Internet Standard-Setting in the Council of Europe

The Council of Europe, conscious of the Internet unique environment for innovative forms of exercising human rights, has engaged in standards setting work to address the challenges that human rights may face online. To ensure people maximum freedom but also maximum safety, with minimum but necessary constraints, it resorts to the co-operation of best experts and follows an open and consultative approach. After the recommendation on Network Neutrality adopted last January[1], the next (draft) recommendation regarding Internet standard-setting will deal with Internet Freedom.

1- Recommendation on network neutrality

The Recommendation on Network Neutrality[2] has been adopted in January this year after extensive debates at the European level on this issue[3].
In the adopted Recommendation, the Committee of Ministers representing issued "*a set of network neutrality guidelines pointing out that Internet traffic should be treated equally, without discrimination, restriction or interference irrespective of the sender, receiver, content, application, service or device*".

The recommendation addresses principles such as equal treatment of internet traffic, pluralism and diversity of information, privacy, transparency and accountability. Human rights aspects of network neutrality which ought to be implemented in the EU regulation as well.
This recommendation is a result of a constructive coordination and cooperation between the Council of Europe standard-setting processes and EU regulatory processes, namely in terms of resolving dilemmas about questions of sharing of competence.

2- Draft recommendation on Internet Freedom

Approved by the Steering Committee (CDMSI) will full support in December 2015, the draft recommendation on Internet Freedom is scheduled for consideration by GR-H on 23rd of March and is expected to be submitted to the Committee of Minister for adoption the 30th of March.

Member States are there encouraged to take a proactive approach in evaluating whether there is an enabling environment for Internet freedom, in evaluating the state of protection of fundamental rights and freedoms.

The main objective consists in guaranteeing that *the European Convention on Human Rights applies both offline and online,* and encourages member states to *respect, protect, and promote* these rights on the Internet.

 As a call for action by member States to **implement** existing human rights standards with regard to the Internet, the recommendation encourages periodical evaluations of the respect and implementation of Internet Freedom principles, and also supports a multi-stakeholder dialogue.

In order to help member States to do so the draft offers a **toolkit with indicators** against which progress can be measured. The indicators build on existing standards and cover:

---

[1] Press release: https://wcd.coe.int/ViewDoc.jsp?id=2402819
[2] Recommendation CM/Rec(2016)1 on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality
[3] EU Regulation (EU)2015/2120 on open internet access and amending | Directive2002/22/EC on universal service and users' rights relating to electronic communications networks and services | Regulation (EU) NO 531/2012 on roaming on public mobile networks with the Union

1- Freedom of expression, including freedom of the media;
2- Freedom of assembly and association;
3- The right to privacy and personal data protection;
4- Surveillance and democratic oversight of authorities which carry out surveillance measures.
5- The right to an effective remedy.

This draft recommendation sets a building block for a sustainable engagement by the Council of Europe in promoting and facilitating the implementation of the Council of Europe standards on human rights with regard to the Internet.