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Do not switch human rights off

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Strasbourg, 8 December 2014 – “The Internet and digital environment are not virtual worlds when it comes to human rights. Standards and principles that apply offline must also be upheld online” said today Nils Muižnieks, the Council of Europe Commissioner for Human Rights, releasing a [report](#) on the application of the rule of law to the Internet and the wider digital world.

Addressing the pressing question of how to ensure that the rule of law is established and maintained on the Internet and in the wider digital world, the four-section report brings the threats derived from interfering on Internet activities without complying with international standards into sharp focus, in particular when it comes to data protection and freedom of expression.

“Much of the Internet infrastructure is under the control of private companies, which are not directly bound by international human rights law. In addition, private entities are subject to the national laws of the countries in which they are established or active – and those laws do not always conform to international law or international human rights standards either”. Another crucial issue is the increasing pressure exercised by states and other actors on private businesses to reveal users’ data or to actually police web content themselves. “All this underscores the urgency of taking action to reaffirm the rule of law on the Internet. States should stop hiding behind private companies and using them to impose practices that violate human rights. And we should clarify both the responsibility of states for failing to ensure the respect of human rights by private entities and the responsibility of business enterprises in relation to their activities affecting the Internet”

The report further highlights the threats posed by the increasing surveillance practiced by state security, law enforcement agencies and private companies, often in co-operation with each other. It also stresses the need to limit the exercise of extra-territorial jurisdiction in relation to transnational cybercrimes. “The need to combat cybercrime and terrorism is unquestionable. However, this cannot come at the expense of human rights. Secret surveillance can end up destroying democracy, rather than contributing to defending it. Governments should show as much resolve in safeguarding human rights as they do in fighting terrorism.”

The Commissioner underscores that content restrictions on the Internet can take place only on the basis of a strict and predictable legal framework, and with thorough judicial oversight. He also stresses that the failure to protect human rights in the digital world through global arrangements lends legitimacy to calls by states to have their data routed and stored solely through local routers, cables and clouds. “This may lead to fragmentation of the Internet and risks destroying the Internet as we know it, by creating national barriers to a global network.”

The full paper is available in English. The executive summary and the Commissioner’s recommendations are also available in French, Turkish and Russian. It will be further translated in other languages.

[Infographic: the report in a nutshell](#)

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The Commissioner for Human Rights is an independent, non-judicial institution within the Council of Europe, mandated to promote awareness of, and respect for, human rights in the 47 member states of the Organisation. Elected by the Parliamentary Assembly of the Council of Europe, the present Commissioner, Mr Nils Muižnieks, took up his function on 1 April 2012