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COUNCIL OF EUROPE
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Public regulation of the freedom of expression on digital platforms

Motion for a resolution
tabled by Mr George KATROUGALOS and other members of the Assembly

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

Many international organisations, including the UN Council of Human Rights (Resolution on Protection of Freedom of Expression on the Internet, 2012) and UNESCO (38th General Conference Resolution "CONNECTing the Dots: Options for Future Action") have postulated that the principle of freedom of expression applies not only to traditional media but also to the internet. The Council of Europe in a number of reports ("Freedom of expression and the internet", 2013; "Blocking, filtering and takedown of illegal internet content", 2015) highlights the importance of standard-setting and monitoring of all actors on the internet. The Recommendation of the Committee of Ministers to member States CM/Rec(2016)5 on internet freedom and the Recommendation of the Committee of Ministers to member States CM/Rec(2018)2 on the roles and responsibilities of internet intermediaries include important guidelines, which, however, address basically the danger of actions by public authorities to restrict access, including blocking or removal of content, not the obligations of owners of digital platforms.

META with the establishment of an "Oversight Board" envisages to set "independent" rules regarding what kind of content should be on Facebook and Instagram. Twitter, after its acquisition by Elon Musk, is also planning to change its internal rules regarding monitoring and banning. However, as the Recommendation of 2018 stipulates, "*States have the ultimate obligation to protect human rights and fundamental freedoms in the digital environment.All regulatory frameworks, including self- or co-regulatory approaches, should include effective oversight mechanisms to comply with that obligation and be accompanied by appropriate redress opportunities*."

In other words, self-regulation of the multinational companies owning the digital platforms cannot guarantee by itself the freedom of expression at them. It is public regulation, which should put the fundamental rules and institutional framework for that. Our Parliamentary Assembly should further investigate the issue and propose basic guidelines for public regulation of the freedom of expression on digital platforms, in accordance with Article 10 of the European Convention on Human Rights.

Signed (see overleaf)

Signed[1]*:*

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1. ALDE: Alliance of Liberals and Democrats for Europe
EC/DA: European Conservatives Group and Democratic Alliance
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group