INTERNET FREEDOM

Conscious of the opportunities and challenges created by the internet for the exercise and enjoyment of human rights, the Council of Europe has engaged in setting and promoting standards to address these challenges. The key objective consists in guaranteeing that the European Convention of Human Rights applies both offline and online, and member states engage to respect, protect and promote these rights on the internet.

Brief overview of the latest Council of Europe guidelines and activities to promote the freedom of expression on the internet

Thematic Focus

Information Society

www.coe.int/freedomofexpression

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Assessing challenges

In his annual report on "State of democracy, human rights and the rule of law in Europe", the Secretary General of the Council of Europe provides assessments of the **state of freedom of expression on the internet in member states** according to ten criteria, including accessibility, law and practice concerning restrictions, policies and control over internet intermediaries, surveillance and education policies. This report regularly identifies trends and provides specific recommendations.

Identifying risks

The Council of Europe regularly releases studies and reports to shed light on particular aspects of internet freedom.

The study "**Freedom of expression and the internet**" (2013) examines key questions regarding the extent and limits of freedom of expression online. It highlighted the importance of standard-setting, monitoring and promoting activities of international and non-governmental organisations, but also the roles and obligations of all actors on the internet.

The comparative study on **"Blocking, filtering and take-down of illegal internet content"** (2015) contains an in-depth analysis of the law and practice in 47 member states with regard to restrictive measures (such as in the fields of defamation, protection of copyright, fight against child pornography and combating terrorism) and procedural aspects and safeguards for the freedom of expression. The study has identified that legal frameworks and procedures are quite fragmented and vary in terms of compatibility with the case-law of the European Court of Human Rights.

The **expert study on the human rights dimensions of automated data processing techniques (in particular algorithms) and possible regulatory implications** (2017) maps out the main concerns from the Council of Europe's human rights' perspective. While listing the possible implications for various rights enshrined in the European Convention, it concludes that all rights are potentially impacted by the growing use of automation and algorithmic decision-making in all spheres of life.

Developing instruments and tools

Launched in April 2014, the "**Guide to human rights for internet users**" elaborates on human rights online, their possible limitations, and available remedies for such limitations. Starting from the premise that human rights and fundamental freedoms apply equally offline and online, and based on the European Convention on Human Rights and other Council of Europe conventions and instruments, the Guide constitutes a comprehensive tool for all and has been translated into many languages.

The aim of the Council of Europe's **Internet Governance Strategy 2016-2019** is to ensure that public policy relating to the internet is people-centred and contributes to building democracy online, protecting internet users, and ensuring the protection and respect for human rights online. It has a special focus on promoting media and information literacy as the capacity to interpret autonomously and critically the flow, substance, value and consequence of media in all its many forms and to take advantage of the full range of opportunities offered by new communication technologies.

Enhancing standards

The Council of Europe has developed a consistent body of standards supporting internet freedom. Below are some of the most recent standard setting instruments.

The **Recommendation on free, transboundary flow of information on the Internet** (2015) encourages the principle of due diligence when developing and implementing national policies in order to avoid interferences with internet traffic which have an adverse impact on access to information. It also promotes self-regulation, best practices and international dialogue.

The **Recommendation on network neutrality** (2016) provides a set of guidelines, advocating equal treatment of internet traffic, pluralism and diversity of information, privacy, transparency and accountability.

The **Recommendation on internet freedom** (2016) provides a toolkit with indicators and calls on member states to periodically evaluate the level of respect for and implementation of human rights and fundamental freedoms with regard to the internet, and to elaborate national reports.

The Recommendation on the roles and responsibilities of internet intermediaries (2018) acknowledges the crucial role played by internet intermediaries in modern societies and offers guidelines for member states to help them determine what they should do to ensure that the internet remains an open and safe space where privacy and freedom of expression are protected, and what they should expect from private companies when it comes to respect for user rights, transparency and accountability.

Fostering partnerships

The Council of Europe actively participates in regional and global dialogue on internet governance, such as SEEDIG, EURODIG, IGF, ICANN, WSIS and others, providing policy orientations and instruments.

On 8 November 2017 the Council of Europe Secretary General Thorbjørn Jagland signed **partnership agreements** – in the form of an exchange of letters – with representatives of eight leading technology firms and six associations. This partnership enables companies to participate in an array of intergovernmental activities and related work of the Council of Europe and to sit side-by-side with governments when **shaping internet policy**.

Exploring new opportunities

The Council of Europe **expert committee on human rights dimensions of automated data processing and different forms of artificial intelligence** is developing detailed guidelines for member states to curb the negative human rights impacts of algorithmic decision-making in the public and private sector and enhance benefits for society.