Committee of Ministers: Recommendation on Human Rights and Social Networking Services

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On 4 April 2012, the Council of Europe's Committee of Ministers (CM) adopted Recommendation CM/Rec(2012)4 on the protection of human rights with regard to social networking services.

The CM notes in the Recommendation that social networking services (SNSs) are important for the effective exercise of human rights and fundamental freedoms because they can assist the wider public to receive and impart information. SNSs are of public service value because they offer possibilities for enhancing the potential for individuals' participation in political, social and cultural life and facilitate democracy and social cohesion. At the same time, the CM also acknowledges that other people's rights and freedoms must be respected, e.g. through the promotion of media literacy.

The CM calls on member states of the Council of Europe to take measures in line with the objectives set out in the Appendix to the Recommendation. The Appendix comprises three themes. It sets out, per theme, the respective context and challenges, before explaining what action should be taken by member states in each case.

Concerning the first theme, "Essential information and measures needed to help users deal with social networks", the CM emphasises the need to ensure that users' right to private life will be protected. To prevent harm to users and others, particularly vulnerable people, users should know whether the information they disclose is public or private and they have to be aware of the implications that follow from choosing to make information public. Member states should inter alia help users to understand their profiles' default settings and help them to make informed choices about their personal data.

Regarding the second theme, "Protection of children and young people against harmful content and behaviour", the CM acknowledges that content that is unsuitable for particular age groups will even be protected under Article 10, ECHR. In contrast, it recognises that although SNSs are important in minors' lives, minors nevertheless should be protected because of the vulnerability that their age implies. It is the role of parents, carers and educators to ensure that minors use SNSs in an appropriate manner. Member states should, since age verification

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systems are not suitable, take appropriate measures to ensure the safety of minors and protect their dignity while also guaranteeing procedural safeguards and upholding Article 10, ECHR.

In respect of the last theme, “Personal data and trust in social networks”, the CM recognises that providers of SNSs, in order to protect Article 8, ECHR, must not process personal data beyond the legitimate and specified purposes for which it was collected. Moreover, they “should limit processing only to that data which is strictly necessary for the agreed purpose, and for as short a time as possible”.

Recommendation CM/Rec(2012)4 of the Committee of Ministers to member States on the protection of human rights with regard to social networking services, 4 April 2012

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