



Recommendation 1670 (2004)¹

Internet and the law

Parliamentary Assembly

1. The Parliamentary Assembly recalls the importance of the Convention on Cybercrime and the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data for creating trust through the rule of law.
2. The Assembly welcomes the political message adopted by the Committee of Ministers on the occasion of the World Summit on the Information Society (WSIS) (Geneva, December 2003) and especially the proposal by the Committee of Ministers to examine the possibility of offering a platform to draft an international code on, inter alia, the rights and duties of Internet users. It welcomes the efforts of the Dutch presidency of the Committee of Ministers towards the drafting of such an instrument, in co-operation with public stakeholders and private interests.
3. The structure of the Internet makes it all but impossible to regulate, but at the same time the Assembly acknowledges that there is a general recognition that Internet citizens are to be encouraged to behave in a civic manner.
4. Various states and private interest groups are actively encouraging the adoption of codes of Internet ethics.
5. The Assembly is nevertheless of the opinion that it has to be decided what is meant by “ethical” behaviour on the Internet, and the principles to be applied – collectively – to all (access or service) providers, and – individually – to Internet users, have to be established.
6. The Assembly suggests that the setting up of a European Internet ethics authority, backed by national cyberethics committees in all the states which have Internet technology, is the key to making businesses and private users responsible for using the Internet lawfully as well as ethically.
7. For these reasons, the Parliamentary Assembly recommends that the Committee of Ministers:
 - 7.1. establish a legal instrument, preferably in the form of an enlarged convention on, inter alia, the basic rights and duties of Internet users;
 - 7.2. establish, in the framework of the convention, an international body, based in Europe, and representing various cultural approaches;
 - 7.3. give to the above-mentioned body the responsibility for drawing up and monitoring the rules and principles and ensuring that national cyberethics committees backing it respect them;
 - 7.4. calls on the governments of member states to give to the above-mentioned national committees the power of supervision at national level.

1. (see [Doc. 10064](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Pourgourides). Text adopted by the Standing Committee, acting on behalf of the Assembly, on 7 September 2004

