

COUNCIL OF EUROPE  
COMMITTEE OF MINISTERS

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RECOMMENDATION REC (2001) 8

**OF THE COMMITTEE OF MINISTERS TO MEMBER STATES  
ON SELF-REGULATION CONCERNING CYBER CONTENT  
(SELF-REGULATION AND USER PROTECTION AGAINST ILLEGAL  
OR HARMFUL CONTENT ON NEW COMMUNICATIONS  
AND INFORMATION SERVICES)**

*(Adopted by the Committee of Ministers on 5 September 2001  
at the 762<sup>nd</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles, which are their common heritage;

Having regard to its Declaration on a European policy for new information technologies, adopted on the occasion of the 50<sup>th</sup> anniversary of the Council of Europe in 1999;

Recalling the commitment of the member States to the fundamental right to freedom of expression and information as guaranteed by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and to entrust the supervision of its application to the European Court of Human Rights;

Reaffirming that freedom of expression and information is necessary for the social, economic, cultural and political development of every human being, and constitutes a condition for the harmonious progress of social and cultural groups, nations and the international community, as expressed in its Declaration on the Freedom of Expression and Information of 1982;

Stressing that the continued development of new communications and information services should serve to further the right of everyone, regardless of frontiers, to express, seek, receive and impart information and ideas, for the benefit of every individual and the democratic culture of any society;

Stressing that the freedom to use new communications and information services should not prejudice the human dignity, human rights and fundamental freedoms of others, especially of minors;

Recalling its Recommendation No. R (89) 7 concerning principles on the distribution of videograms having a violent, brutal or pornographic content, its Recommendation No. R (92)

19 on video games with a racist content, its Recommendation No. R (97) 19 on the portrayal of violence in the electronic media, its Recommendation No. R (97) 20 on “hate speech” and Article 4, paragraph *a* of the International Convention on the Elimination of All Forms of Racial Discrimination of the United Nations;

Bearing in mind the differences in national criminal law concerning illegal content as well as the differences in what content may be perceived as potentially harmful, especially to minors and their physical, mental and moral development, hereinafter referred to as “harmful content”;

Bearing in mind that self-regulatory organisations could, in accordance with national circumstances and traditions, be involved in the monitoring of compliance with certain norms, possibly within a co-regulatory framework, as defined in a particular country;

Aware of self-regulatory initiatives for the removal of illegal content and the protection of users against harmful content taken by the new communications and information industries, sometimes in co-operation with the state, as well as of the existence of technical standards and devices enabling users to select and filter content;

Desirous to promote and strengthen self-regulation and user protection against illegal or harmful content,

Recommends to the governments of member States:

1. to implement in their domestic law and/or practice the principles appended to this Recommendation;
2. to disseminate widely this Recommendation and its appended principles, where appropriate accompanied by a translation; and
3. to bring them in particular to the attention of the media, the new communications and information industries, users and their organisations, as well as regulatory authorities for the media and new communications and information services and relevant public authorities.

## **Appendix to Recommendation Rec (2001) 8**

### **Principles and mechanisms concerning self-regulation and user protection against illegal or harmful content on new communications and information services**

#### *Chapter I – Self-regulatory organisations*

1. Member States should encourage the establishment of organisations which are representative of Internet actors, for example Internet service providers, content providers and users.
2. Member States should encourage such organisations themselves to establish regulatory mechanisms within their remit, in particular with regard to the establishment of codes of conduct and the monitoring of compliance with these codes.

3. Member States should encourage those organisations in the media field with self-regulatory standards to apply these standards, as far as possible, to the new communications and information services.

4. Member States should encourage such organisations to participate in relevant legislative processes, for instance through consultations, hearings and expert opinions, and in the implementation of relevant norms, in particular by monitoring compliance with these norms.

5. Member States should encourage Europe-wide and international co-operation between such organisations.

#### *Chapter II – Content descriptors*

6. Member States should encourage the definition of a set of content descriptors, on the widest possible geographical scale and in co-operation with the organisations referred to in Chapter I, which should provide for neutral labelling of content which enables users to make their own value judgments over such content.

7. Such content descriptors should indicate, for example, violent and pornographic content as well as content promoting the use of tobacco or alcohol, gambling services, and content which allows for unsupervised and anonymous contacts between minors and adults.

8. Content providers should be encouraged to apply these content descriptors, in order to enable users to recognise and filter such content regardless of its origin.

#### *Chapter III – Content selection tools*

9. Member States should encourage the development of a wide range of search tools and filtering profiles, which provide users with the ability of selecting content on the basis of content descriptors.

10. Filtering should be applied by users on a voluntary basis.

11. Member States should encourage the use of conditional access tools by content and service providers with regard to content harmful to minors, such as age-verification systems, personal identification codes, passwords, encryption and decoding systems or access through cards with an electronic code.

#### *Chapter IV – Content complaints systems*

12. Member States should encourage the establishment of content complaints systems, such as hotlines, which are provided by Internet service providers, content providers, user associations or other institutions. Such content complaints systems should, where necessary for ensuring an adequate response against presumed illegal content, be complemented by hotlines provided by public authorities.

13. Member States should encourage the development of common minimum requirements and practices concerning these content complaints systems. Such requirements should comprise for instance:

- a. the provision of a specific permanent Web address,
- b. the availability of the content complaints system on a 24-hours basis,
- c. the public provision of information about the legally responsible persons and entities within the bodies offering content complaints systems,
- d. the public provision of information about the rules and practices of processing content complaints, including co-operation with law enforcement authorities with regard to presumed illegal content,
- e. the provision of replies to users concerning the processing of their content complaints,
- f. the provision of links to other content complaints systems abroad.

14. Member States should set up, at the domestic level, an adequate framework for co-operation between content complaints bodies and public authorities with regard to presumed illegal content. For this purpose, member States should define the legal responsibilities and privileges of bodies offering content complaints systems when accessing, copying, collecting and forwarding presumed illegal content to law enforcement authorities.

15. Member States should foster Europe-wide and international co-operation between content complaints bodies.

16. Member States should undertake all necessary legal and administrative measures for transfrontier co-operation between their relevant law enforcement authorities with regard to complaints and investigations concerning presumed illegal content from abroad.

#### *Chapter V – Mediation and arbitration*

17. Member States should encourage the creation, at the domestic level, of voluntary, fair, independent, accessible and effective bodies or procedures for out-of-court mediation as well as mechanisms for arbitration of disputes concerning content-related matters.

18. Member States should encourage Europe-wide and international co-operation between such mediation and arbitration bodies, open access of everyone to such mediation and arbitration procedures irrespective of frontiers, and the mutual recognition and enforcement of out-of-court settlements reached hereby, with due regard to the national *ordre public* and fundamental procedural safeguards.

#### *Chapter VI – User information and awareness*

19. Member States should encourage the development of quality labels for Internet content, for example for governmental content, educational content and content suitable for children, in order to enable users to recognise or search for such content.

20. Member States should encourage public awareness and information about self-regulatory mechanisms, content descriptors, filtering tools, access restriction tools, content complaints systems, and out-of-court mediation and arbitration.