**Preparation for the next Council of Europe Conference of Ministers responsible for
Media and Information Society (Belgrade 2013)
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**Freedom of expression and freedom of assembly and association online is crucial for
modern democracies**

One of the key values of European societies are their democratic nature. A democracy will only work and produce decisions which are in the public interest if all members of society are able to participate not only in the decision-making process but in the decision-shaping processes. People's right and ability to freely access, exchange information and content, and to freely express their opinions as well as their right to freedom of peaceful assembly and to freedom of association with others are "cornerstones" of our democracies. Complementing individual communication, the role of media in producing a diversity of information, including media reporting with the requisite quality, is vital for political decision-shaping processes and therefore in making modern democracies work.

Online media and internet services have become an increasingly important factor for the quality and success of democratic processes. They have become part of the media ecosystem. Democracy is more and more dependent on there being an enabling online environment for citizens to use online media and services in order to participate in decision-shaping and decision-making processes.

It will be important to understand how the services and products of different actors will develop in accordance with the convergence of technologies used for Internet content and traditional broadcast ("connected television") as this will have a significant impact on the enabling ability for people to access information. It will also impact on the economic functioning of media organisations. New services will no doubt emerge, others will strengthen their market position while others may disappear. Will this engender the need for new safeguards for independence, diversity and quality of media and content? A Council of Europe ministerial conference would provide important guidance on the opportunities and threats to democracy and freedom of information.

The New Notion of Media concept and standard, developed and prepared by the Council of Europe following the Reykjavik Ministerial Conference, provides greater clarity on the functions and corresponding freedoms and responsibilities of media and intermediary services that are relevant for peoples' right to seek, receive and impart information. The concept of the New Notion of Media should form the basis of deliberations in this regard and should help to produce more concrete guidance in finding regulatory responses to these challenges.

In addition to new opportunities for citizens to exercise their right to freedom of expression, the online world also offers new forms of expression of political views in democratic societies. In addition to traditional forms of political protest such as demonstrations and street activism, including the creation of physical obstacles to impede actions by governments or private companies (e.g. the blocking of a railway line used for transporting nuclear waste), citizens have started to use the internet to "attack" websites or online services of governments and/or private companies as a means of expressing their protest, e.g. through blocking websites or online services or through sneaking political messages into websites of the entity whose action is causing the protest. While the line between legal forms of expressing protest or disobedience and illegal action is quite well established in the offline world, this issue is far from being clear in the online environment. So public authorities will have to establish standards about which forms of online protest against governments or private

companies are legal and/or legitimate and which actions are not. Also on this issue, the New Notion of Media gives some guidance about how principles that have led to regulation in the offline environment could be turned into appropriate norms and standards for the online environment.

Developing shared principles and a common understanding of acceptable behavior online

Strengthening democracy in the information society is a broader issue than just strengthening freedom of expression. This demands a more holistic approach: All actors in the information society – governments, businesses, citizens and civil society, media and the technical community – should agree on a minimal level of norms and standards for behaviour and respect when using, managing or developing the internet or internet services. In the past few years, there have been growing efforts to develop standards and principles for "good behaviour" of different actors in the online world. Based on the work undertaken so far by the Council of Europe in this field, and based on the Council of Europe internet governance strategy 2012-2015, a ministerial conference could adopt a further developed set of such principles and norms.

Such principles could encourage businesses to act responsibly when offering services on the internet. They should also empower citizens to make free but responsible use of online media and services when exercising their rights. There is a need for guidance about how to protect the personal data of users and third parties, and how to use content created by others responsibly while at the same time providing incentives to the content industry to develop user friendly business models on copyrighted content that allows for legitimate access and fair use of content for the public benefit.

Concrete standards for freedom of expression and association and democratic activism online?

Future work of the Council of Europe (and therefore the subject of a ministerial conference) could be to explore the protection and obligations of media and intermediary services as a means of strengthening democracy and democratic values, including defining rules for political activism online. In this regard, concrete questions and topics to be explored at a ministerial conference could include:

• How will the convergence of traditional broadcast and online media affect the media ecosystem and thus affect the shaping of public opinion in a democratic society?
• How can social media, search engines, access providers, etc. be protected from undue interference from governments or other private actors?
• How should users be informed about their democratic and human rights online and how can they participate in shaping "rules of behaviour" in this regard?
• In what circumstances is the ability to express opinions anonymously a prerequisite for freedom of expression? Under what circumstances/procedures private data should be revealed (and to whom)?
• What safeguards are necessary to protect the rights and dignity of others (like a right to reply, protection of copyright etc.) ?
• What forms of political protest or activism online are legal and where does illegal action start?