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### OUTCOME OF PROCEEDINGS

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Subject: Council conclusions on digital empowerment to protect and enforce  
fundamental rights in the digital age  
- Council conclusions (20 October 2023)

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Delegations will find in the annex the Council conclusions on digital empowerment to protect and enforce fundamental rights in the digital age, adopted by the Council at its 3976th meeting held on 20 October 2023.

**COUNCIL CONCLUSIONS ON DIGITAL EMPOWERMENT TO PROTECT  
AND ENFORCE FUNDAMENTAL RIGHTS IN THE DIGITAL AGE**

**Preamble**

**The Council of the European Union,**

- a) **Recalling** the Treaty on European Union, and in particular Articles 2, 3 and 6 thereof,
- b) **Recalling** the Treaty on the Functioning of the European Union, and in particular Article 4(3), Articles 8, 9 and 16, Article 67(1), Articles 151 and 162, and Article 166(2) thereof,
- c) **Recalling** the Charter of Fundamental Rights of the European Union (hereinafter, ‘the Charter’), which entitles everyone to make full use of their rights and opportunities, and in particular Articles 8, 11, 14, 15, 21, 23, 24, 25, 26, 36, 47, 51 and 52 thereof,
- d) **Recalling** that fundamental rights are the cornerstone of any democratic society, and protecting them, both online and offline, is essential to ensure human dignity which has become even more challenging in the digital age,
- e) **Recalling** the annual reports on the implementation of the Charter and, in particular, the 2021 report, which focused on ‘Protecting Fundamental Rights in the Digital Age’,

- f) **Recalling** the Digital Decade Policy Programme 2030, which establishes, among other things, that European digital society should underpin and support democracy through the protection of fundamental rights, a secure and open digital environment and accessible and human-centred digital public services and administration,
- g) **Underlining** that the European Declaration on Digital Rights and Principles for the Digital Decade affirms that Europe’s digital sovereignty should be built on the promotion and protection of fundamental rights, rule of law and democracy, inclusion, accessibility, equality, resilience, security and the availability of services, and that everyone should have the opportunity to acquire all basic and advanced digital skills,
- h) **Recalling** the Tallinn Declaration on eGovernment (October 2017)<sup>1</sup>, the Council conclusions on shaping Europe’s digital future (June 2020)<sup>2</sup>, the Presidency conclusions on the Charter of Fundamental Rights in the context of Artificial Intelligence and Digital Change (October 2020)<sup>3</sup>, the Berlin Declaration on Digital Society and Value-Based Digital Government (December 2020)<sup>4</sup> and the Lisbon Declaration on Digital Democracy with a Purpose (June 2021)<sup>5</sup>, among others,
- i) **Welcoming** the work of the European Union Agency for Fundamental Rights, notably the report ‘Getting the future right: Artificial intelligence and fundamental rights’, annual updates on civic space in the EU, research in the areas of hatred and online content moderation and the report on ‘Fundamental rights of older persons: ensuring access to public services in digital societies’,

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<sup>1</sup> <https://digital-strategy.ec.europa.eu/en/news/ministerial-declaration-egovernment-tallinn-declaration>

<sup>2</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XG0616\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020XG0616(01))

<sup>3</sup> <https://www.consilium.europa.eu/media/46496/st11481-en20.pdf>

<sup>4</sup> [https://ec.europa.eu/isa2/news/eu-member-states-sign-berlin-declaration-digital-society\\_en](https://ec.europa.eu/isa2/news/eu-member-states-sign-berlin-declaration-digital-society_en)

<sup>5</sup> <https://www.lisbondeclaration.eu>

- j) **Taking note** of the work of European and international organisations such as the Committee on Artificial Intelligence, as well as the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe which adopted an action plan for 2022-2025 on Digitalisation for a better justice’,
- k) **Considering** that the digital transformation is changing the way we communicate, relate to each other, work, learn, access services and lead our everyday lives, including how our fundamental rights are affected and protected, and that individuals can only seize the opportunities offered by the digital transformation if they develop appropriate skills and are given the necessary tools,
- l) **Considering** that the proposed level of ambition of the Digital Decade Policy Programme 2030 is that key public services are offered 100 % online for European citizens and businesses by 2030,
- m) **Acknowledging** the importance of promoting accessibility and the need to tackle the digital divide<sup>6</sup>, exacerbated by the COVID-19 crisis, and the increased risk of exclusion,
- n) **Recalling** that one of the targets of the European Pillar of Social Rights Action Plan is for at least 80 % of adults to have basic digital skills by 2030 as a precondition for increasing inclusion and participation in the labour market and society in a digitally transformed Europe,
- o) **Reaffirming** that fundamental rights apply equally online and offline, and that everyone ought to have the opportunity and support to acquire basic digital skills in order to be able to comprehend and exercise their rights, as well as to enjoy the full potential of public and private services, which are increasingly provided online,

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<sup>6</sup> *Digital divide refers to the distinction between those who have access to the internet or other digital technologies and are able to make use of online services, and those who are excluded from these services.* [Eurostat definition](#)

- p) **Noting**, in accordance with the European Skills Agenda, that 2023 is the European Year of Skills and that both the basic digital skills of people and businesses, and specialized digital skills for the workforce, as well as the digitalisation of public services, are a prerequisite for active participation in the digital decade and the Union's digital sovereignty,
- q) **Committing** to building upon a human rights based and human-centred digital transformation and to the principle of not leaving anyone behind, including by building digital public services that are inclusive of and accessible for persons with disabilities, older persons, and persons in situations of vulnerability, as well as promoting internationally such approach and alignment with EU standards.

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### **Digital empowerment of individuals and key sectors**

#### **The Council of the European Union,**

1. **Recalls** that the digital transformation must contribute to the achievement of equality, as well as a fair and inclusive society in the EU,
2. **Underlines** that everyone has the right to access essential and key public and private services of good quality, and that one of the aims of digitalisation is to promote and facilitate access to these essential and key services,

3. **Recognises** that 46 % of European citizens<sup>7</sup> currently lack basic digital skills, and that in order to bridge this digital divide, which can be a potential source of danger and exclusion for citizens but also an obstacle to the exercise of their rights, these persons should have the opportunity and support to acquire the digital skills needed to access the internet and digital products and services regularly and safely.

**The Council of the European Union invites Member States, within their competences, to:**

4. **Promote** adequate media and digital literacy through education, training and lifelong learning for everyone, as a right to acquire basic and advanced digital skills,
5. **Increase efforts** to bridge the digital divide by reducing the gap between those who have access to reliable internet service and digital tools and the proficiency to use them, and those who do not, drawing special attention to the urban/rural divide and the divide due to socio-economic status, disability, age or gender, by enabling access to fast internet connectivity and digital technology, with the help of Union funding,
6. **Take all appropriate measures** to ensure that everyone can equally access online public services, notably by offering advice and support throughout the process, when navigating public websites, using online forms and submitting documents online, and by maintaining non-digital alternatives, where necessary, to ensure that no one is left behind; with this in mind, also provide secure access through adequate digital identity means,

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<sup>7</sup> Regarding women only, the percentage rises to 49 %, whereas it decreases to 43 % for men.  
[https://ec.europa.eu/eurostat/databrowser/view/isoc\\_sk\\_dskl\\_i\\$DV\\_317/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/isoc_sk_dskl_i$DV_317/default/table?lang=en)

7. **Raise awareness** among the public, including children and young people, in a language adapted to their needs, of the importance of protecting their privacy and personal data in the digital world and provide them with knowledge on how their data are collected, processed and used and how to exercise their rights, including the right to access their own personal data, the right to be forgotten, and how to configure privacy settings and use encryption to protect their own personal data,
8. **Adopt the necessary measures** to provide specific protection and/or digital skills tailored to the needs of different groups of persons, such as:
  - **Children and young people:** by including high-quality digital content in education programmes - including training programmes for teachers and youth workers - facilitating access to equipment, providing them with the necessary skills and knowledge to participate safely in the digital environment, helping them, among others, to identify cyberbullying, grooming and other forms of online harassment and crime, disseminating information on the support available to children and youth that are victims of crime online, tackling aggressive commercial practices, introducing age-verification systems for accessing online content and promoting appropriate screen time limits (in line with Article 24 of the Charter and taking into account the EU Strategy on the rights of the child),

- **Older persons:** by supporting and providing assistance and guidance through the digital transformation process to help those who need support to access essential and key online services, use new ways of communicating and enjoy the opportunities the internet offers for entertainment, learning, personal enrichment and day-to-day management, while making them aware of its possible risks , such as phishing scams, identity theft and disinformation, and how to mitigate such risks, and ensuring that they understand how to protect their personal data (in line with Article 25 of the Charter),
- **Women and girls:** by ensuring their equal participation in the digital domain and their access to digital skills, which remains limited, by encouraging the participation of women and girls in digital entrepreneurship and STEM (science, technology, engineering and mathematics) fields and by stepping up efforts to combat online violence against and harassment of women and girls, so as to narrow the gender digital divide and enable women and girls to fully benefit from the opportunities of the digital transition (in line with Article 23 of the Charter),
- **Persons with disabilities:** by removing barriers to digital environments, in particular by providing the necessary products and services to facilitate their inclusion and participation in the digital society (in line with Article 26 of the Charter and Article 9 of the UN Convention on the Rights of Persons with Disabilities, which the EU has acceded to),



- **Persons living in rural areas:** by facilitating internet access for communities in areas with less broadband coverage and fewer digital means,
- **Socio economically disadvantaged persons and those in a particularly vulnerable situation:** by promoting the acquisition of digital skills and fighting digital exclusion and facilitating access to public administrations,
- **Workers:** by providing sufficient and adequate professional training to equip them, in particular women, for new digital jobs and protect them from unemployment, giving everyone the possibility to adjust to changes brought about by the use of digital tools at work, including information and communication technology (ICT) used for work purposes, through up-skilling and re-skilling, while at the same time guaranteeing fair, just, healthy and safe working conditions and compliance with labour rights, including the right to disconnect from digital tools when not on duty,
- **Consumers:** by ensuring their ability to make autonomous and informed choices and limiting the exploitation of vulnerabilities and biases, including through targeted advertising and deceptive design patterns in user interfaces,
- **Voters:** by ensuring that citizens are well informed and equipped with media and digital literacy skills, required to exercise judgement in complex realities affecting the democratic sphere, in particular by addressing information manipulation and disinformation related to elections or otherwise affecting free and fair elections, while preserving freedom of expression,

- **Civil society organisations, human rights defenders and journalists:** by protecting them from digital threats and enabling them to effectively reinforce their fundamental rights advocacy activities using also digital tools, by promoting freedom of expression, media freedom and pluralism, as well as access to a reliable, transparent and diverse digital environment and by fostering participation, solidarity and inclusion,
9. **Deliver** capacity-building and training activities to help actors in key sectors for the defense of fundamental rights - namely justice and law enforcement - to uphold fundamental rights and protect individuals also in the digital world, providing users with effective and high quality public service in the field of justice and ensuring that justice is always transparent and accessible,
10. In this regard, special attention should be paid to the initial and continuing training given to law enforcement and legal practitioners, focusing on further promoting a culture based on the rule of law and fundamental rights, extending the digitalisation of justice and supporting the development of digital professional skills, in line with the European judicial training strategy for 2021-2024<sup>8</sup>,
11. **Allocate** sufficient funding - be it national or from Union funding programmes - to support media and digital education, training and skills development, and facilitate access to funds for this purpose.

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<sup>8</sup> [https://commission.europa.eu/document/f782dbde-f970-430a-847d-a77ff3e428a5\\_en](https://commission.europa.eu/document/f782dbde-f970-430a-847d-a77ff3e428a5_en)

## **Construction of a safe digital environment where fundamental rights are protected**

### **The Council of the European Union,**

12. **Underlines** that the protection of fundamental rights can only be fully guaranteed by providing a fair, safe, secure and transparent digital environment, minimizing the risks and threats of the digital space,
13. **Notes with concern** that disinformation and especially online disinformation is spreading widely, causing an erosion of trust in institutions and in media, hampering everyone's right to access verified information and their ability to take informed decisions, challenging democratic processes and contributing to social polarisation,
14. **Deplores** the sharp and worrying rise in hate speech, hate crimes and cyber violence in recent years in Europe<sup>9</sup> and regrets that growing use of the internet and social media has facilitated the spread of hate speech online, facilitated by the disinhibition and sense of anonymity that the internet users can develop,
15. **Recalls** that the European Union recently adopted the Digital Services Act<sup>10</sup>, setting rules on intermediaries' obligations and accountability, which aims to minimize online harms and counter online risks, by creating a harmonised legal framework to fight the spread of illegal and harmful content, thereby enhancing the protection of fundamental rights online,

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<sup>9</sup> See, for instance, ECRI the-2019 and 2020 reports (an annual study commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs) at: <https://rm.coe.int/ecri-annual-report2019/16809ca3e1> and <https://rm.coe.int/annual-report-on-ecri-s-activities-for-2020/1680a1cd59>

<sup>10</sup> Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

16. **Regrets** that civil society actors, human rights defenders and journalists, in particular women, are, reportedly, being subject to high levels of cyberattacks, online threats and harassment<sup>11 12</sup>,
17. **Recalls** that the right to protection of personal data and the right to privacy are key fundamental rights in the digital age, which enable the protection of other fundamental rights, including individuals' control over how their personal data are used and shared as well as their right to confidentiality of their communications and the information on their electronic devices,
18. **Stresses** that while artificial intelligence (AI) can have significant positive effects - for example, increasing the efficiency of processes and fostering innovation and research in different areas of life -, it can also present significant challenges for the protection of fundamental rights and the fight against discrimination, if lacking sufficient transparency and if used without adequate safeguards and quality controls,
19. **Stresses** the importance of media and digital literacy skills in the fight against information manipulation, including disinformation, misinformation, manipulative propaganda, and conspiracy theories, while safeguarding freedom of expression and information.

**The Council of the European Union invites Member States, within their competences, to:**

20. **Promote** a favourable and just digital environment for inclusive and pluralistic public debate and help enable individuals to distinguish between reliable and unreliable sources of information, identify bias and propaganda and develop critical thinking skills, thus diminishing the harmful effects of information manipulation, including disinformation,

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<sup>11</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-protecting-civic-space\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-protecting-civic-space_en.pdf)

<sup>12</sup> <https://www.osce.org/fom/safety-female-journalists-online>

21. **Support** the implementation and monitoring of the 2022 Strengthened Code of Practice on Disinformation, which builds on the 2018 Code while making ambitious commitments and calling for ambitious measures aimed at countering online disinformation, and encourages industry to adhere to self-regulatory standards to combat disinformation,
22. **Continue to fight** against online hate speech, focusing, among others, on the need to effectively criminalise incitement to violence and hatred, the need for everyone to understand the impact of hate speech on individuals and society, and to identify and report hate speech, providing education on digital citizenship and online safety, helping individuals to become more aware of the fact that hate speech is a violation of fundamental rights that can have serious consequences and lead to physical violence, stalking, intimidation, objectification, harassment, sexual harassment and discrimination, including hate crime, and that it can have a chilling effect on freedom of expression, in particular on journalists, and on participation in public democratic debates,
23. **Support and monitor** the implementation of the EU code of conduct on countering illegal hate speech online, which has proven to be a useful tool for cooperation between authorities, civil society organisations and technological platforms in the field of content moderation, so as to enhance its effectiveness,
24. **Support** the implementation of the Digital Services Act, in order to ensure a coherent application of the rules underpinning the fight against illegal and harmful online content in the EU, and raise awareness among the public of the mechanisms available for reporting illegal and harmful content,

25. **Enhance** the capacity of judicial and law enforcement authorities to investigate and prosecute illegal online hate crimes and hate speech, including by sharing best practices and making full use of tools and collaborative platforms, while promoting accessible digital justice for all,
26. **Ensure** that the competent national supervisory authorities have adequate resources and staff with adequate digital training to monitor compliance with data protection and privacy rules under the General Data Protection Regulation the e-Privacy Directive and other relevant Union and national legislation, and set up specific information and awareness campaigns on the role of these authorities and how they can help individuals to protect their rights, in line with Articles 7 and 8 of the Charter, in order to ensure, in particular, respect for private and family life, as well as privacy and individual control of data,
27. **Take the necessary measures** to create future-proof and technologically neutral regulatory regimes, ensuring that AI is developed and used in a manner that is inclusive, sustainable, human-centred and takes a human rights based approach, taking into account the need to make everyone mindful of the opportunities AI presents, but also the risks and challenges it poses to fundamental rights, and how its complexity and lack of transparency can make it difficult to identify and prove possible violations of rights or breaches of law, and trace back possible errors or malfunctioning of the system.

**The Council of the European Union,**

28. **Welcomes** the Commission’s work and initiatives to promote digital skills among Union individuals and to enhance the protection of fundamental rights, also in a digital context, such as:

- the annual reports on the implementation of the Charter of Fundamental Rights, in particular, the 2021 report on ‘Protecting Fundamental Rights in the Digital Age’
- the communication ‘The 2030 Digital Compass: the European way for the Digital Decade’ which led to the adoption of the Digital Decade Policy Programme 2030
- the European Pillar of Social Rights Action Plan
- the new European Strategy for a Better Internet for Kids (BIK+)
- the European Democracy Action Plan
- the 2022 Strengthened Code of Practice on Disinformation
- the 2016 Code of conduct on countering illegal hate speech online
- the Digital Education Action Plan
- legislative and non-legislative initiatives on artificial intelligence, such as the ethical guidelines on the use of artificial intelligence and data in teaching and learning for educators
- the European Skills Agenda
- the EU judicial training strategy
- the digital skills and education package

- the guidelines for the promotion and development of media literacy skills
- the Strategy for the Rights of Persons with Disabilities 2021-2030

**The Council of the European Union invites the Commission to:**

29. **Monitor** the implementation of the Digital Decade Policy Programme 2030 in order to ensure that the strategy's targets and objectives - relating to digital capacities in infrastructures, education and skills, and the digital transformation of business and public services - are duly reached by 2030,
30. **Counter** online disinformation and illegal content by supervising and enforcing the rules of the Digital Services Act and regularly assessing the implementation of the 2022 Strengthened Code of Practice on Disinformation and the Code of Conduct on countering illegal hate speech online, seeking adherence by stakeholders to the standards and commitments contained therein, which aim to create a more transparent, safe and trustworthy online environment, respecting freedom of expression,
31. **Continue to protect and support** civil society organisations and human rights defenders to promote a thriving digital civic space and to build the resilience of civil society organisations and human rights defenders to withstand online threats, interference and disruption,
32. **Continue to support and engage** with the whole enforcement chain and relevant stakeholders in the Member States, in the context of the work of the EU High Level Group on combating hate speech and hate crime, and through guidance, exchange of good practice and funding,



33. **Monitor** the digital principles and rights set out in the European Declaration on Digital Rights and Principles for the Digital Decade when cooperating with Member States, with a view to achieving the general objectives of the Digital Decade Policy Programme 2030, and take those principles and rights into account in legislative initiatives and technology development efforts,
34. **Mainstream** digital empowerment across all relevant EU policies since digital skills are cross-cutting nowadays and are thus imperative for our development in the digital society, and **reinforce** the mainstreaming of equality and fundamental rights across all relevant EU policies with a digital component since the online and digital world is one of the main arenas for the exercise of fundamental rights in today's society,
35. **Ensure** the implementation of the new European Strategy for a Better Internet for Kids (BIK+) to improve age-appropriate digital services and to ensure that every child is protected, empowered and respected online, taking into account the EU Strategy on the rights of the child, in particular part 5 thereof,
36. **Support** initiatives aiming to promote the development of digital awareness and skills through financial programmes, such as the ESF+, the Recovery and Resilience Facility, the Digital Europe programme, the Citizens, Equality, Rights and Values programme, the Justice programme, the Connecting Europe Facility and Erasmus+,
37. **Raise awareness of and disseminate information** on Union initiatives in this field, such as the European Digital Skills and Jobs Platform, which offers information and resources on digital skills, as well as training and funding opportunities.