

ECHR rights + other sources	Compendium Rights	Content of the right	Limitations	Interferences with rights			Remedies		Best Practice
				Violation examples	Entities concerned		Existing	Missing	
Right to life									
Prohibition from torture									
Prohibition of slavery and forced labour									
Right to liberty and security									
		Any censorship of content must be subject to prior judicial order (MM)		Online censorship (MM)	Government, NetOp, ISP, OLSP (MM)				
		Any obstruction to access or use public content, application or service, protocol or standard, or infrastructure must be subject to prior judicial order(MM)		Blocking of this access / Breaches to Net neutrality principle (MM)	Government, NetOp, ISP, OLSP				

**Right to
fair trial**

Self-
incrimination
or incrimination
by close
relatives
prohibited
(MM)

Ordering
an individual
who has
knowledge
of the
security
methods
(including
decryption
method)
applied to
data of
interest to
LEA, to
provide all
necessary
information
to enable
search and
seizure.
(MM)

Government
, LEA

Right to fair trial + prot 7, art. 2 Right to appeal in criminal matters

No alternative dispute resolution mechanism should be imposed to anyone, who should have the right to prefer court process (MM)

ex. UDRP procedures (MM)

ICANN, Government, Registries, Registrars, NetOp, ISP, OLSP, any service provider

Any interception of communication must be subject to prior judicial order (MM)

Extended powers given to Intelligence services through provisions on "prevention" of crimes (MM)

Government, LEA, NetOp, ISP, OLSP (MM)

Judicial oversight (MM)

Right to presumption of innocence (MM)	Any search and/or seizure of stored computer data must be subject to prior judicial order (MM)		Search of P2P networks of computers commissioned by royalty collecting companies (MM)	Government, LEA, Representative of right holders (MM)				Judicial oversight (MM)	
	Any retention of communication data for other purpose than billing and/or network management (which should be limited in duration) must be subject to prior judicial order (MM)		Systematic and blanket data retention laws (MM)	Government, NetOp, ISP, OLSP (MM)				Judicial oversight (MM)	

No punishment without law + prot 7, article 4 right not to be tried or punished twice;	No punishment without law	Dual criminality should be a pre-requisite to all forms of LEA mutual assistance (especially for data requests), and these crimes must be stated explicitly. (MM)		Break and remote search and/or delete data in foreign computers in the course of a national investigation (MM)	Governments (laws, Treaties), LEA (transborder cooperation, e.g. that provided by CoE Cybercrime Convention) (MM)			Judicial oversight from local country	Judicial oversight from foreign country too	
	Right not to be punished twice	No one could be totally deprived from the freedom to access electronic communication means (MM)		Three-strike laws, any such additional/alternative penalty (MM)	Government (laws), Administrative authorities (MM)					
		Right to informed consent to use of data, default settings, activation of filters, data breaches and losses etc.	Para. 2	Data is collected with no specific purpose.				Rights to complain to service provider;		

Right to anonymity and to use encryption.	(RJ)	Data is not deleted when purpose is fulfilled.
		Data is exchanged without consent. Consent is not informed. Data is used for other purposes than the specified. Data is retained or monitored with no legal basis. National legislation in violation of FoE standards
		More examples from ECHR case law.. (RJ)

Right to complain to data protection authority or to ombuds-institution;	
Right to court procedures.	
	Remedies towards social media / internet companies. (RJ)

Right to remain anonymous when searching, browsing and accessing content on the Internet (MM)		Tracking (MM)	Justice, LEA, ISP, OLSP, Employer, Public (MM)
Right to encrypt communications at any level, without any limitations concerning the key or algorithm used (MM)		Forbidding or limitation of encryption (MM)	Justice, LEA, ISP, OLSP, Employer, Public (MM)
Freedom from any interception of personal communications (MM)	when subject to prior judicial order (MM)	Interceptions for "intelligence" purposes	LEA, ISP, OLSP, Employer, Public (MM)

In some cases, complaint to DPA (MM)	True anonymity laws (MM)	Do-Not-Track, Privacy default (MM) by
In some cases, complaint to DPA or courts (MM)	legislation and international agreements (MM)	
In some cases, complaint to DPA or courts (MM)	legislation and international agreements (MM)	Anti-malware protections (MM)

Right to respect for private and family life	Right to privacy and data protection and information on self-determination (MM)	Freedom from any retention of traffic data, except for billing purposes and/or network management purpose and for limited duration(MM)	when subject to prior judicial order; at workplace: subject to agreement with trade unions and prior information of employees (MM)	Retention for "intelligence" purposes, prevention of crimes and profiling	LEA, ISP, OLSP, Employer(MM)
		Right to information on any collected and processed data (MM)	at workplace: subject to agreement with trade unions and prior information of employees (MM)		ISP, OLSP, Employer (MM)

	legislation and international agreements (MM)	At workplace: charters agreed by employers and trade unions (MM)
In some cases, complaint to DPA (MM)		At workplace: charters agreed by employers and trade unions (MM)

Right to self-determine at any time to move, modify or remove their user data from any online service (MM)		users of most social network services are captive users. Even closing once account is no guarantee that data will be removed (MM)	ISP, OLSP (MM)
Freedom from being spammed (MM)		Spam! (MM)	ISP, OLSP, Public (MM)
Right to give free and informed consent prior to any use of one's data for other purpose than strict delivery of service (MM)		breaches to the specific purpose principle (MM)	ISP, OLSP, Public (MM)

In some cases, complaint to DPA (MM)	Law; Interoperability of data formats (MM)	
In some cases, complaint to DPA (MM)	Law enforcement (MM)	Anti-spam software (MM)
In some cases, complaint to DPA (MM)	Law enforcement (MM)	

Right not to have one's personal data (including image) published or used by third parties (MM)		unappropriate uses through social networks (including tagging); profiling and facial recognition by social networks providers (MM)	OLSP, Public (MM)
Right to information and remedy on any data security breach (MM)		Data breaches have occurred (MM)	ISP, OLSP (MM)

In some cases, complaint to DPA (MM)	Law enforcement, international conventions widely ratified (MM)	Better governance of social networks terms of uses (MM)
In some cases, complaint to DPA (MM)	Law enforcement, international conventions widely ratified (MM)	Better data security measures by data processors

		Right to enjoy one's privacy, personal data protection and information self-determination as guaranteed by one's national legislation, independently from the service provider's location and from one's personal data location (MM)		Major online services provided by US companies; Cloud computing and outsourcing (MM)				In some cases, complaint to DPA or courts (MM)	Law enforcement, international conventions widely ratified (MM)	
Freedom of thought conscience and religion	Freedom of Religion and Belief exercised on the Internet	Right to manifest one's religion or belief on the Internet in teaching and practice or to proselytize; Restrictions to be in conformity with the limitation clauses.						Right to bring cases to competent courts; Right to complain to competent authorities.		

		<p>Right to express opinions and seek information on the Internet;</p> <p>Right to choose provider, search engine, social network etc.;</p> <p>Right to be informed about filtering and blocking measures;</p> <p>Right to control personal filtering settings;</p> <p>Right to have search results discarded only on basis of Art. 10, para. 2.</p>	<p>Online censorship.</p> <p>Blocking or filtering of legal content.</p> <p>Blocking or filtering of content with no judicial control.</p> <p>Para. 2 (RJ) National legislation in violation of FoE standards.</p> <p>Internet access disrupted.</p> <p>Search results are discarded for purposes other than Art. 10 para. 2 (RJ)</p>				<p>Recourse to national courts and the ECtHR;</p> <p>Recourse to service provider/company;</p>	<p>(Not a full remedy, but minimal requirement to ensure transparency and accountability)</p> <p>Obligation to fully document, as publicly accessible information, any operation of online censorship of content (cf. "chilling effect" projects voluntarily run by EFF & other orgs). In same way, obligation to give proper information on blocking (i.e. with an explicit message when access to a blocked content is requested) (MM)</p>	
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Freedom of expression	Freedom of expression and information	Right to unobstructed access to any information intended as public, independently from information location (MM)							
		Right to Unobstructed access to any application and service intended as public, independently from application or service location or owner (MM)	Exceptions subject to judicial order for the sake of public safety, as prescribed by one's national law and necessary in a democratic society (MM);			Blocking, filtering, breaches to net neutrality			
		Right to unobstructed access to any protocol and standard intended as public, independently from protocol and standard (MM)	Restrictions at workplace may apply, subject to discussion with trade unions and information of						
									At workplace, charters jointly discussed by employer and trade unions (MM)

		Right to organise online; Set up private mailing group, website, P2P network and social network group and determine its governance rules (MM)	(MM); Restrictions at workplace may apply, subject to discussion with trade unions and information of employees (MM)		Government, NetOp, ISP, OLSP, Employer (MM)				
Right to marry									
Right to an effective remedy + Prot. 7, art 3, Compensation for wrongful conviction									
Prohibition of discrimination + Prot 7, art.5 equality between	Right to Non-discrimi	Right to non-discrimination in access to the Internet; Right to non-discrimination in enjoyment of all rights regarding the Internet including net neutrality;	Certain groups or regions are prevented from internet access. Access to certain types of content or services is blocked.(RJ)	Companies. Public authorities.(RJ)			Right to address cases to competent courts and authorities; Right to complain to service providers.		

<p>between spouses + Prot.12, art.1</p>	<p>nation</p>	<p>Right to gender equality and elimination of any form of discrimination against women; Right to special attention to the needs of marginalised groups.</p>								
<p>Protection of property</p>										
		<p>Right to digital education;</p>		<p>Digital educational materials often are not accessible.</p>						

Right to
education

Right to
educatio

Right to
access to
digital
educational
materials;

The definition
and adoption
of complete e
learning
standards is
necessary.

There is
lack of
common
principles
and rules
that shape
the
framework
of e-learning
standards,
systems
and
warehouses
for sharing
of e-
resources.
For
instance,
there are
plenty of
standards
that are
developed
in different
thematic
areas -
training
(SCORM,
IMS, LOM,
etc.),
multimedia
(eg MPEG-

Right to
complain to
competent
authorities
and courts.

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<http://www.cdac.in/html/pdf/session6.1.pdf>
(NS)

Right to fair use exceptions to copyright.

Fair use of intellectual work for non-commercial purposes, education and research;
Share and reuse intellectual work and ideas, including programming methods and algorithms
(MM)

DRMs and other software or hardware totally prohibiting fair use
(MM)

+ Prot.7 Procedural safeguards relating to expulsion of aliens,										
Abolition of death penalty Prot 6+ Prot13										
Not specifically provided - other sources applicable?	Rights of the child	Right to appropriate information on content; Right to relevant information on filtering; Right to protection from violent and other harmful content and to be informed of available tools of protection.						Right to address authorities, helplines, police, courts.		

		<p>Right to accessible Internet;</p> <p>http://www.w3.org/WAI/ISO/IEC40500,2012</p>	<p>http://ec.europa.eu/information_society/activities/inclusion/policy/accessibility/web_access/commission_web_accessibility/index_en.htm</p> <p>http://ec.europa.eu/information_society/activities/inclusion/library/studies/web_access_compliance/index_en.htm</p>	<p>website owners</p>					
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http://ec.europa.eu/information_society/activities/e_inclusion/policy/accessibility/web_access/index_en.htm

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(NS)

Right to availability and affordability of the Internet.

Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012

For example Flash sites with visually attractive and interactive layouts.

Data roaming services are still a problem in many countries. The prices are still too high and not affordable.(NS)

(other sources applicable ?)

Rights of people with disabilities on the Internet

on roaming on public mobile communications networks within the Union, Art 4,1:”
Domestic providers shall enable their customers to access regulated voice, SMS and data roaming services, provided as a bundle by any alternative roaming provider.

Neither domestic nor roaming providers shall prevent customers from accessing regulated data roaming services provided directly on a visited network by an alternative roaming provider.”

Right to complain to responsible authorities/ service providers.

"3. The switch to an alternative roaming provider or between roaming providers shall be free of charge for customers and shall be possible under any tariff plan. It shall not entail any associated subscription or additional fixed or recurring charges, pertaining to elements of the subscription other than roaming, as compared to the conditions prevailing before the switch." (NS)

					Domestic and Roaming providers (defined in Regulation (EU) No 531/2012, Art 2, a,b)(NS)					
(other sources applicable ?)	Right to culture	Right to participate in cultural life on the Internet; Right to use one's own language/diversity. Private copy of cultural works (MM)	DRMs and other software or hardware totally prohibiting private copy exception (MM)					Right to complain to competent authority/service provider.		
(other sources applicable)	Right to Online Participation in Public	Right to equal access to electronic services; Right to participate in online government.						Right to judicial procedure; Right to complain to competent authorities.		

