

GUIDE TO HUMAN RIGHTS FOR INTERNET USERS

Protection of children and young people

■ If you are a child or a young person, you are entitled to special protection and guidance when using the Internet. If content you have published compromises your dignity, security or 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

■ You have the right to an effective remedy when your human rights are restricted or violated. The ways to obtain a remedy – 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 in question – 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 the use of the Internet, you have the right to a fair trial within a reasonable time by an independent and impartial court, and the right to an individual application to the European Court of Human Rights after exhausting all available domestic remedies.



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For further information:
<http://internet-users-rights.coe.int>

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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.



YOUR DIGITAL RIGHTS IN BRIEF:

On 16 April 2014, the Council of Europe adopted a human rights based guide for Internet users. The Guide explains what your rights are and how they apply within the Internet environment. The Guide's main pillars are:

- ▶ Access and non-discrimination
- ▶ Freedom of expression and information
- ▶ Freedom of assembly, association and participation
- ▶ Privacy and data protection
- ▶ Education and literacy
- ▶ Protection of children and young people
- ▶ Effective remedies and redress

A TOOL TO EMPOWER INTERNET USERS AND FOSTER THE FULL ENJOYMENT OF YOUR FUNDAMENTAL RIGHTS

Human rights apply equally online and offline. For this reason, the Council of Europe has elaborated a Guide to Human Rights for Internet users, helping you to understand what rights do you enjoy in the online environment and providing you guidance on what to do when your rights are challenged.

The Guide explains in a 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 their application on the Internet.

The Guide has been designed as a tool:

- ▶ for you, Internet users, to rely upon when facing difficulties in exercising your rights;

- ▶ for governments and public institutions to assist them in discharging their obligations to protect, respect and remedy human rights;
- ▶ to kick-start national discussions on protection and promotion of your human rights and foster your effective empowerment within Internet environments;
- ▶ to promote corporate social responsibility by encouraging the private sector to act responsibly and with respect for the human rights of every person 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 was developed with broad multi-stakeholders consultation with governments, private companies, civil society organisations and 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

Access to the Internet is an enabler 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

You are free to express yourself online and to access information and opinions of others, including those that may offend shock or disturb other individuals, whilst respecting the reputation and privacy of others.

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; mindful that measures can be taken by national authorities, which might lead to the revelation of your identity.

Freedom of assembly, association and participation

You have the freedom to choose any website, application or other service to assemble and associate with other Internet users. 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

Your personal data should only be processed when you have consented to it or it is laid down by law. You should be informed of what personal data are processed or transferred to other parties, when, by whom, for what purpose, and you should be able to exercise control over them (check their accuracy, request a correction or a deletion).

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

Education and literacy

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