



PROTECTING FREEDOM OF EXPRESSION AND INFORMATION

Recent achievements

- Recommendation on the promotion of Internet and online media services appropriate for minors by the Parliamentary Assembly of the Council of Europe (September 2009)
- Recommendation CM/Rec(2009)15 of the Committee of Ministers to member states on measures to protect children against harmful content and behaviour and to promote their active participation in the new information and communications environment (July 2009)
- Recommendation CM/Rec(2008)16 by the Committee of Ministers on measures to promote respect for freedom of expression and information with regard to Internet filters
- Committee of Ministers Declarations on protecting the dignity, security and privacy of children on the Internet and on the allocation and management of the digital dividend and the public interest (February 2008)
- Recommendation CM/Rec(2007)16 by the Committee of Ministers to member states on measures to promote the public service value of the Internet
- Recommendation CM/Rec(2007)11 by the Committee of Ministers on promoting freedom of expression and information in the new information and communications environment

Drawing on **Article 10 of the European Convention on Human Rights**, the Council of Europe underlines the **public value of the Internet** with regard to freedom of expression and the free circulation of information on the Internet, balancing them, where necessary, with other legitimate rights and interests, in particular by:

- promoting the active participation of the public in using and contributing content to the Internet and other ICTs;
- promoting freedom of communication and creation on the Internet, regardless of frontiers, in particular by:
 - a. not subjecting individuals to any licensing or other requirements having a similar effect, nor any general blocking or filtering measures by public authorities, or restrictions that go further than those applied to other means of content delivery;
 - b. facilitating, where appropriate, “re-users”, meaning those wishing to exploit existing digital content resources in order to create future content or services in a way that is compatible with respect for intellectual property rights;
 - c. promoting an open offer of services and accessible, usable and exploitable content via the Internet which caters to the different needs of users and social groups, in particular by:
 - allowing service providers to operate in a regulatory framework which guarantees them non-discriminatory access to national and international telecommunication networks;
 - increasing the provision and transparency of their online services to citizens and businesses;

- engaging with the public, where appropriate, through user-generated communities rather than official websites;
- encouraging, where appropriate, the re-use of public data by non-commercial users, so as to allow every individual access to public information, facilitating their participation in public life and democratic processes;
- promoting public domain information accessibility via the Internet which includes government documents, allowing all persons to participate in the process of government; information about personal data retained by public entities; scientific and historical data; information on the state of technology, allowing the public to consider how the information society might guard against information warfare and other threats to human rights; creative works that are part of a shared cultural base, allowing persons to participate actively in their community and cultural history;
- adapting and extending the remit of public service media, in line with Recommendation Rec(2007)13 of the Committee of Ministers to member states on the remit of public service media in the information society, so as to cover the Internet and other new communication services and so that both generalist and specialised contents and services can be offered, as well as distinct personalised interactive and on-demand services.

Next steps

The 1st Council of Europe Conference of Ministers Responsible for Media and New Communication Services held in May 2009 in Reykjavik adopted an Action Plan that spells out the future work of the organisation on media and the Internet. It includes objectives such as:

- Examine whether the concept of media is still valid in the new information environment, and in consultation with relevant stakeholders, and if self regulation, co-regulation or regulation activities are needed to ensure that new media and media-like services operate respecting Council of Europe values.
- Continue to develop the notion of the public service value of the Internet and explore the extent to which universal access to the Internet should be a public service.
- Explore how new forms of mass dissemination of and access to content affect the rights protected under Article 10 of the European Convention on Human Rights, and examine how to protect them.
- Examine how the status and rights of creators or providers of content can change in the new information environment, for example with regard to the legal control over their content and possible liabilities.
- Promote media literacy
- Address the challenges to the rights to freedom of expression and information, privacy, dignity and security of all individuals, but in particular those of children and young people. Explore possibilities for the removal of content that children create or place on the Internet.
- Develop tools to protect users' rights in cooperation with stakeholders.