

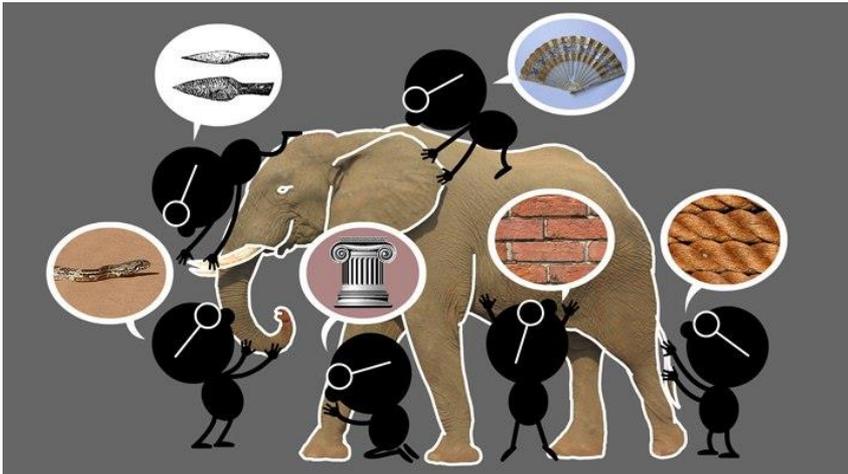


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# Access Forbidden: Internet under the Crossfire of Jurisdictions

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# Myth of Elephant



- No single national regulation of Internet is possible
- Internet is transnational
- Multistakeholder approach is required

# The problem of “sovereignty” on the Internet

- There is a tendency to “sovereignization” of the state regulation of the Internet in Russia.
- It seems that the very sovereignty of the Internet is impossible.
- From the point of view of global security policies, development of the Internet really amplifies the relationship and even interdependence between states. However, one should regard this as positive factor.

# Constitution on State Sovereignty

- The current Constitution of the Russian Federation establishes the sovereignty of the Russian Federation.
- “The sovereignty of the Russian Federation extends throughout its territory. The Russian Constitution and federal laws have supremacy throughout the Russian Federation. The state ensures the integrity and inviolability of its territory”



# China Experience

- Liu Wei, minister of the Information Office Internet China at the second Sino-Korea Roundtable, quoted: “Just as the seventeenth century showed the expansion of national sovereignty over parts of the maritime space and the twentieth on the airspace, national sovereignty is currently expanding in cyberspace [...] no cyberspace can exist without sovereignty”



# Russian Cheburashka Net



- Proposal to introduce national segment of the Internet in Russia, totally closed from the outside world.
- It is called after Russian fictional cartoon character Cheburashka

# Cybercrime issues

- Growth of cybercrimes is not only due to shortcomings of the legal framework, but also the failure of law enforcement agencies to initiate and investigate criminal cases.
- It is also necessary to modernize the 28th chapter of the Criminal Code of the Russian Federation
- **It also seems obvious that Russia should join the Council of Europe Budapest Convention on Cybercrime. Russia rejected to do that for sovereignty concerns.**



# The law of extrajudicial blocking of websites

- It is necessary to designate creation of number of registries of domain names, page indexes on the Internet containing information, prohibited for dissemination in the Russian Federation. This law introduced so called Blacklists.
- There is need for bringing legislation of the Russian Federation in accordance with international law standards and principles.
- Also there is conflict of jurisdictions, which will last as long as jurisdictions on the Internet are not determined.



**РОСКОМНАДЗОР**



**Andrey Lugovoi, author of the law**

# Localization of the personal data



- In our view, the localization of Russians personal data in the form in which it introduced the amendments to the Federal Law "On Personal Data" counters the nature of the Internet as an international network.

# Yarovaya Law



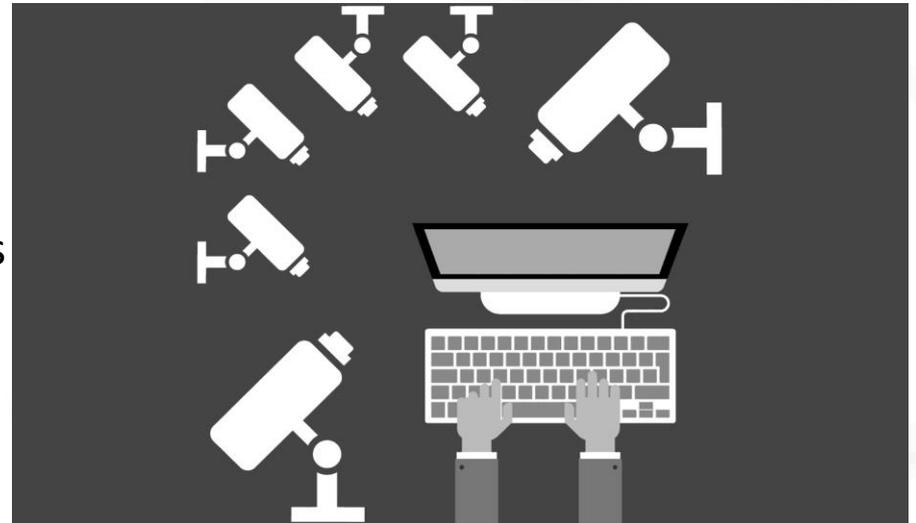
- Amendments oblige telecom operators and Internet companies to store text messages of users, their conversations, as well as "images, sounds, video and other communications" up to six months. How exactly and how long the information will be stored, will be determined by the government.

# Different initiatives of restrictive potential

- fines for operators for non-compliance to block information,
- penalties for users for download of “illegal” content,
- criminal liability for insulting the feelings of veterans of the Great Patriotic War,
- prohibition of advertising on the blocked websites,
- banning foreign entities to own points of Internet access,
- mandatory identification of messenger users,
- banning political campaigning in online theaters
- mandatory registration of taxi services aggregators in the Russian domain zone.

# Anti-anonymizers legislation

- The amendments to the Law on Information come into force, according to which, in particular:
  - – a ban on ensuring the use of information and telecommunications networks, information systems and computer programs used to gain access to banned information resources;
  - – for non-compliance with these requirements Roskomnadzor within 30 days should restrict access to information resources providing access to networks, systems and programs used to bypass blockings;
  - – operators of search engines are obliged to stop returning links to blocked information resources.



# Law Enforcement Practice



- The user was sentenced to 320 hours of compulsory unpaid work on the 282-th article of the Criminal Code on hate speech for anti-military posts in social network. Computer and even mouse to be destroyed

# Law Enforcement Practice

- In Tver Andrei Bubeev sentenced to 2 years of imprisonment in a penal colony under Part 2 of Article 280 of the Criminal Code (incitement to extremist activities) and Part 2 st.280.1 the Criminal Code (incitement to distortion of the territorial integrity of Russian Federation,) who re-posted article named “Crimea is Ukraine” on a VK.com social media with the mentioned picture (“Pull out Russia from yourself”).

**ВЫДАВИ**



**РОССИЮ!**

# Law Enforcement Practice

- Earlier, On March 2014, according to the decision of the Prosecutor General's Office for extremism, Alexei Navalny's blog was blocked, and Roskomnadzor found blogging on behalf of the oppositionist in violation of the conditions of inhouse arrest.
- In December, Facebook has blocked at the request of the Prosecutor General of Russia on the territory of the event page - an unsanctioned rally on Manezh, scheduled for January 15, 2015, in support of brothers Navalny, who on this day had to read out the verdict. All the outposts of this event disappeared from the user's personal pages. So much so, that Roskomnadzor demanded to remove the news of the meeting, even from Ukrainian news site.



# Internet Fragmentation

- *Governmental fragmentation is government policies and actions that restrict or prevent certain types of use of the Internet to create, distribute, and access to information resources.*



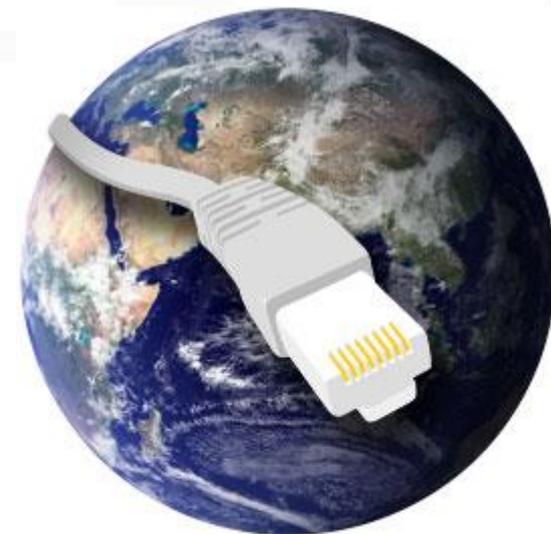
# Internet Fragmentation

- Experts note that the fragmentation of the Internet leads to the following consequences:
- Attacks on information resources, offering unwanted content.
- Centralization and termination of international connections.
- Attacks on the national network and key infrastructure.
- Requirements of the local data processing and / or storage.
- Strategy "of the national segment of the Internet" or expansionist "cybersovereignty".



# Right of Internet Access

- In 2000 the Estonian parliament passed a law which actually carried the right to broadband Internet access to basic human rights.
- Finland in this matter has gone on a similar path – in 2009, the government made a commitment to provide universal access to the network at a speed of at least 1 megabit per second, setting the goal to increase speed by 100 megabits.
- The French Constitutional Council, in its Resolution of 10 June 2009 took the opportunity to Internet access to basic human rights and freedoms, concluding importance of Internet communications for the democratic process.



**BASIC HUMAN RIGHT  
INTERNET  
ACCESS FOR ALL**

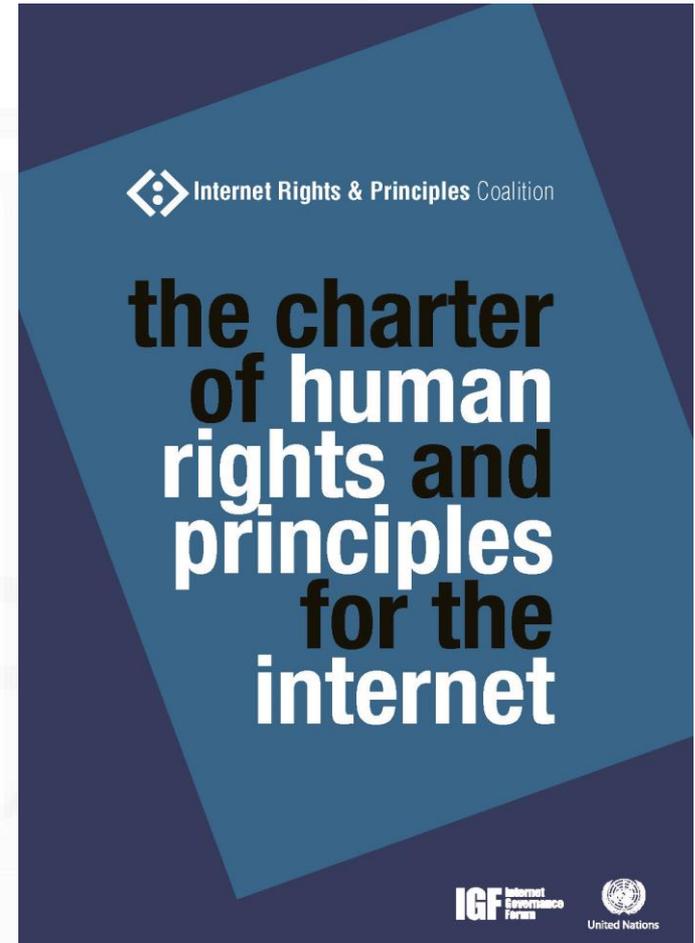
# North Korean network

- The reverse process is fraught with fragmentation and the virtual collapse of the Internet to isolated national networks. An example of such a network can serve as "Intranet", which exists in North Korea. Network called "Gwangmyeong" running on pirated software from Microsoft. By "Gwangmyeong" you can send emails to the North Korean network are forums for communication, but not to go into a full Internet.



# Social and political context

- Establishing the United Nations system formed international legal system of human rights protection which is also for Internet users. It is formal guarantee of this is the UN Charter, as well as universal and European acts on human rights.
- The Internet, being a supranational environment that does not recognize state borders, serves as a guarantee for positive changes of the society.



# Outcomes

- There is nothing in common between sovereignty and the Internet.
- No government can control the Internet outside of International framework of principles.
- Jurisdictional issues within the Internet should be resolved by international instrument.
- There could be the international treaty like the Digital Geneva Convention to be developed and adopted in multistakeholder infrastructure.



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# Thank you for your attention!

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