committee on Political Affairs and Democracy for opinion the motion for a resolution (Doc. 12924) which I and several other members had tabled on 4 May 2012. The committee appointed me rapporteur on 28 June 2012.

2. The committee held two hearings, on 11 March 2013 in Paris and on 21 May 2013 in London. I wish to thank the experts[5] for their contributions to the discussions.

3. The motion was based on three observations:

> *"The spread of the Internet and new social media throughout the world has considerably transformed social practices. Political participation by citizens and social activism have also changed significantly ...*
>
> *With the high-speed dissemination of information via new communication technologies, diffusion of any knowledge, including data useful for democratic transparency, but also rumours or disinformation, is amplified in an unprecedented way, producing political effects.*
>
> *Politicians also see changes in their everyday professional practices: the need to react immediately and electronic means of political campaigning and communication with voters have become major new phenomena that parliamentarians and governments have to address."*

4. These shifts mean we have to analyse the structural impact of the Internet and the new social media on democracy: to what extent are they a real opportunity for a stronger and more dynamic democracy and to what extent do they undermine it? The reply to the first question must lead us to consider our role as lawmakers and how we can use these new resources constructively to expand and consolidate democracy. In this connection, there is probably one key question to be answered: does the balance between representative democracy and direct democracy need to be radically changed? Before considering these questions, however, the scope of the report needs to be defined more clearly, because nearly everything that has to do with the Internet can be linked in one way or another to politics and democracy.

5. Some issues relating to the protection of individual rights in the face of the use of new technologies for criminal purposes have already been the subject of specific reports or are dealt with in reports currently being prepared. I will take care to refer to them, but without, however, dwelling on them. I have opted not to deal with questions relating to use of the Internet in the context of the relations between government and citizens ("open government", "e-government", "open data" or electronic voting). That is not to deny their importance: it is simply a choice dictated by the desire to prioritise a few specific aspects related to societal and political paradigm shifts.

6. Despite these simplifications, the subject remains so broad and so complex that it would be pretentious to attempt to offer a sufficiently full analysis and some "final" conclusions on these varied questions in just a few pages. Instead of seeking to give final answers, this report aims to highlight some key points which could guide national and European decision-makers in their subsequent thinking.

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4. Extract from the speech by Edmund Burke to his constituents in Bristol in 1774. Quoted by Jon Elster, "Deliberative Democracy, *Cambridge studies in the theory of democracy*, Cambridge University Press, 1998, Introduction, p. 3.

5. Patrice Flichy, Professor, Research Centre on technologies, territories and societies, University of Paris-Est Marne-la-Vallée; Ben Hammersley, Journalist, member of the EU High-Level Group of Experts on Media Freedom and Pluralism, United Kingdom Prime Minister's Ambassador to TechCity, London; Douwe Korff, Professor of international law, London Metropolitan University; Helen Margetts, Professor of Society and the Internet, Director of the Oxford Internet Institute, University of Oxford; Ben O'Loughlin, Professor, Department of Politics and International Relations, University of London; Wolfgang Schulz, Professor and Director, Hans Bredow Institute for Media Research, Hamburg; Jérémie Zimmermann, Spokesperson and co-founder, *La Quadrature du Net*, Paris.

2. The Internet, an area of freedom and citizen participation

7. The Internet has become part of our everyday lives. According to Eurostat data,[6] in 2012, 76% of households in the 27-member European Union had Internet access at home and 60% of users used it on a daily basis; in the same year, 61% of users read the news online and 52% posted messages to the social networks.[7] Internet use is particularly high among young people aged 16 to 24. In 2010, 80% of users in this age group sent messages via the Internet to discussion forums, blogs and social networks.[8]

8. The growth of the Internet and the exponential increase in data-carrying capacities have brought about profound changes in the forms and content of communication flows. This has implications for the exercise of freedom of information, expression, opinion and association, but also for political communication and participation and the structure of the relations between voters and political parties and between citizens, elected representatives and government.

2.1. The end of the information oligopoly and the new paradigms of communication and knowledge dissemination

9. The social networks make it possible for anyone to comment on a topical subject or express an opinion on a societal issue and to provoke a response from other users in real time. Dominique Cardon[9] observes in this connection that the boundary between private and public discourse is becoming blurred and that discussions on ordinary conversation topics are becoming the opportunity to raise and discuss political issues. The demarcation line between private and public space is no longer clear-cut and the latter is spreading outside its traditional boundaries: "The web has expanded public space by decoupling the notions of visibility and publicity."[10]

10. In this context, it is essential to refer to Jürgen Habermas, even if a good many Internet users tend to dismiss him, saying that he completely misunderstood new technology. This great modern philosopher defines the public sphere[11] as a "shifting base, whose boundaries are not clearly defined, through which the issues discussed in the different sections of society must be cleared. It must be understood as a 'sounding board' for problems which find no solution elsewhere". In his book on the public sphere,[12] Habermas identifies, in addition to the private and public spheres, a third sphere which has emerged, which is "neither truly private nor truly public": he calls it the "social sphere".

11. Exchanges on the web (whether restricted to a circle of friends or public and visible to all) bring a previously unknown wealth to the world of information. This world is no longer exclusively that of the traditional media, institutions and the elites. Information is also built up thanks to input from Internet users from all backgrounds, regardless of politics, culture, socio-professional category or qualifications. Moreover, the Internet not only gives a larger part to individual views and opinions in public debate, but also encourages people to speak out on subjects in which the traditional media take little interest.

12. This seems to have put an end to the information oligopoly, the concentration of the power to inform. On the web, information production is decentralised. It is no longer subject to prior scrutiny by the traditional guardians of orthodoxy in information, who previously had sole responsibility for selecting the information worthy of being disseminated and made public. The "gatekeepers", that elite of communication and media professionals, publishers and journalists, no longer have this exclusive role. Now it is Internet users themselves who, by voting with their clicks, ensure that a website achieves prominence or is condemned to oblivion.

13. What is more, anyone can contribute to the content of Internet sites. One example is Wikipedia, where articles are subjected to horizontal oversight by the site's active members, who rectify, amend or supplement the articles offered free of charge to Internet users. Information and knowledge are thus built by a collaborative process. This socialisation and democratisation of knowledge is a new revolution comparable

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6. All Eurostat data on the information society are available in the dedicated section of its website: http://ec.europa.eu/eurostat/ict.
7. Eurostat, news release 185/2012 of 18 December 2012. The survey covered households with at least one person aged 16-74, and individuals aged 16-74. The reference period was the first quarter of 2012. The EU27 aggregate for 2012 was calculated using United Kingdom data for 2011.
8. Eurostat, news release 193/2010, 14 December 2010.
9. Cardon Dominique, *La démocratie Internet. Promesses et limites*, Seuil, Paris, 2010. Several remarks made in this section are influenced by this author's analysis, to which I refer again later on.
10. Cardon Dominique, ibid., p. 36.
11. Habermas Jürgen, *Faktizität und Geltung* (Between facts and norms), 1992.
12. Habermas Jürgen, *Strukturwandel der Öffentlichkeit* (The structural transformation of the public sphere), 1962.

mutatis mutandis to the invention of the printing press and the spread of books, which radically changed the model for the dissemination of culture and knowledge (and called into question the concentration of power based on the possession of culture and knowledge).

14. By changing the form, content, methods and speed of information exchange, new technologies are changing the paradigm of communication. Communication flow can no longer be seen as the transmission of a message from one person to several others. Somehow the idea of multidirectional information flow between individuals and groups of people does not seem entirely appropriate either. In this flow of information – where there is no predetermined direction and where every item can be retrieved and stored – everyone can switch from being a mere consumer of information to being a relay, commentator or (co-)author.

15. These aspects are not without consequences when it comes to the relationship between the Internet, politics and democracy. They immediately prompt two key questions about who is responsible for the information circulating on the web and how that information is ranked (namely the degree of prominence it is given and how accessible it is when a search is performed).

16. The traditional media, and above all television, are still the main source of information, and this is confirmed in numerous studies; but how much longer will this be the case? The Internet is already much more than just a supplement to these traditional sources and, thanks to the development of mobile Internet, people increasingly have recourse to it, wherever they are. The Internet is (virtually) ubiquitous, and (virtually) all content, whatever interest it may possess, finds its way onto the web. The Internet makes it possible to read, listen to and take a fresh look at content, to arrange words and images, to gain a different understanding of them and even to add a comment or give them a different meaning by incorporating them into a new message.

17. One may in fact wonder whether it still makes sense to draw a dividing line between the Internet and the traditional media; they are not two separate worlds because the former encompasses the latter. The traditional media are very present on the web, where they are striving to regain their prominence and their audience – and hence their influence – but in a context of deregulated competition with all other sources of information. News professionals and journalists express their opinions in a personal capacity on Facebook, Twitter and other social networks. Press articles and the images shown and words spoken on television programmes are circulated on the web, and most daily and weekly publications have an electronic version. The televisions we have in our homes are already obsolete; connected television has arrived and the television screens being designed today for sale tomorrow will have as many functions as a pad.

2.2. From free expression of opinions to political protest on the Internet

18. This (r)evolution in the world of communication obviously has major implications for the world of politics. Its impact is immediate, especially in terms of the shaping and dissemination of opinions and, should this be the case, their coalescence into more or less organised and structured movements.

19. The web is not only a forum for free expression; it also makes it easier to mobilise people and gives such mobilisations a higher profile. We need merely think of such events as happenings or flash mobs to realise the Internet's amazing capacity to bring people together.

20. Dominique Cardon draws a distinction, in web-supported processes of collective action, between "weak" and "strong" co-operation. The former refers to "case-by-case groupings on a voluntary and optional basis promoting self-limited, ad hoc mobilisation"; the latter comes about "after a long effort to consolidate and reinforce ties and values", which enables weak co-operation to "acquire resources and means for taking action, like real-world collectives".[13] However, as the author stresses, these self-limited, ad hoc mobilisations lead to tremendously concrete and effective forms of political commitment, as shown by those which emerged in France, at the time of the 2005 referendum, against ratification of the European constitutional treaty and, more recently, against the "Hadopi" law.[14]

21. One example of a different kind is the 15-M Movement (named after the date on which it began, 15 May 2011) in Spain, which arose out of a call for peaceful demonstrations in 58 Spanish towns and cities (including Madrid, where the demonstrators staged a symbolic occupation of the Puerta del Sol Square) to demand a

13. Cardon Dominique, *La démocratie Internet. Promesses et limites,* op. cit., p. 82.

14. Law No. 2009-669 of 12 June 2009 promoting the distribution and protection of creative works on the Internet, otherwise known as the "Creation and Internet" law or the "Hadopi" law (HADOPI being the acronym for *Haute Autorité pour la Diffusion des Œuvres et la Protection des droits sur Internet*). The purpose of this law is to counter file sharing which infringes copyright. The government announced in June 2013 that it intended to repeal this legislation.

change in Spanish policy. This movement – known also as the Indignados movement[15] – quickly spread to (or at least influenced other similar phenomena in) other European countries (especially Greece), but also Israel (tent revolt) and the United States (Occupy movement), and continues to this day.

22. Over and above the different aspects that could be analysed – the motives behind the movements, their demands, their intensity and their results necessarily vary from one country to another – it should be noted that the various events instigated by these movements are organised on the web through the social networks, websites such as *¡Democracia Real Ya!*, and collectives such as ATTAC or Anonymous.[16]

23. The stages in the organisation of a protest movement are still the traditional ones: publication of demands, circulation of information, search for support and new members, organisation of protest actions. The novel feature is that it is now possible to circulate the protest message widely and instantaneously at virtually no cost and quickly gauge its impact, namely to know whether it has been received and passed on and whether others support it. This also facilitates and speeds up co-ordination of collective actions while lowering corresponding financial costs.

24. One question to which it may be difficult to give a definite answer is whether the Internet can be used to secure the lasting involvement of people who are not politically committed. It seems likely that, in general, the people who are traditionally politically active will also be regularly active on the social networks. But it would also seem that the Internet can generate movements which otherwise it would not have been possible to bring into being and organise effectively.

25. Helen Margetts says that "the Internet is contributing to increased 'popular control', and hence to democracy, in both democratic and authoritarian States, by enabling political participation and civic engagement". According to her, not only social media – such as YouTube, Twitter, Flickr, Facebook, Tumblr and others – are used for political activity, but also "there is evidence to suggest that using the Internet makes you more likely to vote or to participate politically, that even the amount of time spent 'aimless surfing' is likely to increase your political activity". She also stresses that "younger groups, long associated with low levels of political engagement, are more likely to participate in political activities on social media".[17]

26. Amanda Clark, in her issue paper for the World Forum for Democracy 2013,[18] explains that: "Reduced barriers to identifying and coordinating like-minded individuals in forums, blogs, and via Twitter hashtags not only enable even the most niche groups of individuals to build thriving online communities, but also, for these communities to host inconspicuous 'everyday politics'." She quotes Scott Wright[19] to note with him that "non-political spaces online can become sites for those typically disengaged from politics to discuss the issues of the day as they relate to themselves and their online community's interests".

27. At the hearing in London, Jérémie Zimmermann, spokesperson and co-founder of *La Quadrature du Net*, reminded us of the success of the initiative taken to stop the adoption of the Anti-Counterfeiting Trade Agreement (ACTA), when it had already been signed by 22 European Union member States. This is a perfect illustration of how the Internet can enable a movement to spread (including in several countries at the same time) and to become, at a certain point, more powerful politically than the economic interests involved. This is also an excellent example of how, thanks to the Internet, people who normally remain silent or are in practice deprived of the right to speak in a political context can join forces on specific issues which affect them directly.

28. Therefore, I agree with Helen Margetts' statement that social media are fuelling democratic participation: "Internet-based platforms have extended the 'ladder of political participation', widening the range of political activity. Basically the range of small things people can do has expanded enormously; political endorsements, status updates, sharing media content, 'tweeting' an opinion, contributing to discussion threads, signing electronic petitions, joining e-mail campaigns, uploading and watching political videos on YouTube, for example. These activities are starting to challenge voting as the political act that people are

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15. This name used by the media was directly inspired by the title of the book *Indignez-vous!* by Stéphane Hessel.
16. The largest of these events was the 15 October 2011 global day of action, with tens of thousands of participants in some thousand towns and cities in over 80 countries.
17. See the report by Professor Helen Margetts in session 2 of the committee meeting held in May 2013 in London. This report appears in document AS/Cult/Inf (2013) 04, not published. Quotations of Helen Margetts which follow are from the same report.
18. Amanda Clark, Exploiting the web as a tool of democracy: new ways forward in the study and practice of digital democracy, p. 13: www.coe.int/t/dg4/cultureheritage/news/wfd/study_en.pdf. Quotations of Amanda Clark which follow are from the same paper.
19. Scott Wright, From "Third Place" to "Third Space": Everyday Political Talk in Non-Political Online Spaces, Javnost – The Public, Vol. 19 – 2012, No. 3, pp. 5 -20:
www.u-pec.fr/servlet/com.univ.collaboratif.utils.LectureFichiergw?ID_FICHIER=1259768724031&ID_FICHE=93522.

most likely to undertake." These small political acts would make no difference at all if taken individually, but they can scale up to large mobilisations. And I agree with Amanda Clark that the Internet is not only a tool of democratic engagement, but also "a tool for studying and evaluating such engagement".

29. The Internet takes on a particular importance wherever democracy is weakened or threatened. In some countries where the traditional media are directly or indirectly controlled by the government, the web offers an expression medium for opposition and protest which is outside government control, such as mockery of political figures through fake photos, wordplay, which can be disseminated more widely through the social networks

30. The explosive force that political protest can acquire thanks to the web is exemplified by the "Arab Spring" with the unquestionable role played by Facebook and Twitter in calling for mobilisation and also in disseminating images of the revolts both inside and outside the countries concerned. Mention might also be made of the use of the Internet in China or Saudi Arabia to condemn police brutality or corruption.[20]

31. As Helen Margetts points out, "it is not possible to claim that the Arab Spring would not have happened without the Internet and social media"; however, "it is difficult to see how the Egyptian or Tunisian revolutions could have got off the ground without Internet-based platforms to disseminate images, assemble and co-ordinate and sustain mass demonstrations".

32. It is for this reason that the social networks are being subjected to increased control, which may cross the line drawn by our democratic values. I will return later to the question of protection of these rights from all undemocratic State interference and the need for efforts to ensure that the Internet is not turned, on various pretexts, into a place of censorship.

2.3. New forms of political aggregation on the web and "liquid democracy"

33. Helen Margetts underlines the emergence of a new model of democracy involving a shift from institutions and organisations to individuals: "Fundamental societal change is arising from people's capacity, through social media, to interact directly with organisations of all kinds. The idea of paid membership is in sharp decline, for interest groups as it has long been for political parties. Individual citizens become aware of and participate in mobilizations, sign petitions, demonstrate electronically without ever belonging to anything. Leadership in political action is changing away from the idea of charismatic leaders towards leaderless movements. Social media allow people to cast a harsh light on organizations and institutions of all kinds … The fixed points of democracy have shifted away from how parliamentarians see the world – through the lens of institutions, political parties, legislatures – towards communities and conversations taking place outside the conventional realm of politics." She concludes that "new social movements are not threats to democracy – they are democracy".

34. The political parties and traditional organisations are currently facing disaffection, and even rejection, on the part of citizens; this is a wake-up call for us. Nevertheless, I do not think it would ever be possible to obtain any significant and lasting societal changes – or to secure democratic stability – without political leadership. Furthermore, it is wrong, in my view, to reduce democracy to social movements: even if the input from the latter into the democratic process is vital, political life and democracy are far more complex and interlinked. I also note that the new forms of political aggregation which have been fostered by the web have needed, and still need, to structure themselves by means of the specific forms of representative democracy, despite the claim that their functioning and the political content of their action represent a break with those of the traditional political forces.

35. However, the manifold resources offered by the Internet, combined with a desire to renew the relationship between people and politics, generated original forms of popular mobilisation which found concrete expression in election results. The pirate parties, under the global umbrella of Pirate Parties International, first appeared on the European political scene in 2006. With calls for open government, transparency in politics, free circulation of information, the opening up of public data, free access to culture for all and the protection of personal data on the web, the pirate parties have achieved a number of electoral successes, particularly in Germany and Sweden.[21] They have thus paved the way for alternative forms of participation in the political process, with the Internet as the prime medium.

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20. Arsène Séverine, De l'autocensure aux mobilisations: prendre la parole en ligne en contexte autoritaire, *Revue française de science politique*, 2011/5, Vol. 61, p. 893.

36. The pirate parties are founded on – and champion – the idea of extensive use of popular participation in decision-making by elected representatives. On interactive Internet platforms members can support (or not), amend and vote for the proposals of the party and their elected representatives. For this purpose the pirate parties use *LiquidFeedback*, an open-source software (available free of charge on the Internet) which enables the registered members of an association or movement to discuss an issue before voting.[22] It is also possible, via a controlled and certified system, to delegate one's vote to another participant on one or more specific issues and to revoke the proxy at any time. This is what is now known as "liquid democracy" – half-way between direct democracy and representative democracy.

37. In a similar register, the recent electoral success of the Five-Star Movement (M5S) in Italy is also based on systematic use of the web against a background of economic depression and rejection of traditional political players and mechanisms. Its leader, Beppe Grillo, made himself known through his blog, one of the most widely followed in the world over the past few years,[23] which his supporters have used to join forces at local level on such issues as an increase in the number of cycle paths, rejection of nuclear energy or water management by a public agency.[24]

38. This political activism on the ground has been made possible *inter alia* through the use of *Meet Up*, an American website which enables people to join forces locally in defence of a common interest. The movement also possesses an Internet platform on which its supporters can put forward "civic lists" in order to get involved in local politics by organising primaries and fielding lists in elections. It was on the web that the members of M5S selected the candidates who stood in the last parliamentary elections in Italy, in which (with 25.55% of the votes) the movement won 109 seats out of 630 in the Chamber of Deputies and (with 23.79% of the votes) 54 seats out of 315 in the Senate.

39. Faced with these developments, the traditional parties have begun a process of re-assessing their procedures and adjusting to the popular demand for participation. A good example of this is the decision by the Democratic Party (PD) in Italy to hold "primaries" for the appointment of its candidate for Prime Minister, Pier Luigi Bersani (in a two-round majority ballot), but also to draw up electoral lists in the light of the preferences expressed by its militants on the web with regard to the different candidates.

40. At present, however, analyses appear to show that "much more than party websites, what has given an impetus to the political Internet is politicians' blogs and candidates' campaign websites". The explanation lies in the "conversational nature of political forms" and the importance of individualised expression. The political blogs which work best are those which are "actively involved in conversational interplay with other political bloggers, in their own camp or the opposition".[25]

41. The importance which web-based communication strategies have taken on since Barack Obama's electoral success confirms the idea of the importance of the direct link between a political figure and his or her electorate. Beppe Grillo's success in Italy provides further evidence of this. Therefore, the new element is not the absence of leaders – who are still there – but their way to communicate and gain electors' trust and popular support for their political proposals. The question, however, is whether this moves democracy forward or, on the contrary, creates new risks.

3. The other side of the coin

42. The above would seem to suggest that the web is a new environment for the enjoyment of the essential freedoms of any genuine democracy (freedoms of information, expression and opinion, even association and assembly; strengthening of transparency and of citizen participation in decision making).

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21. The Swedish Pirate Party *(Piratpartiet)* won two seats out of twenty in the European Parliament. The German Pirate Party *(Piratenpartei)* managed to win seats in four regional elections, but is now losing ground because of organisational difficulties and infighting (see in this connection: *Der Spiegel*, "Voters Growing Disillusioned with Germany's Pirate Party", 25 October 2012).
22. The software uses the "Schulze method" (a voting system developed in 1997 by Markus Schulze) to establish mathematically an order of preference between the proposals and bring out the most consensual ideas.
23. See, for example, *The Guardian*, "Italy's Web Guru Tastes Power as New Political Movement Goes Viral", 3 January 2013. Even after the formation of a new government in Italy, Mr Grillo is the most talked-about political figure on the web in Italy.
24. http://owni.fr/2010/10/28/italie-beppe-grillo-mouvement-politique-sur-internet-elus/.
25. Cardon Dominique, *La démocratie Internet. Promesses et limites*, op. cit., p. 92.

43. This breath of freedom brought by the Internet should not lead us to forget that there are also risks inherent in the new paradigms of communication and democratic participation, and new dangers for individual freedoms, as well as for democracy and the rule of law. The latest revelations about surveillance of exchanges on the social networks and communication on the Internet in the United States are proof that these freedoms are in serious jeopardy.

3.1. The digital gap and the democratic divide

44. The spread of the Internet and the exponential growth in the number of users should not lead us to forget that not everyone has access to the new information and communication technologies. Effectively guaranteeing the right of access to the Internet – including the possibility for the whole population to be properly connected all over the country – should now be a political priority.

45. This is not only because of the strategic importance which the Internet has acquired in everyday life, but also because of the democratic issues under discussion here: if, from being simply one means of participation among others, the Internet becomes an important medium for new forms of civic participation in political life, then everyone who is not on the Internet will play a considerably diminished role, or no role at all, in society.

46. This new form of exclusion would have extremely serious consequences for our democracies, which will need to be avoided. The report by our colleague Jaana Pelkonen on "The right to Internet access" addresses the legal aspects of the question of Internet access from the angle of fundamental rights. I would like to point out here that the question of a "digital gap" is not confined to the question of access to technology or even to the question of whether users can afford to purchase appropriate equipment and take out the necessary subscriptions for access to online services.

47. As Cardon emphasises, "[i]n Western countries the digital gap is measured less in terms of access to a connected computer than in terms of the different ways – elitist or popular – of navigating the web, exhibiting oneself and interacting. Social and cultural inequalities are now spreading to online practices. The digital divide is here".[26]

48. Referring to American experience, Cardon then notes that "[t]he unequal sociological distribution of political power reproduces its effects online. … The Internet enriches political discussion among citizens, but it also widens the gap between those who read, air their views and discuss politics and the less politicised people whose only source of information is television and who do not join in the digital conversation".[27]

49. He stresses that, on the web, "[b]eyond the democratic horizon of 'participation for all', divisions originating in the unequal distribution of socio-cultural capital are reproduced".[28] It is our duty as members of legislative and executive bodies not to remain inactive in the face of the unequal distribution of socio-cultural assets. Our countries' education and vocational training policies can and must contribute towards solving this problem.

3.2. Disinformation, manipulation and hidden dangers

50. The ability to publish freely on the web prompts a series of questions. An initial problem is that of a negative trade-off between the amount of information available and its transparency, quality and reliability: does too much information not in fact kill information? It would seem virtually inevitable for errors to be committed because of the speed of circulation of information and the desire to cover events as quickly as possible. And such errors can unfortunately have very serious and extremely damaging consequences.

51. To illustrate the problem we need only look at the events following the shooting in Sandy Hook school in Newtown in the United States: a potentially vicious circle was established between the different television channels, with live feed on the news sites and Twitter accounts (each fuelling the other), and so factual errors ended up on the front page or in the newsrooms of highly respected media outlets, including an actual case of mistaken identity as regards the killer.[29] The fact that errors of this kind are subsequently corrected fairly quickly cannot lead us to conclude that that it is merely a minor disadvantage.

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26. Ibid., p. 55.
27. Ibid., p. 69.
28. Ibid., p. 80.
29. See the article by Michaël Szadkowski published on 12 December 2012 on the "Rézonances" blog (Monde.fr): http://rezonances.blog.lemonde.fr/2012/12/18/apres-newtown-le-role-des-reseaux-sociaux-et-des-journalistes-en-question/.

52. A more serious problem is posed, however, by fears concerning the disinformation and opinion manipulation techniques to which Internet users may fall victim. Some risk of manipulation is, one might say, inherent in the flow of commercial information (but not exclusively), and aggressive practices which use profiling of web users to target them better increase that risk.

53. If we look at the problem from the standpoint of political communication, this risk of manipulation forces us to ask ourselves whether informed participation is not merely an illusion. When the question of the reliability of information circulating on the web is raised, the answers given usually refer to the ability of Internet users to perform their own checks on the quality and truthfulness of that information: "If the conditions under which information goes out are relaxed, the checks on it by Internet users in their critical conversations are stepped up."[30] We heard similar remarks from experts in the hearings on the subject of this report.

54. In particular, the greater the number of different perspectives on an article, the more effective this form of quality control by users themselves would seem to be; on high-profile Internet sites, the circulation of false information would elicit a swift response from the better informed readers, who would expose any erroneous or incomplete item of information by alerting other users. More generally, this process of spontaneous web monitoring should aid the emergence of reliable sites and lead to the disappearance of those which are discredited by their unreliability.

55. I feel that a further, significant guarantee should be provided by the presence on the web of professional media organisations, which, while they no longer have a monopoly of public information, nevertheless remain important players in this field. There are also news sites which operate on the basis of collaboration between professional and amateur journalists, such as, for example, *Citizenside*.[31] Internet users can suggest subjects for articles or submit photos which are then checked and selected by professional journalists.[32]

56. The words "verification" and "selection" must be given their full significance here. Participatory journalism cannot lead to the dilution of responsibility, and the professional media must fully shoulder their responsibilities. "Being the first to publish" must not become more important than "publishing after verification".

57. Clearly, the professional media system can only play an effective role in guaranteeing the quality and reliability of information if it is both responsible and independent, if economic interests (or constraints) do not interfere with professional ethics and if conflicts of interest do not skew critical impartiality. These are as many central issues for democracy, which fall outside the scope of this report but which should not be overlooked in any overall analysis of the relations between democracy, politics and the Internet.

58. Returning to the question of manipulation of opinion by skewed or misleading information, I tend to share the view that the Internet can help to improve transparency and that, on the web, the risk of disinformation or manipulation, which is also present in the world of the traditional media, ultimately remains sufficiently limited. However, certain more insidious dangers are springing up as a result of new practices which have not yet been considered in depth.

59. For example, the publication of statistics on public administration as part of the development of open and transparent governance – something which is highly desirable – should promote the provision of objective information to citizens, exchanges of knowledge and know-how, collaborative projects based on mutual learning and the dissemination of good practices; but it may result in information that is intelligible only to the initiated and lead to a risk of hasty comparisons and competition between regions, local authorities and public services, in other words the erosion of social cohesion and solidarity.

60. In another field, Professor O'Loughlin told us about the new concept of semantic polling – a technique for analysing large sets of data collected online, based on a search for certain words in tweets or similar texts posted on the web, in order to draw conclusions about public opinion.[33] He warned us about methodological differences, leading to results which may differ significantly, and about the danger of distortion.

61. In actual fact, pollsters use methods for collecting and analysing data on Twitter (and/or other networks) about which we have no information: it is impossible to know for sure who the polled users are, how representative they are of the population at large, the size of their respective networks, etc. Hence, as well as

30. Cardon Dominique, *La démocratie Internet. Promesses et limites*, op. cit., p. 75
31. www.citizenside.com/.
32. See Patrice Flichy, *Le sacre de l'amateur,* La République des Idées, Seuil.
33. See Nick Anstead and Ben O'Loughlin, Semantic Polling – The Ethics of Online Public Opinion, Media Policy Brief 5, published online at: http://www2.lse.ac.uk/media@lse/documents/MPP/Policy-Brief-5-Semantic-Polling_The-Ethics-of-Online-Public-Opinion.pdf.

raising new concerns about respect for privacy, the use of these techniques also poses the question of the impact which publication of the findings (and how they are presented and interpreted) might have – in election campaigns or in the wider context of public debate – on trends in public opinion, when, at this stage, their reliability is still open to question.

62. But the source of greatest concern to me personally is the attitude of politicians and decision-makers – our attitude – towards these new mechanisms. In the race to win over the electorate, we are quite simply in danger of having no strategy other than to adapt as quickly as possible to the current trend as it emerges from the statistics which are served up to us in real time (or nearly) and which, even assuming that they are reliable, correspond to emotional, not necessarily well thought-out reactions from a sample of citizens. To sum up, we run the risk of being manipulated.

63. Our reactions would therefore have nothing to do with a deliberative process based on dialogue and the strength of the arguments used to counter objections; they would have nothing to do with the common good and the public interest; they would probably lead to inconsistent programmes and policies lacking coherence and continuity. We would therefore be locked in a process which is the opposite of that advocated by Edmund Burke in his speech in 1774, which I quote at the beginning of this report.

3.3. Freedoms under surveillance and human rights infringements on the web

64. The Internet is “neutral” and we are asked to preserve that “neutrality”. Yet the applications we use every day are not “neutral”. The fact that even private exchanges on the web can be (and are) intercepted, examined and, in some cases, re-used takes us to the question of surveillance of our actions when we are online. Before even considering any controls by the public authorities, we must not overlook the surveillance to which we are subjected by product manufacturers, software publishers, social network administrators, search engines and servers, which have various means at their disposal for keeping us under supervision and granting others access to the data in their possession.

65. Data holding is now a source of inestimable wealth; the temptation to collect and interconnect data of all kinds is becoming increasingly strong, for reasons of financial gain or for reasons of power. Thus, our personal data and private domain are downgraded to the level of mere merchandise. In fact, everything we do on our computers, pads, smartphones and cable television is (or can be) monitored, analysed, classified and stored by third parties, even without our knowledge and our consent.

66. Control over the lawful use of data processed on the web is difficult: national legislations on data protection differ and privacy policies of the transnational Internet corporations – which are the world’s largest personal data operators – are subject only to the law of the States where the corporations are registered. As an example, Google is registered in the United States; the terms of service of *Gmail* meet the requirements of US legislation but may be in conflict with national laws of European States, and in particular of those which have ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108). Moreover, Internet corporations often do not have offices in the States where their services are provided. This makes it impossible for citizens to request information about the use of their personal data, and for government agencies to negotiate greater protection of personal and family privacy.

67. This issue was addressed in two recent reports by our committee on “The protection of freedom of expression and information on the Internet and online media” (Doc. 12874 and Addendum) and “the protection of privacy and personal data on the Internet and online media” (Doc. 12695). I am returning to it merely to make two brief remarks. First, the relocation of data processing and storage outside our computers[34] poses the problem that it is impossible to know what kind of processing is performed by the servers, as this is under the exclusive control of the server owners/administrators. Secondly, because the virtual world in which we move is usually a private space, network access and use – and hence also the exercise of certain freedoms, including freedom of expression and information – come under the control of operators to whom Internet users are bound by contracts (software use, service and membership contracts, for example). These contracts – whose acceptance is mandatory and whose clauses are non-negotiable – very often give operators a discretionary power to control the content created by Internet users.[35]

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34. Raw data are sent from the client’s computer to a remote computer (the server), which processes them and sends them back in a new form resulting from that processing. This is what is known as “cloud computing”.

35. These observations are based on comments made by Richard Stallman, founder of the Free Software Foundation, during a lecture on 11 April 2011 at the University of Stanford (California, USA). A video of this conference is available at the following address: http://cyberlaw.stanford.edu/node/6657. A paper in French on this lecture, which I have also taken into account, was published at this address: www.valhalla.fr/2011/04/14/stallman-8-dangers-internet/.

68. In practice, therefore, both personal data and the exercise of public freedoms on the web are subject to manipulation. For example, messages sent by users of the Gmail e-mail service are stored on Google servers. The messages are analysed by proprietary software; Internet users have no way of knowing the details of how the processing algorithm works, but they can see the result: the display of targeted advertisements.

69. Similarly, when we do a search, the sites are selected by Google's PageRank. Initially, the idea was apparently to rank sites according to the number of times they were cited by other Internet sites; it is doubtful whether that is still the case today because we know that some sites pay to be given greater prominence (which then actually leads to a high number of users consulting these sites), and once again the problem lies in the opaqueness of the algorithms which power the search.

70. One could of course give many more examples and mention Facebook, Twitter and other networks. Richard Stallman[36] cites the example of the boycott of Wikileaks: following the diplomatic cables leak, the US administration has attempted to block the site with the help of major web operators such as Amazon (which hosted Wikileaks in the United States) and PayPal (the online payment system which enables Wikileaks supporters to donate funds to it).

71. This brings us back to the problem of restrictive State intervention. The problem of State surveillance of citizens' activities – particularly for security and public order reasons in connection with police and judicial investigations – is neither new nor specific to the Internet. In the latter context, however, new concerns are arising which have to do with the manner and scale of this surveillance.

72. In practice, the fact that, as well as taking direct action of their own, States can also rely on operators opens up the possibility of keeping Internet users under permanent supervision. The data held by private operators can be acquired at any time by the public authorities. That may be a measure which is necessary in a democratic State, and therefore justified, provided the State fully respects individual freedoms – *inter alia* by requiring any seizure and use of data in the context of an investigation to be authorised and supervised by the courts.

73. On the other hand, there is an obvious danger not only where these safeguards – and even respect for human rights – are no longer guaranteed[37] but also where they are weakened and given lower priority. In countries or areas where there is little or no democracy, the Internet is far from being a safe place for regime opponents. In fact, with the right resources, the area of freedom can be quite simply closed down, temporarily at least, as was the case when all access to the Internet was blocked in Egypt in January 2011 at the dawn of the Arab Spring. During the 2011 revolt, the Libyan regime implemented a policy of intermittent Internet shutdowns. More recently, in Syria, the Internet was blocked for three days (from 29 November 2012) as part of the effort to put down the current revolt.

74. If such practices are not more widespread, that is because States themselves need the Internet. But they may implement continuous, blanket surveillance to detect any ideas posing a threat to the regime, as would seem to be the case on the Chinese website Weibo, which operates in a vacuum, cut off from the rest of the world. Nearer our borders, during the war in Libya, the French company Amésys supplied Gaddafi with software for generalised surveillance of the Internet, which was installed by the company's own in-house consultants.

75. Current events also force us to look at what is happening in our democracies. We must have the courage to do so objectively: the PRISM case – mentioned in the upcoming report by our colleague Axel Fischer on "Improving the protection and security of users in cyberspace" – requires us to reflect seriously on the price we are prepared to pay for our security and on the precautions which we must take in order to avoid annihilating the space for freedom on the Internet.

76. The Assembly has dealt on numerous occasions with questions concerning measures restrictive of freedom of expression and censorship, including on the Internet.[38] Such measures undoubtedly fall within the scope of Articles 8 (right to respect for private and family life) and 10 (right to freedom of expression) of the European Convention on Human Rights (ETS No. 5, "the Convention"). I refer, in this connection, to the extensive case law of the European Court of Human Rights.[39]

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36. In the lecture already mentioned.
37. Stallman speculates about a totalitarian government gaining the upper hand over democratic institutions and being able to use the data collected in the past.
38. Some significant texts adopted in the last few years are mentioned in the Appendix.
39. The Court's Research Division has published a report on "Internet: case law of the Court": www.echr.coe.int/Documents/Research_report_internet_ENG.pdf.

77. The obligation on States to effectively guarantee the rights protected by Articles 8 and 10 of the Convention presupposes at the same time a duty to intervene when the content posted is of a criminal nature and infringes other people's fundamental rights.

78. The increase in organised attacks on public figures, and particularly on political opinion formers and their families, using social media in trolling operations is a phenomenon which causes great concern. It is a clear threat to productive political and public debate and calls for regulatory agreements to be set up to prevent abuses.

79. Indeed, opinions expressed and political protest may also convey undemocratic messages. Terrorist, extremist and racist networks also make use of the opportunities offered by the Internet to serve goals which are a far cry from those of democratic protest movements.[40] The web is also fertile ground for crime and new forms of cyberterrorism. The fight against these dangers to the rule of law and our democratic values raises complex issues.

80. The forthcoming report by our colleague Axel Fischer on "Improving user protection and security in cyberspace" will deal with the question of preventing and combating computer fraud and data pirating on the web; our committee is also considering a new motion on the question of computer terrorism. I would like to lay particular emphasis, however, on the need for our governments to show determination in the merciless fight against paedophilia, child pornography, violence and any violation of the physical or psychological integrity of the weakest – especially children, young people and women – and against all forms of hate speech and discrimination, whatever the medium used, including the Internet and social media.

81. Respect for everyone's equal dignity is the foundation of a democratic and pluralist society. The web must remain a place of harmonious co-existence and it is unacceptable in a democracy that it should become a breeding ground for misunderstanding, rejection of others and violations of human dignity. The case law of the European Court of Human Rights affirms the duty of States to prevent these abuses.[41] The authorities will need to avoid any disproportionate interference and work in conjunction with the community of Internet users, who have often shown a good capacity for responding to unacceptable content.[42]

4. Conclusions

82. Two key questions guided our analysis:

– to what extent do the changes generated by the Internet provide an opportunity for achieving a stronger, dynamic democracy, and to what extent do they raise new dangers?

– to what extent is the Internet revolution revolutionising the balance between representative democracy and direct democracy, and what role does the legislature have to play in this context?

83. I would not claim to have any definitive answers to these questions; but our wide-ranging debates have enabled me to set out some general considerations on relations between democracy, politics and the Internet and to propose some lines of action.

4.1. Democracy, politics and the Internet

84. The whole area of freedom of information, freedom of expression and freedom of communication among citizens, elected representatives and the institutions affects politics and the functioning of democracy. The Internet is therefore, by its very nature, a vehicle for change in the political field, and it has a significant impact on the life of democracy: in fact, it is an integral part of the latter.

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40. Our Assembly has already addressed this issue, for example in Resolution 1754 (2010) "The fight against extremism: achievements, deficiencies and failures" and in Recommendation 1706 (2005) on media and terrorism.

41. See the report on "Internet: case-law of the Court", op. cit.

42. For example, an article published on 30 May 2013 in *Le Monde*, entitled "Facebook contraint de revoir sa gestion des contenus haineux et sexistes" (www.lemonde.fr/technologies/article/2013/05/30/facebook-contraint-de-revoir-sa-gestion-des-contenus-haineux-et-sexistes_3420575_651865.html) mentions an intense online campaign by Women, Action and the Media (WAM) against the posting on Facebook of content that is violently sexist or incites violence against women. In a press release dated 28 May 2013 (one week after WAM began its action) Facebook admitted that it had failed to put in place an effective system for identifying and eliminating content inciting hatred on its platform, particularly content attacking women, and pledged concrete action.

85. The political institutions are accountable to the citizens not only for the coherency and efficacy of government action in pursuit of the general interest, but also for the maintenance of a system capable of guaranteeing full citizen participation in the political process.

86. In this connection, our Assembly has been observing for several years an erosion of public confidence in political institutions, and especially in representative democratic bodies and political parties.[43] The Assembly has also been encouraging the development of citizen participation and the promotion of active citizenship.[44]

87. To the extent that the Internet, as a truly global forum, fosters such participation, it represents an opportunity for politics and democracy. The Internet has broadened the public space and reinforced the exercise of the freedoms of expression and of opinion; it improves the supervision of democracy and facilitates consultation and mobilisation of the people. This is to be welcomed.

88. We might wonder whether the Internet revolution involves any radical change in our conception of democracy in the 20th century: the new citizen participation initiatives which are taking shape and multiplying on the web might be the symptom of a change of democratic paradigm, a definitive rejection of present-day representative democracy and the determination to achieve a form of direct democracy made possible by the Internet, which is referred to as “liquid democracy”.

89. Along the same line, attempts are sometimes made to set representative democracy in opposition to participation, as if more “participation” would inevitably lead to less “representation” and vice versa. I do not believe that this is the right way to look at things. The idea of participation is inherent in representative democracy. The latter is not confined to the use of universal suffrage to select the members of legislative and executive bodies in elections held at regular intervals. It presupposes that the people should be able to express its opinions, expectations and grievances at any time. This is not only a right to speak, but a right to be listened to and a right of oversight.

90. While the instruments of direct democracy are vital to democracy, it would be utopian to consider a governance model in which anyone could decide on anything at any time on the web, even supposing that everyone had access to the Internet consultation and voting procedures and that an adequate solution could be found to the problems facing the general use of electronic voting.

91. The definition and implementation of public policies require long-term choices, which call for complex negotiations between conflicting interests, and it would be unrealistic to assume that these negotiations could be conducted through the intermediary of machines. Public policies also require internal coherency and co-ordination, which would be hampered by the fragmentation of the decision-making process.

92. Moreover, I could never conceive of leaving it to algorithms installed in mega-computers to take decisions on our future and, ultimately, forfeiting the fundamental criterion of the “responsibility/accountability” concept, associated with “legitimacy”: no one would any longer be required to answer for anything, and, as we are all equal *de jure* but not *de facto*, power would be bound to settle somewhere, unbeknown to the masses and beyond any genuine control; this power would therefore lack both legitimation and accountability.

93. Nevertheless, we must acknowledge that politics today sometimes seems also to have forgotten this “accountability” concept. The trust which voters express through universal suffrage confers on us a public-interest mission and assigns us a responsibility. We are not “in power”, according to the common phrase, revealing the popular image of politics, but “in service”. When we think we are in power rather than at the service of our citizens, we are betraying our mandate.

94. So I am convinced that the real question is not whether representative democracy should be pushed to one side as if it had become an outdated tool incompatible with the reality of the modern world, but rather how representative democracy should change; or better, how we as elected representatives and our democratic institutions should change. We must challenge not the principle of democratic representation, which I consider still to be the vital mainstay of our democratic systems, but the manner in which we, as elected representatives, are to discharge our duty to serve.

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43. See, for example, Resolution 1888 (2012) on the crisis of democracy and the role of the State in today’s Europe, which refers to our 2008 and 2010 debates on the state of democracy in Europe. This was also a theme of the last European Conference of Presidents of Parliaments (Strasbourg, 21-22 September 2012).
44. See, for example, Resolution 1874 (2012) on the promotion of active citizenship in Europe.

95. Jürgen Habermas reminds us that democracy has a dialogical structure: it involves comparing different viewpoints in a context of mutual freedom, equality and respect, in a spirit which is both critical and open. The Internet and the social media open up new roads to enlarged dialogue between citizens and elected representatives, and foster more dynamic participation by all in democratic life: they can help us effect smooth change in the current model of representative democracy towards a model which is more open to active and responsible contributions from all members of civil society to the deliberative process. This model would also commit the political institutions and the elected representatives to greater listening and dialogue. In addition, as Amanda Clark notes: "The Internet also provides new tools and data that can be used to study the institutions governing these citizens, providing a new avenue to hold these institutions to account."

96. While the Internet serves democracy, it simultaneously increases the risks of abuse and aberrations liable to jeopardise democracy: it hosts intolerance, hatred and violence against children and women; it arms organised crime, international terrorism and dictatorships; and it facilitates insidious monitoring of our private lives, of what we think and do. Clearly it is not the Internet itself which is responsible for these evils, but it can be – and is *de facto* – also used to undermine human rights, the rule of law and democracy. This is unacceptable and requires the adoption of adequate preventive measures, not just corrective or punitive ones.

97. We have been alerted to the fact that acting to prevent the exercise of freedoms on the web in order to protect these same freedoms is an even more dangerous aberration than letting the system, or even the web surfer community, find in its own mode of functioning the necessary correctives to deal with the various dangers. We have also heard that the mechanisms for controlling information and content flow on the web are not only inimical to freedom but probably also powerless to stop the really dangerous people. In a way this would leave us with the unappealing choice of either killing off the Internet or abandoning any attempt to control it, and adopting a laissez-faire attitude. I for one cannot accept this.

98. I cannot accept the web being a "safe house" more for those engaging in crime and anti-democracy actions than for the other users, and I am reluctant to adopt an overly optimistic approach to the web community's capacity for effective self-discipline and self-regulation in order to ward off all threats. Nevertheless, I am well aware that every surveillance mechanism that is developed in order to protect democracy and human rights automatically becomes a technique for controlling or even manipulating opinion, in the hands of malicious individuals and tyrants.

99. Furthermore, the PRISM case begs the question of the use of these mechanisms in our democratic States and by our governments: whether we are shocked by the widespread surveillance mechanisms and the possibility of gigantic prying investigations worthy of Orwell's "1984", or whether we find them acceptable, or even unavoidable, we can no longer obviate the debate on preventing the surveillance systems put in place to protect us from escaping democratic control and the principle of the rule of law, because when this control and this principle regress we no longer really live in a democracy.

4.2. Lines of action

100. The political world is, probably rightly, accused of being unable to pinpoint and exploit the positive potential of the Internet. To begin with we have the duty to train in the use of the Internet in order to improve our understanding of its functioning; we must reinforce the capacity of our institutions, especially our national parliaments, to make more effective use of the Internet, firstly as a tool for transparent parliamentary and governmental action, and secondly as a forum for exchange and dialogue with society.

101. We must not forgo the opportunity for using the Internet to reconnect the democratic institutions with the citizens who have distanced themselves from them. The Council of Europe's World Forum on Democracy reports on a plethora of participatory initiatives which should be studied in further detail. This is a good basis for reflection on the instruments which we could incorporate into our parliamentary procedures in order to co-operate better with our citizens, improve our listening capacities and explain our decisions more clearly to them; and we must expand the requisite capacities and competences within our parliaments for using these instruments.

102. The role of the political parties is central to any effort to renew representative democracy. They too must rethink their relations with their electoral bases and develop, with the latter, a type of dialogue which is not confined to the pre-electoral periods. It is important to draw up our political programmes together with our electors if we want to involve them in their subsequent implementation.

103. We cannot simply open Twitter or Facebook accounts and consult pollsters in order to hear from them whether people like what we are offering and whether they will be re-electing us. This highly short-term approach to politics focusing solely on re-election endangers the democratic process and reduces political

discussion to a demagogic, populist practice. We must enter into discussions, change our mode of communication and initiate a constructive dialogue dynamic with the citizens. We must support the introduction of a process prompting the emergence of key ideas on how we can build up our future together, so that our parliaments can use such ideas in their work.

104. Establishing genuine democratic dialogue requires all social groups to be able to participate effectively and on an equal footing. In order to reduce the socio-cultural inequalities which perpetuate the digital divide, we must develop web surfers' knowledge of the Internet and the possibilities it offers, as well as their skills in using, for instance, the capacity to sort through the mass of information available on the network and to select contents from safe sources. We could, for example, devise educational programmes for teenagers and young students to teach them these types of skills with an eye to becoming well-informed web surfers.

105. Nor should we confine ourselves to targeting young people: we need a wide-ranging programme capable of reaching all the different age and social groups, mobilising not only the public authorities but also the school and university circles, the social partners and the media, *inter alia* on the Internet.

106. We must prevent both personal manipulation and the manipulation of public opinion. Education in the new media – including for us parliamentarians – is the first and most important response. However, a number of additional measures should be envisaged, in terms of regulations or self-regulation.

107. Our role as lawmakers includes ensuring that the Internet is used for enriching and consolidating democracy, not for destroying it. We must prevent the web from becoming a *de facto* no-go zone, but we must also deepen the reflection on the content of the regulations and modalities for action, taking account of their impact.

108. The important thing will be to find methods of regulation that are in tune with developments in technology, and we have to face the fact that the tools currently available to us are unsuitable, or not wholly suitable, for creating an area of security on the web while at the same time guaranteeing freedom of expression as defined in Article 10 of the European Convention on Human Rights.

109. National parliaments provide key forums for discussing democracy and the possible renewal of the democratic system in the Internet age; they must, however, involve all the various stakeholders and mobilise the whole of civil society for the debate on democracy, politics and the Internet.

110. But this debate also requires a European dimension to ensure that each Council of Europe member State can benefit from the experience and expertise of the others, and also in order to build up an environment conducive to a mode of Internet development consonant with a common European vision.

111. I therefore propose launching the drafting of a Council of Europe White Paper on "Democracy, politics and the Internet". This draft would constitute logical follow-up to the World Forum on Democracy held in Strasbourg on 27-29 November 2013. It should involve all our national parliaments and governments in a wide-ranging collective discussion process, as well as the political forces, the main Internet operators, the media – particularly the public broadcasting services and the national and European media associations – the universities and the leading experts in this field.

112. Our Parliamentary Assembly should be closely associated with all stages of the design and formulation of this white paper, to serve as a major Council of Europe contribution to the global reflection on Internet governance.

113. For this exercise in strategic and participative reflection, the Council of Europe should use the Internet and the social media in order to consult civil society on how to renew our representative democracy systems. We might also propose a number of initial benchmarks in order to prevent overly fragmenting the analysis.

Appendix – Selection of texts adopted by the Parliamentary Assembly in the areas of democracy, media and information society

Resolution 1920 (2013) *The state of media freedom in Europe*

Resolution 1888 (2012) *The crisis of democracy and the role of the State in today's Europe*

Resolution 1877 and Recommendation 1998 (2012) *The protection of freedom of expression and information on the Internet and online media*

Resolution 1874 (2012) *The promotion of active citizenship in Europe*

Resolution 1871 (2012) *Self-evaluation by Europe's national parliaments: procedural guidelines to improve the quality of parliamentary work*

Resolution 1843 and Recommendation 1984 (2011) *The protection of privacy and personal data on the Internet and online media*

Resolution 1835 (2011) *Violent and extreme pornography*

Resolution 1834 and Recommendation 1980 (2011) *Combating "child abuse images" through committed, transversal and internationally co-ordinated action*

Recommendation 1950 (2011) *The protection of journalists' sources*

Recommendation 1897 (2010) *Respect for media freedom*

Recommendation 1882 (2009) *The promotion of Internet and online media services appropriate for minors*

Recommendation 1855 (2009) *The regulation of audiovisual media services*

Resolution 1746 and Recommendation 1928 (2010) *Democracy in Europe: crisis and perspectives*

Resolution 1636 and Recommendation 1848 (2008) *Indicators for media in a democracy*

Resolution 1577 and Recommendation 1814 (2007) *Towards decriminalisation of defamation*

Recommendation 1805 (2007) *Blasphemy, religious insults and hate speech against persons on grounds of their religion*

Resolution 1535 and Recommendation 1783 (2007) *Threats to the lives and freedom of expression of journalists*

Recommendation 1706 (2005) *Media and terrorism*