

COUNCIL OF EUROPE SAFEGUARDING HUMAN RIGHTS ON THE NET



Human rights, democracy and rule of law

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Safeguarding human rights online

■ The Internet has radically transformed the way we access information and communicate - creating new opportunities for strengthening democracy. Unfortunately it can also be used to restrict human rights and to commit crimes.

■ Revelations on mass online surveillance and regular reports on abuses of the rights to privacy and free expression clearly show the need to effectively protect human rights on the net.

■ The Council of Europe works with governments, 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, diversity, culture and education can flourish. In line with its overall mission, the ultimate aim of its Internet-related action is to protect and promote human rights, democracy and the rule of law.

International law with people at the centre

■ In 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 of the Convention, has already delivered landmark judgments concerning the online environment.

■ In order to address the challenges to human rights on the Internet, the Council of Europe creates international treaties and issues policy recommendations to its member states to guide them when developing national legislation. It also co-operates with Internet companies, such as search engines and social networks, to help them develop self-regulation tools.

■ People's rights should be at the core of all Internet policies. This principle inspires the work planned by the Council of Europe in its Internet Governance strategy for 2016-2019. During this period, the Organisation will continue to promote its Guide to human rights for Internet users, which aims to help users know their rights and what to do when they are challenged.

■ Committed to the idea that the Internet should be governed through dialogue and co-operation between all Internet actors, the Council of Europe 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 Internet is of critical value for democracy. 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. It is also working on the promotion of digital education and culture, for example by promoting the exchange of best practices on the digitalisation of culture.

■ 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. A number of Council of Europe recommendations aim to improve the participation of disabled people in public life, increase their educational opportunities, and involve them in the development of new technologies adapted to their needs.

Defending Freedom of expression

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

■ The Organisation has issued guidelines to its member states to make sure that any restrictions to freedom of expression, such as through Internet blocking and filtering, comply with Article 10 of the European Convention

on Human Rights. Council of Europe policies also promote network neutrality, the global free flow of information on the Internet and the universality and integrity of the Internet's infrastructure.

■ The Council of Europe has created a platform through which media freedom NGOs can report challenges to the safety of journalists and media freedom, and restrictions of freedom of expression on the Internet. The information collected is used to trigger responses by Council of Europe's bodies and to engage in a dialogue with the authorities concerned to address them.

■ Through his annual reports on the State of Human Rights in Europe, the Council of Europe Secretary General plays an increasingly active role to assess the protection of freedom of expression in the 47 member states.

■ Aiming to strengthen states' commitment to apply the Council of Europe's freedom of expression standards, in 2016 the Organisation has adopted recommendations on network neutrality, the safety of journalists and Internet freedom. It has developed Internet freedom indicators that states can use to assess their compliance with these standards.

■ The Council of Europe has also elaborated a comparative study on the laws and practices on blocking, filtering and removal of Internet illegal content in its 47 member states.

Protecting privacy and personal data

■ The Internet has changed how we handle personal data and share personal information with others, creating opportunities, but also 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.

Fighting crime on the web

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

■ The Budapest Convention on Cybercrime lays out a criminal justice framework to guide state policies in this field. It prescribes the minimum legal standards necessary for states to prosecute cybercriminals and tackle child pornography. It also 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 treaty is backed up by the Cybercrime Convention Committee that monitors its implementation and a Cybercrime Programme Office in Bucharest, Romania, that supports countries worldwide through capacity building programmes such as the GLACY project on Global Action on Cybercrime.

■ The Convention on the Prevention of Terrorism 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 contains measures to tackle the so-called "foreign terrorist fighters."

■ 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, which aims to stop the sale of counterfeit medicines, both offline and online.

■ The Pompidou Group, the Council of Europe's group of experts on drugs' policy, are 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, communicate and enjoy their free time. To help children understand the Internet and acquire the necessary skills to become digital citizens, the Council of Europe has developed, for example, the online educational game Through the Wild Web Woods, an Internet literacy handbook

and a tablet application to empower children, parents and educators in making full and safe use of the potential of ICT and digital media.

■ The use of the Internet to harm children sexually is a serious concern. 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.

■ The Lanzarote Committee is currently analysing trends in sexual exploitation and abuse of children, in particular those where offenders make use of new technologies, in order to propose guidance to its Parties to fight them more efficiently.

■ 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. A recommendation

issued by the Council of Europe's anti-racism body ECRI contains guidelines for states on how to prevent hate speech, including online, support those targeted by it, and deal with its consequences.

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 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 and girls.

For further information:
www.coe.int/freedomofexpression

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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