

**Draft Checklist for Reporting under Article 19 ICCPR: based on Frank La Rue Framework<sup>1</sup> and on General Comment 34 on Article 19.<sup>2</sup>**

**A General Protection of Freedom of Expression**

National laws or constitution protect internet based freedom of expression

State participates in multi-stakeholder initiatives to protect human rights online

**Restrictions on online content**

**1 Arbitrary Blocking or Filtering**

There are no generic bans on content

Sites are not prohibited solely because of political or government criticism

State blocks or filters websites based on lawful criteria

State provides lists of blocked and filtered websites

Blocked or filtered websites have explanation on why they are blocked or filtered

Content blocking occurs only when ordered by competent judicial authority or independent body

Where blocked or filtered content is child pornography, blocking or filtering online content is connected with offline national law enforcement strategies focused on those responsible for production and distribution of content.

**2. Criminalising Legitimate Expression**

Defamation is not a criminal offence

Journalists and bloggers are protected against abuse or intimidation

*Journalists and bloggers, are not regularly prosecuted, jailed, or fined for libel*

Journalists, bloggers and internet users do not engage in self-censorship

National security or counter-terrorism laws restrict expression only where:

(a) the expression is intended to incite imminent violence;

(b) it is likely to incite such violence; and

(c) there is a direct and immediate connection between the expression and the likelihood or occurrence of such violence.

**3. Imposition of Internet Intermediary Liability**

State does not delegate censorship to private entities

Internet intermediaries are not liable for refusing to take action that infringes human rights

State requests to internet intermediaries to prevent access to content, or to disclose private information are:

a) strictly limited to certain purposes such as for the administration of criminal justice

b) by order of a court or independent body.

<sup>1</sup> Available here: [http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27\\_en.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/a.hrc.17.27_en.pdf)

<sup>2</sup> Available here: <http://www2.ohchr.org/english/bodies/hrc/comments.htm> Extracts also attached as appendix.

There are effective remedies for individuals affected by private corporations' actions, including the possibility of appeal through the procedures provided by the intermediary and competent judicial authority  
State discloses details of content removal requests and accessibility of websites

#### **4. Disconnecting Users from the Internet**

Internet access is maintained at all times, including during political unrest  
Disconnecting users is not used as a penalty, including under intellectual property law

#### **5. Cyber-attacks**

State does not carry out cyber attacks  
State takes appropriate and effective measures to investigate actions by third parties, hold responsible persons to account and adopts measures to prevent recurrence

#### **6. Protection of the right to privacy and data protection**

There is adequate data and privacy protection laws and these apply to the internet  
The right to anonymity is protected  
State does not regularly track the online activities of human rights defenders activists, and opposition members  
Encryption technologies are legally permitted  
State does not adopt real name registration policies  
Limitations on privacy rights are exceptional (such as for administration of justice or crime prevention) and there are safeguards to prevent abuse.

### **B Access**

State has a national plan of action for internet access  
State fosters independence of new media  
Concrete and effective policy developed with public and private sector to make the internet available, accessible, and affordable to all  
Development programmes and assistance policies facilitate universal internet access  
State supports production of local multicultural and multilingual content  
State supports initiatives for meaningful access by marginalised groups  
There are digital literacy programmes  
Digital literacy programs exist, and are easily accessible, including primary school education and training to use the internet safely and securely

***The following are not included in the Frank La Rue framework or General Comment 34***

**C International Human Rights Mechanisms and Commitments**

State was a signatory to the Human Rights Council Resolution on Freedom of Expression and the Internet

State reports on internet related human rights issues in the UPR

State reports on internet related human rights issues in other treaty body processes

**D Women's Human Rights**

State laws uphold women's human rights, including on the internet

State laws prohibit violence against women online or through the use of information communication technologies and effective remedies are available.

**E Internet Governance**

There are national processes for multi-stakeholder internet governance

State participates in regional and global internet governance forums in a manner that respects, protects and promotes human rights online and offline

