Access to Internet and freedom to receive and impart information and ideas

Measures blocking access to Internet

Ahmet Yıldırım v. Turkey

18 December 2012 (judgment)

This case concerned a court decision to block access to Google Sites, which hosted an Internet site whose owner was facing criminal proceedings for insulting the memory of Atatürk. As a result of the decision, access to all other sites hosted by the service was blocked. The applicant complained that he was unable to access his own Internet site because of this measure ordered in the context of criminal proceedings without any connection to him or his site. He submitted that the measure infringed his right to freedom to receive and impart information and ideas.

Akdeniz v. Turkey

11 March 2014 (decision on the admissibility)

This case concerned the blocking of access to two websites (“myspace.com” and “last.fm”) on the grounds that they streamed music without respecting copyright legislation. As a regular user of the websites in question, the applicant mainly complained about the collateral effect of the measure taken under the law on artistic and intellectual works.

Cengiz and Others v. Turkey

1 December 2015 (judgment)

This case concerned the wholesale blocking of access to YouTube, a website enabling users to send, view and share videos. The applicants, who were active users of the website, complained in particular of an infringement of their right to freedom to receive and impart information and ideas.

Vladimir Kharitonov v. Russia, OOO Flavus and Others v. Russia, Bulgakov v. Russia and Engels v. Russia

23 June 2020 (judgments)

These cases concerned the blocking of websites in Russia and, in particular, different types of blocking measures, including “collateral” blocking (where the IP address that was blocked was shared by several sites including the targeted one); “excessive” blocking (where the whole website was blocked because of a single page or file), and “wholesale” blocking (three online media were blocked by the Prosecutor General for their coverage of certain news).

Wikimedia Foundation, Inc. v. Turkey

1 March 2022 (decision on the admissibility)

This case concerned a request by the Telecommunications and Information Technology Directorate for the removal of pages from the applicant foundation’s website and the subsequent order blocking access to the entire website as it was not technically feasible to block only certain pages. The applicant alleged that the blocking of access to the entire Wikipedia website amounted to unjustified interference with its right to freedom of expression, and that the procedure for judicial review of blocking orders against websites was inadequate to prevent abuse. It further alleged that no effective remedy was available under Turkish law and that its individual application to the Turkish Constitutional Court had been rendered ineffective since its activity consisted in publishing the content of its webpages in a timely manner.

Taganrog LRO and Others v. Russia

7 June 2022 (judgment)

This case concerned various actions taken by the Russian State against Jehovah’s Witnesses religious organisations in Russia over a ten-year span, including amendments to anti-extremist legislation leading to the banning of their international website.

Restrictions placed on prisoner’s access to certain Internet sites

Internet sites containing legal information

Kalda v. Estonia

19 January 2016 (judgment)

This case concerned a prisoner’s complaint about the authorities’ refusal to grant him access to three Internet websites, containing legal information, run by the State and by the Council of Europe. The applicant complained in particular that the ban under Estonian law on his accessing these specific websites had breached his right to receive information via the Internet and prevented him from carrying out legal research for court proceedings in which he was engaged.

Ramazan Demir v. Turkey

9 February 2021 (judgment)

This case concerned the prison authorities’ refusal to grant a request for access to certain Internet sites, lodged by the applicant, a lawyer, in the course of his pre-trial detention in Silivri Prison in 2016. The applicant wished to access the Internet sites of the European Court of Human Rights, the Constitutional Court and the Official Gazette, with a view to preparing his own defence and following his clients’ cases. He considered that there had been an interference with his right to receive information and ideas.

Internet sites providing educational information

Jankovskis v. Lithuania

17 January 2017 (judgment)

This case concerned a prisoner’s complaint that he had been refused access to a website run by the Ministry of Education and Science, thus preventing him from receiving education-related information. He had written to that Ministry requesting information about the possibility of enrolling at university in order to acquire a degree in law, and the Ministry had written back to him, informing him that information about study programmes could be found on its website. However, the prison authorities and subsequently the administrative courts all refused to grant the applicant Internet access to this website, essentially referring to the legal ban on prisoners having Internet access (or the ban on prisoners’ telephone and radio communications and implicitly therefore also Internet) and security considerations.

Mehmet Reşit Arslan and Orhan Bingöl v. Turkey

18 June 2019 (judgment)

The applicants, who were convicted in 1992 and 1995, respectively, for membership of an illegal armed organisation and were both serving sentences of life imprisonment, complained in particular of being prevented from using a computer and accessing the Internet. They submitted that these resources were essential in order for them to continue their higher education and improve their general knowledge. They had appealed to the courts but had been unsuccessful.