

Amendment to Russian Child Protection Law:

Protecting Children or Kremlin?

Noemi LeFevre

Cryptography & Information Security

Earlier this year, Russian members of parliament presented an amendment to a law that would have been seen as greatly unethical, had it not been for the intent of combating unethical behavior. This law is called “*Protecting children from information harmful to their health and development*”^[1], which needless to say is meant to protect children from harmful information.

The amendment to this law means not only that all websites accessible by children will have to include an age-limit depending on the content^[2], as defined in the amendment, or risks being completely blocked in the entire Russian Federation. The process through which websites are blocked is however very opaque, as it's entirely decided by the Russian government, and the actual blocking can be enforced through DPI^[3] (*Deep Packet Inspection*), something which no other western country as of yet has enforced on a nationwide scale. As if this is not enough of a threat to the individual citizen's privacy, members of parliament have hinted plans to outlaw anonymizing software such as TOR and VPNs.^[4]

In a country which is already one of the most dangerous countries for journalism, this may have an even more devastating effect on freedom of press and freedom of expression than anywhere else, but what effect can this have on the individuals right to privacy and public opinion?

What is privacy and anonymity, and why does it matter?

Clarke defines privacy as “**Privacy** is the interest that individuals have in sustaining a 'personal space', free from interference by other people and organisations.”.

^[5] Clarke further breaks this down into a number of key aspects referred to as **dimensions**^{[5][6]}:

- **Privacy of the person:** This is concerned with the integrity of the individual's body.
- **Privacy of personal behaviour:** This relates to all aspects of behaviour, but especially to sensitive matters, such as sexual preferences and habits, political activities and religious practices, both in private and in public places. It includes what is sometimes referred to as 'media privacy'

- **Privacy of personal communications.**

Individuals claim an interest in being able to communicate among themselves, using various media, without routine monitoring of their communications by other persons or organisations. This includes what is sometimes referred to as 'interception privacy'; and

- **Privacy of personal data.** Individuals claim that data about themselves should not be automatically available to other individuals and organisations, and that, even where data is possessed by another party, the individual must be able to exercise a substantial degree of control over that data and its use. This is sometimes referred to as 'data privacy' and 'information privacy'.

The amendment made to this law almost completely dismantles several of these dimensions of privacy (especially the individuals ability to communicate without routine monitoring, and influence over who can access their personal information and how), as there is no way to influence any decisions made on what will trigger a response leading to blocking of the content. Since Russia recently strengthened their law of libel^[7], this may not only lead to suppression of oppositionist viewpoints in media and on the internet, but even to self-censorship which is arguably worse than censorship itself.

Anonymity can be defined as “*the state of being not identifiable within a set of subjects, the anonymity set. The anonymity set is the set of all possible subjects. With respect to acting entities, the anonymity set*

consists of the subjects who might cause an action”^[8].

Not having the choice of posting anonymously is not only a breach of privacy but also constitutes a serious risk to people who may not be able to express themselves without a substantial risk, such as whistle-blowers, Kremlin critics or in general people with controversial views.

Press Freedom in Russia

The press freedom index of 2011-2012 ranks Russia as the 142th country out of 179 listed countries^[9], where several reports of killings or abduction of regime critics, activists or human rights defenders have surfaced in recent years^[10]; and when everybody has the ability to press their thoughts through more recent forms of media online, this can become a serious problem if sources are not protected – even more so with the re-criminalization of libel in Russia, where public libelous statements in media could carry a fine of up to 5 million rubles, and where fines are higher for slander of officials.^[7]

Internet Law

In July, Vladimir Putin signed “*Federal Law On Amendments to Federal Law On Protecting Children from Information Harmful to Their Health and Development and Certain Legislative Acts of the Russian Federation*”^[11], which has since been amended again in September of 2012. The amendment to this law means all sites accessible to children must include a tag of the age limit for the content as defined by the federal government, or it risks to be blocked. Sites may also be blocked because of child pornography, advocating drug use or production, suicide, or any information deemed illegal to distribute in Russia.

This is enforced by the introduction of an internet blacklist maintained and updated by the Roskomnadzor, the *Russian Federal Surveillance Service for Mass Media and Communications*. This list is inaccessible to users, although users can use a service to find out whether a specific URL is blocked. The amendment to this law also meant Internet Service Providers had to install Deep Packet Inspection technology – which paves the way for full nationwide surveillance as every data packet can be dissected, read, and linked to the user. Furthermore, members of parliament have indicated the possible amendment of outlawing anonymizing technology such as usage of VPN or TOR to mask the IP of the user^[4], a decision which will be discussed within the closed walls of the State Duma.

Possible effects of self-censorship

The amendments to this law carries extensive censorship measures with it, but these may not be the worst effect on the Russian society. Two important things to take into account are the behavior of people

when they know they are being watched, which can have a devastating effect on their willingness to express opinions or viewpoints in fear of punitive actions – something which has been seen among journalists and media in the People's Republic of China which employs extensive internet censoring techniques^[12] – and the effect the opinion of the majority or the perceived majority can have on the individuals opinion; an effect known as the *spiral of silence*^[13].

The *spiral of silence*, in short, means that an individual is more likely to be verbal about his or her opinion if they conform with that of the majority, and likely to be less vocal if it's an opinion that identifies with a minority; and the more media represents the more opinion of the majority, the less likely the individual becomes to be vocal about his or her opinion if it does not conform to the majority, and so the spiral continues. This can become a real problem when media not only has to watch out for making a mistake with the age-limiting of contents, but also with the threat of the reintroduction of harsh penalties for libelous statements; and even worse so if content starts being removed for political reasons, in which case the Russian government is in complete control of the majority's opinion and thus suppresses the opinions of minorities.

Conclusion

The effects of employing extensive monitoring techniques, and possibly outlawing anonymity, can mean that everything written online can be linked to the author – giving the author no way of posting it anonymously – and can lead to extensive self-censorship by both media and journalists. This can create a false image of what the public opinion is on matters, which can reinforce itself through a spiral of silence effect and suppress opposing opinions. Giving any regime the power to control the public opinion and suppress opposition is thus not only a striking blow against the individual's privacy, but could even lead to powerful control of public opinion and reduction of opposition. Furthermore, outlawing anonymity takes it one step further by not only potentially inducing fear in authors for posting messages or information that may be considered illegal under the law of libel or the law on *Protecting Children from Information Harmful to their Health and Development*, but that further reinforces this fear by letting them know the simple act of trying to be anonymous is in itself illegal and can carry with it punitive actions.

References

1. "Amendments to the law on protecting children from information harmful to their health and development", Kremlin.ru, <http://eng.kremlin.ru/acts/4246>
2. "Russian Federation Federal Law of 29.12.2010 N 436-FZ On Protection of children from information harmful to their health and development", <http://www.akdi.ru/scripts/gosduma/smotri.php?z=1193>
3. "Increased Internet Surveillance In Russia", Digital Civil Rights in Europe, <http://www.edri.org/edrigram/number10.21/internet-surveillance-russia>
4. Депутаты запретят анонимность в интернете (Members of Parliament to ban anonymity online), Izvestia, <http://izvestia.ru/news/535724>
5. "Introduction to Dataveillance and Information Privacy, and Definitions of Terms", Roger Clarke, 1997-08-15 (latest revision 2006-08-07), <http://www.rogerclarke.com/DV/Intro.html#Priv>
6. "What's 'Privacy'?", Roger Clarke, 2006-08-07, <http://www.rogerclarke.com/DV/Privacy.html#RTFTToC5>
7. "Russia: Criminal Libel Law a Blow to Free Expression", Human Rights Watch, 2012-07-16, <http://www.hrw.org/news/2012/07/16/russia-criminal-libel-law-blow-free-expression>
8. "Anonymity, Unobservability and Pseudonymity - A proposal for terminology", Andreas Pfitzmann (Dresden University of Technology) & Marit Köhnstopp (Independent Centre for Privacy Protection Schleswig-Holstein), April 2001, https://www.ecrypt.eu.org/apes/papers/terminology_proposal.pdf.gz
9. "Press Freedom Index 2011-2012", Reporters Without Borders, <http://en.rsf.org/press-freedom-index-2011-2012.1043.html>
10. "World Report 2012 – Events of 2011", Human Rights Watch, 2012, <http://www.hrw.org/sites/default/files/reports/wr2012.pdf>
11. "Federal Law On Protecting Children From Information Harmful to their Health and Development", State Duma of the Russian Federation, 2012-07-18, http://ntc.duma.gov.ru/duma_na/asozd/asozd_text.php?bpaid=1&code=180345
12. "Internet Development and Information Control in the People's Republic of China", Tomas Lum, 2006-02-10, <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA462477>
13. "The Spiral of Silence – A Theory of Public Opinion", Elisabeth Noelle-Neumann, 1974, http://komm.bme.hu/wp-content/uploads/group-documents/23/1283958158-Noelle-Neumann.Spiral_of_silence.pdf