



EUROPEAN UNION

Delegation of the European Union to the Council of Europe

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Strasbourg 9/12/2014

EU statement on the thematic debate “Ensuring freedom of expression on the Internet”

The global and open nature of the Internet is providing citizens with new opportunities for exchanging information and opinions. The obligations of States under international human rights law, including the European Convention of Human Rights, extend to the online sphere in the same way they apply offline. Those principles have been reaffirmed by two UN Human Rights Council resolutions on the Promotion, Protection and Enjoyment of Human Rights on the Internet adopted by consensus in 2012 and 2014.

The right to freedom of expression is enshrined in Articles 19 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) to which all Council of Europe members are party. It includes the freedom to seek, receive and impart information and ideas of all kinds without disproportionate interference by any public authority. EU recalls that freedom of expression on the Internet is an enabler of other rights. It has fuelled the rapid growth of the Internet and fostered innovation, economic growth and social development. This should be also seen in the broader context of the EU commitment to promote multi-stakeholder governance structures that are based on a coherent set of global Internet governance principles, consistent with human rights and fundamental freedom online, including freedom of expression, the right to privacy and the freedom of peaceful assembly and association as outlined in the recent Council Conclusions on Internet Governance.¹

¹ (Council Conclusions on Internet Governance adopted by the Transport, Telecommunications and Energy Council on 27 November 2014).

Freedom of expression is not absolute and needs to be balanced with other objectives. EU stresses the importance of protection of the rights of the child, combating public incitement to hatred and violence based on race, religion, ethnic origin and other grounds and combating terrorism. As outlined in the European Convention on Human Rights and the case-law of the European Court of Human Rights, any limitations to this right must be provided by law, necessary in a democratic society and proportionate.

National governments have the primary responsibility in guaranteeing freedom of expression. EU has repeatedly condemned restrictions by some governments to freedom of expression and access to the Internet in its bilateral relations with third countries and through several public statements. Such violations are unfortunately a daily reality in some of the Council of Europe Member States. Recent worrying examples include blocking of large social media sites, prosecution and imprisonment of bloggers and restrictive Internet laws. These and similar issues will also be addressed at the UNESCO World Press Freedom Day Conference hosted by the next EU Presidency Latvia on 2-4 May 2015 in Riga.

Furthermore, information and communication technology and Internet companies play a key role in ensuring and enabling freedom of expression. It is important that those companies consider the impact of their policies on the freedom of expression and implement the UN Guiding Principles on Business and Human Rights. The Council of Europe has adopted declaration in April 2014 to support those principles. The EU Member States are encouraged to implement these UNGPs through National Action Plans on Business & Human Rights.

EU will stay engaged in promoting freedom of expression on the Internet in different international fora, including the Council of Europe. Freedom of expression on the Internet is anchored in the co-operation memorandum between the two organisations and also constitutes one of the EU thematic priorities for co-operation in 2014-2015. EU is looking forward to concrete proposals on the outcome of this discussion that would provide genuine possibilities for follow-up. In this respect EU would also like to reaffirm its interest in maintaining the momentum and continuity on freedom of expression on the Internet and Internet governance with the new management and organisational structure within the Council of Europe Secretariat.

The European Union is and will remain an important co-sponsor of Council of Europe co-operation activities in the field of media, freedom of expression and Internet governance. Our funding is channelled through action plans that include the information society component. On a broader scale, EU provides funding for cyber-censorship projects to address violations of human rights using information communication technologies through its own human rights instruments.