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PRESS RELEASE

European Commission: Freedom of Expression Needs Better Protection in Digital Communications

The European Commission must enhance freedom of expression rights for internet users by ensuring that removal or ‘takedown’ of information is based on a court decision.

“Freedom of expression on the internet deserves the fullest protection under the European Convention on Human Rights,” says Dr Agnes Callamard, ARTICLE 19 Executive Director. “The obligation to decide what constitutes a legitimate restriction of the right to freedom of expression cannot be settled by a private hosting company under financial threat, but must instead be decided upon by an independent court.”

A consultation on the EU’s E-Commerce Directive was opened in August 2010. The consultation asked for comments on whether the Directive’s rules regulating the liability of internet companies acting as intermediaries are adequate to promote e-commerce while protecting intellectual property and other rights.

ARTICLE 19 calls on the Commission to revise the Directive and require all EU Member States ensure a court decides on takedowns, instead of hosting companies.

ARTICLE 19 also calls on the Commission to provide increased protection to intermediaries, such as hosting companies, in order to limit their liability for content generated by users. Currently, hosting companies are required to takedown information as soon as they are informed – by any person – that it may be unlawful, or face liability. Information has been removed by hosting companies without any justification, often due to “reputation management” efforts by powerful individuals and companies.

The consultation asked if there should be agreed technical standards for filtering and blocking information in order to protect intellectual property. ARTICLE 19 strongly opposes proposals to enhance filtering and blocking of web sites. Any limits on access to information need to be strictly limited in conformity with the protection of the right to freedom of expression. Blocking and filtering can result in limits to a considerable amount of lawful materials. It would also encourage authoritarian governments to conduct more filtering and blocking.

NOTES TO EDITORS:

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- ARTICLE 19 response is available at www.article19.org/pdfs/submissions/response-to-eu-consultation.pdf
- ARTICLE 19 is an independent human rights organisation that works globally to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech. For more information on ARTICLE 19 please visit www.article19.org