

COUNCIL OF EUROPE AND 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 greatest liberating forces of our age: information and global communications have never been as accessible as today. New opportunities to strengthen democracy have emerged. The Internet is a global resource that should be managed in the public interest. Unfortunately it is also a space that can be used to restrict democratic freedoms or to perpetrate crimes.

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

■ To achieve those aims, the Organisation has created and is globally promoting international conventions in fields such as cybercrime, data protection and the protection of children. It is also developing model legislation - via recommendations to its member states - and guidelines for Internet private sector's actors. For example, it has adopted recommendations calling for the protection of whistle-blowers, and addressing the need for search engines and social platforms to respect human rights.

■ 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's member states. The Strasbourg Court, which rules on applications alleging violations to the Convention, has already delivered landmark judgments regarding the online environment, in particular the rights to privacy and to freedom of expression.

■ People's rights should be at the core of all Internet governance 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 human 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 of their everyday life's activities. They have a legitimate expectation that the Internet will be up and running, and are entitled to enjoy affordable and safe access to it.

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

■ Making the Internet more accessible can help people with disabilities, the underprivileged or elderly to connect more easily with the world – from voting in elections to buying goods and filling in 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.

FREEDOM OF EXPRESSION: new challenges

■ Article 10 of the European Convention on Human Rights states that everyone has the right to freedom of expression and to access information. This right applies equally to offline and online environments.

■ Users should be free to express themselves online and to access information and opinions of others, including those that may offend, shock or disturb, as long as they respect the reputation and privacy of others. Any restriction to this freedom must pursue a legitimate aim such as the protection of national security, and comply with human rights law.

■ The full enjoyment of freedom of expression and to access information online is only possible if the Internet is stable and open. This is why the Council of Europe is also working on legal standards to protect free cross-border Internet traffic and the resources critical to the functioning of the Internet.

■ The Internet today allows people to participate in content creation and to interact on a massive scale in unprecedented ways, for example via blogs or social networks. To face these changes, the Council of Europe formulates policy recommendations on how to apply media freedom standards to these new forms of media.

PROTECTING PRIVACY

and personal data

■ The Internet has changed how we manage our personal data and share personal information with others – for example through social networks or in our business transactions -. This creates new opportunities but also presents 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.

STOPPING CRIME

on the web

■ The Internet offers a huge potential for learning and communicating – but also opportunities for criminals.

■ 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 minimum legal standards necessary for states to successfully prosecute cybercriminals and tackle child pornography, and contains safeguards for the rights of individuals when authorities secure electronic evidence for criminal justice purposes. An additional Protocol criminalises racist and xenophobic acts perpetrated through computer systems.

■ The Cybercrime Convention Committee monitors implementation of the treaty and a new Cybercrime Programme Office in Bucharest, Romania, supports countries worldwide through capacity building initiatives 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 sanctions for public provocation to commit a terrorist offence, recruitment and training of terrorists.

■ Medicines and healthcare products are often marketed via the net illegally. In that case, they can be counterfeit or of poor quality and be dangerous. The Council of Europe has adopted the first international treaty on counterfeiting of medical products and similar crimes involving threats to public health, the MEDICRIME Convention, aiming to stop counterfeit medicines being sold over the Internet.

■ 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 great tool for children and young people to learn, to communicate and to enjoy their free time, and they should be empowered to surf safely and responsibly. An example of the Council of Europe addressing this need is *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 the use of the Internet to harm children sexually. The Council of Europe Lanzarote Convention criminalises the sexual exploitation and abuse of children, including the use of new technologies by adults to abuse them, for example by soliciting them 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 to recognise and act against such human rights abuses.

FIGHTING gender stereotypes

— The Council of Europe is fully 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. It also looks at the role of the communications technologies sector and the media in contributing to prevent violence and to enhance respect for the dignity of women.



For further information:

www.coe.int/internet
www.coe.int/information society

ENG

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It includes 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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