



## Resolution 1987 (2014)<sup>1</sup>

Provisional version

# The right to Internet access

Parliamentary Assembly

1. The Parliamentary Assembly recalls that the right to freedom of expression is both a fundamental right in itself and an essential enabler of other fundamental human rights, including the right to education, the right to take part in cultural life and the rights to freedom of association and assembly.
2. The Internet has revolutionised the way people interact and exercise their freedom of expression and information as well as related fundamental rights. Internet access hence facilitates the realisation of cultural, civil and political rights. Therefore, the Assembly emphasises the importance of access to the Internet in a democratic society in accordance with Article 10 of the European Convention on Human Rights (ETS No. 5).
3. Recalling Committee of Ministers Recommendation CM/Rec(2007)16 on measures to promote the public service value of the Internet, as well as international universal service obligations established by the International Telecommunications Union of the United Nations and the Universal Services Directive of the European Union (Directive 2002/22/EC), the Assembly stresses the need for universal service requirements regarding the Internet throughout Europe and beyond.
4. In view of the important role which the Internet plays for individuals, groups and States in a modern society, the Assembly believes that the Internet should be available to all regardless of age, place of residence or income, and that stronger efforts are necessary at local, regional, national and European levels in order to ensure Internet access for all.
5. Public authorities have a duty to ensure the effective enjoyment of the right to freedom of expression online. The Assembly therefore recommends that the Council of Europe member States ensure the right to Internet access on the basis of the following principles:
  - 5.1. everyone shall have the right to Internet access as an essential requirement for exercising rights under the European Convention on Human Rights;
  - 5.2. the right to Internet access includes the right to access, receive and impart information and ideas through the Internet without interference by public authority, regardless of frontiers and subject only to the limitations laid down in Article 10 of the European Convention on Human Rights; in view of the importance of the Internet for democratic societies, any such limitations should be clearly and narrowly defined;
  - 5.3. as the fear of surveillance can engender self-censorship, any such measures should respect the limits set in Articles 8 and 10 of the European Convention on Human Rights;
  - 5.4. as Internet access is also essential for the exercise of other human rights, such as the right to freedom of assembly and the right to private and family life, member States should recognise the fundamental right to Internet access in law and in practice;
  - 5.5. Internet access and service providers must comply with universal service requirements regarding the Internet, which have been established for instance by the United Nations and the European Union;

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1. *Assembly debate* on 9 April 2014 (14th Sitting) (see [Doc. 13434](#), report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Jaana Pelkonen; and [Doc. 13465](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jordi Xuclà). *Text adopted by the Assembly* on 9 April 2014 (14th Sitting).

- 5.6. the availability of a minimum quality of Internet services for all is the joint responsibility of member States and Internet access and service providers; particular emphasis should be placed on the affordability, interoperability and integrity of Internet services, taking account of the latest technological developments;
  - 5.7. there should be no discrimination in the treatment of Internet data and traffic, based on the device, content, author, origin or destination of the content, service or application, thus ensuring net neutrality under national law;
  - 5.8. national law and practice should recognise individual Internet access, and any restrictions to this right should be provided by law, pursue a legitimate aim and be necessary in a democratic society; the Assembly does not consider blanket restrictions of Internet access for individuals as an appropriate sanction for minor infringements of intellectual property rights;
  - 5.9. Internet access through public access points should be promoted, in particular by educational and cultural institutions;
  - 5.10. member States should increase their action for ensuring Internet access for people with special needs and disadvantaged Internet users;
  - 5.11. member States should promote technological research into improving Internet access as well as open access to basic software and services; member States may restrict the distribution of software which might affect human rights or national security;
  - 5.12. member States should oblige public authorities to provide open access to their information and services also through the Internet; multilingual Internet access should, as far as possible, be a public objective.
6. The Assembly calls on the United Nations and the European Union to co-operate more closely with the Council of Europe in defining universally and implementing at European level the right to Internet access and related standards.
  7. The Assembly invites commercial stakeholders of the Internet to co-operate with governments and parliaments in their efforts to implement the above principles and realise universal access to the Internet. The European Internet Service Providers Association is invited to develop quality benchmarks in this regard.
  8. The Assembly asks the Secretary General of the Council of Europe to develop targeted programmes to support member States in national legislative initiatives aimed at guaranteeing universal access to the Internet throughout Europe.