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The right to Internet access

Committee Opinion¹

Committee on Legal Affairs and Human Rights

Rapporteur: Mr Jordi XUCLÀ, Spain, Alliance of Liberals and Democrats for Europe

A. Conclusions of the committee

The Committee on Legal Affairs and Human Rights fully supports the report and draft resolution presented by the Committee on Culture, Science, Education and Media and its rapporteur, Ms Jaana Pelkonen. In particular as regards the recognition of the fundamental importance of access to the Internet, it shares the lead committee's view that additional measures would be desirable to ensure the effective enjoyment of the right to freedom of information and expression online. The draft resolution would be further strengthened by the following three amendments.

B. Proposed amendments

Amendment A (to the draft resolution)

In the draft resolution, at the end of paragraph 5.2, add the following sentence:

"In view of the importance of the Internet for democratic societies, any such limitations should be clearly and narrowly defined;"

Amendment B (to the draft resolution)

In the draft resolution, after paragraph 5.2, insert the following paragraph:

"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;"

Amendment C (to the draft resolution)

In the draft resolution, at the end of paragraph 5.7, insert the following sentence:

"The Assembly does not consider blanket restrictions of Internet access for individuals as an appropriate sanction for minor infringements of intellectual property rights;"

1. Reference to committee: [Doc 12985](#), Reference 3892 of 1 October 2012. Reporting committee: Committee on Culture, Science, Education and Media. See [Doc. 13434](#). Opinion approved by the committee on 3 March 2014.



C. Explanatory memorandum by Mr Xuclà, rapporteur for opinion

1. Amendment A (to the draft resolution)

Explanatory note:

Whilst this requirement should go without saying, in view of the case law of the European Court of Human Rights, it is useful to stress this point in the resolution, in light of recent unclear legislative measures in certain countries, threatening free speech on the Internet, purportedly to stop terrorist propaganda, pornography and bullying.

2. Amendment B (to the draft resolution)

Explanatory note:

Mass surveillance practices such as those revealed by Edward Snowden can seriously hamper freedom of speech on the Internet as the fear of surveillance can engender self-censorship for fear of falling afoul of the powers that be. This issue is the subject of a separate report under preparation in the Committee on Legal Affairs and Human Rights (rapporteur: Pieter Omtzigt, Netherlands, EPP/CD), but it is worth flagging in this resolution too.

3. Amendment C (to the draft resolution)

Explanatory note:

The issue is well covered in the explanatory memorandum of the lead report (see paragraph 63, covering the French HADOPI law). In my view, it should also be reflected in the draft resolution, as other countries may be tempted to use a similar method, even though the French law is being revised in the sense that cutting off a person's access to the Internet is no longer foreseen as a sanction for copyright infringements.