

# OBJECTIVE 02

To promote human rights and democracy, involving citizens in policy dialogue, design and monitoring

# LATEST CASE LAW OF EUROPEAN COURT OF HUMAN RIGHTS ON FREEDOM OF EXPRESSION

ÖNCEL POLİLİ

THE RELATIONSHIP BETWEEN THE INTERNET AND FREEDOM OF EXPRESSION WITHIN THE CONTEXT OF THE EUROPEAN CONVENTION OF HUMAN RIGHTS

ÖNCEL POLİLİ

## THIS ACTION INVOLVED

Participation in the training "Freedom of Expression", organized by the Academy of European Law on 20-21 November 2017, in Strasbourg.

Panel discussion entitled "Assessment of Draft Cybercrimes Legal Text in Terms of Human Rights", in cooperation with the Turkish Cypriot Human Rights Foundation and the Journalists' Association, on 19 December 2017.

Preparation of the report "The Relationship Between the Internet and Freedom of Expression Within the Context of the European Convention of Human Rights",

Translation of this report into English and presentation to relevant stakeholders.

Publication of the report's information to the population at large via traditional and social media.

Provision of an expert opinion regarding the draft legal text on cybercrimes.

## ABOUT ÖNCEL POLİLİ

Öncel Polili graduated in 2002 from the Faculty of Law at the Eastern Mediterranean University. In 2006, he completed his Master's degree in human rights law at City University in the UK. He has been serving as a legal counsel at the Turkish Cypriot Human Rights Foundation since 2007, providing legal consultancy to educational trade unions and taking up the legal cases of various organizations, including Queer Cyprus Association and the Conscientious Objection Initiative. Öncel Polili prepared numerous reports on human rights and participated in many human rights cases as a lawyer.

## STORY OF THE ACTION

Through the action, Öncel Polili aimed to increase knowledge on the most recent case law about freedom of speech for a variety of groups: CSOs, relevant committee(s) in the representatives of Turkish Cypriot community, media and journalists and political parties. Furthermore, he wanted to contribute to the process of drafting and advocating for the draft legal text on cybercrimes that was on the agenda of the representative of Turkish Cypriot community.

*"Freedom of expression entails not only the freedom to impart information, but also the freedom to 'obtain information'. Unfortunately, 'lawmakers' in the northern part of Cyprus have limited knowledge about this matter and it is not sufficiently discussed. As legal rules continue to evolve, new areas have opened up in our legal system as well. Certain aspects of freedom of expression are new for our legal system, and the knowledge and capacity of experts concerning these aspects will need to be enhanced. The draft legal text on cybercrimes had many parts that contradicted human rights, and this was the main reason that compelled me to undertake this study."*

Öncel Polili

Within the scope of his study, Öncel Polili participated in the training on the latest case law of the European Court of Human Rights on freedom of expression, organized by the Academy of European Law in November 2017. He aimed to highlight cybercrimes to the relevant stakeholders, and foster a dialogue with "lawmakers" and enforcers as part of the advocacy efforts to bring necessary changes to the local legal texts. To this end, he organized a panel discussion and shared the acquired information with legal experts, "judges", "prosecutors", civil society representatives, journalists, activists and representatives of political parties. He then prepared the report called "The Relationship Between the Internet and Freedom of Expression within the Context of the European Convention of Human Rights" and presented it to the "lawmakers" to bring the necessary changes to the draft legal text on cybercrimes.

Photo: Öncel Polili's Photo Archive



## RIGHTS-BASED APPROACH

The draft legal text on cybercrimes, which was on the "lawmaker's" agenda at the time of this action, involved internet censorship. Benefiting from the training he had received as part of this action, Polili prepared a report on the subject, the principles of which were set by the European Court of Human Rights. The report compared the prepared draft legal text to the blocking, filtering and censoring of aggressive internet content/cyber-attacks. Through the medium of a panel discussion, jointly organized by the Turkish Cypriot Journalists' Association and the Turkish Cypriot Human Rights Foundation, Polili reached out to relevant stakeholders and shared the issue with the population at large via various media channels. As a result, necessary changes were made to the legal text on cybercrimes and the legal text was approved in a more libertarian form, with respect to freedom of expression. The study on freedom of expression has also affected a large section of the community, ranging from civil society organizations and media institutions to legal experts, "courts", "lawmakers", and enforcers.

*"The most important output of the study is the publication on freedom of expression and the internet. Following the panel discussion that focused on this publication, remarkably positive changes were made to the draft legal text. This shows that we have concretely achieved one of the goals I had set out."*

Öncel Polili

Photo: Öncel Polili's Photo Archive



## WHAT'S NEXT?

The report on the "relationship between freedom of expression and the internet" continues to be used by all stakeholders and interested parties as a guideline. Even though the activities have been completed, the implementation of the acquired knowledge will be a life-long endeavour. Öncel Polili will make use of the knowledge and skills he acquired while advising civil society organizations, as well as in all the legal cases he takes up as a lawyer.

TO FIND MORE ABOUT THE ACTION



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