# Committee of Ministers: Declaration on Human Rights in Information Society

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On 13 May, the Committee of Ministers of the Council of Europe adopted a Declaration on human rights and the rule of law in the Information Society. The Declaration will be submitted as a Council of Europe contribution to the Tunis Phase of the World Summit on the Information Society (WSIS, see IRIS 2004-2: 2) in November 2005.

The first section of the Declaration is entitled “Human Rights in the Information Society”. Its treatment of “the right to freedom of expression, information and communication” includes the assertion that existing standards of protection should apply in digital and non-digital environments alike and that any restrictions on the right should not exceed those provided for in Article 10 of the European Convention on Human Rights (ECHR). It calls for the prevention of state and private forms of censorship and for the scope of national measures combating illegal content (e.g. racism, racial discrimination and child pornography) to include offences committed using information and communications technologies (ICTs). In this connection, greater compliance with the Additional Protocol to the Cybercrime Convention (see IRIS 2003-1: 3) is also urged.

Similarly, notwithstanding any relevant consequences of ICT-usage, the right to private life and private correspondence may not be subjected to restrictions other than those permitted under Article 8, ECHR. This also applies to the content and traffic data of electronic communications, both of which are covered by Article 8, according to the Declaration. The automatic processing of personal data, on the other hand, is governed by the provisions of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

Furthermore, the first section of the Declaration stresses the importance of: the right to education and the promotion of non-discriminatory access to new information technologies; the prohibition of slavery, forced labour and trafficking in human beings; the right to a fair trial and to “no punishment without law”; the protection of property; the right to free elections and freedom of assembly. In respect of each of the foregoing, the particular impact of ICTs is given special consideration.

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The second section of the Declaration concerns the shaping of “an inclusive Information Society”. As such, it details the various roles and responsibilities of relevant parties in the “multi-stakeholder governance approach” which it sets out. The parties charged with the task of helping to develop “agendas and devise new regulatory and non-regulatory models that will account for challenges and problems arising from the rapid development of the Information Society” are identified as: Council of Europe Member States; civil society; private sector actors and the Council of Europe. As regards the last-named party, explicit reference was made to, inter alia, the Action Plan adopted by the 7th European Ministerial Conference on Mass Media Policy (Kyiv, March 2005).

The Declaration was drafted by the Council of Europe's Multidisciplinary Ad-hoc Committee of Experts on the Information Society (CAHSI) (see IRIS 2005-5: 17).

***Declaration of the Committee of Ministers on human rights and the rule of law in the Information Society, 13 May 2005, CM(2005)56 final***

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