

European Court of Human Rights: *Ramazan Demir v. Turkey*

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The European Court of Human Rights (ECtHR) delivered a judgment guaranteeing Internet access from prison to certain websites with legal information. In *Ramazan Demir v. Turkey*, the ECtHR found that the refusal by the Turkish authorities to allow a prisoner to consult Internet sites on legal matters, including the website of the European Court, violated the prisoner's right to receive information as guaranteed under Article 10 of the European Convention on Human Rights (ECHR).

The case concerns the prison authorities' refusal to grant a request for access to certain Internet sites, lodged by Ramazan Demir in the course of his pre-trial detention in Silivri Prison in 2016. Demir, a lawyer, requested 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. After the prison authorities' refusal, the first instance and appeal courts and the Constitutional Court also dismissed his request.

Referring to Article 10 ECHR, Demir complained before the ECtHR that the refusal to grant him access to the three Internet sites at issue, had violated his right to receive information and ideas. First in general terms the ECtHR reiterates that, in the light of its accessibility and its capacity to store and communicate vast amounts of information, the Internet plays an important role in enhancing the public's access to news and facilitating the dissemination of information. It also refers to a number of instruments of the Council of Europe and other international instruments recognising the public service value of the Internet and its importance for the enjoyment of human rights. The ECtHR emphasises the important role played by the Internet in individuals' everyday lives, as an increasing amount of information and services are available only on the Internet. Next the ECtHR notes that imprisonment inevitably involves a number of restrictions on prisoners' communications with the outside world, including their ability to receive information. The ECtHR clarifies that Article 10 ECHR certainly does not impose a general obligation to provide prisoners with access to the Internet. But the ECtHR in earlier cases has found violations of Article 10 because prisoners were refused access to specific Internet sites, in particular Internet sites with legal information and educational content (see *Jankovskis v. Lithuania* and *Kalda v. Estonia*, IRIS 2016-4/2). In the present case, Turkish legislation provided that prisoners could be granted access to the Internet in the context of training

and rehabilitation programmes. The ECtHR considers that it could not be excluded that Demir's request was aimed at training and rehabilitation, justifying Internet access for prisoners under the domestic legislation, especially in view of Demir's professional activity as a lawyer and the nature of the three Internet sites to which he requested access. The ECtHR took into account that a large number of its judgments and decisions, and also those of the Constitutional Court, were only available online and required navigation and research on the Internet sites in question.

The Court notes that the Turkish authorities have not provided sufficient explanations as to why Demir's access to the Internet sites could not be considered as pertaining to his training and rehabilitation. Nor were any other reasons given, for instance whether and why Demir ought to be considered as a prisoner posing a certain danger or belonging to an illegal organisation, in respect of which Internet access could be restricted. Although the security considerations raised by the Turkish authorities had to be regarded as pertinent, the ECtHR observes that the national courts had not carried out any detailed analysis of the security risks which would have arisen from Demir's access to these three Internet sites, especially given that the websites in question belonged to State authorities and to an international organisation. Furthermore, Demir would have accessed these websites only under the authorities' supervision and in the conditions laid down by them. Accordingly, no relevant and sufficient reasons were given by the Turkish authorities to justify the measure as necessary in a democratic society. Therefore the ECtHR finds, unanimously, that there has been a violation of Article 10 ECHR.

Judgment by the European Court of Human Rights, Second Section, in the case of Ramazan Demir v. Turkey, Application no. 68550/17, 9 February 2021

<https://hudoc.echr.coe.int/eng?i=001-207804>

