

# YOUR DIGITAL RIGHTS IN BRIEF

Guide to Human Rights for Internet Users

COUNCIL OF EUROPE



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Human rights apply equally online and offline. For this reason, the Council of Europe has created a Guide to Human Rights for Internet users. It aims to help you, the user, better understand the rights you enjoy in the online environment, and to provide you with guidance on what to do when your rights are challenged.

The guide explains, in user-friendly language, the rights and freedoms enshrined in the European Convention on Human Rights, an international treaty that binds the 47 member states of the Council of Europe, and how they apply to the Internet.

The guide has been designed as a tool to:

- ▶ assist individuals who are facing difficulties in exercising their rights;
- ▶ help governments and public institutions discharge their obligations to protect, respect and remedy human rights;
- ▶ kick-start national discussions on protection and promotion of internet users' human rights and empowerment in Internet environments;
- ▶ promote corporate social responsibility by encouraging the private sector to act responsibly and with respect for individuals' human rights with whom they have contractual relations.

The Guide was adopted by the Committee of Ministers of the Council of Europe in Strasbourg on 16 April 2014. It has been developed in consultation with a wide range of stakeholders, including governments, private companies, civil society organizations, representatives of the technical community and academia.

The Guide is an evolving document and should be updated periodically and fleshed out collaboratively, in light of new developments.

## Human Rights Guide in Brief:

### Access and non-discrimination

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Access to the Internet enables you to exercise your human rights. As a general principle, you should not be disconnected from the Internet against your will, except when it is decided by a court. Moreover, Internet access should be affordable and non-discriminatory.

### Freedom of expression and information

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You are free to express yourself online, and to access information and opinions, including those that may offend, shock or disturb, whilst respecting others' reputations and privacy.

Public authorities have a duty to respect and protect this right. Any restrictions to your freedom of expression must pursue a legitimate aim in accordance with the European Convention on Human Rights, for example, the protection of national security or public order, and must comply with human rights law. Restrictions may apply to expressions which incite discrimination, hatred or violence.

You may choose not to disclose your identity online, but be aware that national authorities may take measures which might lead to the revelation of your identity.

## **Freedom of assembly, association and participation**

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■ You have the freedom to use any website, application, or other service to associate with your peers. You also enjoy the right to protest peacefully online. However, you should be aware that you may face legal consequences if online protest leads to blockages, disruption of services or damage to the property of others.

## **Privacy and data protection**

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■ Your personal data should only be processed with your consent, or if it is laid down by law. You should be informed if your personal data is processed or transferred to other parties and when, by whom and for what purpose. You should also exercise control over your data (check accuracy or request a correction or deletion).

■ You should not be subject to general surveillance or interception, except in exceptional circumstances prescribed by law, such as a criminal investigation.

## **Education and literacy**

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■ You should have online access to education and knowledge in order to exercise your rights and freedoms on the internet.

## **Protection of children and young people**

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■ If you are a child or a young person, you are entitled to special protection and guidance while using the Internet. If content you have published compromises your dignity, security, privacy or can be detrimental to you in the future, upon

your request, it should be deleted within a short period of time. You should also be protected from interference with your physical, mental and moral welfare, in particular regarding sexual exploitation and abuse.

## **Right to effective remedies for violations of human rights**

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■ You have the right to an effective remedy when your human rights are breached. The remedy obtained – not necessarily a legal action straight away – should be accessible and affordable. Effective remedies can be obtained directly from Internet service providers, public authorities and/or national human rights institutions, and can, depending on the violation, include inquiry, explanation, reply, correction, apology, reinstatement, reconnection and compensation.

■ Internet service providers, providers of access to online content and services, or other companies or public authorities should provide you with easily accessible information about your rights and possible remedies. National authorities have an obligation to protect you from criminal activity committed on or using the Internet.

■ In the determination of your rights and obligations, or if you are charged with a criminal offence involving Internet use, you have the right to a fair trial within a reasonable time by an independent and impartial court, and to an individual application to the European Court of Human Rights, after exhausting all available domestic remedies.

For further information:  
**[www.coe.int/freedomofexpression](http://www.coe.int/freedomofexpression)**

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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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