INTERNET FREEDOM

A Constant Factor of Democratic Security in Europe

Speech by Mr Mart Laanemäe, Undersecretary (previous hat☺) of the Ministry of Foreign Affairs of Estonia

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Secretary General,
Excellences,
Ladies and Gentlemen,

It is my utmost honour and pleasure of having an opportunity to address this audience today. I highly value the collaboration with our German partners and the secretariat of the Council of Europe in organising today's conference on a topic that is extremely important for Estonia. Human rights and the rule of law on the Internet is one of Estonia's priorities during our ongoing chairmanship of the Committee of Ministers of the Council of Europe. We would like to commend the high ambitions and the extensive work done by the Council of Europe in the Internet related issues.

This year is very important for the Freedom Online Coalition where Estonia, being one of the founding members, has always stayed active. The coalition celebrates its 5th anniversary and is carrying out the strategic review – some of its outcome will be presented at the annual conference in Costa Rica in October. The Council of Europe has successfully participated in previous conferences introducing their large-scale documents that can easily be used in every country. The fruitful cooperation with the Freedom Online Coalition is only few to name. Estonia commends the active role taken by the Council of Europe at the EuroDIG process and in Internet Governance Forum that is the biggest platform for Internet related issues in international arena. The Council of Europe is a very good example of the regional organisations with larger perspective.

Ladies and Gentlemen,

One of Estonia's priorities in all international organisations is to work towards the increase of Internet freedom and a free flow of data all over the world. The notion of Internet freedom can mean different things to different people but ultimately it is a neutral network, with an

open architecture and decentralised governance, that is enabling the freedom to seek and impart information and ideas between people across borders. Internet freedom is very closely linked to everyone's right to freedom of opinion and expression, and the right to assembly and association. There is no good reason why any Internet user should be deprived of any of these rights just because of the means he or she chooses for communication.

The Internet has acquired such an important role in our everyday lives that sometimes it becomes a target for abuse and control. Regrettably there are countries, also in Europe, which shut down the Internet and/or social media channels. We dislike to think that the level of the Internet freedom depends on the country one resides. All people, including journalists, bloggers and human rights defenders have a right to express themselves freely through digital media without a fear of reprisals or persecutions. The Council of Europe Recommendation on Internet freedom provides us with an instrumental opportunity to contribute to reversing this trend.

The Internet is a driving force in accelerating progress towards development in its various forms. Estonia is committed to Internet freedom and the unique experiences of our country (e.g. e-services, Internet penetration rate, e-residency, cyber-attacks). It has become essential for our commerce, access to public services, protection of the rule of law and a democracy in general as Internet gives an additional effective tool to the people and the civil society to express their opinion and ideas in a most transparent way. Our success in building up an innovative digital society has been based on the Internet which has always been free and accessible to everyone in the country. No country can establish democracy without holding human rights very high in its agenda. Internet freedom enabling broader digital development offers a great opportunity for every country and individual.

In the age of data-driven economies the private sector has a growing responsibility for the protection of human rights and fundamental freedoms online. Governments and international organisations need to increasingly engage with them and we encourage the Council of Europe in this regard.

The shared responsibility of the Internet should be understood as states having primary responsibility for protecting against human rights abuses online in co-operation with non-state actors, in particular major Internet companies. The state must therefore play a leading role in holding companies accountable when the rights and freedoms of Internet users are challenged.

At the same time, the state must protect Internet freedom. We must prevent ourselves from sliding backwards towards over-regulation, interference and unilateral control of the Internet. When needed, narrowly circumscribed regulation should incorporate human rights safeguards to ensure that measures taken (or interpreted) are not a kneejerk reaction to a crisis or attack.

And we can achieve this together by moving from policy to practice on the following:

- By following-up on the Council of Europe commitment to doing no trans-boundary harm to the Internet[1] - both within and beyond our respective jurisdictions - so that safety and security concerns do not outweigh freedom online;

- By aligning our policies and actions regarding the Internet so that the margin of appreciation left for any permissible restrictions to rights and freedoms are narrowly circumscribed and thereby kept to a minimum. Also, it requires placing a high (and objective) level of transparency on state and non-state actors who take measures which impact on the rights and freedoms of Internet users;

- By ensuring that the courts fully understand the atypical nature of the Internet and the need to err on the side of its protection and freedom from interference. This means training and capacity building for the judiciary. This also includes continuous reference to Internet freedom in the law so that it becomes a fundamental principle in determining whether interference should be justified as part of a "pressing social need" (as elaborated by the European Court of Human Rights). It also means ensuring that everyone has the right to an effective remedy online;

- By actively supporting Internet governance arrangements, including the implementation of the Council of Europe's Internet Governance Strategy 2016-19, and the Internet Governance Forum. This means embracing the multi-stakeholder model of Internet governance, one which promotes a shared responsibility for Internet governance and Internet freedom.

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[1] CM Recommendation on the universality, openness and integrity of the Internet, 2011.

- By continuing with 'ahead-of-the-curve' standard-setting and monitoring arrangements which address and follow the evolution of the Internet and technology generally. And by stepping-up efforts to raise awareness, develop co-operation and capacity-building programmes on Internet governance, to enhance social movements and democratic participation in and for the Internet, in particular as a means to optimise inclusion and tolerance in society.

Dear colleagues,

I would like to draw your attention to today's second session where Ms Karmen Turk, the representative of the academy, civil society and the private sector of Estonia will shed a light on a study on Internet freedom carried out this summer in Estonia as a pilot project testing the Recommendation of the Committee of Ministers of the Council of Europe adopted last April.

On this basis, I invite the Council of Europe and the OSCE to step-up their efforts and arrangements regarding Internet freedom and Internet governance. European governments need dynamic and innovation oriented European institutions in order to make us all fit for purpose in the digital age. Common activities that aim to promote Internet freedom and multi-stakeholder model based Internet governance are increasingly important.

Thank you for your attention.