



**Doc. 13589**

08 September 2014

## Freedom of speech on the internet: promoting a uniform approach

### Motion for a resolution

tabled by Ms Arpine HOVHANNISYAN 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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The use and sharing of information on the Internet has become uncontrollable with more and more fake profiles flooding the Internet, with anonymous posts and comments using the platforms of different media outlets and storing private information without specific legal rules guiding it.

There are different approaches to solving this problem. The European Court of Human Rights, in its recent case of *Delfi AS v. Estonia*, found the media outlet-Delfi, responsible for defamatory comments made under the article it had published. According to the Court, the mechanism of filtering the comments was “insufficient for preventing harm being caused” and “the applicant company was in a position to predict the nature of the possible comments prompted by it and to take technical or manual measures to prevent defamatory statements from being made public”.

At the same time the European Union directive on E-commerce, specifically articles 12, 14, 15 excludes the service providers from liability for the information stored on their website in most of the cases and Article 15 states that member States shall not impose a general obligation on providers, when providing the services covered by Articles 12, 13 and 14, to monitor the information which they transmit or store, nor a general obligation actively to seek facts or circumstances indicating illegal activity.

Recently, the European Union Court of Justice ruled against Google declaring that the information cannot be stored by the service provider without time limits and a person has a “right to be forgotten”.

Based on the abovementioned, in the light of the right to privacy the Parliamentary Assembly should study the field and come up with a uniform approach to this issue and find a balance between the freedom of speech and the right to privacy.

*Signed (see overleaf)*



*Signed*<sup>1</sup>:

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1. ALDE: Alliance of Liberals and Democrats for Europe  
EDG: European Democrat Group  
EPP/CD: Group of the European People's Party  
SOC: Socialist Group