

COUNCIL OF EUROPE AND THE INTERNET

**Human rights,
democracy
and rule of law**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

SAFEGUARDING HUMAN RIGHTS

online

■ The Internet is one of the progressive forces of our age: information and global communication have never been as accessible as today. New opportunities for strengthening democracy have emerged. Unfortunately it is also a space that can be used to restrict human rights and freedoms, or to perpetrate crimes.

■ Revelations on mass online surveillance and regular reports on abuses of the rights to privacy, free expression and access to information clearly show the need for strong safeguards for fundamental rights on the Internet. Governments have legal obligations to protect human rights online.

■ The Council of Europe works with its 47 member states, the private sector, civil society and other actors to shape the Internet as a safe and open environment where freedom of expression, freedom of assembly and association, privacy, diversity, culture, education and knowledge can flourish. Its ultimate aim is to enhance the protection of human rights, democracy and the rule of law online.

INTERNATIONAL LAW

with people at the centre

■ Within Europe, the key pillar for the protection of human rights is the European Convention on Human Rights, which is binding for all Council of Europe member states. The Strasbourg Court, which rules on applications alleging violations to the Convention, has already delivered landmark judgments concerning the online environment, in particular the right to privacy and freedom of expression.

■ The Organisation has created international conventions in fields such as cybercrime, data protection and the protection of children. It is also developing policy guidelines via recommendations to its member states on human rights and democracy online. For example, it has adopted guidelines on the protection of whistle-blowers. Council of Europe policies also address the protection of human rights by Internet companies, such as search engines and social networks.

■ People's rights should be at the core of all Internet policies. This aim is the driving force of the Council of Europe's Internet governance strategy, which contains more than 40 lines of work for the period 2012-2015. One of its key results is a **Guide to human rights for Internet users**, which has been created to help them better understand their rights online and what they can do when these rights are challenged.

■ The Council of Europe is committed to the idea that the Internet should be governed through dialogue and cooperation among all Internet actors – governments, the private sector, civil society and the technical community-, and firmly supports the Internet Governance Forum (IGF) and the European Dialogue on Internet Governance (EuroDIG). It is also an observer to the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN).

ENSURING ACCESS to the Internet

■ People rely on the Internet to obtain information, communicate and associate with each other, and for many everyday activities. They have a legitimate expectation that the Internet will be up and running, and are entitled to enjoy affordable and safe access to the net.

■ The Council of Europe recognises and promotes the public service value of the Internet, and encourages its member states to ensure equal access for everyone.

■ Making the Internet more accessible can help people with disabilities, the underprivileged and the elderly to connect more easily with the world – from voting to buying goods and filing tax returns.

■ The Council of Europe's disability action plan (2006-15) includes a set of actions for member states ranging from improving participation in public life to increasing educational opportunities and involving users with disabilities in the development of new technologies.

DEFENDING FREEDOM OF EXPRESSION:

■ The Council of Europe works with governments and other state authorities, journalists, civil society and the private sector to ensure that the right to freedom of expression is guaranteed to everyone offline and online.

■ The Organisation has recommended principles and guidelines to its member states to make sure that restrictions to freedom of expression, such as through blocking and filtering, comply with Article 10 of the European Convention on Human Rights. Council of Europe policies also promote the global free flow of information on the Internet and the universality and integrity of the Internet's infrastructure as a means of information dissemination.

■ The Council of Europe has created an Internet-based platform on the safety of journalists. Prominent NGOs in the field of freedom of expression alert the Organisation and trigger responses to challenges to the safety of journalists and media freedom and to restrictions of freedom of expression on the Internet.

■ An increasingly active role is played by the Secretary General of the Council of Europe to assess the protection of freedom of expression in the 47 member states, as shown in his Annual Report on the State of Human Rights in Europe. A comparative analysis of laws and practices on blocking, filtering and removal of Internet content will be issued at the end of 2015.

■ Through numerous regional and country-specific activities, the Council of Europe assists its member states and the Southern Mediterranean region to implement freedom of expression standards on the Internet. The Organisation is also developing recommendations on the safety of journalists and Internet freedom, which aim at strengthening member states' commitment to implement the jurisprudence of the European Court of Human Rights and the Council of Europe's standards on freedom of expression.

PROTECTING PRIVACY

and personal data

■ The Internet has changed how we handle personal data and share personal information with others, for example through social networks or in business transactions. This creates both opportunities and risks.

■ Article 8 of the European Convention of Human Rights upholds the right to respect for private life. Another treaty, the Council of Europe data protection convention (Convention 108), safeguards individuals' right to the protection of their personal data. This convention, which is the sole international treaty in this field, is being updated to ensure that its data protection principles are still in line with today's needs.

■ The Internet knows no borders, and Convention 108, which is open to any country in the world, has the potential to become a global standard.

■ As part of its ongoing work to develop policy guidelines on Internet freedom, the Council of Europe is identifying indicators to help member states assess the protection of privacy in the context of surveillance.

STOPPING CRIME

on the web

■ With the Internet, new types of crimes have emerged that require specific criminal law responses.



■ In 2001, the Council of Europe adopted the Budapest Convention on Cybercrime, which lays out a criminal justice framework guiding state policies in this field. It prescribes the minimum legal standards necessary for states to successfully prosecute cybercriminals and tackle child pornography. It contains safeguards for individuals' rights when authorities secure electronic evidence for criminal justice purposes. An additional Protocol criminalises racist and xenophobic acts committed through computer systems.

■ The Cybercrime Convention Committee monitors the treaty's implementation, and a new Cybercrime Programme Office in Bucharest, Romania, supports countries worldwide through capacity-building programmes, such as the GLACY project on Global Action on Cybercrime.

■ The Convention on the Prevention of Terrorism (2005) also covers the virtual world, asking states to establish criminal offences for public provocation to commit a terrorist offence, recruitment and training of terrorists. An additional protocol, adopted in 2015, contains measures to tackle so-called "foreign terrorist fighters."

■ Medicines and healthcare products may be marketed via the Internet, legally or illegally. In the latter case, they could be counterfeit, of poor quality or possibly dangerous. The Council of Europe has adopted the first international treaty on the counterfeiting of medical products and similar crimes involving threats to public health, the MEDICRIME Convention, aiming to stop counterfeit medicines being sold, both offline and online.

■ The Council of Europe's experts on drugs' policy, known as the Pompidou Group, is working to curb drug sales and deliveries via encrypted Internet platforms.

EMPOWERING AND PROTECTING children and young people

■ The Internet is a tool that children and young people can use to learn, communicate and enjoy their free time, and they should be empowered to surf safely and responsibly. The Council of Europe is addressing this need by creating, for example, *Through the Wild Web Woods* – an online game to teach children aged seven to ten how to browse the web safely.

■ An issue of particular concern is that the Internet is being used to harm children sexually. The Council of Europe Lanzarote Convention criminalises the sexual exploitation and abuse of children, including the use of new technologies to abuse them, for example by adults soliciting children in chat rooms or online game sites for sexual purposes.

■ In order to fight the flow of xenophobic and intolerant messages inundating cyberspace, the Council of Europe has launched the *No Hate Speech Movement*, which aims to help young people and youth organisations recognise and act against such human rights abuses.

FIGHTING gender stereotypes

■ The Internet plays an essential role in shaping our conception of the world, and gender stereotypes are as present online as they are offline. The Council of Europe is committed to promoting gender equality on the Internet and to combating gender stereotypes in the media, and has adopted a number of policy recommendations in this field.

■ The Istanbul Convention, adopted in April 2011, addresses violence against women, including the role of the communication technologies sector and the media in contributing to the prevention of violence and enhancing respect for women.



For further information:

www.coe.int/internet

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www.coe.int

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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