

We need an Internet bill of rights

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Internet is not a “elsewhere”. Our States and those that we call “internet users” are first of all persons and citizens [550 milions of European citizens out of 750 use Internet]

We should grant to all the European citizens, for their online activities, the rights listed by the Convention for the Protection of Human Rights and Fundamental Freedoms and by the Charter of Fundamental Rights of the European Union

Fundamental rights of citizens must be granted and effectively applied even to online activities.

Otherwise these rights will not be effective as internet is extraordinarily pervasive and we are gradually moving more and more important parts of our life in the internet context

The risk is actual and high

[1]

Citizens are unknowingly giving up the right to have rights [and freedoms] and don't give the right value to their personal identity, to their privacy and to many other fundamental rights and freedoms

[2]

The terms of use of the main online platforms have become the most applied and respected laws in the world. In our States, huge playgrounds and private gardens are growing up, and we didn't noticed it. The State withdraws its lawmaking role while private rules are improving.

[3]

In the name of security, enforcement or public order, the principle that what is technically possible is also lawful and political acceptable is spreading (copyright enforcement, oblivion, mass control)

Reversing the trend should be a priority, restoring the centrality of the Convention and the European Charter of Fundamental Rights, updating these acts in order to include online fundamental rights.

We need an Internet bill of rights that European citizens must know and be fond of, in which they can recognize themselves, that makes them rediscover the right to have rights even online.

Some principles that should be reaffirmed
with greater force and a higher level

[1] Every citizen should have an equal right to access to the Internet and to use the Web without any discrimination or limitation than those imposed by law only in those exceptional cases in which it, in a democratic society, is necessary.

Access to and non discriminatory use are key preconditions for the exercise of all other rights and freedoms.

The boundaries of the net-neutrality principle can be argued, but the access and the use of content and services instrumental to the exercise of fundamental rights and freedoms can not be the result of commercial strategies.

Convention

Art. 1 - Obligation to respect human rights - Art. 5 - Right to liberty and security - Art. 10 Freedom of expression - Art. 11 Freedom of assembly and association - Art. 14 Prohibition of discrimination

[2] Mandatory compliance [at least] of fundamental rights in the country of destination of any online service

Convenzione

Art. 1 - **Obligation to respect human rights** - Art. 13 Right to an effective remedy

[3] Any restriction on the use of the Internet is a restriction on personal freedom because, in the information society, every human action has, as a necessary precondition, an for "electronic communication". Therefore such restriction should be in force only in case considered by the law, by an order of a judicial authority or as the outcome of a fair trial.

Convention

Art. 5 - Right to liberty and security - Art. 10 Freedom of expression - Art. 11 Freedom of assembly and association

[4]

Inviolability of the online “domicile” – i.e. of every online area or system [clouds included] in the availability of a citizen - except in the cases mentioned by a law or a result of a measure that can be considered as necessary in a democratic society for the purposes set out in the Convention.

Art. 8 – Convention

Right to respect for private and family life

[5]

Every person has the right to the protection of his personal data, in order to ensure the respect for his dignity, identity and privacy.

The right to require the integral representation of the fragmented identity and the right to reject the reduction of the person only to its personal information as processed in an automated form by certain services

Art. 8 - Convention

Right to respect for private and family life

[6] No one can abuse of a right determining a violation of the rights and freedoms set forth in the Convention or impose limitations or restrictions broader than those justified by the Convention.
It is a widespread practice as a result of the developing process of "privatization of the justice" and self-enforcement.
The CODE (software) that exceeds the CODES (or laws).

Art. 17 - Convention
Prohibition of abuse of rights

Thank You