

Abstract

The thesis deals with the question of what parameters the blocking of the Internet by the public authorities in the Czech Republic should have in order to meet the Czech and international legal obligations, and also the criteria set by the Constitutional Court and the contemporary doctrinal knowledge.

It transforms the found parameters into a constitutionally compliant model of blocking, then evaluates the legal regulation in the Czech Republic according to this model and at the same time looks at the contemporary problems of the Czech legal regulation of blocking in a quantitative perspective.

The constitutional model of blocking itself is materialized in two separate tests, the preliminary test and the continuous test. The ten-step preliminary test evaluates both the blocking legislation and the administrative process of blocking individual sites. It thus serves as a basic assessment of the compliance of legislation and legal practice with the requirements imposed by the human rights catalogues that apply to the Czech Republic.

The continuous test, which consists of four steps, aims to continuously monitor the necessity of blocking websites, while at least the first two steps of the test can be automatized to a certain extent.

The thesis highlights the substantial problems accompanying the current legal regulation of website blocking. The legislation is too brief and does not provide specific procedural safeguards. The thesis illustrates this fact not only with a thorough analysis but also with a short case study.

The empirical part shows that deletion of websites from "block lists" does not occur in principle – once a website is blocked, it is blocked forever. This administrative practice then leads to absurd situations where websites that do not contain any illegal content are blocked to this day – and what is more, websites that have neither any content nor any owner are blocked as well.

In conclusion, the thesis summarises the findings gathered above and draws attention to the inconsistency of domestic legislation on Internet blocking with the requirements set out in the European Convention on Human Rights and the Czech Charter of Fundamental Rights and Freedoms.