

## ***Opening Remarks***

### **Iverna McGowan, Secretary General, CDT Europe Civil Society Roundtable Series: EU Digital Services Act Fundamental Rights, and Civic space**

**Tuesday November 8, 2022, 14:00 - 17:30**

Let me open by thanking our hosts, the UN Office of High Commissioner for Human Rights (UN Human Rights), for generously offering us this beautiful space to hold today's event. Just over two years ago, the then UN High Commissioner for Human Rights, Michelle Bachelet, penned a letter to the President of the European Commission about the then proposed DSA, where she stressed the importance of making consultations on this file as accessible and inclusive as possible and call for inputs from different stakeholders at every stage of the process. Hosting this civil society dialogue with decision-makers is a very welcome and concrete follow up on this longstanding commitment to supporting civil society and indeed good lawmaking practices generally. I would also like to thank our co-hosts at the Open Government Partnership and Democracy Society for joining with us to realize this shared goal of transparent, participatory, inclusive and accountable governance.

We have come a long way in two years. As it has been called, the "new constitution" for the internet: the Digital Services Act, this ambitious new law will no doubt bring some much-needed regulation to the digital world. Thanks to the joint consultation and work of civil society along with legislators, the DSA contains some exciting and essential rights-protecting features. In line with international human rights law, the no general monitoring obligation has been confirmed. For the first time, we see due diligence obligations for social media companies, where they will be obliged to apply due diligence for all fundamental rights. The law will introduce unprecedented transparency measures, and with that, we hope, unprecedented accountability for governments and private actors alike. Yet, at the same time, the aspirations of legislators can often be thrashed by the realities of real-world implementation. We know that the DSA is imperfect. A trusted-flagger can be law enforcement - how might that be in a situation where a whistleblower on police corruption is the one whose content is being challenged? Viewed in conjunction with the fact that law enforcement agencies can also issue orders against illegal content or for information- rule of law concerns evidently still remain. How will the various content dispute mechanisms play out at scale and in practice? There is the crisis response mechanism, which though bolstered with some

fundamental rights safeguards late in the negotiations thanks to civil society advocacy still raises concerns; How can we ensure this mechanism meets the requirements of legality, necessity and proportionality? Equally, we see ongoing challenges with enforcement of the EU's landmark privacy law the GDPR. How can we ensure that the DSA escapes a similar fate?

All of these questions point again to just how important our conversations today are. It will only be through multi stakeholder dialogue, through soliciting the right experts at the right time, that we can ensure a harmonized and rights-compliant DSA. The devil will truly be in the details. Formal involvement of civil society in the processes of the delegated acts, and in the broader implementation of the DSA will be crucial to getting things right.

Civil society was fundamental in advocating for the rights-protective provisions we see in the DSA, and will be essential stakeholders in ensuring the remaining challenges I have highlighted are definitively addressed. The DSA Civil Society Coordination Group in particular led these efforts, and we would like to take this opportunity to thank our colleagues for the continued partnership and collaborative efforts.

Meaningful participation in law-making is a two-way street. On one hand it requires more open, accountable and transparent governments, but it also requires that civil society be available and adequately resourced and skilled. This collaborative process worked very well in the process of deliberating the DSA. Many of our very skilled, expert civil society partners worked closely with officials and lawmakers to find the best solutions on how to regulate some pressing human rights challenges in the digital world. It is our hope and ambition that this great collaboration continues, is formalised and deepened during the implementation process.

We are fortunate to have so many leading experts around our real and virtual roundtable today, from government, the institutions and civil society; we very much look forward to the expert discussions. Thank you all for being here and for your commitment to this ambitious project.

Let this be another conversation, in the series of many.

Without further ado, let's move to our keynote speaker, Deputy Minister for Digitisation and Innovation, Ministry of Industry and Trade of the Czech Republic, Mr. Petr Očko

Thank you.