Working group 20:

Effective human rights protection online: from internet bills of rights to more detailed legislation and better enforcement

Background

The internet plays an increasingly significant role in the everyday lives of individuals across the EU. It has made new forms of interaction possible between individuals, public administrations, businesses and – most recently – physical environments and objects.

In this ever-evolving context, effective fundamental rights protection is vital to ensure a sustainable, democratic, pluralistic and participatory society. The core values of the EU Charter of Fundamental Rights – dignity, freedom, equality, solidarity, individual's rights and justice – must apply equally to the internet.

The Council of Europe and the European Commission are leading policy discussions on these issues at the European level. The Council of Europe has a number of relevant instruments in place. The United Nations has also pursued pertinent initiatives, and interesting developments are taking place at national level. Overall, a variety of steps are being taken and envisaged. Some are based on existing conventions, while others include new recommendations on human rights for internet users, and national internet bills of rights.

These developments feed into the ongoing debate on internet governance globally. According to the Council of Europe, the most relevant rights include: non-discrimination in relation to accessing the internet; freedom of expression and information and freedom of association and assembly, as well as participation online; the right to privacy and personal data protection; the right to education and literacy; the protection of children and young people; and the right to effective remedies and redress.

Objectives

This workshop examined the state of play in the EU regarding the development of an effective framework for protecting fundamental rights online. In addition, it addressed practical issues relating to enforcement. Issues relevant to children and the internet, including their age-specific needs and rights, were also explored. The discussion focused on how core rights guaranteed by the EU Charter of Fundamental Rights can be enforced on the internet and in the digital world. An overview of relevant global and national initiatives was also presented.

Speakers

- Laura Ferrara, Member, European Parliament
- Lee Hibbard, Internet Governance Coordinator, Council of Europe
- Leon van de Ven, policy officer, Ministry of interior and Kingdom relations, the Netherlands
- Ben Wagner, Director, Centre for Internet & Human Rights at European University, Viadrina

Main messages

1. There is a need to explore how we can better understand the technical implications of our online activities.
2. There is a need to explore how to keep up with technological developments (legal standards).
3. Users' equal access and protection online need to be supported.

Promising practices

- Increasing accessibility of (EU) websites.
- Fora aimed at bringing actors together (human rights and institutional experts).
- EU Accessibility Act.
- EU Code of Conduct on Illegal Online Hate Speech.
- Digital Single Market Strategies of the EU Parliament.
- Channelling of ICT issues into legal analysis.

Next steps

- Bring together actors (businesses, users, IT experts, human rights experts) from all levels.
- Engage in targeted awareness raising (children, vulnerable groups, etc.).
- Identify tomorrow's challenges for innovative solutions.
- Strengthen complaint mechanisms and support.
- Empower users – empowerment jeopardised by the burden put on the user to try to understand how to protect fundamental rights online.
- Invite businesses to systematically embed fundamental rights safeguards in the design of digital products and services to better ensure their accountability.
- Mainstream all fundamental rights – fundamental rights violations online do not only relate to privacy issues, data protection and freedom of speech.