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OSCE Human Dimension Implementation Meeting Warsaw, 21 September – 2 October 2015

EU Statement – Working Session 2

Madame/Mister Chairperson,

I am honoured to speak on behalf of the European Union.

The European Union is committed to respecting, protecting and promoting human rights and recognise the potential for the Internet and information and communication technologies (ICT) to support the realization of human rights. Human rights that exist offline must also be protected online, in particular, but not limited to, the right to freedom of opinion and expression and the right to privacy, which includes the protection of personal data. This is underlined in the EU Human Rights Guidelines on Freedom of Expression Online and Offline.

As participating States, we are committed to ensure fundamental freedoms and human rights in the OSCE region. As the importance of ICT in daily life grows, we must ensure that these commitments are equally protected and implemented online.

Misuse of the Internet and ICT technologies can diminish trust among actors and reduce the opportunity to harness its benefits. The EU and member states welcome the prioritization of today's topic and call on participating States to harness the potential that the Internet and ICT may bring as a global public resource for human rights and economic growth. We encourage RFoM to continue her important work on this.



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We would like to make the following recommendations to participating States:

- Ensure that all human rights that are to be safeguarded offline are effectively protected online, in particular, but not limited to, the right to freedom of opinion and expression and the right to privacy.
- Ensure that the legislation and procedures of pS regarding lawful surveillance of communications and data retention respect international human rights standards, more specific the principles of the rule of law, legitimate purpose, non-arbitrariness, effective oversight, and transparency.
- Ensure unhindered, uncensored and non-discriminatory access and preserve openness to ICTs and online services for all, in accordance with international human rights standards.
- Ensure the participation of civil society and continue working towards maintaining and strengthening multi-stakeholder participation in Internet governance.

We note the following risks when dealing with this topic:

- An increase in surveillance and intelligence legislation that allows broad and indiscriminate communication monitoring practices and investigative methods, without adequate transparency, judicial and/or parliamentary oversight. This could jeopardise the right to privacy and the right to seek, receive and impart information, and can have a chilling effect on public discussions about critical and sensitive issues through any means of communication and without fear of surveillance. It could endanger free journalism by possibly exposing whistleblowers or sources.
- Access to information is stifled by an increase in regulation that affects freedom of opinion and expression on the Internet and access to websites. Examples



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are among others excessive national security laws, the misuse of anti-terrorism and extremism legislation and/or information laws targeting bloggers. Such regulations endanger free reporting on issues of public interest, constitute a potential threat to fundamental freedoms and may violate international human rights standards.

- Arbitrary blocking of social media sites as well as other Internet services is a continuing problem in a variety of participating States. This clearly goes against our commitment to facilitate “freer and wider dissemination of information of all kinds”.

- We further observe a shrinking civic space. Civil society plays a crucial role as a partner in our efforts to ensure that cyber security policies are, from their inception, rights-respecting and consistent with international human rights standards. It is essential that participating States do not limit this role but instead involve them in cyber capacity building, policy making and monitoring processes.

Acknowledging the challenge of addressing evolving security threats while respecting human rights and fundamental freedoms, the EU and member states stand ready to recognize and discuss our challenges openly, and invite others to do the same.

Thank you

The Candidate Countries TURKEY, the FORMER YUGOSLAV REPUBLIC OF MACEDONIA*, MONTENEGRO*, ALBANIA*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA country NORWAY, member of the European Economic Area, as well as UKRAINE, the REPUBLIC OF MOLDOVA, GEORGIA, ANDORRA, align themselves with this statement.

* The Former Yugoslav Republic of Macedonia, Montenegro, and Albania continue to be part of the Stabilisation and Association Process.