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Draft Code of Ethics for the Information Society

INTRODUCTION

Information ethics is one of the priorities of the Information for All Programme of UNESCO. The IFAP Bureau has invited an informal working group on the Code of Ethics for the information society to develop a draft, based on the following orientations:

- The results of the four regional UNESCO conferences on infoethics and the ethical dimensions of the information society will serve as the point of departure for this project, including especially the Draft Code developed by the Latin American conference.
- 2. This endeavour will be treated in part as a follow-up to the adoption of the Recommendation concerning the Promotion and Use of Multilingualism and Universal Access to Cyberspace adopted by the UNESCO General Conference at its 32nd session (October 2003).
- 3. The general framework will be a human rights one, with appropriate articles of the Universal Declaration on Human Rights serving as points of departure for the formulation of ethical norms and standards relevant in an information society context.
- 4. The Code will be addressed primarily to Member States.

The working group was composed of:

- 1. Mr Antonin Chlum, IFAP Council member, Czech Republic;
- 2. Professor Michael Geist, University of Ottawa, Canada;
- 3. Dr Ibrahim Mohamed Shabaka, Cairo University, Egypt;
- 4. Professor Divina Frau-Meigs, University of Paris 3, France;
- 5. Professor Izzeldin Osman, IFAP Council member, Sudan;
- 6. Dr Karol Jakubowicz, Chair, IFAP Council member (convenor of the group), Poland;
- 7. Mr Kavi Chongkittavorn, IFAP Bureau member, Thailand;
- 8. Ms Constance Bommelaer, Internet Society.

The Group wishes to acknowledge the contribution of Professor Luciano Floridi of the UNESCO Chair in Information and Computer Ethics, School of Humanities, University of Hertfordshire.

Code of Ethics for the Information Society

The Intergovernmental Council of the Information for All Programmes of UNESCO,

<u>Committed</u> to the full implementation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized legal instruments,

<u>Recalling</u> that the Preamble to the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) affirms that, "the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfil in a spirit of mutual assistance and concern",

<u>Further recalling</u> Article I of the Constitution, which assigns to UNESCO among other purposes that of recommending "such international agreements as may be necessary to promote the free flow of ideas by word and image",

Recalling the documents of the World Summit on the Information Society (WSIS), which acknowledge the importance of ethics for the Information Society,

Recognizing the important role of UNESCO in the field of information and communication, and the designation of UNESCO as the Facilitator for Action Line C10 of the WSIS Geneva Plan of Action, on the "Ethical Dimensions of the Information Society",

<u>Determined</u> to promote the vision of the World Summit on the Information Society of people-centred, inclusive, development-oriented knowledge societies and convinced that it should respect peace and uphold the fundamental values of freedom, equality, solidarity, tolerance and shared responsibility,

<u>Understanding</u> information ethics broadly to be the field of critical reflection on principles of normative ethics relating to many aspects of the Information Society, especially with regard to the production, storage, distribution, access to and use of data, information and knowledge,

<u>Recognizing and respecting</u> fundamental freedom and universal ethical principles, in particular those concerned with dignity and autonomy, freedom, social justice and solidarity, which should foster the dignity and worth of the human person,

<u>Determined</u> to adopt a human rights-based approach to ethics in the Information Society and convinced that the use of information and communication technologies (ICTs) in content creation should respect human rights and fundamental freedoms of others, including personal privacy, and the right to freedom of thought, opinion, expression, conscience and religion in conformity with relevant international instruments,

Inspired by

- The Hanoi Statement on the Ethical Dimensions of the Information Society, developed by the Asia-Pacific Regional Meeting, 12-14 March 2008 in Hanoi;
- The Final Recommendations, resulting from the European Regional Meeting "Ethics and Human Rights in the Information Society," 13 to14 September 2007;
- The Tshwane Declaration on Information Ethics in Africa, drafted by the African Regional Meeting on Ethical Challenges in the Information Age 5-7 February 2007:

 The Declaración de Santo Domingo, adopted by the Latin America and the Caribbean Infoethics Conference, 6-9 December 2006,

<u>Noting</u> that the present Code of Ethics for the Information Society is addressed primarily to UNESCO Member States, but at the same time calls on all stakeholders to take appropriate action to comply with, and promote observance of, ethical norms,

<u>Recommends</u> that governments of UNESCO Member States use this Code of Ethics as an important basis for establishing or developing their national information society policies.

INFORMATION: ETHICAL REQUIREMENTS

- Member States should seek to encourage providers and disseminators of information to adhere to ethical principles and values, such as honesty, sincerity, truthfulness, trustworthiness, reliability and fairness, including justice and to provide the conditions for access to information for all. Users of information have a right to expect that information will meet the criteria of independence, reliability, accuracy and trustworthiness.
- 2. Member States should strive to build people-centred, inclusive and development-oriented knowledge societies and so promote the concept of the public service value of the Internet in particular and ICTs more generally, understood as people's significant reliance on them as essential tools for their everyday activities, serving to promote the exercise and enjoyment of human rights and fundamental freedoms for all who may use them.
- 3. Member States should promote the recognition of ethical principles by all types of stakeholders, collectively or individually, as much when they make goods and services available as when they use media. The existence and implementation, at all levels, of concrete and transparent codes of ethics conceived with the participation, where possible, of all interested actors (producers or providers of information and communication systems, servers, search engines, electronic media, discussion forums, information consumers, etc.) will enable the transmission and enforcement of ethical commitments.
- 4. Everyone's ability to connect, access, produce, communicate, innovate, share and choose depends on the ability of ICTs to support trustworthy Internet-working ensuring the security, reliability and stability of increasingly critical and pervasive applications and services.

RIGHTS AND FREEDOMS

EQUALITY

Access to networks and services

- Member States should promote access to the Internet as a public service so that every person, irrespective of where they live, can benefit from it. They should ensure that the Internet reaches those communities that may be ignored by commercial providers and that access to information via ICTs is affordable for all.
- 2. Member States should, where universal access may still not be possible, make available easy public access to the Internet for all, by means, for example, of telecentres, libraries, community centres, clinics and schools. The infrastructure should be widely distributed and support sufficient bandwidth, which will enable people everywhere to utilize its potential. People must be given access to a widely distributed national Internet backbone that is connected to the international network.

- 3. The development of telecommunications infrastructure, and the setting of rules, pricing, taxes and tariffs, should make access possible for all income groups, with special consideration given to the needs of public service and educational institutions, and of disadvantaged and disabled population groups.
- 4. Interfaces, content and applications must be designed to ensure accessibility for all, including people with physical, sensory or cognitive disabilities, and people who speak minority languages. The principle of inclusive design and the use of assistive technologies must be promoted and supported to allow persons with disabilities to benefit fully and on equal terms with others.
- 5. Member States should promote, through appropriate means, open standards and interoperable technical standards in the digital environment, including those for digital broadcasting, that allow citizens the widest possible access to content, and encourage adoption of new technical standards and protocols to facilitate the evolution and improvement of the Internet.
- 6. Member States and international organizations should encourage open access solutions, including the formulation of technical and methodological standards for information exchange, portability and interoperability, as well as online accessibility of public domain information on global information networks.
- 7. The right to Internet neutrality should be respected, as it has turned the Internet into an important tool within the wider context of economic and societal development. The end-to-end principle must be defended from attempts to create a two-tier Internet and centralized control.

Access to creation and use of information and content

- 1. Member States and international organizations should encourage and support capacity-building for the production of local and indigenous content on the Internet in multilingual and multicultural forms and deploying technology that translates content in order to reduce knowledge dependence. Information should be made available, accessible and affordable across all linguistic groups, deploying technology that makes information accessible to the physically disabled, to both genders, the differently-abled, the elderly and all cultural and income groups.
- 2. People should have the freedom to access all of the information made available to them by others. People should also have practical tools that make it easy, quick and efficient to produce, share and access this information. Information networks should be open to content from all sources, encouraging all stakeholders to be creators of content rather than mere consumers. New forms of access to information will stimulate wider dissemination of information regarding social, economic and cultural aspects of life, and can bring about greater inclusion and overcome forms of discrimination.
- 3. The public and private sectors and civil society at local, national, regional and international levels should take the necessary measures and provide the necessary resources to alleviate language barriers and promote human interaction on the Internet by encouraging the creation, preservation and processing of, and access to, educational, cultural and scientific content in digital form, so as to ensure that all cultures can express themselves and have access to cyberspace in all languages, including indigenous ones. Technical development must encourage linguistic diversity on the Internet and simplify the exchange of information across language barriers. Multilingualism in the new media should be promoted, enabling all people to reap the benefits of the Information Society.

4. Member States should encourage and extend the availability of information in the public domain and prevent attempts to curtail access and usage rights. They should recognize and enact the right of universal online access to public and government-held records, including information relevant to citizens in a modern democratic society. They should place publicly relevant information that they produce and manage in the public domain and disseminate it online using compatible and open formats, also in versions accessible to people using older computers and slow Internet connections.

Capacity to use information hardware and software

- 1. Member States should facilitate access to ICT devices and promote education to allow all persons, in particular children, to acquire and maintain the skills needed to work with a broad range of ICTs and assess critically the quality of information, in particular that which would be harmful to them. Media and information literacy is a fundamental prerequisite for access to information, the exercise of cultural rights and the right to education through ICTs. Any regulatory measure on the media and new communication services should respect and promote human rights and fundamental values of pluralism, cultural and linguistic diversity, as well as non-discriminatory access to different communication platforms.
- 2. Member States should consider the inclusion of media and information literacy both in the compulsory formal education curriculum and in non-formal (out-of-school) educational programmes. Ethics and human rights education should be part of the training for professionals working in the ICT sector. Media education should be extended to various actors, and to youth in particular, and should include knowledge of technical, economic and media environments, critical reflections on content and communications, ethics and human rights, ways to express oneself and to comprehend the consequences of actions in the infosphere within the framework of a democratic society. This education is essential to ensure that users have the knowledge and skills to act and make informed and clear consent-based choices so that they can be full and responsible stakeholders not only offline but also online.
- 3. Member States should develop and promote libraries and information services that make available the richness of human expression and cultural diversity in all media. Librarians should provide the information and resources for library users to learn to use the Internet and electronic information efficiently and effectively. Access to the Internet in libraries and information services should be without charge.
- 4. All actors in the Information Society should strive to make it possible for every individual to understand how information and communication systems work and how he or she can act with others collectively as they share responsibility for the success of the system as a whole. Training in information and communication management should not be limited to the acquisition of technical skills, but should also include awareness of ethical principles and values.

FREEDOM OF EXPRESSION

- 1. Member States have an obligation to protect freedom of expression. They should promote freedom of expression and of information as a value in its own right, and as giving effect to other rights, such as the right to education, the promotion of human dignity, freedom of religion, etc.
- 2. The right to freedom of expression should not be restricted by governments, except in those narrowly defined circumstances that are based on internationally recognized laws or standards. These restrictions should be consistent with international human rights laws

and standards and the rule of law and be necessary and proportionate for the relevant purpose.

- Member States should foster and encourage access for all to Internet communication and information services on a non-discriminatory basis at an affordable price. Furthermore, the active participation of the public, for example by setting up and running individual websites, should not be subject to any licensing or other requirements having a similar effect.
- 4. Member States should not subject content on the Internet to any special restrictions which go further than those applied to other means of content delivery, and should encourage self-regulation or co-regulation regarding content disseminated on the Internet.
- 5. Public authorities should not, through general blocking or filtering measures, deny access by the public to information and other communication on the Internet, regardless of frontiers. This does not prevent the installation of filters for the protection of minors, in particular in places accessible to them, such as schools or libraries, or the protection of the Internet from endogenous threats such as viruses, malware, spam and other disruptive technologies.
- 6. Private parties bear a large responsibility for freedom of speech in cyberspace. Actions to ban harmful content can have a stifling effect on the freedom of public debate. There should be no filtering or blocking of Internet access.

PRIVACY

- 1. Member States should enact appropriate legislation to protect personal data and privacy, in line with international law, to protect users against the unlawful storage of personal data, the storage of inaccurate personal data, or the abuse or unauthorized disclosure of such data, or against the intrusion of their privacy through, for example, unsolicited communications for direct marketing purposes, and harmonizing legal frameworks in this area without unjustifiably disrupting the free flow of information.
- 2. Member States should respect the will of users of the Internet not to disclose their identity and ensure that ICTs are not used for surveillance or control by governments or private parties beyond what is permissible under international human rights law. This does not prevent member States from taking measures and cooperating in order to trace those responsible for criminal acts, in accordance with national law and international agreements in the fields of justice and the police.
- 3. Member States should promote frameworks for self- and co-regulation by private sector actors with a view to protecting the right to respect for private life and private correspondence. A key element of the promotion of such self- or co-regulation should be that any processing of personal data by governments or the private sector should be compatible with the right to respect for private life.
- 4. Public or private organizations that require personal information from individuals must collect only the minimal data necessary and for the minimal period of time needed. They must only process data for the minimal stated purposes. Collection, use, disclosure and retention of this information must comply with a transparent privacy policy which allows people to find out what is collected about them and to correct inaccurate information. Data collected must be protected from unauthorized disclosure and security errors should be rectified without delay. Data must be deleted when they are no longer necessary for the purposes for which they were collected. The public must be warned about the

- potential for misuse of data supplied. Organizations have a responsibility to notify people when the information has been abused, lost, or stolen.
- 5. People communicating on the Internet must have the right to use tools which encode messages to ensure secure, private and protected communication.
- 6. Governments and technical standards bodies should work together to promote a combination of legislative measures and technology that gives individuals control over their personal data and that affords effective protection for such data.

FREEDOM OF ASSEMBLY AND ASSOCIATION

- 1. Member States should adapt their legal frameworks to guarantee freedom of ICT-mediated assembly and take the steps necessary to ensure that monitoring and surveillance of assembly and association in a digital environment do not take place.
- 2. Member States and other stakeholders should develop principles for protecting the right of freedom of association and assembly on the Internet. Such principles should reinforce users' rights.

FREEDOM OF THE CREATIVE USE OF TECHNOLOGY

- 1. Member States should protect the freedom of any individual, organization or company to develop and distribute a new Internet application that can be used by anyone. Policy should promote competition in telecommunications, Internet services, Internet-related software, and e-commerce applications. The basic technical standards used on the Internet must always be open to allow interoperability and innovation. New technology developments must meet the needs of all sections of society, particularly those that face limitations and obstacles when they go online (such as communities that use non-Latin scripts or people with disabilities, older computers or lacking high-speed access).
- 2. Freedom to develop and use open source software and the right to free and open source software (FOSS) should be protected. Member States should adopt policies that encourage the use of FOSS, particularly in the public sector.
- Providers of tools, Internet services and content should not prohibit people from using the Internet for shared learning and content creation. Protection of the interests of creators must occur in a way consistent with open and free participation in scientific and cultural knowledge flows.
- 4. Users should have appropriate tools for sharing and accessing the information available to them. The specifications for these interfaces should be published and made available and accessible to everyone.

DEMOCRACY

1. Member States should introduce, develop or review e-democracy policies and practices and legislation and take steps, in cooperation with the appropriate local, regional, national and international partners and stakeholders, to develop concepts of, and standards for, e-democracy that uphold human rights, democracy and the rule of law, enhance the effectiveness of democracy, democratic institutions and democratic processes and widen the choices available to the public for taking part in political processes, providing opportunities for meaningful and effective public deliberation and participation in all stages of the democratic process, responsive to people's needs and priorities.

- 2. E-democracy should support the democratic roles of intermediaries between citizens and the State, such as democratic institutions, politicians and the media; promote, ensure and enhance transparency, accountability, responsiveness, engagement, deliberation, inclusiveness, accessibility, participation, subsidiary and social cohesion.
- 3. Rights of citizens in the Information Society should include rights to access, to education and training, online information and online participation and interaction, and should be embedded in balanced, citizen-oriented rules and regulatory frameworks, including regulations adopted by public authorities, co-regulation and self-regulation.
- 4. E-democracy should facilitate and enhance access, accessibility and interoperability by using, where feasible, transparent and technology-neutral means, open source solutions and open standards and specifications.
- 5. Member States should recognize the citizens' freedom to criticize the State or public institutions. The State, the government or any other institution of the executive, legislative or judicial branch may be subject to criticism in the media. These institutions as such should not be protected by criminal law against defamatory or insulting statements, or such protection should be applied in a restrictive manner, avoiding in any circumstances its use to restrict freedom to criticize. Individuals representing these institutions remain furthermore protected as individuals.
- 6. Member States should develop and promote Internet governance arrangements based on multilateral democratic oversight of the Internet, with the full involvement of governments, the private sector, civil society and international organizations. The technological development and core resource management of the Internet must be decentralized and collaborative, and help to ensure that the network is interoperable, functional, stable, secure, efficient and scalable in the long run.

RESPONSIBILITIES

SECURITY

- 1. Member States should engage in international legal cooperation as a means of developing and strengthening security on the Internet and observance of international law, in particular by signing, ratifying and ensuring effective application of the Convention on Cybercrime and its Additional Protocol concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, in order to be able to implement a common criminal policy and coordinate strategies aimed at the protection of society against cybercrime.
- Member States and other stakeholders should cooperate in enhancing network and information security to enable them to resist actions that compromise their stability as well as the availability, authenticity, integrity and confidentiality of stored or transmitted data and the related services offered by or accessible through these networks and systems.
- 3. The development of common rules on the cooperation between providers of information society services and law enforcement authorities should be encouraged, *inter alia* by ensuring that such cooperation has a clear legal basis and respects privacy regulations.
- 4. Member States should build capacity for all users, including children and youth to promote the safer use of the Internet and of ICTs, fighting against illegal content and tackling harmful content through regulation in accordance with international standards.

They should further encourage self-regulation, including the elaboration of codes of conduct, and the development of adequate technical standards and systems.

- 5. People need free public access to effective and accountable mechanisms for addressing violations of rights. When human rights and fundamental freedoms are threatened by Internet-based content, or by illegitimate surveillance, limitations on freedom of expression, and other rights, parties should have access to recourse mechanisms for taking action against such infringements.
- 6. Member States should maintain and enhance legal and practical measures to prevent and combat ICT-assisted forms of trafficking in human beings.

PROTECTION OF THE LAW

Member States should promote the establishment of codes of conduct for representatives of the media and information service providers based upon self-regulation principles, which stress that media reporting on trials should be in conformity with the prescriptions of Article 14 of the International Covenant on Civil and Political Rights. They should also consider whether there is a need to develop further international legal frameworks on jurisdiction to ensure that the right to no punishment without law is respected in a digital environment.

INTELLECTUAL PROPERTY RIGHTS

- 1. Member States should take action to protect intellectual property rights in a digital environment, in accordance with the provisions of international treaties in the area of intellectual property. At the same time, access to information in the public domain must be protected, and attempts to curtail access and usage rights prevented.
- Member States should undertake, in close cooperation with all interested parties, the
 updating of national copyright legislation and its adaptation to cyberspace, taking full
 account of the fair balance between the interests of authors, copyright and related rightsholders, and of the public embodied in international copyright and related rights
 conventions.
- 3. Member States and international organizations should encourage rights-holders and the lawful beneficiaries of limitations and exceptions to copyright and related rights protection to ensure that such limitations and exceptions are applied in certain special cases that do not conflict with a normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the rights-holders as required for in the World Intellectual Property Information (WIPO) Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT).
- 4. All stakeholders should be aware of the scope of intellectual property rights and how they may choose to waive some of those rights if they so wish.
- 5. Violation of copyrights, patents, trade secrets and the terms of licence agreements is prohibited by law in most circumstances. Even when software is not so protected, such violations are contrary to professional behaviour. Copies of software should be made only with proper authorization. Unauthorized duplication of materials must not be condoned.

RESPONSIBLITIES OF SERVICE PROVIDERS

1. Member States should enable the provision of services via the Internet, e.g. by not making them subject to specific authorization schemes on the sole grounds of the means

of transmission used. Member States should seek measures to promote a pluralistic offer of services via the Internet, which caters to the different needs of users and social groups. Service providers should be allowed to operate in a regulatory framework, which guarantees them non-discriminatory access to national and international telecommunication networks.

- 2. Member States should work together with the business sector and consumer representatives to ensure e-commerce users are afforded transparent and effective consumer protection that is not less than the level of protection afforded in other forms of commerce. This may include the introduction of requirements concerning contracts that can be concluded by electronic means, in particular requirements concerning secure electronic signatures and payment transfers.
- 3. Information professionals should acquire and maintain professional competence; know and respect existing laws pertaining to professional work; honour contracts, agreements, and assigned responsibilities, and live up to the highest ethical and professional standards.

SOURCES

The Draft Code has been developed on the basis, *inter alia*,of the following sources:

Global

Universal Declaration of Human Rights.

WSIS outcome documents: Geneva Declaration of Principles; Geneva Plan of Action; Tunis Commitment; and Tunis Agenda for the Information Society.

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Edward Howlett Spence. "The Epistemology and Ethics of Media Markets in the Age of Information."

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