

Runet Must Be 'Net Neutral'

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It is commonly said that the Internet is an open and free medium. It is also said that there should be no rules governing the Internet, that it can only be truly free when it exists outside of any legal system. Those two ideas are incompatible.

The Russian government's attempt to establish control over the Internet in the name of protecting the country's children has sparked a flurry of righteous indignation. But anger alone is not enough to stop the initiative. Obviously, children must be protected in all areas of their lives, including the Internet. But it is equally obvious that this law threatens not only pedophiles, as State Duma Deputy Yelena Mizulina argues, but everyone who cares about the Internet as a space for free speech.

A major study by the Center for the Study of New Media & Society at the New Economic School in Moscow shows that any measures aimed at making the Internet "safer" — unless pinpointed and clearly circumscribed — could easily become a weapon against those who use the Internet to say things that the authorities or the public at large find uncomfortable. What's more, any introduction of an automated filtering system would be a serious blow

to businesses in all areas and to the economy as a whole, causing up to a 2 percent drop in the gross domestic product while providing questionable protection against online miscreants.

Slogans such as "Hands off the Russian Internet!" are an insufficient defense. First, they have never stopped the government from imposing its will in the past. Second, Internet filters can be implemented even without the aid of laws. According to media reports, Rostelecom is already considering purchasing an Internet filter that was originally developed for the Vietnamese authorities. According to the OpenNet Initiative, up to 80 percent of all Internet searches are now filtered in Vietnam. In other words, even if the Duma does not pass a law requiring that a comprehensive Internet filter be installed, Internet providers could be pressured by the authorities — many of whom are also shareholders in those companies — to install the filters anyway.

Few countries in the world have laws like the one the Duma just adopted, but that doesn't mean that other countries do not protect their children. Totalitarian governments in China, Vietnam, Iran and several other countries have passed laws that protect their citizens from virtually everything, automatically filtering the Internet and heavily censoring their state-controlled media.

In Europe, where laws prohibit significant state interference in the Internet, blacklists developed by civic organizations working in collaboration with Internet providers are commonly used to block sites with indisputably odious content, such as those containing child pornography. But individuals who prey upon children are not apprehended with the help of Internet filters or blacklists, but by the police and courts enforcing ordinary criminal laws. Notably, despite all of the efforts ostensibly aimed at protecting Russia's children online, the possession of child pornography is still not classified as a criminal offense in the country.

The authorities can do as they please with the Internet because there is no law prohibiting such interference. In fact, there is currently no legislative framework for the Internet in Russia at all. Those advocating greater Internet freedom have traditionally argued that this is best. The problem is that without laws prohibiting interference, Internet users have no defense against private providers who are not bound by the principle of "net neutrality." This concept is the cornerstone of Internet law in all those countries that Russia aims to replicate.

Such a legislative framework should be based on the constitutional principle of the freedom of speech as well as the principle of free access to information as affirmed by the United Nations and the Council of Europe. Such a law should enshrine the principle of the "net neutrality" in which the interests of the user are paramount.

Only the existence of law — not its absence — can protect the Internet from interference by government and business. The law should serve as the foundation for the freedom we associate with the online environment. Without such fundamental law, all other laws regarding the Internet, even if they are designed to protect children, will inevitably serve as the basis for abuse.

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