

The Council of Europe and the Internet

The Internet is one of the greatest liberating forces of our age, making information and global communications accessible to anyone who can log on to the World Wide Web. It is overtaking other forms of communication and making it easier for us to transact. Unfortunately it can also be used to perpetrate crimes or knowingly peddle misinformation.

The Council of Europe is working with its 47 member states to make sure the Internet provides a safe and open environment where freedom of expression, democracy, diversity, education and knowledge can flourish. We are also helping national and international organisations stop the use of the Internet for trafficking in human beings, terrorist recruitment, and other forms of cybercrime.

In 2010 the Council of Europe is celebrating the 60th anniversary of the European Convention on Human Rights, which protects human rights and freedoms. The European Court of Human Rights rules on individual or state applications alleging violations of rights and freedoms protected by the Convention. It has already delivered judgments in cases where the Internet played a central role and which are binding for the defending state.

Article 10 (of the European Convention on Human Rights) – Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Accessing the Internet: a new dividing line?

Improving access to the Internet is the only way more people will benefit from the opportunities provided by the Web. So there needs to be both affordable and safe access to the Internet.

The Council of Europe promotes the public service concept of the Internet. Creating opportunities for all will help develop a true e-democracy where every citizen can express himself freely in the online environment without discrimination. Therefore the Council of Europe is encouraging its member states to ensure equal internet access for everyone. Making the Internet more accessible can be a key way for people with disabilities, underprivileged or elderly, to connect more easily with the world – from voting in elections to buying goods and filling in tax returns.

The Council of Europe's disability action (2006-15) includes a set of actions for member states, ranging from improving participation in public life to increasing educational opportunities and involving users with disabilities in the development of new technologies.

Freedom of expression online: where is the limit?

The Internet belongs to all of us, and should serve the common good. Article 10 of the European Convention on Human Rights says that everyone should have the right to freedom of expression and information. This means that state authorities should ensure there is freedom to communicate on the Internet subject to the limits which applies to other forms of expression under the Convention.

Freedom, confidence and trust to use the Internet is a key aim of the Council of Europe. Freedom of expression and communication is linked with the need to protect personal information. In this respect the Council of Europe adopted in 1981 its data protection convention: the first binding international instrument which protects the individual against abuses which may accompany the collection and processing of personal data. In the near future the Convention will be updated with a new protocol modernising data protection principles.

Stopping fraud, and crime on the web

The Internet provides a huge potential for learning and communication – but also a high potential for criminal acts. The Council of Europe is working in some very specific areas to reduce cybercrime. In 2001 it adopted an international treaty, the **Cybercrime Convention (2001)**, which lays out a framework for guiding state policies in this area. It also describes the minimum legal standards necessary for states to successfully prosecute cybercriminals and tackle child pornography. An additional Protocol obliges states to criminalise racist and xenophobic acts committed through computer systems.

The Council of Europe Convention on the Prevention of Terrorism (2005) also covers the virtual world, asking states to establish criminal offences for public provocation to commit a terrorist offence, recruitment and training of terrorists. It also foresees that freedom of expression, freedom of association and freedom of religion should be respected while establishing and applying the criminalisations.

Protecting children and promoting gender equality online

The Internet is also being used to harm and exploit people, in particular children and other vulnerable people. The **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** criminalises certain types of conduct, in particular the use of new technologies to sexually harm children (e.g. "grooming"). Children's well-being in the online environment is not only about risks and the need to protect them, it is also about their positive experience in participating online.

Article 23 (of the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) – Solicitation of children for sexual purposes

Each Party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached the age set in application of Article 18, paragraph 2, for the purpose of committing any of the offences established in accordance with Article 18, paragraph 1.a, or Article 20, paragraph 1.a, against him or her, where this proposal has been followed by material acts leading to such a meeting.

The Council of Europe is committed to gender equality in the online environment and to combating gender stereotypes and sexist practices in the media. Some online services and content can adversely affect women's well being. For example, tracking of mobile telephones is often used for stalking, with women the most frequent victims. A new Council of Europe convention will address violence against women, including the role of information and communication technologies and the media in reducing content that is potentially harmful to women.

Safeguards from counterfeit medicines

Medicines and healthcare products may be marketed via the net in a legitimate way, but also illegally. In the latter case, they can be counterfeit or of poor quality and be dangerous.

The Council of Europe plays a major role in the protection of health through the European Pharmacopoeia, which ensures the quality of medicines in Europe. In 2007 the Organisation recommended standards for mail-order trade in medicines so as to maintain patient safety and the quality of the supplied medicines.

The Council of Europe has drafted the first international treaty on counterfeiting of medical products and similar crimes involving threats to public health, the MEDICRIME Convention, aiming to stop counterfeit medicines being sold over the net. It provides a framework for proportionate and dissuasive sanctions, victim protection as well as for national and international co-operation.

Working with Internet actors

The Council of Europe is actively cooperating with other stakeholders involved in the Internet. It has developed a complementary approach to its work on the Internet by jointly developing projects with the private sector, governments and other organisations. In 2007 it developed human rights guidelines for the European Internet Service Providers (ISPs), and for the providers of online games. In 2008 guidelines were prepared to strengthen co-operation between the police and criminal justice authorities and ISPs in the investigation of cybercrime.

The Organisation promotes and supports the global Internet Governance Forum (IGF) the regional European Dialogue on Internet Governance (EuroDIG), and is an observer to the Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN).



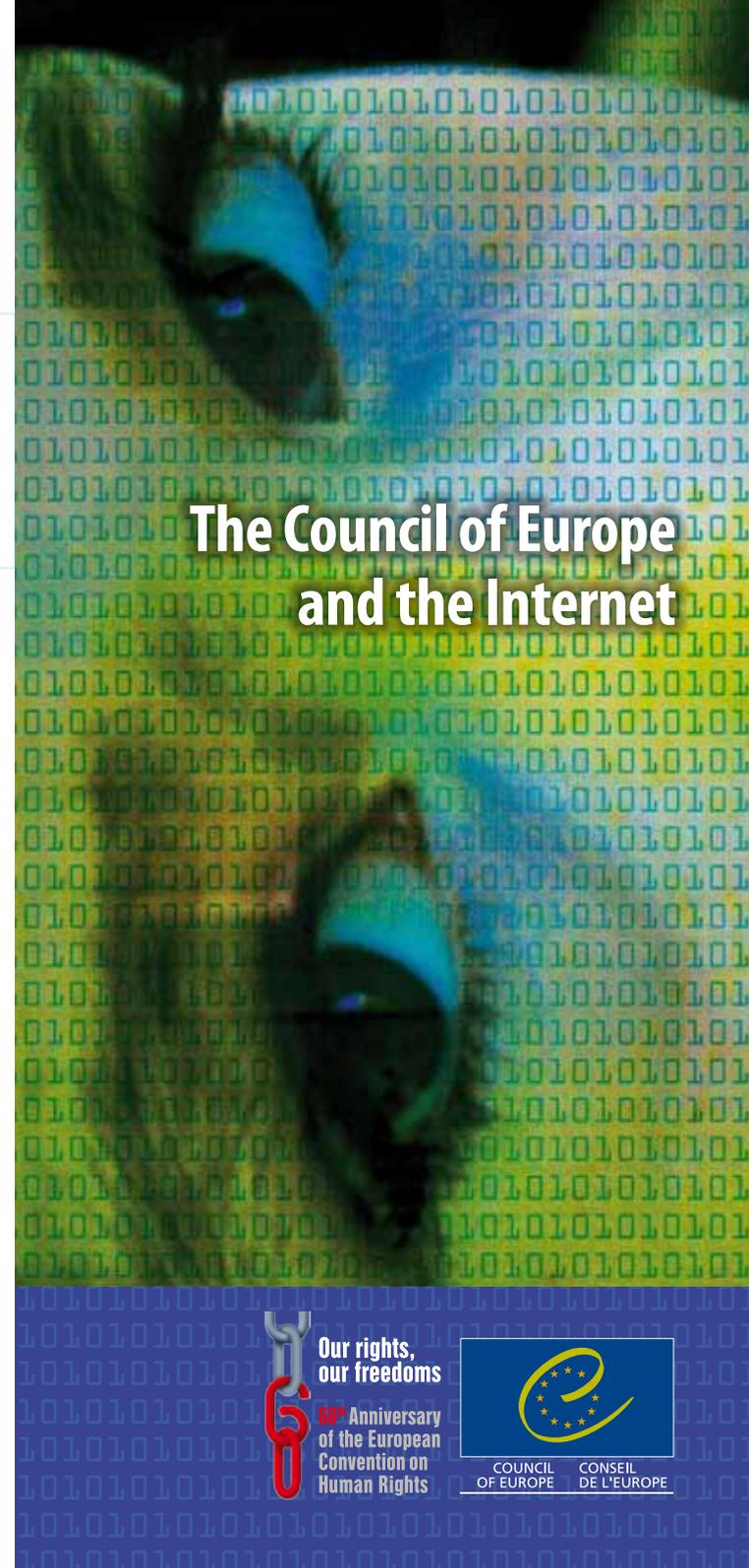
The Council of Europe is an international political organisation, which brings together over 800 million citizens from 47 countries, making up almost an entire democratic continent. In its work based on intergovernmental cooperation, the Council of Europe seeks to promote democracy, the rule of law and human rights. Its permanent headquarters are in Strasbourg, France.

47 member states of the Council of Europe: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, "The former Yugoslav Republic of Macedonia", Turkey, Ukraine, United Kingdom.



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