

2016 Annual Colloquium on fundamental rights Public consultation* on "MEDIA PLURALISM AND DEMOCRACY"

Fields marked with * are mandatory.

Introduction

Media freedom and pluralism are essential safeguards of well-functioning democracies. Freedom of expression and media freedom and pluralism are enshrined in the EU Charter of Fundamental Rights and they are at the core of the basic democratic values on which the European Union is founded.

The second Annual Colloquium on Fundamental Rights will take place on 17-18 November 2016. It will provide the stage for an open exchange on the many different aspects of media pluralism in a digital world, and the role of modern media in European democratic societies.

The colloquium should enable policymakers at EU and national level and relevant stakeholders — including NGOs, journalists, media representatives, companies, academics and international organisations — to identify concrete avenues for action to foster freedom of speech, media freedom and media pluralism as preconditions for democratic societies.

The Commission's objective with this public consultation is to gather broad feedback on current challenges and opportunities in order to feed into the colloquium's discussions. The questions asked are thus meant to encourage an open debate on media pluralism and democracy within the European Union — without, however, either prejudging any action by the European Union or affecting the remit of its competence.

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- Yes, my contribution may be published under my name (or the name of my organisation);
- Yes, my contribution may be published but should be kept anonymous (with no mention of the person/organisation);
- No, I do not want my contribution to be published. (NB — your contribution will not be published, but the Commission may use it internally for statistical and analytical purposes).

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A. Identifying information

1. In what capacity are you completing this questionnaire?

- Individual/private person
- Civil society organisation
- Business
- Academic/research institution
- Other (please specify)

2. If you are answering this consultation as a private citizen, please give your name.

3. If you are answering this consultation on behalf of an organisation, please specify your name and the name of the organisation you represent.

Is your organisation included in the Transparency Register?

- Yes
- No

If yes, please indicate your Register ID-number

16311905144-06

If your organisation is not registered, we invite you to register [here](#). Please note that it is not compulsory to register to reply to this consultation. Responses from organisations that are not registered will be published as part of the individual contributions.

Citizens have a right to expect that European institutions' interaction with citizens associations, NGOs, businesses, trade unions, think tanks, etc. is transparent, complies with the law and respects ethical principles, while avoiding undue pressure, and any illegitimate or privileged access to information or to decision-makers. The Transparency Register exists to provide citizens with direct and single access to information about who is engaged in activities aiming at influencing the EU decision-making process, which interests are being pursued and what level of resources are invested in these activities. Please help us to improve transparency by registering.

4. If you are an individual/private person:

a) What is the country of your nationality?

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden
- United Kingdom
- Other (please specify)

Other (please specify)

b) What is your age group?

- Under 18
- 18-30
- 31-40
- 41-50
- 51-60
- 61-70
- Over 71

B. Media freedom and pluralism

5. In the context of media freedom and pluralism, what should be the role of the State, if any, in the regulation of media? What should be the role of self-regulation?

We agree with Dunja Mijatovic, OSCE representative on Freedom of the Media, when she stated that "the amount of media regulation should be kept at a minimum and all regulations should be in accordance to a clear law, in the service of a legitimate aim and truly necessary for the protection of that legitimate aim - as defined by the European Court of Human Rights" and that "there is no one-fit-all model of a functioning self-regulatory mechanism but provided a code of ethics and complaint mechanisms is established voluntarily by journalists themselves and financially independent from the government, this system demonstrates that state interventions are not necessary." (<http://www.osce.org/fom/111519?download=true>).

Regarding the role of intermediaries, the OSCE in its Communiqué No.1/2016 on Open Journalism set a clear set of principles that could be used:

"Public authorities should protect freedom of expression, media freedom and the free flow of information in all the facets and areas of the online world. The important

presence and role of intermediaries should not endanger the openness, diversity and transparency of Internet content distribution and access.

- Excessive and disproportionate provisions regarding content takedown and intermediaries' liability create a clear risk of transferring regulation and adjudication of Internet freedom rights to private actors and should be avoided. States should also discourage intermediaries from automatising decisions with clear human rights implications"

(<http://www.osce.org/fom/219391?download=true>).

Self-regulation in traditional media is the regulation of the media outlet of its two-sided relationship with its viewers/readers/listeners. In the online world, where individuals publish their own material on, for example, social media platforms, the relationship has three sides - the platform, the content uploader and the viewers/readers/listeners of the uploaded content. Treating regulation of a media provider of itself (traditional self-regulation) with regulation by an online platform of its users (devolved or voluntary enforcement) as if they were the same thing is incoherent and unlikely to lead to good outcomes. Therefore, the state MUST NOT, under the misnomer of "self-regulation" propose, demand or otherwise seek to create an environment where social media companies undertake rights-restrictive measures on their customers.

6. Could you provide specific examples of problems deriving from the lack of independence of media regulatory authorities in EU Member States?

7. What competences would media regulatory authorities need in order to ensure a sufficient level of media freedom and pluralism?

The political independence of such regulatory authorities is of vital importance. To ensure this, there is a need for sufficient funding, clearly defined tasks and accountability to the public. The staff should provide expertise in social, political, cultural and economical fields. The work of such a regulatory authority is likely to affect fundamental rights, such as the freedom to expression and information, the freedom of thought and religion or the right to education. It is essential that decisions of a media regulatory authorities are subject to judicial review. Procedures for nomination and dismissal of authorities needs to be in line with best practices.

8. What should be the role of public service media for ensuring media pluralism?

9. How should public service media be organised so that they can best ensure the public service mandate?

As already argued above, political independence is essential to ensure the public service mandate. This also requires stable and adequate funding. However, this political independence must go hand in hand with a transparent and participatory governance of the public service.

10. Have you experienced or are you aware of obstacles to media freedom or pluralism deriving from the lack of independence of public service media in EU Member States?

- Yes
- No

If yes, please give specific examples.

11. Are you aware of any problems with regard to media freedom and pluralism stemming from the lack of transparency of media ownership or the lack of rules on media ownership in EU Member States?

- Yes
- No

If yes, please give specific examples.

12. Please indicate any best practice on how to ensure an appropriate level of transparency and plurality of ownership in this area.

13. What is the impact of media concentration on media pluralism and free speech in your Member State? Please give specific examples and best practices on how to deal with potential challenges brought by media concentration.

14. Are you aware of any problems related to government or privately financed one-sided media reporting in the EU?

- Yes
 No

If yes, please give specific examples.

15. Please indicate any best practice to address challenges related to government or privately financed one-sided media reporting while respecting freedom of speech and media pluralism.

C. Journalists and new media players

16. What is the impact of media convergence and changing financing patterns on quality journalism?

17. Have you ever experienced, or are you aware of, any limitation imposed on journalistic activities by state measures?

- Yes
 No

If yes, please give specific examples and further information, including justifications given by authorities and the position taken by journalists.

Media have a strong influence on society. It can fuel or suppress political ideas and can start or end political movements. Therefore, ruling authorities usually made sure to put limitations on, or tried to gain control over journalistic activities, in order to maintain their power. Strong media control can be witnessed in autocratic countries like China or North Korea. However, even European Countries like Italy and Hungary have "noticeable problems" with press freedom, according to the "Press Freedom Index 2016" by Reporters Without Borders [LINK: <https://rsf.org/en/ranking/2016>]

18. Please indicate any best practice that reconciles security concerns, media freedom and free speech in a way acceptable in a democratic society.

Attempts to address certain security concerns can also create insecurity with regard to the implementation of the fundamental freedoms on which our society is based. Therefore, measures trying to reconcile these priorities are often accompanied by heated discussions. Today, laws that restrict media freedom and free speech are often passed in order to fight "terrorism" or, even more unclearly, "hate speech".

Best practice include precise legal definitions, judicial review of restrictive measures and sunset clauses.

19. Have you experienced, or are you aware of, limitations related to privacy and data protection imposed on journalistic activities?

- Yes
- No

If yes, please give specific examples and further information.

There are too many examples of journalistic activities affected because the invasion of privacy. The Snowden revelations published by The Guardian give an indication of the scale of the problem:

<https://www.theguardian.com/world/2013/jun/06/nsa-phone-records-verizon-court-order> Mass surveillance, as well as politically targeted surveillance, leads to chilling effects and suppression of effective freedom of expression and information by journalists and for the general population, which undermines the foundations of democracy.

See also: The United Nations Special Rapporteur on the Protection and Promotion of the Right to Freedom of Opinion and Expression and the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights Joint Declaration on surveillance programs and their impact on freedom of expression:

<https://www.oas.org/en/iachr/expression/showarticle.asp?artID=927&lID=1> . See more at "The right to privacy in the digital age", Report of the Office of the United Nations High Commissioner for Human Rights:
http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A.HRC.27.37_en.pdf

20. Have you experienced, or are you aware of, problems linked to hate speech and threats directed towards individuals exercising journalistic activities?

Hate speech is not a clearly defined legal term.

We are concerned that efforts to deal with the problem of abuse of journalists online tends to focus too heavily on giving (already vastly powerful) online platforms the role of moderating, judging and punishing what THEY consider to be unacceptable. This, ultimately, restricts speech and risks having a detrimental impact on journalistic activities. For example, the recently signed code of conduct presents serious risks, especially by putting private companies to police the online discourse. We have written about it here:

<https://edri.org/guide-code-conduct-hate-speech/> and here

<https://edri.org/edri-access-now-withdraw-eu-commission-forum-discussions/>

21. Are you aware of cases where fear of hate speech or threats, as described above, has led to a reluctance to report on certain issues or has had a generally chilling effect on the exercise of freedom of speech?

Yes

No

If yes, please give specific examples and further information.

22. Have you experienced, or are you aware of, problems concerning journalists' safety and security in the EU?

- Yes
- No

If yes, please give specific examples.

Investigative journalism or journalism in politically sensitive areas can lead to problems concerning safety and security.
Another issue is financial safety: In 2011, Hungary changed its constitution to pass a media law, which introduced a new public media authority. This body has the competence to control "the quality of reporting" and the "the political balance" of journalists. Print and Internet media can face fines of more than \$100,000 and broadcasters nearly \$1 million in case of violations. This constitutes a serious threat to journalists and publishers. Voa news: <http://www.voanews.com/content/hungarian-president-signs-controversial-media-law-112693124/170413.html> , Economist: http://www.economist.com/blogs/charlemagne/2011/01/hungarys_media_law

23. Please indicate any best practice for protecting journalists from threats against their safety and security.

Among the tools available, this handbook on security for journalists is a very useful one: <http://www.tcij.org/resources/handbooks/infosec> The "security in a box" set of tools are also very valuable for anyone wishing to protect themselves from intrusive surveillance which could lead to threats to their safety and security <https://securityinabox.org/en>
Furthermore, and more generally, adequate policies must be developed in order to ban mass surveillance, including action against data retention rules in Member States and adequate privacy related norms in the EU (including an updated and future-proof revision of the ePrivacy Directive).

24. Have you ever experienced or are you aware of pressures put by State measures on journalistic sources (including where these sources are whistleblowers)?

- Yes
- No

If yes, please give specific examples.

The destruction of hard drives containing leaked files by The Guardian fearing legal actions is one of the most notable cases:
<https://www.theguardian.com/world/2013/aug/20/nsa-snowden-files-drives-destroyed-london>

Furthermore, the Trade Secrets Directive could present serious risks for whistleblowers wishing to expose illegal behaviour of businesses:
<https://euobserver.com/political/133064>. Corresponding legislation to protect whistleblowers is urgently needed

25. How would pressures on journalistic sources be best addressed?

The legal protection of journalistic sources constitute a vital part of free media. Media depend on information from sources that are able to remain unidentified by authorities and the public. For example, whistleblowers reveal inside knowledge about the activities of an organisation or political group which are unlawful, dangerous or otherwise in the public interest to know. Whistleblowers who release information in relation to "national security" must have the same legal protections as in other cases.

26. Please indicate any best practice for protecting the confidentiality of journalistic sources/whistleblowers.

The non-disclosure of the identity of a source of information can be essential for a journalist's work. In 2009, the UN Special Court for Sierra Leone ruled in the case Prosecutor v. Taylor SCSL-03-1-T that "the protection of identity protected all persons who help the journalist in the news gathering capacities." (<http://www.refworld.org/docid/4f9a4c762.html>)
The Council of Europe set up "Guidelines on protecting freedom of expression and information in times of crisis" in 2007.
(https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805ae60e)

27. Have you experienced, or are you aware of, censorship (including self-censorship) in the EU?

- Yes
 No

If yes, please give specific examples.

Self-censorship is a direct effect of mass surveillance:

<https://theintercept.com/2016/04/28/new-study-shows-mass-surveillance-breeds-meeekness-fear-and-self-censorship/>

One insidious way to impose censorship is by the use of copyright enforcement tools. A number of concrete examples around the world can be found at:

<https://www.eff.org/deeplinks/2014/12/copyright-law-tool-state-internet-censorship>

Regarding the EU, one of the examples can be the one related to how France has implemented Internet censorship without judicial oversight:

<https://edri.org/france-censorship-without-judicial-oversight/> and

<https://www.theguardian.com/commentisfree/2013/jan/02/free-speech-twitter-france>

28. Have you experienced, or are you aware of, any obstacles to investigative journalism, which may include legal provisions in force or a lack of resources?

Especially in the cases of Manning and Snowden, we have seen that investigative journalism faces extraordinary obstacles in the field on "national security". Whistleblowers are facing very long prison sentences and even publishing journalists were confronted with threats and pressure. As already stated in question 24, The Guardian was forced to destroy a hard drive, which contained investigatory information of journalists. Chelsea Manning was sentenced to 35 years in prison for leaking classified documents and videos of US airstrikes against civilians.

(https://www.washingtonpost.com/world/national-security/judge-to-sentence-bradley-manning-today/2013/08/20/85bee184-09d0-11e3-b87c-476db8ac34cd_story.html)

29. Do you consider that the level and intensity of investigative journalism, the number of journalists engaged in such activity, the resources available, the space in print and the time available in audiovisual media for the publication of results of investigations has changed over time?

- Yes
- No

If yes, please give specific examples.

30. Please indicate any best practice facilitating investigative journalism

D. Hate speech online

31. What would be the most efficient ways to tackle the trivialisation of discrimination and violence that arises through the spreading of hatred, racism and xenophobia, in particular online?

The question is badly phrased. It is not clear whether it is talking about communications that are legal or illegal. It is also not clear about the outcomes that it is seeking to avoid. It completely fails to mention possible counterproductive effects of intervention, which obviously need to be identified and avoided. Finally, in a democracy, it is clear that any restriction on any speech needs to be carefully assessed for necessity, effectiveness and proportionality - the fact that this is not mentioned in the question is very disturbing.

We must start from the basis of the Charter of Fundamental Rights - and ensure that no measure is introduced that contradicts - in letter or spirit - that instrument (in particular Article 52 thereof).

We must also bear in mind the current political context in Europe - where all but two EU Member State have seen their score in the Reporters without Borders Press Freedom Index fall between 2013 and 2016.

We currently see national and European politicians calling for stricter rules and measures to fight the spreading of hatred, racism and xenophobia in the online environment. At first this is unproblematic and deserving of support from any person who believes in non-discrimination and democratic values.

Sadly, there is no simple solution to this, but unfortunately populist politicians feel pushed to offer easy answers to difficult questions. This has led, for example to the job of fighting ill-defined "hate speech" being arbitrarily devolved to private companies like Facebook and YouTube, basically making them the "Internet police". What are the reasons for adopting this policy? Are our law enforcement authorities are not in charge of enforcing the law any more? Is the law too unclear? And what are the dangers of this development to our freedom of expression? Bizarrely, the Code of Conduct agreed with social media companies even calls for these private companies to take "the lead" in dealing with content that is ostensibly illegal. Worse still, the agreed document makes it clear that the law is given a second-class status: "review such requests against their rules and community guidelines and 'where necessary' national laws".

One core problem is that "hate" is an inherently subjective term, which can never reflect an objective content. It will always be political. Indeed, "hate speech" in EU legislation is not defined by "hate" or "speech" but "inciting" to hatred or violence, which is a very weak concept too. In fact, even the "Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal

law" does not have an Article dedicated to definition.

The main point is: the criminalisation of thoughts and ideas is a very risky activity for fundamental freedoms - and unclear laws and arbitrary enforcement increase the risks past acceptable limits.

However, the legal prosecution of "hate speech" is not only problematic regarding fundamental rights. It can undermine the rule of law itself, when combined with another aspect: enforcement by private companies. On 31 May 2016 the European Commission announced that IT companies agreed to a "code of conduct", which gives companies like Facebook or and YouTube the responsibility to take the lead when tackling "illegal hate speech" online. Governments and state authorities are ultimately giving up on the idea that it is laws and judges that decide what opinions or ideas are allowed or not in the online environment.

It is worth remembering that, by definition, the range of "banned" content on online platforms will always be wider than what is banned by the law and the bans will be implemented in a harsher, more hurried way that would be done by courts (within 24 hours under the "code of conduct". Without the supervision of courts, we have no rule of law, no fair hearing and no legal remedies. It will then be private companies that decide on the basis of their terms and conditions, with no apparent concern for foreseeability, necessity or even counter-productive effects. On top of that, the system does not even offer a pragmatic solution for illegal hate speech (however it might be defined by law or by various companies' terms of service).

Conclusion:

We need a more sophisticated and less politically-driven and simplistic, populist approach to this problem. The causes of the problem of hate speech needs to be addressed. The notion of hate speech needs to be defined. The role of the law needs to be reasserted.

32. How can a better informed use of modern media, including new digital media ('media literacy') contribute to promote tolerance? Please indicate any best practice.

E. Role of free and pluralistic media in a democratic society

33. How do developments in media freedom and pluralism impact democracy? Please explain.

34. Who do you think is the most suited to help increase media literacy? Please rank and explain why.

	The most important - 1	2	3	4	5	6	7	The least important - 8
Family	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Friends	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
School	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Public authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Media, including online providers	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Dedicated learning systems using e.g. radio, TV, mobile phones and the internet (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Civil society	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Other - please specify

35. Please give specific good examples or best practices for increasing media literacy.

36. What would be concrete ways for free and pluralistic media to enhance good governance and transparency and thus foster citizens' democratic engagement (e.g. self-organisation for political purposes, participation in unions, NGOs, political parties, participation in elections)?

37. What are best practices of free and pluralistic media contributing to foster an informed political debate on issues that are important for democratic societies (e.g. in terms of the nature of the content or in terms of format or platforms proposed)?

38. Which measures would you consider useful to improve access to political information across borders? Please indicate any best practice.

39. Do you consider that social media/platforms, as increasingly used by candidates, political parties and citizens in electoral campaigns play a positive role in encouraging democratic engagement?

- Yes
- No

If yes, please give specific aspects and best practices that you would recommend.

If no, please give specific aspects and examples of negative impacts, and possible alternatives to address them.

Although social media and platforms provide new ways of access to content, we have decided to select "no" in order to point out at the less well known risks that some social networks may provide. Thus, the Facebook mood contagion experiment (<https://www.theguardian.com/technology/2014/jun/29/facebook-users-emotions-news-feeds>) and the way that Facebook "I've voted" button increased the turn out of elections (<https://techcrunch.com/2012/11/06/click-facebooks-im-voting-button-research-shows-it-boosts-turnout/>) show the immense power of private entities to manipulate people's opinion, and thus it's an issue that needs to be taken into consideration. At the moment, far from addressing these concerns, Member States and the European Commission are demanding that social media companies take more action to manipulate public discourse.

In addition, there are numerous examples of excessive, untransparent and unaccountable takedowns and deletions of content by social media companies. Again, the political pressure being exerted in Europe is to extend the public policy role of these companies - even categorising their activities as taking a "leading role" in dealing with illegal content in the European Commission's hate speech code of conduct.

40. Do you consider that there are specific risks or problems regarding the role of platforms and social media — in relation to pluralism of the journalistic press or more generally — as regards the quality of the democratic debate and the level of engagement?

- Yes
- No

If yes, please give specific examples and best practices that you would recommend to address these risks or problems.

One specific risk is the reduction of liability limitations of Internet intermediaries. A strict regime for intermediaries may eventually lead to more severe restrictions for users, online censorship and pre-emptive deletion of (legal) content. The liability of intermediaries could be undermined by the proposed revision of the Audiovisual Media Service Directive (AVMSD). There is a risk that the definition of "video-sharing platform service" used in Article 1 (aa) not only applies to Youtube etc (as probably targeted), but also to social media in general (Facebook and Twitter).

A more insidious risk is the use of threats of increased liability obligations as a means of coercing platforms and social media services into more arbitrary, unaccountable restrictions on public discourse. We have repeatedly witnessed such threats emanating from public bodies, in obvious breach of the spirit and probably the letter of the Charter of Fundamental Rights of the European Union. It is worth reading the European Commission's Platforms Consultation in this light: "Before considering launching an initiative [on changing the liability regime], the Commission will first assess the results of ongoing reforms such as the review of the Audio-visual Media Services Directive, the copyright review and **voluntary initiatives such as the EU Internet Forum.**"

Another risk is that very successful companies could take advantage of their dominant market position. Google or Facebook already have a significant control over the accessibility and visibility of online media content.

We agree with when they assert that they are concerned that Article 28a of the proposal for the revision of the AVMSD seriously undermines the limited liability of Internet intermediaries:

"Article 28a targets video-sharing platforms. Article 28b refers to subsidiaries, parent companies and groups, in order to ensure that at least one Member State can exert jurisdiction over international providers of video-sharing platforms. Video-sharing platforms are defined as service that "consist in the storage of a large amount of user-generated videos" in the principle purpose of providing programmes to the general public (Article 1 (aa)): the definition clearly targets services such as YouTube, but would possibly extend to social media (video is increasingly important on services such as Facebook and Twitter). Despite vowing to respect the limited liability of intermediaries ("without prejudice of Articles 14 and 15" of the ECD),

Article 28 is clearly in conflict with the ECD.

Under Article 28, States should ensure that video-sharing platforms take "appropriate measures" to protect minors from "content which may impact their physical, mental or moral development" and all citizens from incitement to violence or hatred. Appropriate measures include:

- definition of incitement to violence and hatred, and content harmful for minors, in terms and conditions.

- age-verification systems, rating systems, reporting systems, parental control systems."

Furthermore EDRI also agrees with ARTICLE 19 on its main concerns:

"Even if Article 28, 5, provides that Member States should respect the ECD and ensure that complaint and redress mechanisms are available, the proposal raises similar concerns to those raised by the recent EU Commission Code of Conduct on Countering Illegal Hate Speech On Countering Illegal Hate Speech Online for IT companies.

ARTICLE 19 believes that pressuring companies to define and regulate prohibited speech is not only at odds with international standards on freedom of expression, it is also deeply inappropriate:

- It puts companies - rather than the courts - in the position of having to decide the legality of content.

- It allows law enforcement to pressure companies to remove content in circumstances where the authorities do not have the power to order its removal because the content itself is legal.

- It deprives Internet users of a remedy to challenge wrongful removals since the vast majority of content removals are likely to be made on the basis of the company's terms of service."

Contact

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