Committee of Ministers: Recommendation Promoting Public Service Value of Internet

IRIS 2008-2:1/2

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The Council of Europe's Committee of Ministers' (CM) recently adopted a Recommendation on measures to promote the public service value of the Internet. Its central objective is to prompt States authorities, where appropriate in cooperation with all interested parties, to take all necessary measures to promote the public service value of the Internet, *inter alia* by:

- "upholding human rights, democracy and the rule of law [...] and promoting social cohesion, respect for cultural diversity and trust" in respect of the Internet and other ICTs;

- setting out parameters for the roles and responsibilities of all key stakeholders within clear legal and other regulatory frameworks;

- promoting awareness in the private sector of the ethical dimension to relevant activities and the adjustment of practices in light of human rights concerns;

- encouraging, where appropriate and on an inclusive basis, "new forms of open and transparent self- and co-regulation" enhancing accountability for key actors.

The suggested measures for attaining the central objective of the Recommendation should be considered in light of the guidelines elaborated in the detailed and extensive appendix to the Recommendation. The guidelines focus first on human rights and democracy. In order to uphold human rights in the specific context of the Internet and ICTs, the rights to freedom of expression and association and assembly should not be subject to any restrictions beyond those provided for in the European Convention on Human Rights. The need to uphold the right to private life and correspondence on the Internet, proprietary rights (including intellectual property) and educational rights (including "media and information literacy") is similarly stressed. So too is the importance of other values and interests, such as "pluralism, cultural and linguistic diversity, and non-discriminatory access to different means of communication via the Internet and other ICTs". Civic engagement in e-democracy, e-participation and e-government, and the development by public administrations of diverse communicative possibilities, are advocated under the rubric, 'Democracy'.

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The second structured focus of the guidelines is 'Access'. It calls for: strategies promoting affordable access to ICT infrastructure, including the Internet; "technical interoperability, open standards and cultural diversity in ICT policy covering telecommunications, broadcasting and the Internet"; diversification of software models, including proprietary, free and open source software; affordable Internet access for everyone, especially those with particular needs arising from various situational specificities; public access points to the Internet and other ICT services; integration of ICTs into education; media and information literacy and training.

The guidelines then address 'Openness'. The key concern here is to safeguard freedom of expression and the free circulation of information on the Internet. To this end, they promote: active public participation in the creation of content on the Internet and other ICTs (specifically by refraining from imposing licensing requirements on individuals and from applying general blocking or filtering measures; facilitating re-use of existing digital content resources in accordance with intellectual property rights and of public data); "public domain information accessibility via the Internet"; adaptation and extension of the remit of public service media specifically to the Internet and other ICTs.

'Diversity' is the fourth main focus of the guidelines and it strives for equitable and universal involvement in the development of Internet and ICT content. As such, it encourages: developing a cultural dimension to digital content production, including by public service media; preserving the digital heritage; participation in "the creation, modification and remixing of interactive content"; measures for the production and distribution of user- and community-generated content; capacity-building for local and indigenous content on the Internet; multilingualism on the Internet.

The final focus of the guidelines is 'Security' - a more catch-all category than its title suggests. It underscores the importance of: the Cybercrime Convention and its Additional Protocol; network and information security; legislative measures and appropriate enforcement agencies to deal with spam; enhanced cooperation between ISPs; protection of personal data and privacy; combating piracy in the field of copyright and neighbouring rights; improving transparent and effective consumer protection; promoting safer use of the Internet and ICTs, especially for children.

Recommendation CM/Rec(2007)16 of the Committee of Ministers to member states on measures to promote the public service value of the Internet, 7 November 2007

http://wcd.coe.int/ViewDoc.jsp?id=1207291&Site=CM&BackColorInternet=9999CC&BackColorIntranet=FFBB55&BackColorLogged=FFAC75

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