THE INTERNET OF CITIZENS

Recommendation CM/Rec(2016)2

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

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Recommendation CM/Rec(2016)2
adopted by the Committee of Ministers
of the Council of Europe
on 10 February 2016

Council of Europe

Contents

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(Adopted by the Committee of Ministers on 10 February 2016, at the 1247th meeting of the Ministers' Deputies)

The Committee of Ministers of the Council of Europe, under the terms of Article 15.*b* of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage;

Keeping in mind that the Council of Europe's key cultural policy goals should lay the foundations of member States' cultural policies, namely, to foster participation in and access to culture by as many people as possible, as well as diversity of cultural expression and to promote cultural identity and creativity;

Recalling the Final Statement of the 10th Council of Europe Conference of Ministers of Culture (Moscow, 15 16 April 2013) which highlighted the digital revolution as "crucial to the viability of creation and cultural diversity" and accordingly requested the setting up of a platform for exchange on the impact of digitisation of culture;

Having regard to the work subsequently carried out on culture and democracy, which has shown the positive correlations between creative culture and economic strength, cultural participation and civic involvement, and culture and well-being;

Recalling the Council of Europe Internet Governance Strategy 2012-2015 and Committee of Ministers' Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet;

Conscious of the impact of new communication technologies on cultural creativity, access to culture and freedom of expression and citizen participation;

Considering that the Internet has impacted culture by providing an unprecedented means for people to express themselves and assemble and thereby to access and generate culture in different ways;

Considering that the cultural impact of the Internet further involves a transition to a more collaborative culture enabling hitherto unused or underused and innovative schemes such as crowdfunding, crowdsourcing and collective creation;

Keeping in mind that the "Internet of things", which consists of interconnected devices, networks and processes, is expanding and becoming more influential;

Believing that this significant development should be complemented by an "Internet of citizens" who are aware of their rights and responsibilities;

Convinced that the opportunities arising from the new digital environment should be used to reinforce access to and participation in open culture, thereby strengthening democracy,

Recommends that member States recognise digital culture as one of the key issues for modern cultural policy making and revisit their cultural policy approaches with a view to implementing the policy guidelines contained in this recommendation and appended thereto, so as to serve citizens to the best of their ability.

Appendix I

Policy guidelines

Introduction

1.1.   In addition to investing in the technical and infrastructural aspect of the "Internet of things", great consideration should be given to its cultural dimension and to the "Internet of citizens".

1.2.   The term "citizens" is used here in a general sense, meaning people or persons, and not in any legal sense.

1.3.   Digital culture's positive potential should be fully exploited in helping build a culture of democracy, democratic citizenship and participation, while safeguarding against related threats such as infringement of privacy, breaches of data security, hate speech or manipulation.

1.4.   A human rights approach should be adopted in all policies on digital culture dealing with the digital shift so as to give full effect to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, hereafter the Convention), as interpreted by the European Court of Human

Rights in its case law. The rights and duties enshrined in the Convention were translated into an Internet context in Recommendation CM/Rec(2014)6 on a Guide to human rights for Internet users, and notably:

 a. Article 10 of the Convention as regards freedom of expression and its corollary right of access to information, subject to the reservations set out in its paragraph 2, in particular with regard to the prevention of disorder or crime and to the protection of the reputation or rights of others;

 b. Article 8 of the Convention as regards the right to respect for private and family life.

1.5.   This human rights approach should also include:

 a. ensuring that all data processing is carried out in conformity with the principles laid down in the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108);

 b. full respect for the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

1.6.   In recognition of the key role played by artists and cultural institutions in digital culture, as well as other actors driving the development of digital culture, a multi-stakeholder approach should be adopted so that work on digital culture is carried out between:

 a. competent government bodies involved in digital culture;

 b. the main public and private constituents of the cultural and educational sectors, institutions, authors and artists, research institutions, businesses and civil society, who should be informed of and invited to contribute to the drawing up of policies on digital culture and related projects;

 c. the general public, who should be informed of their rights, duties and responsibilities as citizens on the Internet.

1.7.   In order to ensure substantive equality for all in digital culture, an integrated approach should be followed when implementing these principles.

Modernisation of cultural institutions

2.1.   An effective strategy should be drawn up, in co-operation with cultural and research institutions, for shaping the future digital ecosystem, including the promotion of creativity and the permanent preservation of all relevant human creative expression for future generations through mass digitisation programmes for libraries, archives, museum collections, and the setting of scientific standards for describing and connecting tangible and intangible

cultural objects and artifacts so that cultural resources may be located, understood, combined, used and reused.

2.2.   Consideration should be given to providing financial incentives to encourage cultural institutions to embark on digitisation transition programmes, such as specific grants, tax benefits, access to new sources of funding through public-private partnerships, public-civic partnerships, crowd funding, other innovative funding methods or support to collaborative and/or networked digitisation centres.

2.3.   Bearing in mind the above-mentioned multi-stakeholder perspective, cultural institutions should be encouraged to:

  a. take advantage of digital opportunities and face digital challenges with a view to reinforcing their ability to fulfil their mandates and strengthening their visibility and impact;

  b. widen and/or adapt their mission and purpose, for example by diversification of the range of concepts, products and services they offer and by redefining synergies with research institutes and digital service providers;

  c. update their infrastructure, physical premises, working methods, working environment and staff qualifications, so as to take advantage of digitisation to complement the aims of their new mission or support more fully its previous objectives;

  d. finance the digitisation transition process by taking advantage of innovative business models, in addition to government funding;

  e. preserve digital resources which are either produced through digitisation or which were originally created as digital works;

  f. revise internal governance/self-regulation instruments, such as terms and definitions, cultural concepts and products, authorised sources of funding and partnerships.

2.4.   In so doing, cultural institutions should further be encouraged to:

  a. recognise that part of the transition process entails the updating of traditional cultural and creative concepts in order to include new art forms and new types of creators. Nothing in this paragraph should be understood as undermining traditional culture and art forms;

  b. be more democratic and participatory in their approach, by adopting a demand-led logic for exhibiting their cultural materials so as to balance the traditional supply-led logic and appeal to a larger public. They should

follow the principles of good governance, namely as regards transparency, responsiveness and accountability to their audiences;

c. strengthen the understanding of digital representations of cultural resources by including all contextual information, which is often scattered across the Internet in several non-connected data silos;

d. collate and evaluate data, including audience data, in order to assist the demand-led approach, strengthen cultural services and ensure substantive equality for all in participation in and access to cultural services, in fact and in law;

e. digitise, index and offer a broader range of creative works both online and offline, taking different and changing cultural expressions and patterns of use into account. This should be done in the public interest and in full transparency of contractual conditions between funders of digitisation initiatives and cultural institutions;

f. form partnerships and co-operative structures with other cultural institutions, so as to make cultural material that is unavailable for reasons such as geographical distance or cost legally available online;

g. make creative works available online and offline, either free of charge or affordable to the most financially disadvantaged members of society, in conformity with intellectual property legislation;

h. make digital cultural resources genuinely available and accessible on the Internet by setting up a cumulative collection registry. This could consist of a network of thematic or sector-specific collection registries;

i. use innovative software applications to enhance audience engagement and experience;

j. recognise new cultural and creative domains, expressions, productions and industries by exhibiting their creative products or forming partnerships with them. Nothing in this paragraph should be understood as undermining traditional culture and art forms;

k. compile, use and exchange information on digital cultural policy and its implementation through collaborative schemes such as peer-to-peer reviews, at the local, national and international levels, so as to evaluate the successes and failures of cultural policies. This information should be made publicly available;

l. make their best practices accessible to relevant audiences, including on web-based information systems.

From consumers to prosumers and creative citizens

3.1.   Member States should consider appropriate ways of dealing with transformative use of copyrighted works (such as sharing, disseminating, archiving, remixing, mashing-up or consuming) to empower citizens as consumers, creators and prosumers.

3.2.   New online forms of dissemination and sharing, such as creative commons licences, should be exploited as appropriate with a view to enhancing access to works of art and culture and creative expression by citizens, taking intellectual property rights duly into account.

3.3.   Measures should be considered, in conformity with intellectual property rights law, to reinforce people's access to creative material where this has been hindered through the imposition, for example, of costly commercial access models.

3.4.   Works from the 20th century which are out of distribution, have not been digitised and are very often "orphan works", yet do not come within the scope of legal instruments of other international organisations, as well as a great quantity of cultural objects which are out of circulation, not usable or simply unavailable in the digital environment for reasons such as poor indexing and/or description, lack of interoperability, etc., should be preserved and made digitally available in line with the provisions of the European Convention for the Protection of the Audiovisual Heritage (ETS No. 183) and its Protocol on the protection of television productions (ETS No. 184) to afford people access to them as a creative resource and to prevent any loss.

3.5.   A publicly available and sustainable digital space should be set up at the European level, making use of existing European spaces, portals and platforms, to enable cultural resources and cultural knowledge to be legally shared and accessed without restrictions of time and place. This digital space should provide for global discoverability and accessibility of digital cultural resources and promote interaction, interoperability and collaboration among communities and between collections. It should give leverage to existing initiatives, such as Digital Research Infrastructure for the Arts and Humanities (DARIAH.EU) and Europeana in order to allow for a better integration of digital culture, digital cultural heritage and digital humanities communities.

3.6.   Digital spaces established in collaboration with non-European countries should also be seen as a possibility with a view to facilitating the cross-border exchange of information.

3.7.   Open cultural data for public use and reuse should be identified and included in these digital spaces. In this undertaking, public service media may play a significant role.

Multiliteracy skills for access to, creation and management of digital culture

School, university, adult education and lifelong learning

4.1.   Multiliteracy skills and competences should be considered as fundamental as the skills of reading, writing and arithmetic, as well as a key element for participation in culture and thus for fostering active citizenship and democracy. They consist of a set of competences related to information cultures as they bring together media, information and computer literacies.

4.2.   Therefore, everyone should have access to multiliteracy skills education – including media and information literacy – which is effective, up-to-date and free of charge or affordable for the most financially disadvantaged members of society.

4.3.   Particular efforts should be made through the educational and cultural system to scale up the multiliteracy skills of:

   a. children, young people, adults and senior citizens, who have no or little access to digital technology for socio-geographical or socio-economic reasons, as well as sometimes for reasons of place of residence;

   b. children, young people, adults and senior citizens who have access to but do not use, lack the skills to use or underuse digital technology (namely in terms of diversity, frequency or intensity of usage).

4.4.   A professional framework of reference and related training programme should be drawn up to guide the new cultural professions emerging as a result of digitisation, for example in online videos, online gaming and online television, three-dimensional and virtual reality modelling. Such a framework and programme could be conceived and delivered in co-operation with research organisations.

Cultural institutions as learning centres

4.5.   Cultural institutions should be encouraged to develop distance-learning courses or collaborations also known as massive open online courses (MOOCS) and other innovative e-training schemes so as to:

a. exploit fully their potential as digital learning centres of multiliteracy skills for individuals, schools, colleges, universities and adult education institutions, with special emphasis on education in the arts and culture;

b. increase citizen uptake of cultural material;

c. stimulate creativity.

4.6.　These courses and training schemes should be aimed at unlimited global participation through open access via the Internet and be free of charge or at least affordable to the most financially disadvantaged members of society. They should be evaluated on a regular basis and updated where necessary.

4.7.　Cultural institutions should be encouraged to give either free or minimum-cost access to online innovative digital educational applications which build and reinforce peoples' digital skills.

4.8.　Research on multiliteracy and related education should be improved and expanded by appropriate research institutes and fed back into educational and relevant cultural programmes. The research should focus on different kinds of skills – creative, social, critical and technical – and on possible convergences between different literacy traditions (media, information, visual, digital, computer, Internet). It should also provide the data for evaluating citizens' knowledge, skills and attitudes towards information and the media, taking into account the semiotic, communicative, technical and ethical dimensions.

Appendix II

Glossary of terms

Commons: this term relates to the natural and cultural resources freely accessible to all members of a given society, such as parks or lakes. In a digital context, it refers to resources critical for the digital environment, which should not be transformed into private property.

Creative industries: their borders with cultural industries are blurred because they tend to cover the same cultural goods (with additional ones such as arts and crafts, design), although their main raison d'être may be commercial. But the focus is on the creative individuals rather than the origins of funding and on the strong emphasis on information and knowledge-based goods and services.

Cultural industries: this traditionally refers to cultural goods such as publishing, film, television, music, advertising and video and computer games, that

are usually protected by copyright law. They encompass the whole industrial chain of creation, production and distribution as it affects cultural consumption and participation.

Cultural institutions: classic examples are museums, art galleries, theatres, cinemas, libraries, cultural research institutes.

Crowdsourcing: refers to the process of calling on the online communities of expertise to solicit input in the form of ideas, solutions or contributions. The participants may be volunteers, online workers, professionals or amateurs, and they conceive of supply and demand in a different manner than in the traditional labour market.

Crowdfunding: refers to the practice of calling on the online communities to solicit funding for a project or to raise donations for a cause or a service on a large scale. It brings together the various interested parties through a digital platform.

Digital culture: refers to the various cultural and creative expressions and practices, including in the field of heritage, which have emerged or have been facilitated and strengthened since the global explosion in information technology and social media. This culture is seen as more freely available, accessible and inclusive, removing dividing lines between creator and consumer and between traditional and more recent art forms, enhancing the democratisation of culture.

Digitisation: the conversion of information and documents into digital format.

Internet of Citizens: The Internet of Citizens promotes the human and cultural dimension of the internet as a complement to the Internet of Things. It is a new notion which calls for a people-centered approach to the Internet, in particular to empower everyone who uses and relies upon it for their everyday activities. The term "citizens" is used here in a general sense, meaning people or persons, and not in any legal sense.

Internet of Things (IoT): refers to the equipment of all objects and people with identifying devices (sensors, captors, QR codes, etc.) so as to monitor and manage them via their virtual representation online. Such advanced connectivity between people, things and places could facilitate inventory of stock but also enable content creators and content owners to control their work by tracing use and applying copyright.

Mash-up: to create something digitally, such as a piece of music, by combining elements from two or more sources.

MOOC: Acronym for massive open online courses, referring to educational material disseminated online with free access or access for a small fee.

Multiliteracy: refers to the online convergence of media literacy, information literacy and computer literacy as a means of enhancing the capacity to understand, use and publish across all kinds of platforms and types of media. It embraces reading, writing and arithmetic, but also communication and information skills, within the framework of 21st century skills. Open cultural data: cultural data that is freely available to everyone to use and republish as they wish.

Orphan works: a copyright protected work for which rights-holders are positively indeterminate or cannot be contacted. Sometimes only the originator's or rights-holder's name(s) are known, yet contact is stymied by the total unavailability of sufficient information. A work can become orphaned when rights-holders are unaware of their rights or through their demise (for example, deceased persons or defunct companies) and establishing inheritance has proved impracticable. In other cases, comprehensively diligent research fails to determine any authors, creators or originators for a work.

Prosumers: refers to the fact that the roles of producers and consumers can be blurred and merged in the digital world. Processes like crowdsourcing and crowd funding help to develop goods where the consumer is involved in the design or benefits from specificities of the creation, thus being less passive and more creative.

Remix: a remix is a derivative art form that is similar to, yet different from, an original work. Digital means make it possible to take multiple perspectives on the same piece, creating differences while keeping the reference to the original more or less explicit.

In this text, the Committee of Ministers recommends that member States recognise digital culture as one of the key issues for modern cultural policy making and revisit their cultural policy approaches with a view to implementing the policy guidelines (see recommendation and appendix). The guidelines promote in particular the human and cultural dimension of the internet as a counterbalance to the Internet of Things. Their aim is to ensure equal consideration is given to citizen involvement in the internet by the different stakeholders (governments, cultural institutions, professional cultural organisations), to avoid citizens being a means to an end, rather than an end in themselves. It addresses specifically the modernisation of cultural institutions, consumers as prosumers and creative citizens and multiliteracy skills to lessen the digital divide.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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