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Duma to Hear Internet Restriction Bill

By Rachel Nielsen

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Communications and Press Minister Nikolai Nikiforov, second from right, showing Prime Minister Dmitry Medvedev around a technology center in Kazan on June 9.

The draft of a law forcing websites, website-hosting companies and Internet service providers to ban content that the government deems harmful could be considered on the floor of the State Duma this week, and both web companies and human-rights activists are trying to liberalize the bill.

A number of Internet technology companies have already expressed concerns about the draft legislation since its introduction last month.

Agava, a prominent website-hosting firm, said "little attention is given to the criteria and procedure for acting against questionable Internet content" in the bill.

"The lawfulness of shutting down content must be determined by competent authorities," Agava web-hosting division head Yevgeny Svetikov told The Moscow Times by e-mail. "Otherwise, bona fide website owners could suffer, and that could provoke a mass exodus

from .ru," he said, referring to the Russian Internet.

Yandex, the Internet search company, says the bill's call for blocking Web content by Internet domain names and IP addresses — rather than by individual webpages — is "excessive" and could lead to the restriction of normal Internet content.

The bill's suggested methods "could have a negative effect on the Russian Internet industry as a whole," Yandex spokesman Ochir Mandzhikov said.

"The law requires public discussion and more thoughtful preparation with experts in this field," he said by e-mail. Both Yandex and Google Russia are proposing changes to the bill, Vedomosti reported Monday.

On Tuesday, the Presidential Council on Human Rights released a statement opposing the legislation in its current form.

"The list of types of Internet content liable to be blocked is excessively broad and includes, along with child pornography, a whole set of subjectively determined categories," the council said on its website.

"It is possible that the criteria for setting up the registry could be widened to include any materials that, in the opinion of the registry's creators, could potentially harm children," it said.

Under the bill, the federal government would set up a registry of blacklisted websites, with law enforcement empowered to add a site after obtaining a court order or, in a case of content they view as detrimental to children's health, without an order.

State Duma Deputy Yaroslav Nilov, a member of the right-leaning Liberal Democratic Party and one of the bill's four main sponsors, said such a registry currently doesn't exist.

Once a webpage is listed in the registry, the company hosting the website — that is, making it available on the Internet — has 24 hours to notify the website's owner. The owner then has 24 hours from the notification to delete the material in question.

If the supposedly illicit content stays viewable, "the hosting provider must restrict access to the site," the bill says. In addition, as soon as the webpage appears in the federal registry, the Internet service provider must cut off access within 24 hours, though that process isn't detailed in the bill.

A webpage can be included in the registry — and thus dropped instantly — if it meets the law's definition of endangering child welfare. That definition ranges from child pornography to "propaganda for drug use, psychedelic agents and their precursors" to "information inducing children to take actions that pose a threat to their life and/or health," including suicide.

The federal government already has laws at its disposal to combat illegal Internet content on websites hosted in Russia, said Andrei Soldatov, editor-in-chief and analyst at security think tank Agentura.ru. Those include federal rules on the registration of Internet domain names, or the "home" for a website's pages, which were amended in November under then-Prime

Minister Vladimir Putin.

The new legislation appears to be aimed at websites based outside the country, Soldatov said.

Nilov said the present legislation was drafted "about a month ago" within the Duma committee on family, women and children's issues, chaired by A Just Russia Duma Deputy Yelena Mizulina. The bill's first reading likely will be Friday, he said.

Both Nilov and Soldatov said there are already laws banning child pornography, incitement to war and other speech that the bill is seeking to curtail.

It is "difficult" for those laws to combat such speech when it appears on the Internet, Nilov said in a telephone interview. "It isn't clear where a site is located" physically, he said.

The ostensible idea behind the bill, protecting children from Internet dangers, has been kicked around for several years, with the conservative Safe Internet League touting the idea and then-Communications and Press Minister Igor Shchyogolev backing it in 2010, according to Soldatov.

Nilov predicted that the draft legislation would pass in the first reading, as it was introduced by each of the political parties in the Duma.

The main sponsors are Nilov, Mizulina, Sergei Zheleznyak of the country's dominant party United Russia and Sergei Reshulsky of the Communist Party.

Responding to a question about whether the legislation could be used against political minorities or opposition members, Nilov said the bill was written by "all of the opposition factions" — though only those in the State Duma.

"Do you really think that we consider ourselves to be enemies?" Nilov said.

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