

Information society and Internet governance

I. In brief

The Council of Europe is promoting an Internet which is based on its core values and objectives, namely:

- Human rights must apply online as they do offline.
- An open, inclusive, safe and enabling environment must go hand in hand with a maximum of rights and services, subject to a minimum of restrictions and a level of security which users are entitled to expect.
- Freedom of expression and information, regardless of frontiers, is an overarching requirement because it enables the exercise of other rights, as is the need to address threats to security and dignity.

Council of Europe treaties relating to the Internet establish common international law standards which help governments align domestic legislation and co-operation with each other across borders in areas such as:

- protection of personal data
- fight against cybercrime
- protection of children
- prevention of terrorism
- fight against counterfeit medical products and similar crimes involving threats to public health.

The Council of Europe works with the governments and other Internet actors to protect and respect human rights and the rule of law on the Internet. This includes:

- co-operation between law enforcement and ISPs
- freedom of communication on the Internet

- access to the Internet as an 'enabler' for the exercise of human rights, and for the delivery of public services online
- Human rights guidelines with regard to search engines
- Human rights guidelines with regard to social networks
- Human rights guidelines for Internet Service Providers, prepared in co-operation with the European Internet Service Providers Association (EuroISPA)
- Human rights guidelines for online games providers, prepared in co-operation with the Interactive Software Federation in Europe (ISFE)
- Internet literacy standards and tools (games and manuals) to help children, young people, their parents and carers, better understand the Internet and act more safely and responsibly.

II. Background

The Steering Committee on Media and Information Society (CDMSI) manages the Council of Europe's work in the field of media, information society and data protection. In particular, it oversees the **Council of Europe's strategy 2012-2015 on Internet governance** which comprises over 40 lines of concrete actions to enable governments and Internet actors together to make the Internet a space which is inclusive and people-centred.

The Council of Europe fully supports the multi-stakeholder model of Internet governance. Its 47 member states have agreed to support and encourage the active participation of all Council of Europe member States in relevant local, national, regional and global Internet governance dialogue, including the European Dialogue on Internet Governance (EuroDIG) and the UN-led Internet Governance Forum.

At the national level, the Council of Europe is supporting many European countries in the development of their national Internet

governance dialogues (e.g. Ukraine, Spain, the Netherlands) which permits an excellent knowledge of the local context.

III. Comparative advantages and added value

The Council of Europe's Internet governance strategy 2012- 2015 was adopted by all 47 member States and therefore has considerable political leverage and a guarantee of sustainability.

In bringing together an ensemble of issues and challenges, the Council of Europe is developing a more **holistic and sustainable vision for the Internet, one which puts people first.**

This approach enables the Council of Europe to deliver innovative, cutting-edge policy guidelines and tools which respond to current trends and challenges in a manner which is **complementary and mutually reinforces the work of the European Union, in particular the European Commission's Digital Agenda including its 'No Disconnect' strategy.**

Noteworthy examples include:

- doing no trans-boundary harm to the Internet and states' shared responsibility to preserve the on-going functioning of the Internet;
- pressure and attacks on new media, whistle-blowers and human rights-defending websites are against freedom of expression;
- framework for International co-operation to preserve a global, stable and open Internet, safeguarding freedom of expression and access to information;
- new notion of media, acknowledging media freedom rights and responsibilities;
- freedom of expression applicable to domain names.

Protecting human rights and the rule of law on the Internet depends on wide multi-stakeholder

dialogue between non-state and state actors in CoE member states to understand the challenges posed by the Internet.

This requires the development of CoE co-operation programmes with CoE member states to:

- provide expertise on draft laws and other regulatory initiatives;
- raise awareness of Internet governance issues from a human rights and rule of law perspective;
- facilitate the participation of key actors in regional and global Internet governance dialogue initiatives (i.e. European Dialogue on Internet Governance and Internet Governance Forum).

The benefits of such co-operation include:

- ensuring national initiatives governing the Internet (laws and regulations) respect human rights standards and/or are avoided altogether;
- promoting the development and creation of national Internet governance initiatives across CoE's membership, encompassing a human rights and rule of law perspective;
- promoting cross-border co-operation in the implementation of CoE instruments, and action foreseen in the CoE Internet Governance Strategy 2012-2015, such as the following:

Protecting the Internet's universality, integrity and openness

- developing a "framework of understanding and/or commitments", based on the Council of Europe's core values and standards to protect the unimpeded cross-border flow of legal Internet content;
- enhancing access to the Internet to enable the full exercise of rights;
- elaborating commitment to the principle of network neutrality, in particular to define precisely acceptable management

measures and minimum quality-of-service requirements.

Maximising rights and freedoms for Internet users

- developing a compendium of existing human rights for Internet users, to help them in communicating with and seeking effective recourse from key Internet actors and government agencies;
- explore the balance between the fundamental right to freedom of expression and protecting the honour and reputation of persons;
- developing guidelines and best practice, such as awareness and training for new media actors.

Advancing privacy and data protection

- promoting practices that enable the deletion of content produced by children;
- developing data protection public policy guidelines to address new challenges such as biometric data, “cloud computing”, “privacy by design”, “Internet of things”, removal of personal data from the Internet, geo-location tracking, and informed “consent” to terms and conditions of service.

Enhancing the rule of law and effective co-operation against cybercrime

- supporting criminal law measures against the sexual exploitation and abuse of children;
- preventing and controlling criminal money flows through the Internet;
- ensuring public security, preventing cybercrime and terrorist use of the Internet.

Maximising the Internet’s potential to promote democracy and cultural diversity

- collecting and sharing data and examples of good practice on laws, regulations and trends relating to Internet governance

through the European Audiovisual Observatory;

- promoting citizen participation in public life, developing the secure use of the Internet in the field of democratic elections;
- facilitating promotion of access to rich and diverse cultural content, active participation in its creation and participative inter-cultural and inter-religious dialogue using social media and other online tools.

Protecting and empowering children and young people

- developing systems enabling children and their families to identify suitable online content;
- sharing best practice on secure and age-appropriate spaces for children on the Internet.

IV. Geographic contextualisation

The Council of Europe’s open and inclusive approach to Internet governance is supported by many bodies, organisations and institutions both in and beyond its membership.

It is one of the key organisers of the European Dialogue on Internet Governance (EuroDIG) and an active participant in the global Internet Governance Forum (IGF). It is also an observer to the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN), and has solidly established relations with both international organisations and agencies and non-state actors.

This enables the Organisation to develop partnerships and synergies with a range of state and non-state actors (as referred to in paras 4 and 20 of its Internet governance strategy). This also enhances its expertise, networks and the (global) reach of its instruments, monitoring and co-operation mechanisms within and beyond the geographical borders of its member

states (e.g. Budapest Convention on Cybercrime, Convention 108 on data protection).

All this places the Organisation in an advantageous position to provide comprehensive assistance, firmly based on human rights principles, both in Europe and beyond in respect of information society and Internet governance matters.

For more information:

www.coe.int/information society