

Internetivabaduse hindamise näitajad ehk indikaatorid

Indicators	Evaluation	Comments
2. The right to freedom of expression		
2.1. Freedom to access the Internet		
2.1.1. The Internet is available, accessible and affordable to all groups of the population without any discrimination.		
2.1.2. The public has access to the Internet in facilities supported by public administration (Internet access points), educational institutions or private owners (universal community service).		
2.1.3. The State takes reasonable measures to ensure access to the Internet to those with low income, in rural or geographically remote areas and those with special needs such as persons with disabilities.		
2.1.4. There are no general, nationwide restrictions on access to the Internet except when this is in compliance with Article 10 of the Convention.		
2.1.5. The State recognises in law and in practice that disconnecting individuals from the Internet, as a general rule, represents a disproportionate restriction of the right to freedom of expression.		
2.1.6. Any restriction of Internet access, including in penitentiary institutions, complies with the conditions of Article 10 of the Convention regarding the legality, legitimacy and proportionality of restrictions on freedom of expression and the positive obligation of the State to protect the right to freedom of expression.		

<p>2.1.7. Before restrictive measures to Internet access are applied, a court or independent administrative authority determines that disconnection from the Internet is the least restrictive measure for achieving the legitimate aim. The continuing necessity of the restrictive measure is evaluated by these authorities on a continuing basis. These conditions do not apply to cases of non-payment by users for their Internet services.</p>		
<p>2.1.8. When restrictive measures are applied, the person concerned has the right to due process before a court or an independent administrative authority whose decisions are subject to judicial review, in compliance with Article 6 of the Convention.</p>		
<p>2.2. Freedom of opinion and the right to receive and impart information</p>		
<p>2.2.1. Any measure taken by State authorities or private-sector actors to block or otherwise restrict access to an entire Internet platform (social media, social networks, blogs or any other website) or information and communication technologies (ICT) tools (instant messaging or other applications), or any request by State authorities to carry out such actions complies with the conditions of Article 10 of the Convention regarding the legality, legitimacy and proportionality of restrictions.</p>		
<p>2.2.2. Any measure taken by State authorities or private-sector actors to block, filter or remove Internet content, or any request by State authorities to carry out such actions complies with the conditions of Article 10 of the Convention regarding the legality, legitimacy and proportionality of restrictions.</p>		
<p>2.2.3. Internet service providers as a general rule treat Internet traffic equally and without discrimination on the basis of sender, receiver, content, application, service or device. Internet traffic management measures are transparent, necessary and proportionate to achieve overriding public interests in compliance with Article 10 of the ECHR.</p>		

<p>2.2.4. Internet users or other interested parties have access to a court in compliance with Article 6 of the Convention with regard to any action taken to restrict their access to the Internet or their ability to receive and impart content or information.</p>		
<p>2.2.5. The State provides information in a timely and appropriate manner to the public about restrictions it applies to the freedom to receive and impart information, such as indicating websites that have been blocked or from which information was removed, including details of the legal basis, necessity and justification for such restrictions, the court order authorising them and the right to appeal.</p>		
<p>2.3. Freedom of the media</p>		
<p>2.3.1. The editorial independence of media operating on the Internet is guaranteed in law, policy and practice. They are not subjected to pressure to include or exclude information from their reporting or to follow a particular editorial direction.</p>		
<p>2.3.2. Media are not required to obtain permission or a licence from the government or State authorities, beyond business registration, in order to be allowed to operate on the Internet or blog.</p>		
<p>2.3.3. Journalists and other media actors using the Internet are not subject to threats or harassment by the State. They do not practise self-censorship because of fear of punishment, harassment or attack.</p>		
<p>2.3.4. The confidentiality of journalists' and other media actors' sources is protected in law and respected in practice.</p>		
<p>2.3.5. Media websites and websites of new media actors are not affected by cyber-attacks or other action disrupting their functioning (for example, denial of service attacks).</p>		
<p>2.3.6. There are prompt and effective investigations of threats and crimes against journalists and new media actors. There is no climate of impunity.</p>		

2.4. Legality, legitimacy and proportionality of restrictions		
2.4.1. Any restriction of the right to freedom of expression on the Internet is in compliance with the requirements of Article 10 of the Convention, namely it:		
- is prescribed by a law, which is accessible, clear, unambiguous and sufficiently precise to enable individuals to regulate their conduct. The law ensures tight control over the scope of the restriction and effective judicial review to prevent		
- pursues a legitimate aim as exhaustively enumerated in Article 10 of the Convention;		
- is necessary in a democratic society and proportionate to the legitimate aim pursued. There is a pressing social need for the restriction, which is implemented on the basis of a decision by a court or an independent administrative body that is		
2.4.2. The State does not impose undue restrictions to freedom of expression on the Internet in its legislation. Defamation laws are specific and narrowly defined as to their scope of application. They do not inhibit public debate or criticism of State bodies and do not impose excessive fines or disproportionate awards of damages or legal costs. Severe sanctions, such as imprisonment, are applied only when the fundamental rights of other people have been seriously impaired such as in cases of incitement to violence or hatred.		
2.4.3. Laws addressing hate speech or protecting public order, public morals, minors, national security or official secrecy and data protection laws are not applied in a manner which inhibits public debate. Such laws impose restrictions of freedom of expression only in response to a pressing matter of public interest, are defined as narrowly as possible to meet the public interest and include proportionate sanctions.		