

*15/03/06 - Note from EDRI (European Digital Rights): This document is a questionnaire prepared by the Council of Europe Group of Specialists on Human Rights in the Information Society (MC-S-IS) and finalized at its 3rd meeting on December 12-13, 2005 in Strasbourg. It has been sent to the 46 member States on January 26, 2006, inviting them to reply by February 28, 2006. This questionnaire deals with the national implementations of the CoE Declaration on Freedom of Communication on the Internet, adopted by the Committee of Ministers on 28 May 2003 (available on the CoE website at: <https://wcd.coe.int/ViewDoc.jsp?Ref=Dec-28.05.2003&Sector=secCM&Language=lanEnglish>). At the date of the group 4th meeting on March 9-10, 2006, only 7 out of 46 answers were received (from Armenia, Bulgaria, Croatia, Czech Republic, Finland, France, Norway). EDRI has decided to make this questionnaire public, and will provide its analysis of the answers when more member States will send their responses.*

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Strasbourg, 20 January 2006

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**GROUP OF SPECIALISTS ON HUMAN RIGHTS IN THE INFORMATION SOCIETY  
(MC-S-IS)**

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**Questionnaire on the implementation by the Member States of the Committee of Ministers  
Declaration on freedom of communication on the Internet**

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**Prepared and finalised by the MC-S-IS during its 3rd meeting in Strasbourg on 12 and 13  
December 2005**

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When answering the questions below please explain your answers fully giving examples where necessary.

**General**

1. What was done or not done by your authorities to “seek to abide” by the principles contained in this Declaration? Were any regulations/laws prepared or revised to implement it?
2. Did the Declaration have a significant direct and/or indirect impact and how was it generally received? Were there any public consultations with interested third parties and, if so, what were the results? Was the Declaration covered by the written and electronic press at all?
3. Was the Declaration translated into the language(s) of your country? If so when and how was it distributed?
4. Is the Declaration easy to understand? Is it easy to implement? Does it need to be reviewed/updated/expanded?

### **Principle 1**

5. How do your authorities ensure that Internet content is “not subject (...) to restrictions which go further than those applied to other means of content delivery”?

### **Principle 2**

6. What type of regulation of Internet content exists in your country and explain how it is effective?

### **Principle 3**

7. Are there any “blocking or filtering measures” carried out by public authorities or by private sector actors? If so, what are these measures; who determines them; and who implements them?

8. When blocking or removing Internet content, how do public authorities ensure respect for the safeguards in Article 10, paragraph 2, of the European Convention on Human Rights?

### **Principle 4**

9. Do Internet Service Providers have access to local and national networks in order to provide Internet communication and information services on a non-discriminatory basis at an affordable price? \_\_10. How do you encourage active public participation?

### **Principle 5**

11. Do Internet services require authorisation in your country? Are such services subject to any licensing arrangements?

12. What measures exist to promote the pluralism of Internet services?

### **Principle 6**

13. Do you agree with the limited obligations/liabilities of service providers contained in this principle?

14. Under national law with regard to the obligations of service providers, how do you assess the balance between the freedom of expression of those who made the information available and the corresponding right of users to the information?

15. How is Internet content monitored, assessed and, if illegal, removed?

### **Principle 7**

16. In order to access and use the Internet, how is anonymity guaranteed? Do the procedures and requirements for obtaining access to the Internet limit the anonymity of users?

17. Are there any laws that allow the state to obtain information about the identity of persons responsible for activities - either legal or illegal - on the Internet? If so, under which circumstances can such information be obtained and what legal guarantees are in place?