Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 14243
24 January 2017

Creation of the position of «Internet Ombudsman» in charge of assessing the legal or illegal nature of internet contents through screening procedures

Motion for a recommendation
tabled by Mr André REICHARDT and other members of the Assembly

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Freedom of speech can be restricted in certain cases.

According to the «Guiding principles on business and Human rights», the legitimate demand for Internet stakeholders, whether they host, broadcast or make available contents on the web, to be held responsible for their activities is increasing.

The "Right to be forgotten" ruling given by the Court of Justice of the European Union on 13 May 2014 exemplifies the growing pressure on web stakeholders.

Yet legal instruments are silent on the means to be used in order to assess whether a complaint about de-referencing, erasure or access blocking is justified or not. This legal void can also be observed in cases related to radical, hate inciting or discriminating speeches.

The Committee of Ministers should therefore start working on the wording of a Convention which would, on the one hand, create the position of «Internet Ombudsman», on a national level, in charge of dealing with the complaints of web stakeholders about de-referencing, erasure or access blocking of a content or an URL accessible on a platform, a search engine, etc.; and on the other hand, foster international co-operation by establishing rules enabling the "Decision" made by a national Ombudsman to be validated and implemented in other national jurisdictions. This Convention would set the necessary rules for the validation and the implementation of these "Decisions" abroad.

Signed (see overleaf)

Signed[1]*:*

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1. EPP/CD: Group of the European People's Party
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