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HUMAN RIGHTS APPROACH TO INTERNET ACCESS WITH A SPECIAL EMPHASIS ON THE CASE-LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

Abstract

As one of the most important technological inventions, the internet has significant implications for human rights. These implications can be useful in terms of ensuring the protection of human rights. However, at the same time, advances in technical innovations raise major concerns about the possible influence on human rights. Concerning this fact, an additional challenge is referring to the question of whether is it necessary to address access to the internet as a human right. In 2011, the United Nations viewed internet access through the prism of human rights for the first time when the Human Rights Council adopted the Special Rapporteur's Report on the Promotion and Protection of the Right to Freedom of Opinion and Expression. Since that moment, there has been an ongoing debate about whether we are witnessing the process of the recognition and operationalization of a new human right. Is the right to access the internet an autonomous right or it could be seen only as a part of existing human rights, primarily, in respect of freedom of expression? The paper will contribute to the ongoing discussion by providing analysis and insights into the main features related to the human rights approach to internet access with the special attention devoted to the framework of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The scope of the paper is to clarify whether the right to internet access can be assessed regarding effective protection primarily in front of the European Court of Human Rights.

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I Introduction

Do you read this article in electronic or in the printed version of the journal? If you are reading online, do you consider the internet a privilege or a necessity? The answer to this question must be seen in the context of the fact that the COVID-19 pandemic has brought into perspective how luxury can turn into necessity overnight. Given the above fact, should access to the internet be seen as a universal entitlement that transforms the concept of this global medium from technology to a basic right?[1]

The International Telecommunication Union of the United Nations estimates that approximately 3 billion people, or 37% of the global population, have never used the internet.[2] Even though the percentage of people who do not use the internet is not negligible, it still represents a primary mode of communication. Furthermore, as one of the most important technological inventions, the internet has significant implications for human rights. These implications can be useful in terms of ensuring the protection of human rights. However, at the same time, advances in technical innovations raise major concerns about the possible influence on human rights.[3] Concerning this fact, an additional challenge is referring to the question of whether it is necessary to address access to the internet as a human right.

In the light of the above-mentioned facts, the article is divided into two main parts. The first part of the paper will provide an answer to the question of whether the right to internet access could be considered a human right? In addition, the second part will examine the current status of the protection of the right to internet access by the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: ECHR) and based on standards provided by the jurisprudence of the European Court of

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[1] M. Reglitz, The Human Right to Free Internet Access, *Journal of Applied Philosophy*, XXXVII (2020)2, 314-331.

[2] United Nation's International Telecommunication Union Development Sector, Measuring digital development, Facts and Figures 2021, *https://www.itu.int/itu-d/reports/statistics/facts-figures-2021/*, visited: 25. 4. 2022.

[3] M. Mladenov, Zaštita prava na privatnost u praksi Evropskog suda za ljudska prava, *Zbornik radova Pravnog fakulteta u Novom Sadu*, XLVII (2013)3, 576.

Human Rights (hereinafter: ECtHR). The scope of the paper is to clarify whether the right to internet access can be assessed regarding effective protection primarily in front of the European Court of Human Rights.

II Right to access the internet as a human right

There is no consensus in doctrine on whether internet access should be considered a human right. Some scholars support the concept of internet access as a basic human right following the principle of equal opportunity for all to participate in society and the fact that free of charge and public internet is necessary for the enjoyment of another human right.[4] On the contrary, there is also a widely accepted thesis that the internet as a technological achievement "is not a right, but an enabler of rights".[5] To provide a possible solution to the dilemma, it might be helpful to evaluate the right's effective formulation as well as its justiciability from international and constitutional perspectives.

In 2011, the United Nations acknowledged the human rights approach to internet access for the first time when the Human Rights Council adopted the Special Rapporteur's Report on the Promotion and Protection of the Right to Freedom of Opinion and Expression. The Report viewed the internet access through the prism of human rights in the following manner:

"Given that the Internet has become an indispensable tool for realizing a range of human rights, combating inequality, and accelerating development and human progress, ensuring universal access to the Internet should be a priority for all States. Each State should thus develop a concrete and effective policy, in consultation with individuals from all sections of society, including the private sector and relevant Government ministries, to make the Internet widely available, accessible, and affordable to all segments of the population".[6]

Even though these remarks could be very significant from a theoretical and academic point of view, on the other hand, they have remained nothing more than a recommendation. Furthermore, the Human Rights Council adopted a

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[4] M. Reglitz, *op. cit.*, 314.

[5] T. Oyedemi, Internet access as citizen's right? Citizenship in the digital age, *Citizenship Studies*, XIX(2015) 3-4, 2.

[6] Special Rapporteur's Report on the Promotion and Protection of the Right to Freedom of Opinion and Expression, Frank La Rue, Human Rights Council, UN Doc. A/HRC/17/27, 16 May 2011, paragraph 85.

resolution in 2016 on the promotion, protection, and enjoyment of human rights on the internet, marking yet another significant step forward.[7] The resolution did not, however, announce a new right; rather, it cited well-established rights, such as the right to freedom of expression, the right to freedom of peaceful assembly and association, and the right to education, for which the internet has become a vital means of realization.[8] In this context, the recent resolution should be viewed as a step forward rather than a definitive declaration of a new right.

A similar perspective was adopted by the European Parliament in 2009.[9] It saw the internet as an essential instrument for practicing freedom of expression as well as an important part of other fundamental rights, including respect for private life, freedom of association, freedom of the press, political expression and participation, non-discrimination, and education. In addition, the Universal Service Directive, known as Directive 2002/22 of the European Parliament and the Council, is one of the most comprehensive legal actions within the legal framework of the European Union on the subject.[10] This Directive defines universal service as the provision of electronic telecommunications networks and the definition of a minimum set of high-quality, publicly available services to all end-users at a reasonable cost.[11] Directive 2002/22 was amended by the Directive 2009/136 which also defines the key substance of the right to internet access as a publicly available and affordable service. Furthermore, the European Electronic Communications Code (EECC) also includes standards relevant to the consideration of internet access as a human right. Article 100 of the EECC strives to prevent national restrictions on internet access or usage that restrict the enjoyment of the right provided by the Charter of Fundamental Rights of the European Union, while article 84 requires that all member states provide

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[7] UN General Assembly, The promotion, protection and enjoyment of human rights on the Internet, 27 June 2016, A/HRC/32/L.20.

[8] Ł. Szoszkiewicz, Internet Access as a New Human Right? State of the Art on the Threshold of 2020, *Adam Mickiewicz University Law Review*, 8(2018), 50.

[9] Recommendation of 26 March 2009 to the Council on strengthening security and fundament freedoms on the Internet, European Parliament, 2010 O.J. (C.117) E/206.

[10] Council Directive 2002/21/EC, arts. 1 & 2, OJ L 108, 24. 4. 2002, p. 33–50 [hereinafter Universal Service Directive].

[11] Q. Qerimi, Bridge over Troubled Water: An Emerging Right to Access to the Internet, *International Review of Law*, (2017) 1, 18.

universal internet access.[12] This trend of imposing legal obligations to provide for universal internet access could be interpreted as an attempt to harmonize the implementation of a potential basic right to internet access at the EU level.

Internet access has already been proclaimed as a human right in some European countries such as Estonia, France, Greece, Spain, Finland, and Italy. The Estonian Parliament approved Telecommunications Act declaring internet access to be a fundamental human right in 2000.[13] The French Constitutional Court concluded in June 2009 that internet connection is a fundamental right that may only be taken away by a court of law, while the same right was declared in Finland one year later.[14] In 2015, the Declaration of Internet Rights was introduced in Italy, which explicitly recognized internet access as a fundamental right within Article 2 as follows: "*access to the Internet is a fundamental right of all persons and a condition for their individual and social development*".[15] Even though this is a nonbinding document, it is generally seen as a positive development in the context of consecrating the human right to access the internet.

From the aforementioned examples, it appears that there is a trend in international law to view internet access as part of a right for all people to participate in the information society, which can be fulfilled by providing citizens with internet access. Finally, there is no clear justification for the existence versus the emergence of a universal human right to internet access under current practice.

III Right to internet access in the jurisprudence of the ECtHR

Due to the fact that the ECHR was adopted more than 70 years ago, it is quite understandable that it could not have taken into account the technological innovations of modern society. It is important to note that the ECHR contains broad norms and requirements that serve as a framework for governments to fill

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[12] H. Mildebrath, Internet access as a fundamental right, Exploring aspects of connectivity, *European Parliamentary Research Service*, 2021, *https://www.europarl.europa.eu/thinktank/en/document/EPRS_STU(2021)696170*, 37, visited 29. 4. 2022.

[13] S. Tăbușcă, The internet access as a fundamental right, *Journal of Information Systems and Operations Management*, IV(2010) 2, 209.

[14] *Ibid*., 210.

[15] T. Stephen, A human right to access the internet - problems and prospects, *Human Rights Law Review*, XIV (2014)2, 177.

in with their content. As a result, the challenges posed by technological advancements to the protection of human rights in the ECHR must be addressed by the ECtHR, whose mission, under Article 19, is to ensure adherence to the commitments made by the Parties in the Convention and Protocols. To respond to changes in legal or social concepts, ECHR rights must be assessed in the light of the notion that the ECHR is a living instrument that must be interpreted from the aspect of present-day conditions.

The following part of the paper will focus on the analysis of the main standards in the ECtHR case law regarding the right to internet access, outlining the specific nature of the implementation of classical rights in the above-mentioned context.

The jurisprudence of the ECtHR regarding access to the internet is mostly referring to the interpretation of Article 10 of the ECHR. In the first paragraph Article 10 provides freedom of expression in the following manner:

"Everyone has the right to freedom of expression. This right shall include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises."[16]

The conditions under which the acknowledged rights may be subject to various limits and limitations are laid out in paragraph 2 of Article 10. The enjoyment of these rights may be subject to legal formalities, conditions, restrictions, or penalties that should be in accordance with the three-part-test of the ECtHR that includes the lawfulness of the interference, its legitimacy, and its necessity in a democratic society.[17]

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[16] The European Convention on Human Rights, Council of Europe, 1952, Strasbourg: Directorate of Information.

[17] Article 10 paragraph 2:

"The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary".

Ibid.

1. Ahmet Yildirim v. Turkey

One of the landmarked cases in front of the ECtHR regarding the right to internet access is *Ahmet Yildirim v. Turkey* (2012).[18] The case was referring to a criminal court judgment to restrict access to Google-hosted websites. The applicant was the owner and operator of a website, hosted by Google, where he posted his own material including his academic work. As a result of the decision by the Denizli Criminal Court, access to one Google site was blocked under the provisions of relevant domestic law as a preventive measure in the context of criminal proceedings, followed by the blocking of all access to Google sites. Therefore, the applicant was denied access to his own website, which is unrelated to the one that was blocked due to illegal material. In the light of the above-mentioned facts, the applicant claimed that the measure blocking access to his own website represents a violation of his right to receive and impart information and ideas under Article 10 of the ECHR.

The ECtHR stated that the restriction of all access to Google sites was at the heart of the issue, as was its impact on the Applicant, who owned another website hosted by Google. Although the blocking of the offending site was legitimate, it was evident that neither the applicant's site nor Google Sites were covered by the applicable law because there was no reason to think that their material was illegal. Even though Google Sites was held liable for the content of a website it hosted, the legislation did not allow for the service's complete blocking. In addition, the judicial review procedures for blocking internet sites did not meet the criterion for avoiding abuse since the internal law of the respondent state did not include any safeguards to ensure that blocking of access to specific sites was not used to block internet access in general. The ECtHR highlighted that the internet is one of the primary means for the enjoyment of the right to freedom of expression and information providing crucial instruments for involvement in activities and conversations about political and public-interest matters.

As a result, the ECtHR concluded that the facts of the case were sufficient to find that the restriction constituted a violation of Article 10 of the ECHR.

2. Akdeniz v. Turkey

In the case of *Akdeniz v. Turkey* (2014), the ECtHR provided the answer to the question of who could be a 'victim' of blocking access to the websites in the sense

[18] *Ahmet Yildirim v. Turkey*, Application no 311/10, (ECtHR 18 December 2012).

of Article 34 of the ECHR.[19] The media division of the respondent's public prosecutor's office ordered the restriction of access to the websites *myspace.com* and *last.fm* in June 2009, claiming that these sites were infringing on the copyright by disseminating musical works without permission. The user of the website submitted the application.

The ECtHR ruled that the application was inadmissible (incompatible *ratione personae*) since the applicant could not be considered a victim because he was not directly harmed by a blocking action. Despite the fact that the ECtHR recognized internet users' rights as very significant, the ECtHR noted that the two music-streaming websites in question had been blocked because they violated copyright laws. Furthermore, the ECtHR noted that the applicant had several options for accessing a variety of musical works without violating copyright laws.[20]

3. Cengiz and Others v. Turkey

Moreover, the ECtHR was dealing with the blocking of access to YouTube, a service that allows users to send, view, and share videos in *Cengiz and Others v. Turkey* (2015).[21] The Ankara court ordered the blocking of access to YouTube due to the fact that the post on this service infringed the criminal law of Turkey, which prohibits disrespecting the memory of Mustafa Kemal Atatürk. The applicants, academics from different universities, were active users of YouTube. They claimed that the impossibility of access to this platform represented a violation of their rights to receive and impart information and ideas.

The ECtHR noted that YouTube was a significant means for the applicants in exercising their right to receive and impart information and ideas over the internet. In contrast to the view regarding the platforms in *Akdeniz v. Turkey* case, the ECtHR noted that YouTube was a single platform that allowed for the broadcast of information of great importance, notably on political and social issues, as well as the emergence of citizen journalism. Moreover, the ECtHR observed that Turkey's legal system did not include provisions that allowed domestic courts to issue a blanket blocking order on access to YouTube due to one of its contents.

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[19] *Akdeniz v. Turkey*, Application no. 20877/10 (ECtHR, 11 March 2014).

[20] A. Wiśniewski, The European Court of Human Rights and Internet-Related Cases, *Bialystok Legal Studies*, XXVI(2021) 3, 118.

[21] *Cengiz and Others v. Turkey*, Applications no 48226/10 and 14027/11 (ECtHR, 1 December 2015).

Finally, the ECHR concluded that the measures taken by the respondent state violated Article 10 of the ECHR. [22]

4. Kablis v. Russia

In *Kablis v. Russia* (2019) the applicant claimed that his right under Article 10 of the ECHR was violated due to the fact that the local public authority ordered the blocking of the applicant's access to the networking blog site, *Vkontakte*, because it involved criticism of the authorities' decision to reject the applicant's request to organize a protest.[23] The purpose of the public event in question, according to the ECtHR, was to express a viewpoint on a significant public issue, notably the recent arrest of regional government officials. The ECtHR emphasized that, according to standards of its jurisdiction, the expression on subjects of public interest is entitled to strong protection, and that any restrictions must be justified by extremely legitimate reasons.

Since local authorities failed to advance any reasons for blocking access to the blog site, ECtHR ruled that Russia violated Article 10 of the ECHR. Similar conclusion the ECtHR reached in the case of Dmitriyeva (*Elvira Dmitriyeva v. Russia*, 2019). [24]

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

Vladimir Kharitonov v. Russia, *OOO Flavus and Others v. Russia*, *Bulgakov v. Russia*, and *Engels v. Russia* are the most recent cases concerned blocking of websites in Russia.[25] The ECtHR decided cases on the same day, June 23, 2020, even though the applications were submitted between 2013 and 2015.

In the Kharitonov case, the applicant discovered his website's IP address had been blocked because the Russian Federal Drug Control Service intended to ban

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[22] Factsheet – Access to Internet and freedom to receive and impart information and ideas, European Court of Human Rights, March 2022, 2. *https://www.echr.coe.int/Documents/FS_Access_Internet_ENG.pdf*, visited: 18. 5. 2022.

[23] *Kablis v. Russia*, Application no. 48310/16 and 59663/17 (ECtHR, 30 April 2019).

[24] *Elvira Dmitriyeva v. Russia*, Application no. 60921/17 and 7202/18 (ECtHR, 30 April 2019).

[25] *Vladimir Kharitonov v. Russia*, Application no. 10795/14 (ECtHR, 23 June 2020), *OOO Flavus and Others v. Russia*, Applications no 12468/15, 23489/15, and 19074/16 (ECtHR, 23 June 2020), *Bulgakov v. Russia*, Application no. 20159/15 (ECtHR, 23 June 2020), *Engels v. Russia*, Application no. 61919/16 (ECtHR, 23 June 2020).

access to another website with the same hosting provider and IP address. In the case of OOO Flavus and Others, the applicants' access to websites was blocked without a court order at the request of the Russian Prosecutor General. Russia was unable to identify the applicants of precise offensive information, preventing them from removing it and regaining access. Bulgakov's access was restricted due to a court order, as his website contained an electronic book in the extremist publication sector. Despite the fact that he deleted the given book, the Russian Court upheld its ruling, claiming that the block was a blanket ban, not just for the material. Because his website provided instructions on how to get around content restrictions, Engels was in a similar situation as Bulgakov.

In all the cases, the ECtHR unanimously found a violation of Article 10 of the ECHR and stated unequivocally that the proceedings lacked legitimacy because the provisions of Russia's Information Act used to block the websites had excessive and arbitrary effects and did not provide an adequate safeguard against abuse.[26]

6. Wikimedia Foundation, Inc. v. Turkey

In the case of *Wikimedia Foundation, Inc. v. Turkey*, the ECtHR was dealing with the request by the Telecommunications and Information Technology Directorate for the removal of pages from the applicant foundation's website, as well as a subsequent order blocking access to the entire website due to the fact that blocking only certain pages was not technically feasible.[27] On the ground of Articles 6 (right to a fair hearing), 10 (freedom of expression) and 15 (derogation in time of emergency), the applicant claimed that limiting access to the full Wikipedia website was an unjustifiable restriction on its right to freedom of expression and that the judicial review system for blocking orders against websites was insufficient to avoid abuse. Moreover, the applicant claimed that under Turkish legislation, there was no effective remedy available and that its application to the Turkish Constitutional Court had been made ineffectual "*since its activity consisted in publishing the content of its web pages in a timely manner*".[28] In

[26] G. Gosztonyi, The European Court of Human Rights: Internet Access as a Means of Receiving and Imparting Information and Ideas, *International Comparative Jurisprudence*, VI (2020)2, 138.

[27] *Wikimedia Foundation, Inc. v. Turkey*, Application no. 25479/19, (ECtHR 24.03.2022).

[28] European Court of Human Rights, Factsheet – Access to Internet and freedom to receive and impart information and ideas, March 2022, 3, *https://www.echr.coe.int/Documents/FS_Access_Internet_ENG.pdf*, visited: 18. 5. 2022.

the meantime, the Constitutional Court held that there had been a violation of the applicant's right to freedom of expression.

ECtHR emphasized that in numerous situations involving freedom of expression, it had determined that an application to the Constitutional Court was to be treated as a remedy to be exhausted for the purposes of Article 35 1 (admissibility requirements) of the ECHR. In the light of the fact that the Constitutional Court had acknowledged the violation of freedom of expression and had provided appropriate and sufficient redress for the damage suffered by the applicant foundation, the applicant could not any longer claim victim status, hence the ECtHR declared the application inadmissible.[29]

7. Concluding observations regarding the analyzed case

So far, ECtHR did not explicitly establish the autonomous right, based on which individuals may compel states to provide internet access by way of legal action. Instead, the protection of the enjoyment of internet access and online content against interferences is possible through the prism of the freedom of expression and information in accordance with Article 10 of the ECHR.

The crucial point that should be understood from the perspective of the above cases is that blocking internet sites, even if it constitutes prior restraint, is not inherently incompatible with the provisions of the ECHR. It must, on the other hand, meet specific conditions established by the case-law of the ECtHR. An adequate legal framework should be created, with precise and explicit regulations that allow domestic courts to reach a fair balance of the competing interests. Furthermore, in circumstances where restrictions on public debate and political speech are enforced, strong justifications must be stated.

The necessity test involving proportionality is very significant in deciding cases related to internet access in front of the ECtHR. Following the standards provided by the jurisprudence of the ECtHR, restriction of internet access is regarded as a considerable restriction of freedom of expression and should only be used as a last resort, backed up by very compelling reasons.

IV Concluding remarks

It is generally acknowledged that we are living in a new reality in which we rely on internet access to do basic everyday activities and to enjoy and express our

[29] *Ibid.*

human rights. On the other hand, there is a widely accepted view in the doctrine that the internet is a luxury and that consideration of internet access as a human right may seem exaggerated. This objection would be valid if the right to internet access was an entitlement or in other words if governments were required to provide citizens with laptop computers and wireless connections. Therefore, it seems more realistic, to consider internet access in the light of exercising the existing human right of freedom of expression as a means of receiving and imparting information and ideas.

Although the affirmative requirement to create this right has yet to be recognized, the understanding that illegal restrictions or unreasonable denial of internet access might affect or constitute a violation of other protected rights is moving to change. As a result, states are under a legal obligation to refrain from arbitrarily interfering with internet access; hence, a state's negative obligation to not interfere with or obstruct an individual's access to the internet is recognized.

There is a strong case to be made for a positive obligation to provide internet access on the right to freedom of opinion and expression which is further supported by the fact that the internet is already accessible and that it is widely acknowledged that denying or unjustifiably restricting such access is not in accordance with relevant international standards. A positive commitment, in addition to non-interference, could imply government affirmative action. Despite its existing limitations, indicators of the positive right's continued rise cannot be overlooked. Concerning this fact, the most authoritative global indication is offered by the Human Rights Council which states that parties should take all necessary steps to ensure access of individuals to the internet. The European Parliament adopted a similar approach.

The striking feature of ECtHR analysed case law is its acknowledgement of the internet's significant importance for the exercise of freedom of expression and, in particular, freedom to seek and obtain information. Despite the fact that the ECtHR considers the Internet to be a communication medium, it recognizes that it has unique characteristics that influence the exercise of rights protected by the Convention. According to ECtHR judgments, blocking internet access may be compatible with human rights if certain conditions are met. Even though all three parts of the ECtHR's test (legitimacy, necessity, and proportionality) should be carefully addressed, the respondent states discussed in this article frequently fail to meet the requirements of the necessary part of the above-mentioned test and/or the proportionality part of the above-mentioned test. Internet access related case law of the ECtHR is in the process of continuous development. The ECtHR has proved that it is capable of dealing with these kinds of cases based on the provisions of the ECHR and using its well-developed interpretation techniques.

What might be the best way to move forward? The recognition and operationalization of a new human right is a long process that necessitates international agreement, the academic and expert consensus in its design, and, last but not least, governments' willingness to commit to another human rights responsibility. It seems that in the context of internet access we are not there yet, but we are definitely along the right lines.

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Pristup internetu iz perspektive ljudskih prava sa posebnim naglaskom na praksu Evropskog suda za ljudska prava

Apstrakt

Kao jedan od najvažnijih tehnoloških izuma, internet ima značajne implikacije u sferi ljudskih prava. Ove implikacije mogu biti korisne u smislu obezbeđivanja zaštite ljudskih prava, ali u isto vreme napredak u tehničkim inovacijama izaziva veliku zabrinutost povodom mogućeg uticaja na ljudska prava. U vezi sa navedenom činjenicom, dodatni izazov predstavlja i pitanje da li je pristup internetu potrebno tretirati kao ljudsko pravo. Sagledavanje pristupa internetu kroz prizmu ljudskih prava u okviru Ujedinjenih nacija je prvi put ustanovljeno na osnovu aktivnosti Saveta za ljudska prava, tačnije kroz odredbe Izveštaja specijalnog izvestioca o unapređenju i zaštiti prava na slobodu mišljenja i izražavanja. Od tog trenutka traje debata o tome da li smo svedoci procesa priznavanja i operacionalizacije novog ljudskog prava. Da li je pravo na pristup internetu autonomno pravo ili se može posmatrati samo kao deo postojećih ljudskih prava, pre svega u svetlu ostvarivanja slobode izražavanja? Rad pruža doprinos predmetnoj diskusiji kroz analizu osnovnih karakteristika koncepta pristupa internetu sa aspekta ljudskih prava, pri čemu je posebna pažnja posvećena sagledavanju istog u kontekstu primene Evropske konvencije za zaštitu ljudskih prava i osnovnih sloboda. U okviru zaključnih razmatranja autori su predstavili tendencije razvoja pozitivnih i negativnih obaveza država u

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procesu formiranja prava na pristup internetu kao posebnog ljudskog prava. Cilj rada se odnosi na jasnu procenu mogućnosti efektivne zaštite predmetnog prava prvenstveno pred Evropskim sudom za ljudska prava.

Ključne reči: pristup Internetu, ljudska prava, Evropska konvencija o ljudskim pravima, Evropski sud za ljudska prava, sloboda izražavanja.

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