



# 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](http://www.coe.int/freedomofexpression)

## INTERNET FREEDOM

### Assessing challenges

In his reports on “State of democracy, human rights and the rule of law in Europe”, the Secretary General of the Council of Europe provides an annual assessment 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

A number of studies and reports have been commissioned by the Council of Europe to shed light on particular aspects related to 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. It has examined restrictive measures, such as in the fields of defamation, protection of copyright, fight against child pornography and combating terrorism, taking account of 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.

### 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. States are particularly encouraged to promote the Guide among citizens, public authorities and the private sector.

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. Among others, a special focus has been to promote 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-documents.

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) 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, with a view to elaborating national reports. It provides a toolkit with indicators including freedom of expression, freedom of assembly and association, the right to privacy and personal data protection and democratic oversight over surveillance.

### 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. In this context, a study was released in 2016 - “**Applications to ICANN for community-based new Generic Top Level Domains**”, which analyses opportunities and challenges from the human rights’ perspective in the field of community-based applications for top level domains.

Steps have also been taken to establish a framework for a **partnership for human rights, democracy and the rule of law between the Council of Europe and internet companies** with a view to creating a space for closer consultation with intermediaries on issues related to the exercise and enjoyment of human rights online.

### Exploring new opportunities

**Internet intermediaries** play an ever growing role in terms of providing and customising internet content, managing user data, but also implementing restrictive policies or surveillance programmes. The Council of Europe has tasked an expert group to recommend a rule of law-based policy for the relationship between state authorities and intermediaries and their respective human rights obligations and responsibilities.

In parallel, the work on **human rights dimensions of algorithms** discusses legal, social and ethical considerations related to algorithms and automated data-processing techniques. It explores areas such as automation, data analysis, social constructs around algorithms, the impact of algorithms on human rights as well as the mechanisms of governance accountability, transparency and ethics.