



Telecommunications Industry Dialogue
1200 18th Street NW Suite 602
Washington, DC 20036

RE: Council of Europe Multi-stakeholder Consultations on a Guide on Human Rights for Internet Users

Dear Sir or Madam:

The Telecommunications Industry Dialogue on Freedom of Expression and Privacy thanks you for the opportunity to comment on the draft Guide on Human Rights for Internet Users as part of your multi-stakeholder consultation process.

The Industry Dialogue (www.telecomindustrydialogue) was launched in March of 2013 and is based on Guiding Principles for Freedom of Expression and Privacy which are modeled on the UN Guiding Principles on Business and Human Rights. These Principles recognize that freedom of expression and privacy are human rights which can only be restricted in limited circumstances. Similarly, they express our conviction that “Telecommunications enable the exchange of ideas and access to information in a way that supports economic and social opportunity, advances knowledge and increases openness and transparency.” In this connection, we strongly support the further development of international standards that protect people’s human rights when they use the Internet.

We welcome this document and have only a few comments to contribute. They are as follows:

- 1) The statement that an individual user should not be disconnected from the Internet against their will “unless when it is decided by a court” appears to be very broad. UN Special Rapporteur for freedom of opinion and expression Frank La Rue and his counterparts in the other regional organizations have expressed that cutting off users from Internet access is almost always a disproportionate measure that violates the right to freedom of expression. Any court decision must take into account the number of services that might be dependent upon an Internet connection, such as access to news, security-installations, and children’s school-work. If disconnections occur, they should be limited in time.
- 2) It would be useful to refer to hate speech specifically, perhaps in the second paragraph under “Freedom of expression and information” and the “Effective Remedies” section.
- 3) The statement indicating that users are free to “create, re-use and distribute content with due regard to the rights of others, including the right to protection of property” may generate confusion in its broadness. In our experience, norms dealing with intellectual property and the Internet are increasingly complex, and recent judgments of the European Court of Human Rights have underscored this complexity. Intellectual property rights – like any other rights – must be respected, but this is stated already in the first part of the sentence.
- 4) According to the UN Guiding Principles on Business and Human Rights, while States have the duty to respect and protect human rights, business enterprises have the obligation to respect human rights. In the fifth bullet point under the “Freedom of expression and information” heading, reference is made to the corporate social responsibility to protect and respect human rights, and this echoes the proper level of obligations for States rather than for business enterprises.

We thank you again for this opportunity and look forward to ongoing dialogue with the Council of Europe.

Sincerely,

Lisl Brunner
Facilitator for the Telecommunications Industry Dialogue