Committee of Ministers: Human Rights Guide for Internet Users

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On 16 April 2014, the Council of Europe's Committee of Ministers (CM) adopted Recommendation CM/Rec(2014)6 to member States on a Guide to human rights for Internet users (hereafter, "the Guide"). Among the starting premises of the Recommendation are: (i) human rights standards, as elaborated by the Council of Europe, must be upheld on the Internet, and (ii) in safeguarding human rights, states' obligations include "the oversight of private bodies". The Recommendation stresses that "human rights, which are universal and indivisible, and related standards, prevail over the general terms and conditions imposed on Internet users by any private sector actor".

The Recommendation's primary aim is to "ensure that existing human rights and fundamental freedoms apply equally offline and online". To this end, it calls on States to: "actively promote" the Guide among relevant actors; "assess, regularly review and, as appropriate, remove restrictions" on the exercise of human rights online; ensure that Internet users have effective remedies for violations of their rights; encourage the private sector "to engage in genuine dialogue with relevant State authorities and civil society in the exercise of their corporate social responsibility".

Unusually, the Guide directly addresses "you, the Internet user", in keeping with its intention to serve as a tool for you "to learn about your human rights online, their possible limitations, and available remedies for such limitations". It sets out to synthesise and explain existing (Council of Europe) standards - not to create new ones.

The Guide addresses and is organised around the following themes: access and non-discrimination; freedom of expression and information; assembly, association and participation; privacy and data protection; education and literacy; children and young people, and effective remedies. The specific implications of each theme in an online context are teased out. There is recurrent attention given to the roles of public authorities and private actors in respecting human rights and providing redress for breaches of human rights.

The distinction between these roles is particularly relevant in respect of effective remedies as effective remedies "can be obtained directly from Internet service providers, public authorities and/or national human rights institutions". The Guide

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states that effective remedies “can - depending on the violation in question - include inquiry, explanation, reply, correction, apology, reinstatement, reconnection and compensation”. Information about rights and remedies for breaches of those rights should be made available by various parties. The information should be accessible and explain “how to report and complain about interferences with your rights and how to seek redress”.

Recommendation CM/Rec(2014)6 of the Committee of Ministers to member States on a Guide to human rights for Internet users, 16 April 2014

https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec%282014%296&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383-%20FR

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