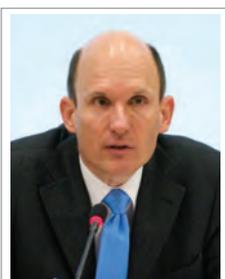


Council of Europe: Internet democracy

Protecting Internet freedom - A pressing challenge

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As the Internet's influence and reach continue to grow, so does the temptation to restrict, control, and misuse it. Keeping the Internet open, free and safe is critical to its sustainability. Keeping the Internet

open, free and safe is critical to its sustainability. For the Council of Europe, this means ensuring that the human rights of 800 million Europeans, as guaranteed by the European Convention on Human Rights and related treaties, are respected online as well as off-line. It also means that democracy and the rule of law are promoted and respected online.

Freedom of expression

Protecting the safety of journalists, bloggers and other activists is crucial. According to Reporters Without Borders, in 2011, there were 121 bloggers imprisoned worldwide, as well as 157 journalists and 9 media assistants. The OpenNet Initiative recently documented Internet censorship in forty countries, whereas ten years ago only very few countries interfered with Internet access.

Censorship should not be tolerated. We must reject any restrictions to online freedom of expression which are not legitimate, necessary in a democratic society and proportionate as laid down in the case-law of the European Court of Human Rights.

Democracy

People are demanding and expecting more from their governments because the Internet makes it possible to access much more information and it makes it easier to encourage and mobilise people in greater numbers. Increasingly, citizens are no longer mere readers of newspapers or listeners of professionally prepared radio debates, nor are they passive viewers of television programmes or just consumers of content. They are becoming content creators, information and culture producers who are contributing to Internet innovation.

The World Economic Forum estimates that over two billion people are now online, nearly a third of humankind. There are approximately 325 billion websites, 100,000 tweets per second and over 72 hours of video clips uploaded to YouTube every minute.

Events such as the Arab Spring have demonstrated the political impact of social media. The Internet allows greater freedom to observe, report, question and debate (in real time); to hold leaders to account. We see voters more actively seeking information before making political choices and increasingly sharing their political views. For example, the proposed Anti-Counterfeiting Trade Agreement (ACTA) led to unprecedented public mobilisation and debate across Europe about people's freedom on the Internet.

Privacy

The Internet will only continue to work if people maintain their trust in it. Online expression engenders the transfer, collection and processing of personal data which, if not protected, can adversely affect people's privacy and identity. Freedom, free flow of information and privacy on the Internet go together. This is well demonstrated in the Council of Europe's 2012 human rights guidelines' on search engines, and on social networks, which are inspired by the legal protection afforded by the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (also known as Convention 108) and the privacy-related case-law of the European Court of Human Rights.

Respect and responsibility between users

What we say and write has consequences. Hate speech can deepen divisions and provoke violence. On the Internet, this power is magnified. Users should exercise their freedom with respect and tolerance of others. This means matching demands for privacy with proper management of their own personal data, especially in view of technological advances in geo-location, profiling, cloud computing, biometric data, and so on.

In other words, freedom carries with it duties and responsibilities. It means being responsible. Informing and empowering users to make free and informed choices encourages their responsibility.

This is why the Council of Europe is currently preparing a compendium of rights for Internet users. The aim is to produce a user-friendly and easily accessible document which helps people know what their human rights are online and, in case of need, to seek effective remedies.

Freedom and responsibilities of Internet intermediaries

Safeguarding Internet freedom also requires the protection of Internet intermediaries because of their important role in facilitating the production and distribution of media-related services and content. For example, search engines should be free to index information which is openly available on the Web and intended for mass outreach. This can help people access pluralistic, quality-based and diverse sources of information. In practice, this means:

- Regulating Internet intermediaries only as a measure of last resort, in particular by exercising restraint and avoiding knee-jerk regulatory reactions to online behaviours.



- Ensuring Internet intermediaries act responsibly, for example in designing and delivering their services with respect to human rights.

- Protecting privately operated Internet platforms and online service providers from political interference.

- Not obliging Internet intermediaries to monitor what users are doing online in order to detect illegal content. They should not be obliged to conduct ex ante filtering or blocking activity unless mandated by court order or by a competent authority.

- Encouraging Internet intermediaries to set-up self-regulatory codes of conduct, to be transparent to the public, and to inform users of measures which impact on their rights and freedoms.

Protecting the Internet's open design

The Internet operates because its design is open, without walls or doors. Its architecture has to be kept open and its infrastructure accessible, whilst being protected. For Council of Europe member states, this means states must undertake not to harm it, to preserve its on-going functioning through early communication and mutual assistance, and to promote network neutrality, a principle that is already finding its way into domestic legislation, for instance in the Netherlands.

The Council of Europe strongly promotes the open design of the Internet. It has called on its member states to respect 10 Internet governance principles when developing national and international policies related to the Internet. These include human rights, democracy and the rule of law; the way the Internet is designed and managed: multistakeholder governance; responsibility of states; empowerment of Internet users; universality; integrity; decentralised management; open stand-

ards, interoperability and end-to-end nature; open network; and cultural and linguistic diversity.

Rule of law

Freedom on the Internet is not unlimited; it is not absolute. There is no freedom without security and no security without freedom. They have to be achieved simultaneously and they have to be sustainable.

For people to be free, they need to be safe. Children must be protected from abuse online, from grooming, from cyber-bullying. Incitement to hatred or violence should have no place in our connected living space.

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In recent years, the Council of Europe has prepared a number of legally binding treaties that protect people from crimes committed abusing the Internet. Most of these treaties have a global reach because the challenges can only be fought effectively through international cooperation.

These include the Budapest Convention on Cybercrime, the Lanzarote Convention, to protect children from sexual abuse, the Convention on Prevention of Terrorism, to combat the use of the Internet to recruit terrorists, the 'Medicrime' Convention, to combat trafficking in counterfeit medicines, and the Convention on trafficking in human beings. A Convention on organ trafficking is currently being drafted.

Through its work the Council of Europe is seeking a sustainable, long-term approach to protecting human rights, democracy and the rule of law online. This means putting people first when designing, operating and governing the Internet. The Internet Governance Strategy adopted by its 47 governments earlier this year aims to do exactly this.



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