Group of Specialists: Draft Declaration on Freedom of Communication on the Internet

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On 8 April 2002, the Group of Specialists on On-line Services and Democracy, working under the auspices of the Council of Europe, released the first public version of a draft Declaration on freedom of communication on the Internet. The principal motivation for the elaboration of the draft Declaration was to guarantee freedom of expression and information on the new information and communication services. Other reasons can be found in the preamble to the draft Declaration.

The draft Declaration consists of the following principles:

Prior control should not be exercised by public authorities or by intermediaries, such as service providers. The denial of access by the public to information and other communications on the Internet through technical measures such as filtering should be prohibited. Furthermore, under the draft Declaration, Member States would be obliged to promote and encourage access for all Internet services on a non-discriminatory basis at an affordable price. Besides that, States should seek methods for enhancing a pluralistic offer of services, mainly by preventing monopolistic tendencies in this regard.

Additionally, Member States should respect the right of Internet users to anonymity, although an exception is provided for States to take measures to make possible the locating of authors of criminal deeds.

Guidelines for making rules concerning liability for the content of Internet communications are given, especially with regard to service providers, who should not be held liable for providing access, transmitting or hosting in good faith. Finally, any regulatory bodies in the field of Internet should act in accordance with the terms of Recommendation Rec(2000)23 on the independence and functions of regulatory authorities for the broadcasting sector.

Comments and recommendations on the draft Declaration were made by several organisations and individuals as part of a public consultation exercise on the draft text. On 17 May 2002, the Steering Committee on the Mass Media decided to refer the declaration back to the expert committee which is responsible for its drafting.

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Draft Declaration on freedom of communication on the Internet (Public version No. 1), Group of Specialists on On-line Services and Democracy (MM-S-OD), Council of Europe, 8 April 2002

http://www.humanrights.coe.int/media/documents/Draftdeclaration.rtf

Comments submitted by interested organisations or persons on the draft Declaration on freedom of communication on the Internet, Secretariat memorandum prepared by the Directorate General of Human Rights, 7 May 2002, Doc. No. MM-S-OD (2002)7

http://www.humanrights.coe.int/media/documents/CommentsondraftDeclaration(E).rtf

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