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GREEN VIEWS ON DIGITAL RIGHTS AND DIGITAL COMMONS

Introduction

As information, digital technologies and the internet play an increasingly important role in today's society, new forms of cooperation and work can emerge, as well as alternative economic models and new possibilities for involving citizens in society and political participation. Meanwhile, a whole array of new laws since the end of the 90s – from “intellectual property” to security – keep raising deep concerns. We Greens are taking a stand to defend individual rights and serve public interests.

[The European Greens want to take a leading role in building and strengthening digital commons and enabling all people to take part in digital society.](#)

As Greens we like to see the internet, the worldwide digital infrastructure as digital commons¹. That means a free and open common ground for all citizens to communicate, share and profit from available resources. However, we know that in reality the internet is far from being free, open and for the benefit of all citizens. We also recognise the limits of governmental intervention in a global infrastructure and the dangers of state interference in the free flow of information. But to safeguard digital rights we need the intervention by national states, the European Union and the entire global community. We Greens want to achieve an internet and digital society where civil rights are respected and all citizens can profit equally from the rich amounts of information and culture that are now accessible. In view of rapid technological developments these goals must also be applicable to devices and tools outside the internet where the right to privacy is at stake. In general, they must apply to all systems used to store and communicate personal information such as security systems, Passenger Name Records systems, banking transfer systems.

Today's internet is just the beginning. In the near future we will be able to provide internet access to every human on the planet. Soon, there won't be a technical reason for the information gap between the rich and the developing world.

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1 See the definition of digital commons [here](#)

37 | Compared to the industrial era, digital commons, such as Wikipedia or Linux, resting on
38 | open and collaborative models, enable radically different forms of organisation,
39 | production and work. However, whenever there is a digital common is someone with a
40 | fence ready to enclose and privatise it. Some see the internet as an opportunity to
41 | create monopolies for selling to billions of passive consumers.

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42 | As part of an emerging European digital rights movement we have already had some
43 | important successes, such as repealing European software patents and derailing the
44 | ACTA treaty. We have also suffered setbacks such as the Intellectual Property Rights
45 | Enforcement Directive (IPRED) and the data retention directive. Digital rights will be
46 | one of the important political struggles of the 21st century.

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48 | By revolutionising the speed at which people can communicate, interact, learn and
49 | work, the internet has completely changed the public sphere. It has become the engine
50 | for social movements and helped overthrow entrenched dictators. However, a free
51 | internet is under threat even in democratic countries. Some think that the internet must
52 | be controlled to prevent copyright violations. Others see it as an opportunity for social
53 | control via mass surveillance. We recognise that there is a “digital internal market”. But
54 | as Greens, we stress that free trade in this market must respect consumer rights and
55 | civil rights.

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56 | Creators, authors and artists are the prime movers of cultural works in our society. The
57 | commercial exploitation of their works is a way for them to make a living. At present,
58 | these systems, whether digital or analog, are for the most part still being operated by
59 | those who have traditionally exploited creative works, for example publishing houses or
60 | broadcasters. The antagonism between capital and labour accordingly still applies in the
61 | cultural and media industries.

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62 | We believe that Europe must stand firm for an open and free internet. We must always
63 | be a beacon for oppressed people, and never provide a blueprint for oppressors. We
64 | can manage the changes to our societies brought by the internet, without stopping free
65 | and open communication.

66 | To achieve this, our policy on digital rights for all citizens will be based on key values
67 | such as autonomy and responsibility, solidarity, cooperation and exchange, the respect
68 | of citizens’ rights, the reduction of inequalities, the free circulation of knowledge and
69 | culture, and equal access to these resources.

70 | Our main goals and principles with this policy are:

- 71 | 1. We aim to protect this common body of knowledge, information and culture
72 | and make it thrive, so that it can be shared, used and enjoyed by all and remain
73 | protected from private/corporate interests.
- 74 | 2. We stand for the internet as a neutral public infrastructure where everybody has
75 | the same rights. We support a pluralist democratic economy based on the
76 | recognition of several legal forms of property (private, public and collective) as
77 | well as on various spheres of regulated exchange (markets, gift and bartering,
78 | public or universal service).

- 92 3. We defend the right to self-determination, privacy and security of the people in
93 the digital world, through anonymity and encryption for example. We fight for
94 new, enhanced and enforceable data protection rights and against mass
95 surveillance of the people in Europe.
- 96 4. We aim at reforming outdated intellectual property rights to ensure a creative
97 digital environment. We encourage collaborative creativity and support
98 technology that enables people to cooperate.
- 99 5. We encourage democratic participation and transparent governance: we
100 acknowledge the opportunities offered by digital technologies and the internet in
101 that area, and intend to promote them.
- 102 6. We support a public policy of education through these technologies.
- 103 7. We recognise the role of freedom of speech in powering the engine of social
104 change and therefore protect and support civil rights activism and independent
105 journalism globally.

106 In short, we Greens aim to defend the rights, responsibilities and principles focused on
107 protecting the commons of knowledge from the primacy of corporate interests; to
108 guarantee access for all to information, knowledge and culture; to reduce inequalities
109 and the information gap; to promote cooperation rather than competition; to foster
110 innovation and creation rather than stifle them; to facilitate research that tackles the
111 needs of society rather than that which is profit driven; to allow a mutual cross-
112 pollination between the scientific world, organised civil society and the citizens; to
113 promote a sustainable economy; and to revitalize the democratic process.

114

115

116

117 **I. Internet as a public infrastructure (free, open and accessible to all)**

118 In our Green view the internet, even if it's partly facilitated by private companies, should
119 be viewed as a public utility with public services similar to electricity, water or public
120 transport. **Free and open access for all must be guaranteed by the public**
121 **authorities** and based on public law, transparent and accountable to our democratic
122 institutions. Furthermore, according to the principle of Net neutrality everyone has the
123 right to an internet connection that is free of discrimination, be it through blocking,
124 limiting or prioritising, with regard to content, service, application, sender or receiver
125 address.

126 **“Free Access for All**

127 **Freedom of access to information should be seen as a counterpart to freedom of**
128 **speech. The Universal Declaration of Human Rights reads “[everybody has the right] to**
129 **seek, receive and impart information and ideas through any media and regardless of**
130 **frontiers.” Therefore, the building of censorship infrastructures through the back door,**
131 **ill-informed policy demands based on defending copyright, protecting**
132 **children or fighting terrorism is unacceptable. We reject all efforts of**

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138 authoritarian regimes to impose their restrictions on free communication to
139 international agreements. **Additionally, all democratic states should**
140 **encourage and enforce the development of international standards**
141 **for the digital community that are based on human rights, not**
142 **economic gains.**

143 **As a civil rights party, the Greens stand for the strengthening of our**
144 **civil rights, rather than their dismantlement, and want useless laws**
145 **that destroy our freedom to be abolished.** Filtering the internet is the norm in
146 authoritarian countries and dictatorships. Any filtering done by democracies is taken as a
147 confirmation that the internet must be controlled. We believe it is important for Europe
148 to be **an example** that shows that a free and open internet is possible. We therefore
149 reject any government filtering of the internet. Serious crimes should be prosecuted,
150 rather than hidden from view.

151 The methods of blocking, filtering or blacklisting of users adopted in France, the United
152 Kingdom and Finland encroach massively on an individual's fundamental rights. They
153 encourage the creation of corresponding forms of content blocking and censorship
154 infrastructures. Once these infrastructures are in place, they will and have been used for
155 political censorship, suppression of fair use file-sharing, etc. We reject blocking and
156 filtering by authorities or service providers because we believe people have the right to
157 choose the content they find useful to inform themselves. Private citizens, schools,
158 companies or other organisations may choose to use filters against inappropriate
159 material. Any such filters have to under full control of the end-users and must not be
160 installed by the service providers or in the structure of the internet.

161 Control, if necessary, should not be left to private shareholders, and never take the
162 form of preventive measures, such as filtering. Unlawful content can only be removed
163 by legal procedures guaranteed by the safeguard of the Rule of Law. Crime must be
164 prevented by criminal investigations that lead to prosecutions. Filtering is not an
165 effective tool to fight crime. **Law enforcement should be reserved for public authorities.**
166 **No 'policing' by Internet Service Providers (or anyone else), e.g. through 'deep packet**
167 **inspection' (DPI), should be allowed.**

168 **Several technical features of access to the internet are key to democracy and**
169 **transparency in the digital world. To be fully active in a participative internet, each use**
170 **needs to be able to simultaneously send and receive. In many situations this requires and**
171 **increase in the upload rate. Access to broadband should be considered a part of**
172 **essential governmental provision by making it a mandatory, universal service. Equal and**
173 **affordable connectivity should be guaranteed everywhere in Europe; this can be**
174 **achieved through the use of EU structural funds and the adoption of regulations to**
175 **encourage providers to share infrastructure in remote and rural areas. We also want to**
176 **make Free Public WiFi available in as many public places as possible through**
177 **encouraging and enabling people and organizations to share their WiFi**
178 **with others.**

179 **Roaming is a feature available as a part of the GSM, and now 3G, mobile standard. It**
180 **refers to the extension of connectivity in a location that is different from the home**
181 **location where the service was registered; it ensures that the wireless device is kept**

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182 connected to the network without losing the connection, **i.e. allowing phones to**
183 **work during travel.** However, the cost of roaming data is out of control. The cost
184 for mobile data needs to be regulated. Roaming agreements between companies must
185 be subject to public law. We ask more action from the EU for the protection of
186 consumer rights regarding tariffs. The cost should be the same for roaming users as it is for
187 domestic users.

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189 **Digital Neutrality**

190 To ensure that users have the opportunity **to change devices**, we believe the EU
191 should work at guaranteeing platform neutrality. This implies that everyone who buys a
192 computer with a certain 'operating system' should be able to install any software, that
193 data should be transferable elsewhere, and that applications can be transferred to
194 alternative devices. The fact that companies can impose the applications working on
195 their products and prevent others from being used is an unacceptable limit to
196 consumers' rights. Furthermore, technical limitation to internet access in devices and
197 the blocking of communication software should be prohibited. We encourage providers
198 to let users know which software they can use to circumvent any filtering of the
199 internet.

200 -

201 We reject Digital Rights Management (DRM) that prohibits consumers to use their
202 devices or digital materials **as they wish.** When buying digital devices or materials,
203 consumers have, in principle, the same consumer rights as in the case of physical
204 objects. Any limitation of use imposed technologically or through licenses should appear
205 clearly on the packaging/notice of all devices or digital goods **to fully inform**
206 **consumers at the time of purchase.**

207 -

208 Additionally, the neutrality of the internet should be set in law and respected by public
209 authorities and service providers in all circumstance, except to protect the technical
210 security of networks. We demand more determined actions by national governments
211 **and the broader EU** on this issue. Regardless of access from a broadband
212 connection or a mobile phone, the further development and expansion of the internet
213 must not result in less freedom for those who use it. We want to ensure there is a level
214 playing field for freedom of opinion on the internet.

215 We as greens consider that an ideal search engine should be:

- 216 • Neutral without exclusion of any information except when decided by a court
217 with due respect to human rights.
- 218 • Transparent by informing the citizens about the ways used to select and classify
219 the information. It means to inform about which criteria make the information
220 more or less relevant: number of occurrences number of consultations, number
221 of links... Multiple by allowing users to choose to benefit or not from
222 technological progressions.

223 **Green IT**

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224 We realise that this massive expansion in connectivity for European citizens costs
225 energy and tools that require precious raw materials. Therefore, this requires putting
226 measures in place to make the tools more economical as well as stimulate the reuse of
227 components. We Greens emphasize the growth of digital infrastructure should not be
228 made at the expense of others.

229 -

230 Therefore, we as Greens are aiming for:

- 231 1. The abrogation of law allowing the blocking, filtering or blacklisting of users.
- 232 2. Equal and affordable connectivity everywhere in Europe.
- 233 3. Same costs for the access to internet in rural and urban areas.
- 234 4. Broadband access for all before the end of 2020.
- 235 5. Free Public WiFi in more public places
- 236 6. Roaming costs should be at the same level as domestic costs.
- 237 7. Guaranteeing platform neutrality of technical devices and banning of DRMs.”
- 238 8. The introduction of a guarantee for internet neutrality in EU and national laws.
- 239 9. Efficient use of energy and reuse of components to ensure sustainability in the
240 expansion of the digital world.”

241

242

243 **2. Rights to guarantee self-determination, privacy, data protection** 244 **and security on the internet**

245 With increasing digitalization, the integration and evaluation of databases are becoming
246 ever easier and prompting various forms of data grabbing by, both private and state
247 actors. This is why we Greens promote **binding standards for data protection**
248 **and privacy rights** on the European and international level in order to combat the
249 infringements of online freedoms. We see digital rights like data protection not in
250 contradiction to a digital market. But as personal data becomes the new oil and damages
251 to individuals and their environment should be reduced we want to incentivize new
252 technologies which are privacy-friendly. Many services from social networks to big data
253 can be done anonymous, First and foremost we as greens advocate the reduction of the
254 amount of personal data required and stored by government agencies and companies as
255 well as the duration of the storage.

256

257 **Self-determination**

258 We believe there is a need for more consumer protection in the realm of the internet.
259 The basis for self-determination, and to be able to use one's right to privacy and security
260 is education and training at all ages, and laws that are binding and enforceable.

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personal data

266 Users must be in a position to control their private information and their own data. We
267 are concerned about privacy settings that can be changed at any moment. Privacy and
268 license agreements of services are often too long and too complex to read and
269 understand. It's not fair that they grant companies the rights to use user content as they
270 like it, especially since users often don't have the choice when they want to use a certain
271 service, and believe they have far more control over their content than what the license
272 and privacy agreements say.

273 The free movement of users on the internet requires that they are fully aware of what
274 the consequences of their actions are. But one should not have to become a lawyer to
275 safely use the internet. Transparency of all terms of services must therefore be
276 guaranteed by the providers, and they must be presented in a short, visual and
277 comprehensible way.

278

279 **Protection of privacy**

280 Our private property, conversations and correspondence must have the same
281 protection, whether they are in digital or physical form. It must not be easier for law
282 enforcement to conduct digital search and seizures. In a democracy we have the right to
283 be left alone, unless we are subject to a criminal investigation under the rule of law.

284 We categorically oppose any mass surveillance of the people, be it through data
285 retention, internet surveillance or video surveillance. EU and EU member countries
286 should help protect citizens against mass surveillance, not perpetrate it. More
287 transparency and accountability of the surveillance industry is needed. We should have
288 agencies that help us use cryptography, not agencies that try to break the cryptography
289 or private communication.

290 Monitoring every single citizen because a few of them may become criminals is a vastly
291 disproportionate infringement of our fundamental rights. In concrete terms, this means
292 we should reject the blanket storage of information irrespective of whether there is any
293 suspicion of crime, as is intended to be the case when telecommunications data or
294 travel data are retained for possible future use. The EU data retention directive must be
295 repealed, and data retention must be banned across Europe. Experience, from
296 implementation in different EU member states and from those where courts have
297 repealed *data retention* laws, shows that data retention does not have an impact on
298 crime clearance rates or crime levels. Across Europe, we Greens have called for the
299 rapid ending of the monitoring and collection of data by the state, and instead call for
300 solutions that respect civil rights and are triggered by the launch of criminal
301 prosecutions.

302 We oppose the effectively uncontrolled exchange of data with the USA authorities, e.g.
303 of Passenger Name Records (PNRs) or financial transactions data (SWIFT). The relevant
304 agreements deserve to be cancelled or require massive renegotiation. We support the
305 fundamental rights to challenge the uncontrolled exchange of data in front of the
306 European Court of Justice, and we actively participate in civil society efforts to start a
307 European Citizens' Initiative in this regard.

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314 More and more personal data is processed and stored in the “cloud” by companies
315 outside the jurisdiction of European law. This means that lawsuits by citizens in cases of
316 violated rights are almost impossible. Therefore we think that a “European cloud” with a
317 good protection of privacy is necessary.

318 Information stored in the cloud by users should be accessible to them at all times. The
319 fight against illegal content may never come at the expense of legal content.

320 **Right to data protection**

321 Data linked to a person must be protected. No information shall be accessed, retrieved
322 from or stored in an information technology system without the explicit consent of the
323 user, having been provided with clear and comprehensive information about the
324 purposes of the processing. Privacy infringement should be mandated by law. We
325 oppose the privatization of law enforcement without orderly, rule-of-law procedures.
326 Allowing the storage of personal data can no longer be a condition for users to obtain
327 access to a service. Service providers should, in that context, offer the possibility to use
328 the service after agreeing with the terms and conditions, while offering personal data
329 storage as an option rather than a precondition for use.

330 We reject secret spying on computers, and want to ensure that the confidentiality and
331 integrity of information technology systems are guaranteed as fundamental right. We
332 therefore emphasize the use of the concepts of ‘privacy by design’ and ‘privacy by
333 default’ in the development of information technology.

334 Public authorities shall minimise the personal data they collect and store. They shall only
335 use this data for the purpose for which it was collected. There is still too much so called
336 ‘function creep’, the use of data for purposes other than those for which they were
337 collected. We reject the disclosure of user account information to private parties, as
338 stipulated by the Intellectual Property Rights Enforcement Directive (IPRED). We think
339 that such disclosures should be limited to law enforcement in criminal investigations.
340 Infringement of privacy rules should only be allowed in cases of statutory foundation for
341 this action and if it is taken on the basis of court decisions. Only public authorities
342 should be allowed to perform it.

343 Individuals should have the right to demand deletion of personal information in a
344 corporate or state database if the storage of this information is no longer necessary.
345 Everyone has the right to be notified without delay of security failures in private or
346 public databases which could result in his or her personal data being compromised.

347 The foreseen EU general data protection regulation is an important step to reach better
348 protection of personal data in Europe and give citizens and customers a better position
349 in enforcing their rights. In the course of this reform it will be key to strengthen
350 individual rights and transparency. It should be clear that for every processing of
351 personal data there needs to be a justification. In the private sector this should be
352 generally with the consent of the customer. Everybody should be asked to explicitly opt-
353 in to the processing of his or her personal data. The free internet brings about the
354 desire of private companies to let the users pay with profiling personal data, preferences
355 as consumers and in retrieving information. We oppose any “legitimate interest” of
356 companies to gather personal data without the consent of the users of their services.
357 Users must have the choice to accept or deny different kinds of “cookies”. Some are

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358 merely functional and cannot be missed in the processing of purchases or payments. But
359 other cookies are aimed at profiling users and lead to massive storage of personal data
360 for commercial use. Users must be clearly informed about the consequences of their
361 choice. Do-not-track facilities must be easily available. Public institutions should not
362 block access to their sites of users who refuse “cookies”.

363

364 **Right to be anonymous**

365 As in the physical world we think anonymity should be guaranteed on the internet: it is
366 essential that people have the opportunity to participate anonymously on the internet.
367 For many of them it is a necessary prerequisite to be able to discuss deep personal
368 issues. There are many support groups that have used anonymous bulletin boards to get
369 people to open up about issues they were too afraid or ashamed to discuss with their
370 family. It must therefore be legal to use systems that guarantee anonymous internet
371 access and encrypted communication. Furthermore, it must also be legal to operate
372 TOR nodes, or open WiFi-networks, without being held liable for the anonymous
373 traffic.

374 We acknowledge the problems of online-bullying or stalking. We encourage measures
375 against these threats, like awareness raising, having safe spaces and support, anonymous
376 and pseudonymous use of social networks and other services by potential victims, as
377 well as criminal prosecution of offenders.

378 It is important that citizens are allowed to make anonymous contact with government
379 agencies. Additionally, governments should use the best technical means to guarantee
380 that such contact truly is anonymous, for example providing services through
381 anonymization networks. There is also a need to protect 'whistleblowers' by law.

382 One of the consequences of moving into the digital realm is that computers remember.
383 Online shopping means that each store will remember each purchase. For some users
384 this is a good thing – the store has a copy of the receipt you lost. For others it is a deal
385 breaker – a store should not know so much about your taste and shopping habits.
386 Therefore, we think it is essential that users have the possibility to be an anonymous
387 customer online, and be assured that the store, bank and shipping company removes all
388 information that can identify a transaction after it is no longer needed.

389 We also strongly support creating online payment systems that do not provide any
390 information about the sender to the recipient.

391

392 **Security**

393 Protection against criminals is a basic function of the state. They fall short in this
394 function in the face of newly developing cybercrimes. Member states must collaborate in
395 fighting cybercrimes. This demands an investment in professional training for both the
396 police and prosecutors.

397 But we reject unconditioned powers of the police to break into computers, install
398 spyware, search computers and destroy data. ‘Cybersecurity’ must not be used as a
399 cloak for the dismantling of a free, open internet. When it comes to criminal

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411 investigations and sanctions such as the EUs Cybercrime Directive, we need a clear
412 understanding about what Cybercrime actually means and which legal provisions already
413 exist to protect citizens from these crimes. When dealing with the digital environment
414 we should focus on the security of information systems, rather than calling for stricter
415 controls as in the offline world.

416

417 **Building secure and resilient IT systems**

418 The construction of a secure and resilient IT-system is a difficult task and usually not a
419 priority for commercial companies. This can be the case especially as the customer,
420 rather than the supplier, is liable for the cost of an insecure system. As a result,
421 customers are exposed to far more risks than necessary. To add insult to injury, we are
422 often forced to buy pseudo-protection in the form of virus scanners or other security
423 products that only attempt to fight the problem. Just as government agencies ensure our
424 cars or trains are safe, we need agencies such as European Network and Information
425 Security Agency to ensure our computers, software and services are as safe. These
426 agencies should work together with academia in order to ensure that the best practices
427 are adopted. Also they should directly working with open source software projects to
428 increase both participation and transparency,

429 Furthermore, we need much stronger incentives for vendors and producers of IT
430 systems to deliver more secure products and react to known vulnerabilities far more
431 quickly. We therefore think that liability provisions should be introduced into legislation
432 when, as a result of a known vulnerability that was not fixed, significant damage occurs
433 (the "polluter pays" principle).

434 We need to protect the immune system of the internet. Therefore, we oppose the
435 criminalisation of "white hat" hackers that experiment with security issues, help
436 document and fix them, and do not do any harm and have no criminal intentions.

437

438 Therefore, we as Greens are aiming for:

- 439 1. Application of the concepts of 'privacy by design' and 'privacy by default' in the
440 development of databases with strong guarantees against 'function creep'.
- 441 2. Reduction of the amount of personal data required and stored by government agencies
442 and companies as well as the length of the storage
- 443 3. Guaranteeing, as it is in the physical world, anonymity on the internet
- 444 4. When anonymity is not possible, a form of personal data protection that is
445 anchored and guaranteed explicitly in the Law, but that enables everyone to
446 publish their own data and information freely in a self-determined fashion, and
447 actively share them with others.
- 448 5. Personal data protection laws that limit the storage and distribution of personal
449 data to specific goals, require the consent of the persons involved, promote
450 transparency, and promote the right to correct personal data and to end the
451 storage if there is no further need.

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- 457 6. Prohibiting unconditional mass surveillance on the internet and in databases.
- 458 7. The rejection of data retention and evaluation of the abuses of the retention
459 practices so far.
- 460 8. Protection of personal data of European citizens against US regulation (Patriot
461 Act) and a “European cloud” under European jurisdiction.
- 462 9. Rejection of police powers to break into computers, perform warrantless or
463 secret searches, install spyware, search computers and destroy data.
- 464 10. Putting people in control of their private information through transparent
465 agreements and opt-in procedures, e.g. for cookies
- 466 11. Rejection of uncontrolled 'third party cookies'.
- 467 12. Collaborative actions of Member States in the fight against cyber crimes.
- 468 13. Incentives for secure and resilient IT systems
- 469

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470 **3. Creation, innovation and the digital commons**

471

472 More than any other point in history, the internet has given us the chance to share
473 information and culture outside the restrictions of time and place. The current EU laws
474 on patents or copyrights (and more generally “intellectual property” rights, to use the
475 terms crafted by right owners) have not been adapted to the digital age. As a
476 consequence the relationship between creators and consumers has been disrupted,
477 while intermediaries multiplied and gained unjustified power. This has led to the
478 strangling of innovation. In art as in science, the route between producer and consumer
479 should be made shorter, while the power of intermediaries should be reduced. The
480 cultural domain needs the principles of ‘fair trade’ (a reasonable income for the artist)
481 and ‘fair use’ (free use of parts of protected works in education, libraries, museums,
482 archives and the media).

483

484 **3.1 Open access and public domain**

485 • **Open access to research publications and data funded by public**
486 **money.** Research and innovation build on the capacity of scientists, research
487 institutions, private firms and citizens around the world to openly access, share and use
488 scientific information. However, academic publishing is not yet part of the digital
489 commons. In the context of an oligopoly of publishers, journals that do not pay for the
490 research, nor for the scientific validation of its results made through the peer-reviewing
491 of articles, privatize them in expensive academic publications. As a consequence
492 academic research is extremely difficult to access for a lay person, as well as for
493 universities, schools and libraries. This is particularly true in developing countries, but
494 also happens in wealthier countries. To increase the circulation and dissemination of
495 knowledge, free open access to scientific publications, already embraced in the research
496 program of the European Commission, should apply to all scientific publications which
497 receive public funding in Europe. Publications should be made accessible as soon as

499 possible, or within six months of publication at the latest in extreme cases. Data
500 produced or collected through the financing of government agencies and public
501 institutions should likewise be made publicly accessible (provided that the protection of
502 personal data be applied). Studies and analysis funded through public institutions should
503 be published in formats that allow sharing and reuse of the data involved.

504 • **Open access to publications from government and public institutions.**
505 Publications from government and other public institutions (studies, reports, speeches,
506 statements, etc.) should not be copyrighted and should be made systematically
507 accessible to the public. Public broadcasters should open their archives to the public and
508 start releasing in-house productions as creative commons.

509 • **Open data.** According to open data principles, certain data should be freely available
510 to everyone to use and republish as they wish, without restrictions from copyright,
511 patents or other mechanisms of control. We support the free open access and re-use of
512 data produced or collected by or through the financing of government agencies and
513 public institutions (as long as the rules for privacy protection and the protection of
514 personal data do not object).

515 • **Open standards.** Open standards are the basis for innovation. While private
516 companies and stakeholders drive a lot of the standard development in dynamic
517 environments, there should be some underlying rules imposed on industry-wide
518 standards, such as free use and openness of the standardisation process. Digital public
519 libraries and other institutions which aim to make information and documents accessible
520 to the public should not be party to Digital Rights Management (DRM). Instead they
521 should use open formats and open standards.

522 • **Open source.** The source code of software used to be a highly guarded corporate
523 secret. But the open source movement has shown that world class software can be
524 developed out in the open, with successes such as Linux. Open source software should
525 be used whenever there is a good existing open source alternative. When the European
526 Union and member countries purchase new software systems they should always
527 perform a check whether it can be developed as open source software. The
528 development of open source software should be encourage and supported, including
529 through EU funding, as a key public good. Universities should be encouraged to release
530 research results as open source software. More generally, open source mechanisms that
531 can allow researchers to collaborate and share knowledge with in other technological
532 fields. It can be an especially useful tool for biomedical research (neglected diseases,
533 antibiotic research) or to research targeting climate change, and more generally for
534 certain conditions that are not properly addressed in a purely market-driven model.

535 • **Public Domain.** After decades of measures extending copyright and threatening the
536 public domain, it is time to adjust the scope of regulations to match the real and positive
537 contributions of the digital society. A new regulation should be adopted at EU level in
538 order to recognise the importance of the public domain, to protect it from private
539 appropriation so that it remains available for all to use, and to enhance it. The EU should
540 adopt a legal statute for the public domain, voluntary commons and essential user
541 prerogatives towards works, including the prerogatives of creative workers who need
542 to access and reuse existing works.

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545 **3.2 A fair balance between producers and users.** We call for “Fair trade for
546 the artist, and fair use for the users”. We need to find a balance between producers and
547 users. The question of non-commercial use has been debated by the Greens for years.
548 With sub-chapters **a)** and **b)** below, we present a balance that we think would be fair.

549

550 **a) Reform and harmonisation of copyright rules**

551 Copyright has to be reformed to adapt to today’s technological reality and to enable the
552 broader dissemination of information and culture through the internet.

553 • We encourage a culture of production using **creative commons**, and will make
554 grants and stipends available for such productions.

555 • **Non-commercial private use.** Non-commercial private use of copyrighted
556 material should be legalized at the EU level. The difference between "non-commercial"
557 and "commercial" shall be defined as follows: If content, protected by authors' rights, is
558 being offered directly on an internet site, which acquires revenues to a non-negligible
559 degree through donations, for example via membership contributions, through
560 payments by clients or via advertisement or advertisement through links to other
561 homepages, such an activity shall be considered to be commercial. Three-strike type of
562 laws should be repealed where they exist in Europe. Three-strike type of laws should be
563 repealed where they exist in Europe. While contexts differ according to countries, EU
564 legislations should allow European countries to adopt flat rate and other global licenses
565 schemes.

566 • The right to quote and remix. Increasingly restrictive copyright legislation and
567 practices are becoming a major obstacle to musicians, filmmakers, and other artists who
568 want to create new works by reusing parts of existing works. Remixes should be
569 facilitated. The right to quote (to reproduce a part of a work with the indication of the
570 name of the author of material already made public) should be permitted in all member
571 states. The treatment of sites providing directories of links associated with the partial
572 reproduction of contents should be based on a modernization of the right of quotation
573 and the suppression of the sui-generis database protection defined in directive 96/9/EC.
574 Hyperlink can never be subject to copyright law. Clear exceptions and limitations are
575 needed to allow remixes and parodies, as well as quotation rights for sound and audio
576 visual material modelled after the existing quotation rights of text. Any sensible
577 copyright legislation should contain some form of fair use clauses, which are necessary
578 for cultural conversations and to allow satire and critics, but also sampling and remix
579 culture.

580 • Exceptions to copyright for non-commercial educational and research purposes should
581 exist in all countries. This exception must apply to educational or research practices
582 independently of the context in which they are conducted (for instance, the exception
583 cannot be limited to teaching establishments, or to the fact that the participants are
584 registered students). Open education, in all its form, must be promoted, as well as
585 cultural practice workshops or educational activities in libraries and museums.

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Deleted: Everyone shall have the right to freely share and copy information, for non commercial purposes, provided the creator’s right of attribution is respected.

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Deleted: Non-commercial private use of copyrighted material should be legalized at the EU level while

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Deleted: • **The right to quote and remix.** Increasingly restrictive copyright legislations and practices are becoming a major obstacle to musicians, filmmakers, and other artists who want to create new works reusing parts of existing works. The right to quote (to reproduce a part of a work with the indication of the name of the author of material already made public) should be permitted in all Member states, whether it is for scientific, educational, informational, creative or any other purpose.

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611 • The **'book famine' experienced by visually impaired and print-disabled**
612 **people** needs to be addressed. The Commission and Member States must support the
613 urgent adoption of a legally binding international treaty introducing an exception to
614 copyright rules to ensure that visually impaired and print-disabled people enjoy access
615 to cultural materials in accessible formats.

616 • **Orphan works.** Exclusive rights should be limited if a work is orphaned, i.e. the
617 copyright holder has not been found despite appropriate search or cannot be contacted
618 for other reasons. However, the search procedures required by the law should not be
619 too time consuming or expensive. Copyright holders should only be able to prohibit the
620 use of the work or demand the payment of a reasonable remuneration, without any
621 right to compensation for past use. The recent French law on out-of-publication works
622 (pending review by the Constitutional Court) centres solely on the commercial
623 exploitation of out-of-publication works and ignores, or even tries to prevent, any form
624 of non-market access. Authors are left only with the possibility to opt out of the system.
625 A recent English bill goes exactly in the same direction. We believe such laws are the
626 wrong way to go.

627 • The copyright protection time has been increased over the last decades to 70 years
628 after death of the author. This is disproportionately long and doesn't serve its purpose (to
629 help authors to create and live from their work). Therefore it should be shortened. In
630 order to facilitate the identification of authors and their remuneration and to avoid
631 orphans works we will review possibilities for a transparent system of registration of
632 authors and their works. Registration and procedures to oppose, should be simple, easy
633 and free of charge. This will facilitate licensing procedures and innovation of services built
634 upon such content.

635 • For **protected works that are not commercially exploited**, the EU should
636 evaluate mechanisms to allow use without the permission of the right owners (including
637 uses that would be appropriate as an exception to exclusive rights under Articles 13, 14
638 or 40 of the TRIPS Agreement, or under the considerable flexibilities of TRIPS Articles
639 44.1 and 44.2, to limit remedies for unauthorized uses of works).

640 • **Cross border accessibility to services and products.** Access services (e.g.
641 streaming) and online products accessible in one European country should be accessible
642 in the others. More generally, the EU single market should rest on the use of cross-
643 border licenses or expansion of exhaustion rules in order to allow access to but also
644 competition between legal offers (thus driving down prices that are often too
645 expensive).

646 Direct and indirect financial contributions of citizens to culture (through taxes, levies,
647 purchases, etc.) should be assessed nationally and this information should be made
648 public in order to facilitate debates over the financing of creation. .

649

650 **b) Protection of the authors**

651 - Authors should always be able to licence their work under **Creative Commons**.

652 • **Contract law** should be revised in order to improve the negotiating position of
653 authors. Measures to be taken include: A separate contract for digital publishing rights,

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Deleted: • Registration of copyrighted work. In order to facilitate authors' remuneration and to avoid the orphan works, within a time frame of 5 years after the production of a piece of work, its registration should be compulsory for authors to enjoy commercial exclusivity. Unregistered work would fall in the public domain after 5 years. Registration should be free of charge. Works or copies of works should also be made accessible to the public after the expiration of the extended term of protection. This will facilitate licensing procedures and innovation of services that are based upon such content. .

... [2]

675 with limited duration, corresponding to the reality of fast-changing digital technology and
676 usage; In the case of a mixed edition (paper or other carrier and digital edition), the rule
677 of a return to authors of rights as soon as one of the modalities is no longer available
678 (with a reasonable delay after notification by the author, at most six months); The
679 impossibility for publishers to use the availability of a digital version as a reason to keep
680 paper editions out-of-print for as long as they wish; Forbidding distribution platforms to
681 impose terms that exclude the non-market distribution of works by their authors;
682 Minimum royalty levels for authors and other contributors in commercial exploitation of
683 their work, taking in account the strong reduction of costs in digital publishing. To
684 rebalance the power relation between authors and publishers, licences granted by
685 authors to publishers should be limited by law to not more than ten years. In the case of
686 **academic authors**, a research paper should always be owned by the author unless it
687 has been commissioned and fully paid for by a journal.

688 • Reform of **collective rights management**. Collective rights management, when
689 properly functioning, is the most effective way for authors to benefit the licensing of
690 their rights. To preserve this role there is an urgent need to reform collective rights
691 management. While the importance of collective right management as a principle is
692 obvious, in recent years, many concerns and criticism have been raised by both
693 rightholders and users on the functioning of collective management societies, calling for
694 better management and efficiency, improved transparency on tariffs, revenue
695 distribution and accounting practices as well as better governance. On one hand,
696 collective rights management should not prevent the possibility for authors to rely on
697 independent management or management through commercial agents. On the other
698 hand, commercial agents engaging in the management of authors' rights should have to
699 apply transparency rules in order to allow fair competition. An author should be able at
700 any time to revoke the mandate given to a collecting society. Authors should be free to
701 become a member to any collecting society, irrelevantly of the country of settlement
702 and the citizenship. An author should be allowed to register different works with
703 different collecting societies, as well as to leave other works unregistered. A collecting
704 society should not be allowed to collect money for a work that was not registered with
705 it. As Greens we would like to give more flexibility to authors in the management of
706 their rights. For instance, we believe they should have the right to grant free licences for
707 the use of their works and rights, provided that when they do they inform in due time
708 the collective management organisations authorised to manage the rights of such works
709 that a free license has been granted. Each member of a collecting society should have a
710 right to vote during the general assembly. Where the amounts due to rightholders
711 cannot be distributed after three years they should either be redistributed by the
712 collective management organisation to its members, or attributed to cultural and social
713 funds targeting artists and the promotion of young artists under the control of Member
714 States or under the control of members of collective management organisations making
715 decision at the general meeting. Data about the collected and redistributed sums, as well
716 as the fees applied by a collecting society must be of compulsory publication and
717 auditable by representatives of authors, artists, consumers and users. Collective
718 management societies should provide accurate repertory information, including for
719 works falling into the Public Domain. Information in respect of the works whose term of
720 protection terminates should be accurate and regularly updated, in order to exempt

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Deleted: The obligatory intermediation of a collective management organisation should be excluded in the case of the Internet. Collective rights management should not exclude independent management (including granting free licenses).

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Deleted: Legal monopolies for collecting societies should never be possible.

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Deleted: Collecting societies should not be allowed to prevent authors from using free licenses.

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Deleted: Non-attributable money should be managed by public authorities dedicated to culture for the promoting of creativity and creation.

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740 [such works from licensing and avoid claims on such works to be enforced by collective](#)
741 [management societies.](#)

742

743 **3.3 Research and patents**

744 • We want innovation to be driven by society needs. Platforms that aim to facilitate
745 **bottom up innovation** by detecting and showcasing innovative technical and social
746 projects, increasing knowledge sharing, connecting project managers with others, and
747 giving them tools to self organise, should be promoted. We also call for the
748 development of **new financing models of innovation**, such as innovation prizes
749 that do not rest on the granting of exclusive rights on knowledge and invention, to
750 maximize the public returns from research financing and to ensure that innovation not
751 only tackles the most urgent needs of society but also can rapidly benefit to citizens.
752 **Publicly financed research** should lead to nonexclusive licensing of patents. This
753 would allow the highest possible social benefit for these researches.

754 • **Software patents.** Greens have always opposed the monopolisation of generic
755 ideas for algorithms. Nobody can pretend to own mathematical formulas and logical
756 schemes. This is why we continue to oppose software patents.

757 • **Patents on life forms** are not allowed by the European patent convention. This
758 however did not prevent the European Patent Office to grant patent for genetically
759 modified plants and animals. Patents even cover plant varieties and conventional
760 breeding which conflict directly with the Article 4 of Directive 98/44/EC.

761 • **Patent law harmonisation.** Currently, national patent law is not harmonised
762 within the Union, rather de facto streamlined by other non-EU actors that stands
763 beyond democratic controls (like the controversial European Patent Office).
764 Harmonisation should take place in order to unify the way the examination process
765 works in the member states to improve practises in patent examination according to EU
766 rules, and to end wrong doing in patenting (on life forms for instance).

767 • **The assessment of the quality of patents and the accessibility to such**
768 **information** are determinant to avoid the increase in the number of bogus patents
769 used as defensive weapons to block competition and patent thickets in technological
770 fields that are important both economically and socially.

771 • In the context of the rapid proliferation of “intellectual property” rights, the internet
772 and digital technologies can facilitate greater transparency as regards rights porfolios and
773 in their management. It is essential to develop **tools that facilitate the**
774 **identification of patents linked to an invention or a field of research**, as
775 well as their acquisition, exchange, licensing, pooling, etc. This is necessary to facilitate
776 research and ensure patents do not block research and innovation. Moreover, such
777 tools for information and transparency can improve the ability for SMEs and public
778 institutions to actively participate to innovation and develop inventions. They must be
779 developed at national and EU levels.

780 • The setting-up of **patent pools granting non-exclusive licenses** should be
781 encouraged by the EU and Member States in order to allow the sharing of patented
782 scientific data, and increase collaborative efforts and R&D cooperation on specific

783 technological needs. This mechanism would be particularly suitable for technologies that
784 are both complex and expensive allowing the avoidance of the blocking of research due
785 to patent thicket situations.

786

787 **3.4 Limitations to enforcement rules of "Intellectual property" rights**

788 • Enforcement of copyright, patents and other "Intellectual property rights" should be
789 **limited to commercial violation.**

790 • **Investigation and prosecution** should be executed by official authorities only in
791 the case of real suspicion and shall not rely on continuous monitoring.

792 • We reject the disclosure of user account information to private parties, as stipulated
793 by the IPRED directive. We think that such **disclosures should be limited to law**
794 **enforcement in criminal investigations.**

795 • Three strikes laws should be abolished in countries where they have been adopted:
796 besides threatening freedom and being expensive, they do not bring any concrete
797 benefit to authors and artists.

798 • Downloading copyright protected work should be legal everywhere. Instead of
799 criminalisation of non-commercial private small-scale sharing of copyright protected
800 work the focus should be on prosecution of copyright violations committed by people
801 and companies that actually make money from sharing without compensation for
802 authors and artists

803 • **Trade agreements** should not include intellectual property standard provisions or
804 enforcement provisions.

805

806 Therefore, the Green aims are:

807 1. Open Access as the rule for all information produced by governments and
808 facilitated by public funding, and for all research publications financed by public
809 money.

810 2. Allowing the re-use of open data from public institutions

811 3. The promotion of open source not only in the context of software but in all
812 fields of research.

813 4. Open standards as useful for innovation, easy collaboration and competition

814 5. Innovation driven by the needs of society and not only by the market, hence the
815 need for incentives for innovation that do not rely on market exclusivity

816 6. Reform and harmonisation of copyright laws in Europe, adapted to the digital
817 environment

818 7. Freedom to use and share information for non-commercial private purposes

819 8. The right to quote, remix, parody and hyperlink in all countries

820 9. Better protection of the authors, notably in the context of the negotiation of
821 contracts and by a stronger position in collective rights management

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Deleted: **Downloading should be decriminalised and private sharing should be legalised.** Prosecution of copyright violations should be directed against people that actually make money from piracy.

830 10. Harmonization and transparency in the patent system that needs control on
831 accessibility and the quality of patents

832 11. Decriminalization of downloading and enforcement of intellectual property rights
833 limited to commercial violation

834 12. Trade agreements cannot overrule IPR nor enforcement rules

835

836

837 | **4 Strengthening the Digital Democracy and Community inside and**
838 **outside the EU**

839 **4.1. Develop E-democracy and democratic participation.**

840 The internet provides more opportunities than ever to inform the public and encourage
841 participation in democratic decisions.

842 To participate in a democracy citizens need transparency in public administration and
843 transparency in political processes. We believe that an open government should be part
844 of the digital commons. As Greens we encourage public authorities at all levels to give
845 citizens access to all relevant documents in the policy process. In many countries and in
846 the EU so-called *Freedom of Information Acts* can be improved and adapted to the
847 opportunities offered by the internet. Governments should be pro-active in making
848 policy documents, plans and evaluations public. Neither citizens nor the press should be
849 hindered by complex procedures and expensive charges for requests.

850 Citizens should have opportunities to take part in decision making more directly, by the
851 government using the internet to involve the public and for the public to use the
852 internet for citizens initiatives. The European Citizens Initiative was introduced last year.
853 First impressions show that there are still some bureaucratic and financial thresholds in
854 ECI procedures that must be taken away.

855 We are now at the beginning to experiment on issues such as "constitution written by
856 ordinary people", collaborative work on laws or public budgets, online participation, etc.
857 But we believe that those experimentations increase citizenship and social cohesion.

858 **To favour better democratic participation through new technologies**
859 **secure e-voting** should be investigated only **as an alternative option** for voting.

860 Trust in the outcome of an election should never be based on faith in organizational
861 procedures alone, but always needs to be backed up by universally
862 understandable, transparent and replicable procedures, in the same way voting by
863 pencil is. Any electronic alternative to traditional voting needs to show positively before
864 adoption that it is immune to large-scale fraud and impact assessments need to be
865 made in public and in advance, so vulnerabilities and risks can be assessed and
866 addressed before the vote takes place. Up to now, academic research demonstrated
867 that there are fundamental complications that cannot be fixed and that make it
868 impossible to organize free, secure, transparent, secret and anonymous voting through
869 the internet or in many cases through voting computers. However, to favour better
870 democratic participation it is worthwhile to investigate ways to use technological

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871 advances in other environments of decision making. For instance, electronic counting of
872 votes can sometimes improve the accuracy as well as accountability of voting processes
873 and can be cost effective. Electronic voting can in the long run gain credibility only if at
874 all times a manual recount of the votes can be easily and swiftly organized (i.e. through
875 a paper trail).

876 Open source, licence free and cost free software and online platforms for collecting
877 signatures have to be used.

878 As digital technologies continue to revolutionise communication, we can talk about
879 increased participation for citizens, meaning new opportunities to combine
880 representative and participative democracy practices. The use of digital tools for
881 political experimentation shouldn't be limited to the fringes of political processes.

882

883 4.2. Education

884 **Education policies** regarding the use of information technologies is necessary in
885 order to ensure further generations are well-informed and alert to possible
886 infringements of privacy, property rights and security.

887 Education professionals will be trained to educate people to digital literacy including
888 online persona and e-reputation, as well as cooperative redaction and basic coding and
889 the work of search engines.

890 As Greens we encourage educational programs aimed at the emancipation of the
891 individual. In this context the new generation, as well as the older ones, need to be
892 empowered to act independently as user of digital means of communication and as
893 participants in the digital commons. This means that they know the way it works as well
894 as the consequences of their actions. It means also that you can evaluate the information
895 you receive. The digital world is complex and lacks transparency in many respects.
896 Education should help people to remain independent and to make their own choices.

897 The digital commons can be used to **facilitate and improve the education in**
898 **general.**

899 Sharing educational material used by teachers and students should be encouraged. New
900 copyright laws should not restrict the use of digital materials in an educational context.
901 Educational tools should include free software and open hardware as an alternative to
902 proprietary technologies, and use digital commons as a legitimate reference.

903

904 4.3. Freedom of expression.

905 Any regulation of communication by means of digital technology has to respect the
906 freedom of speech, the freedom of the press and the freedom of association and
907 demonstration. We Greens support an active role for the EU in safeguarding these
908 digital civil rights in all member states, as well as outside Europe.

909 Free speech can be restricted by national law (e.g. in the case of defamation). But in
910 these cases the rule of law has to be followed, which means that any filtering, blocking

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Deleted: Criteria of security (control of electronic means of total amount of voters, identity management, anonymization, means of re-count (for example through a paper trail) and verifying the correct outcome of the vote) widely depend on transparency and the trust citizens have in the organisational authority behind e-voting. In any case, it must never be the only avenue to vote: everyone has the right to opt out. For e-voting, differentiate between state organised voting (elections, ECI, ...) and political parties or other organisations. The bigger the impact of the vote, the higher the threshold for verifiability etc are. We are not convinced that all relevant criteria can be met as regards crucial votes (such as national elections) within the next few years. Paper trail should be created and available in case a recount is necessary. .

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947 or deleting of controversial content by private companies serving the general public
948 must be regarded as illegal.

949 As Greens we value the role of whistle-blowers who take the responsibility to open up
950 about crimes and fraud in their organisation. In the digital world safety can be promoted
951 by ensuring whistle blowers do not have to fear sanctions, e.g. in case of the dataleaks.
952 We aim for a “whistle-blowers” act including the right to use different kinds of digital
953 means of communication.

954

955 **4.4. Safeguarding human rights in external relations.**

956 Europe, national states as well as the EU, has to guarantee the application of digital
957 rights not only at home but also in foreign relations. In all kinds of external relations the
958 EU must promote a free and open internet and all relevant rights of citizens as users of
959 the internet.

960 We oppose any collaboration with the export of censorship technology and
961 technologies of mass surveillance.

962 EU must be a global role-model. We strongly oppose efforts currently underway to
963 make the EU industry a global market leader in the field of so-called “security”
964 technologies, which in the hands of any repressive regime boil down to easier
965 repression of democratic movements.

966

967 Therefore, the Green aims are:

- 968 1. The development of open government as part of the digital commons
- 969 2. Providing access to documents more proactively on all levels of government
- 970 3. Free and easy access to governmental documents on the internet
- 971 4. More frequent use of the internet for consultations of citizens
- 972 5. Better provisions for the European Citizens’ Initiative
- 973 6. Research in safe technology for secure e-voting systems
- 974 7. Educational programs for young and older people to be able to use the new
975 technologies safely and smartly
- 976 8. Sharing of educational material on the internet
- 977 9. Free speech in the digital commons, only restricted by national law
- 978 10. Protection of whistle blowers
- 979 11. Safeguarding digital rights outside the EU in our external relations by states as
980 well as companies

981