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## Council of Europe launches a human rights guide for internet users

Strasbourg, 17.04.2014 – The Council of Europe today launched a [guide](#) for internet users to help them better understand their human rights online and what they can do when these rights are challenged.

The creation of the Guide was triggered by the need to empower users to exercise their human rights online. Generally, their rights are set out in the terms of service of Internet companies, which are mostly lengthy legal contractual conditions which are seldom read and even more seldom fully understood.

The Guide focuses on the human rights on which the internet has most impact: access and non-discrimination, freedom of expression and information, freedom of assembly, association and participation, privacy and data protection, education and literacy, protection of children and young people, and the right to effective remedies for violations of human rights.

Adopted by the Committee of Ministers representing the 47 member states of the Council of Europe, it is based on the rights and freedoms contained in the European Convention on Human Rights, as interpreted by the European Court of Human Rights, and on other Council of Europe conventions and legal texts.

Welcoming the Guide's adoption, Secretary General Thorbjørn Jagland said: "Governments, private companies and other actors have a duty to respect human rights offline and online. We will work with them to apply the guide, and to ensure that internet users have access to effective remedies when they believe their rights have been restricted or violated."

The Guide was developed with broad multi-stakeholder consultation with governments, private companies, in particular telecommunication and online service providers, civil society organisations, and representatives of the technical community and academia.

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### **Human rights guide in brief:**

**Access and non-discrimination.** Access is an enabler to exercise other human rights. As a general principle, users should not be disconnected from the internet against their will, except when it is decided by a court.

**Freedom of expression and information.** Users have freedom to express themselves online and to access information and opinions of others, including those that may offend shock or disturb other individuals, whilst respecting the reputation and privacy of others. Public authorities have a duty to respect and protect this right. Any restrictions to this freedom must pursue a legitimate aim in accordance with the European Convention on Human Rights, for example, the protection of national security or public order, and must comply with human rights law. Restrictions may apply to expressions which incite discrimination, hatred or violence. Users may choose not to disclose their identity online; being aware that measures can be taken by national authorities, which might lead to their identity being revealed.

**Freedom of assembly, association and participation.** Users have the freedom to choose any website, application, or other service to associate and assemble. They also have the right to protest peacefully online. However, they should be aware that they may face legal consequences if online protest leads to blockages, the disruption of services or damage to the property of others.

**Privacy and data protection.** Users' personal data should only be processed when they have consented to it or it is laid down by law. Users should be informed of what personal data are processed or transferred to other parties, when, by whom, for what purpose, and should exercise control over them (check their accuracy, request a correction or a deletion). Users should not be subjected to general surveillance or interception measures, except in exceptional circumstances prescribed by law, such as a criminal investigation.

**Education and literacy.** Users should have online access to education.

**Protection of children and young people.** Children and young people are entitled to special protection and guidance when using the internet. If content they have published compromises their dignity, security or privacy, or can be detrimental to them in the future, upon their request, it should be deleted within a short period of time. They should also be protected from interference with their physical, mental and moral welfare, in particular regarding sexual exploitation and abuse.

**Right to effective remedies for violations.** Users have the right to an effective remedy when their human rights are restricted or violated. The ways to obtain a remedy – not necessarily a legal action straight away – should be accessible and affordable. Effective remedies can be obtained directly from Internet service providers, public authorities and/or national human rights institutions, and can – depending on the violation in question – include inquiry, explanation, reply, correction, apology, reinstatement, reconnection and compensation.

Internet service providers, providers of access to online content and services, or other companies or public authorities should provide users with easily accessible information about their rights and possible remedies. National authorities have an obligation to protect users from criminal activity committed on or using the Internet.

In the determination of their rights and obligations, or if charged with a criminal offence using the internet, users have the right to a fair trial within a reasonable time by an independent and impartial court, and the right to an individual application to the European Court of Human Rights after exhausting all available domestic remedies.