Committee of Ministers: CoE Issues Recommendation on Freedom of Expression and Internet Filters

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On 26 March 2008, the Council of Europe's Committee of Ministers adopted a recommendation (CM/Rec(2008)6) on measures to promote respect for freedom of expression and information in reference to Internet filters. The recommendation and the underlying report acknowledge the ways in which Internet filters can impact on freedom of expression and information, and they stipulate the requirements of Article 10 ECHR in this context. The recommendation calls upon the Member States to take measures with regard to Internet filters, in line with a set of guidelines promoting user notification, awareness and control of Internet filters and accountability of the private and public parties involved.

The report discusses the various forms of Internet filtering and contexts in which they are employed, including the responsible private or public parties applying Internet filtering and the producers of Internet filters. For instance, Internet filtering can take place through URL-based filtering, IP address-based filtering, protocol-based filtering, key-word blocking, filtering on the basis of labelling or rating by the content author or a third party. Internet filters can be applied in the workplace, in public libraries, and schools or at the ISP level.

The guidelines stipulate that "users' awareness, understanding of, and ability to effectively use Internet filters are key factors which enable them to fully exercise and enjoy their human rights and fundamental freedoms, in particular the right to freedom of expression and information, and to participate actively in democratic processes". As regards user notification of Internet filters, the guidelines prescribe that "users must be informed that a filter is active and, where appropriate, be able to identify and to control the level of filtering the content they access is subject to." Also, "users should have the possibility to challenge the blocking or filtering of content and to seek clarifications and remedies". Furthermore, in section III of the guidelines, it adds that Member States should "provide for effective and readily accessible means of recourse and remedy, including suspension of filters, in cases where users and/or authors of content claim that content has been blocked unreasonably".

In a special section dealing with appropriate filtering for children and young people, the recommendation states that "the proportionate use of filters can constitute an appropriate means of encouraging access to and confident use of

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the Internet and be a complement to other strategies on how to tackle harmful content, such as the development and provision of information literacy".

Recommendation CM/Rec(2008)6 of the Committee of Ministers to member states on measures to promote the respect for freedom of expression and information with regard to Internet filters

https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec(2008)6

Report of the Group of Specialists on human rights in the information society (MC-S-IS) on the use and impact of technical filtering measures for various types of content in the online environment, document CM(2008)37 add

https://wcd.coe.int/ViewDoc.jsp?Ref=CM(2008)37&Ver=add

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