

RUSSIA				
QUESTION	ANSWER	SOURCE OF LAW\SOURCE OF INFORMATION	ADDITIONAL RELEVANT INFORMATION	COURT RULINGS
<i>Where is online hate speech established as a criminal offence?</i>	<p>The Criminal Code prohibits public calls for extremist activities, including with the use of media or information and telecommunication networks, including the network "Internet".</p> <p>Incitement of national, racial, or religious hatred is also prohibited by the Criminal Code including with the use of media or information and telecommunication networks, including the network "Internet".</p> <p>Public communication networks cannot be used to carry out extremist activities.</p>	<p>Article 280 of the Criminal Code ^A</p> <p>Article 280 and 282 of the Criminal Code ^A</p> <p>Article 12 of the Federal Law on Combating Extremist Activity ^B</p>		<p>A Supreme Court Decree of 2011 clarifies that under "public calls" per Article 280 of the Criminal Code, should be understood as those carried out in any form - oral, written, using the technical means of information and telecommunications networks, including the Internet. (Source: Plenum of the Supreme Court Decree №11 from 28 June 2011.)</p> <p>On 30 December 2015 a district court sentenced a person who published two videos on the Internet, to five years imprisonment for "inciting hatred against the inhabitants of Donetsk and Lugansk regions of Ukraine" based on Articles 280(2) and 282 of the Criminal Code. (Decision of the Kirov District Court from 30 December 2015).</p>
<i>What is the punishment for online hate speech?</i>	<p>The penalties include compulsory labor, disqualification and imprisonment, See list of penalties in Appendix A.</p> <p>In case of incitement to hatred, the penalties include a fine, deprivation of the right to occupy certain positions or engage in certain activities, compulsory labor, correctional labor, community service or deprivation of liberty. See exhaustive list of penalties in Appendix A.</p>	<p>Article 280 of the Criminal Code ^A</p> <p>Article 282 of the Criminal Code ^A</p>		

<p><i>Is there a law-based obligation for intermediaries to filter or monitor hate speech?</i></p>	<p>Bloggers are required to make sure that the content on their blog complies with Russian law.</p> <p>Service operators are required to carry out limitations of access to information, and assist in operational-search activities.</p>	<p>Article 10.2 of Federal Law on Information, Information Technology and Protection of Information.^F</p> <p>Article 46 of Federal Law on Communications.^G</p>	<p>A “blogger” is defined as anyone who is the owner of a site or a page on the internet that is hosting public information and the access to which is provided to over three thousand internet users. <i>See Appendix F</i></p> <p>“Service operators” are defined as legal entity that is providing communication services based on the license.</p>	
<p><i>Who is responsible to remove/block access to hate speech?</i></p>	<p>“Internet Providers” and “Hosting Providers”, as defined by Russian law, have to block access to the Internet websites when there is a Court order or a prosecutor’s decision to do so.</p> <p>“Bloggers” and website owners are responsible for removing Hate speech from their websites.</p> <p>“Mass Media”, as defined in Russian law on Mass Media.</p>	<p>Article 10.2 of Federal Law on Information, Information Technology and Protection of Information^F</p>	<p>“Internet Provider” is a person who carries out activity on maintenance of information systems, and (or) programs for electronic computers, which are designed and used for the reception, transmission, delivery and (or) processing of electronic communications of users in the network “Internet”. A “Hosting provider” is a person providing services to provide computing power to accommodate the data in the information system, permanently connected to the network internet.</p>	<p>In a 2011 ruling, the Supreme Court accepted the public prosecutor’s decision to require the internet provider “Transtelecom” to block access to the website of an unregistered party of National Bolsheviks. This case served as a precedent after which internet providers in Russia began started voluntarily blocking extremist websites. (Decision of the Supreme Court of Russian Federation No. 58-Vpr11-2 from 10 May 2011.</p> <p>A Supreme court ruling from 2010 relevant to mass media, declared that authorities were allowed to require media organizations to remove from their websites materials posted by users that are deemed to be extremist, slanderous or liable to incite hatred. The Decree also clarifies that the mass media can also be deemed as extremist and prohibited. (Source: Plenum of the Supreme Court Decree № 16 from 15 June 2010 About practical application by the court in Russian</p>

				Federation of the Law “On Mass Media”.)
<i>What is the required time-frame, if any, for removing hate speech?</i>	<p>Immediately, after receiving notification.</p> <p>Notification is sent to the internet providers and the hosting providers by the Prosecutor General or by the Roskomnadzor. They have to block the website immediately after receiving the notification. After the website is blocked the hosting provider must notify the website owner who is then required to delete the content. After it is deleted, the website owner must notify the Roskomnadzor about the removal and then the website is unblocked. After the notification by the hosting provider, the owner has one day to delete the content. If it is not deleted by the page owner or the hosting provider, the internet provider then blocks the website.</p>	(Source: https://digital.report/ict-zakonodatelstvo-rossii-regulirovanie-interneta/ .)	The “Roskomnadzor” is the governmental authority responsible for communications.	
<i>Is the intermediary liable for hate speech posted on website?</i>	<p>The intermediary is liable for not deleting or blocking access to content once notified, or for not following the court orders, but not for the hate speech. Internet providers and hosting providers can only be liable if they are aware of the content of the information and for deliberately not deleting it.</p> <p>Administrative liability is applicable in certain cases.</p> <p>Offenses related to abuse of the freedom of the media are considered as administrative offences.</p> <p>Violations committed by means of advertising are punished in accordance with administrative law.</p>	<p>Article 13.15 of the Code of Administrative Offences^C</p> <p>Article 4 of the Mass Media Law^D</p> <p>Article 5 of Advertisement Law^E</p>		
<i>What are the online reporting mechanisms?</i>	No online reporting mechanisms were found.			

<p><i>When is the offence considered to have been committed within the territory\under the jurisdiction of the country?</i></p>	<p>Offenses committed, <i>inter alia</i>, with the territorial sea or the airspace of Russian Federation; on board of a vessel assigned to the Russian port, if committed by a Russian citizen; or if committed by a foreign citizen directed against the interests of Russia or a Russian citizen.</p>	<p>Article 11 and 12 of the Criminal Code</p>		
<p><i>Is there an obligation to disclose data of hate speech offenders?</i></p>	<p>Internet providers are obligated to disclose the information to the authorized governmental authorities that execute research, investigation or ensure security of Russian Federation.</p>	<p>Article 10.1(3.1) of the Federal Law on Information, Information Technology and Protection of Information.</p>		

RUSSIA APPENDIX

A. Criminal Code of 1996, as Amended up to 2016⁸⁴

Article 280 - Public calls for extremist activities

“1. Public calls for extremist activity -

shall be punished by a fine of one hundred thousand to three hundred thousand rubles or the salary or other income for a period of one to two years, or community service for up to three years, or imprisonment for a term from four to six months, or deprivation of liberty for up to four years, with disqualification from certain positions or engagement in certain activities for the same period.

2. The same acts committed with the use of media or information and telecommunication networks, including the network "Internet", - shall be punished by compulsory labor for a term not exceeding five years, with disqualification from certain positions or engagement in certain activities for up to three years or without it, or imprisonment for up to five years, with disqualification from certain positions or engagement in certain activities for up to three years.”

Article 282 – Incitement of national, racial, or religious hatred

“1. Actions aimed at the incitement of hatred or enmity, as well as the humiliation of a person or a group of persons on the grounds of sex, race, nationality, language, origin, attitude to religion, as well as affiliation to any social group, committed publicly or with the use of media or information and telecommunication networks, including “Internet”⁸⁵ -

shall be punished by a fine of one hundred thousand to three hundred thousand rubles or the salary or other income of the convicted person for a period of one to two years, or deprivation of the right to occupy certain positions or engage in certain activities for up to three years, or by compulsory labor for a term up to three hundred and sixty hours, or correctional labor for up to one year, or community service for up to four years, or deprivation of liberty for the same period⁸⁶.

2. The same act, committed:

- a) with violence or a threat of its application;
- b) by a person using his official position;
- c) organized group,

⁸⁴ 13 June 1996 №63-FZ, Official version available at: http://www.consultant.ru/document/cons_doc_LAW_10699/. English version available at: <http://www.legislationline.org/documents/section/criminal-codes/country/7>.

⁸⁵ Enacted by the Federal Law № 179-FZ, on 28 June 2014.

⁸⁶ Enacted by the Federal Law № 420-FZ, on 7 December 2011 and by Federal Law № 5-FZ on 3 February 2014.

shall be punished by a fine from three hundred thousand to five hundred thousand rubles or in the salary or other income of the convicted person for a period of two to three years, or deprivation of the right to occupy certain positions or engage in certain activities for up to five years, or compulsory labor for four hundred eighty hours, or correctional labor for one year to two years, or social service for up to five years, or deprivation of liberty for the same period.”⁸⁷

B. Federal Law on Combating Extremist Activity of 2002, as Amended up to 2015⁸⁸

Article 12 - Prohibition of usage of public communication networks to carry out extremist activity

"It is prohibited to use public communications networks to carry out extremist activity. If the public communication network is used to carry out extremist activities, measures provided for by this Federal Law shall be applied, with taking into account the peculiarities of the relations regulated by the legislation of the Russian Federation in the field of communication."

C. Code of Administrative Offences of 2001, as Amended up to 2016⁸⁹

*Article 13.15 - Abuse of Freedom of the Media*⁹⁰

“1. Manufacturing and (or) distribution of television, video, film programs, documentaries and fiction, as well as related to the specific media file information computer information and word processing programs that contain hidden inserts, effecting people’s subconscious and (or) rendering harmful effect on their health, - shall be punished by an administrative fine on citizens in the amount of two thousand to two thousand five hundred rubles with confiscation of the object of the administrative offense; on officials - from four thousand to five thousand rubles with confiscation of the object of the administrative offense; for legal entities - from forty thousand to fifty thousand rubles with confiscation of the object of an administrative offense.

2. Dissemination of information about a public association or other organization, included in the published list of public and religious associations, other organizations, the liquidation or prohibition of the activity of which is decided by a court on the grounds stipulated by the Federal Law of July 25, 2002 N 114- FZ "On Countering Extremist Activities", without specification of the fact that the corresponding public association or other organization are eliminated and that their activity is prohibited - shall be punished by an administrative fine on citizens in the amount of two thousand to two thousand five hundred rubles with confiscation of the object of the administrative offense; on officials - from four thousand to five thousand rubles with confiscation of the object of the administrative offense; for legal entities - from forty thousand to fifty thousand rubles with confiscation of the object of an administrative offense. (...)

6. Production or release of the media containing public calls for terrorist activities, of materials, publicly justifying terrorism, or other materials calling for extremist activity, or justifying or excusing the need for such activities, except in the cases provided for in Articles 20.3 and 20.29 of this Code - shall be punishable by an administrative fine on legal entities in the amount of one hundred thousand to one million rubles with confiscation of the object of an administrative offense.”

D. Law on Mass Media of 1991, as Amended up to 2016⁹¹

Article 4 - Prohibition of abuse of freedom of mass media

⁸⁷ Enacted by the Federal Law № 420-FZ, on 7 December 2011 and by Federal Law No. 5-FZ on 3 February 2014.

⁸⁸ Federal Law No.114-FZ enacted on 25 July 2002. Official version available at http://base.garant.ru/12127578/#block_1. English translation is available at <http://www.legislationline.org/documents/action/popup/id/4368>.

⁸⁹ 30 December 2001, No. 195-FZ, Official version available at http://www.consultant.ru/document/cons_doc_LAW_34661/. English version available at <http://www.wipo.int/edocs/lexdocs/laws/en/ru/ru073en.pdf>.

⁹⁰ Part 6 of the Article was enacted by the Federal Law No. 116-FZ on 2 May 2015.

⁹¹ Law of Russian Federation No.2124-1 enacted on 27 December 1991. Official version available at http://www.consultant.ru/document/cons_doc_LAW_1511/. Unofficial translation into English available at: http://www.policy.hu/myagmar/Russian_Mass_Media_Law_I.PDF.

“It is prohibited to use mass media for the purpose of committing criminal offenses, for the disclosure of information constituting a state or other secret protected by law, for the dissemination of materials containing public calls to terrorist activity or publicly justifying terrorism and other extremist materials, as well as materials, promoting pornography, violence and cruelty, and materials that contain obscene language.

It is prohibited to use in radio-, television-, video-, film programs, documentaries and fiction films, as well as in information and computer files, and word processing programs information relating to specific media, hidden inserts and other technical methods and means of disseminating information affecting the subconscious of people and (or) harmful to their health, as well as dissemination of information about a public association or other organization, included in the published list of public and religious associations, other organizations, for which the court decision on liquidation or prohibition of activities entered into legal force on the grounds of the Federal Law of 25 July 2002 № 114-FZ "On Countering Extremist Activity", with no indication that the relevant public association or other organization are eliminated their activity is prohibited.”

Article 59 - Responsibility for Abuse of the Freedom of Mass Media

“Abuse of mass media freedom, expressed in violation of Article 4 of this Law entails criminal, administrative, disciplinary or other forms of liability in accordance with Russian law.”

E. Federal Law on Advertisement of 2006, as Amended up to 2015⁹²

Article 5 - General requirements towards advertising

“1. Advertising must be fair and accurate. Unfair advertising and misleading advertising is not permitted.

2. -3. (...).

4. Advertising must not: 1) encourage the commission of unlawful acts; 2) call for violence and cruelty; 3) - 5) (...).

6. It is not allowed to use in advertising of expletives, obscene or offensive images, comparisons and expressions, including those based on sex, race, nationality, profession, social category, age, language of human and civil rights, the official state symbols (flags, coats of arms, hymns), religious symbols, objects of cultural heritage (monuments of history and culture) of the peoples of the Russian Federation, as well as objects of cultural heritage inscribed on the World Heritage List.

7. - 11. (...).”

F. Federal Law on Information, Information Technology and Protection of Information of 2006, as Amended up to 2016⁹³

Article 2 - Main definitions used in the Federal Law

“1) information - data (messages) regardless of the form of its presentation;

2) - 12) (...)

13) site in a network "Internet" - a set of programs for computers and other information contained in the information system, access to which is provided by the information and telecommunication network "Internet" (hereinafter - the "Internet" network) domain name and (or) for network addresses, allowing the identification of sites in the network "Internet";⁹⁴

14) Website in a network "Internet" (hereinafter - the Website) - part of the site in a network "Internet", which is accessed by a pointer consisting of a domain name and symbols, defined by the site owner in the network "Internet";

15) the domain name - the designation symbols, designed to address the sites in the network "Internet" in order to ensure access to the information contained in the network "Internet";

16) the network address - an identifier in a data network, which determines in the provision of telematics services subscriber terminal or other communication means included in the information system;

⁹² Federal Law №38-FZ enacted on 13 March 2006. Official version available at http://www.consultant.ru/document/cons_doc_LAW_58968/, Unofficial translation into English available at: <http://www.tobaccocontrolaws.org/files/live/Russia/Russia%20-%20Law%20No.%2038-FZ.pdf>.

⁹³ Federal Law of 27 July 2006 № 149-FZ, Official version available at: http://www.consultant.ru/document/cons_doc_LAW_61798/. English version available at: <http://old.svobodainfo.org/ru/node/441>.

⁹⁴ Points 13 to 18 are introduced by Federal Law from 28 July 2012 №139-FZ and Federal Law of 7 June 2013 № 112-FZ.

- 17) the owner of the site in the "Internet" - a person who, by himself and freely may determine how to use the site in a network "Internet", including the procedure for placing the information on this site;
- 18) hosting provider - a person providing services to provide computing power to accommodate the data in the information system, permanently connected to the network "Internet";
- 19) uniform system of identification and authentication - the federal state information system, the rules of usage of which are set by the Russian Government, and which provides, in cases stipulated by the legislation of the Russian Federation, authorized access to the information contained in the information systems⁹⁵;
- 20) search engine - information system that on request of the user in the network "Internet" executes the search of information of certain content and provides the user information on the index page of a site in order for him to access the requested information located on the sites in the network "Internet", belonging to other persons, with the exception of information systems used for the implementation of state and municipal functions, providing state and municipal services, as well as for other public authority established by federal laws⁹⁶."

Article 10 - Dissemination of information or the provision of information⁹⁷

"1.-5. (...)

6. It is forbidden to disseminate information, which is aimed at propaganda of war, incitement of national, racial or religious hatred and enmity, as well as other information, the dissemination of which is subject to criminal or administrative liability."

Article 10.2 - Features blogger public information dissemination⁹⁸

"1. The owner of a site and (or) a page(s) on the site in the network "Internet" that is hosting public information and the access to which during the day is executed by more than three thousand users of the network "Internet" (hereinafter - the blogger) when placing and using this information, including when the information is placed on the given site or a page of the site by other users in the network "Internet", is obliged to ensure compliance with the Russian legislation, in particular:

- 1) not to allow the use of the site or page of a site in the network "Internet" for the purpose of committing criminal offenses, for the disclosure of information constituting a state or other secret protected by law, for the dissemination of material containing public calls to terrorist activity or publicly justifying terrorism, other extremist materials, and materials that promote pornography, violence and cruelty, and materials that contain foul language;
 - 2) - 4) (...);
 - 5) to comply with the requirements of Russian legislation governing the distribution of information;
 - 6) to respect the rights and legitimate interests of citizens and organizations, including the honor, dignity and business reputation of citizens, business reputation of organizations.
2. When placing information on the site or page of a site in the network "Internet" it is not allowed:
- 2) to distribute information in order to discredit a citizen or individual categories of citizens on the grounds of sex, age, race, nationality, language, attitude to religion, occupation, place of residence and work, and also in connection with their political beliefs.
3. The blogger has the right to:
- 1) seek, receive, transmit and distribute the information in any way in accordance with the legislation of Russian Federation;
 - 2) to present on their site or page of a site in the network "Internet" their personal judgments and assessments with their name or nickname;
 - 3) post or allow the placing on their site or page of a site in the network "Internet" of texts and (or) other materials of other users of the network "Internet" if the publication of such texts and (or) other materials does not contradict the legislation of the Russian Federation;
 - 4) distribute advertising on a reimbursable basis in accordance with the civil law, the Federal Law from 13 March 2006 № 38-FZ "On Advertising" on their site or page of a site in the network "Internet".
4. Abuse of the right to the distribution of publicly available information, as expressed in violation of the requirements of Parts 1, 2 and 3 of this article shall entail criminal, administrative or other liability in accordance with Russian law.
5. (...).

⁹⁵ Introduced by Federal Law 7 from June 2013 № 112-FZ.

⁹⁶ Introduced by Federal Law from 13 July 2015 №264-FZ.

⁹⁷ According to Article 1 of the Law it regulates relations that stem from application of information technologies, consequently by "Information" Article 10 understands as well the information distributed through Internet.

⁹⁸ Introduced by the Federal Law from 05 May 2014 № 97-FZ.

6. A blogger is obliged to place on their site or page of a site in the network "Internet" immediately upon receipt of a court's decision, which came into force and contains the demand of its publication on the website or data page.
7. Owners of sites in the network "Internet", which are registered in accordance with the Federal Law from 27 December 1991 № 2124-1 "On Mass Media" are not bloggers.
8. The federal executive body exercising functions of control and supervision in the sphere of mass media, mass communications, information technologies and communication, maintains a register of sites and (or) pages of sites in the network "Internet" hosting public information access to which during the day is executed by more than three thousand users of the network "Internet"⁹⁹. (...).
9. - 12. (...)."

G. Federal Law on Communications of 2003, as Amended up to 2016¹⁰⁰

Article 46 - Obligations of Operators

"1.-4. (...).

5. services operator, providing access to information on telecommunications network "Internet", is obliged to carry out limitation of access and resumption of access to the information disseminated through information and telecommunications network "Internet", in accordance with the Federal Law of 27 July 2006 № 149-FZ "On Information, Information Technology and Protection of Information", (...)¹⁰¹

6.-7. (...)"

Article 64 - Obligations of telecommunications operators and restriction of the rights of users of telecommunications services during investigations and search operations and execution of measures to ensure the security of the Russian Federation

"1. Operators shall provide the authorized state bodies, engaged in the operational-search activity or protection of security of the Russian Federation, user information and information about communication services rendered to them, as well as other information necessary to carry out the tasks of these bodies, in cases established by federal laws.

2. (...).

3. The suspension of the provision of telecommunications services to businesses and individuals is executed by made telecommunications operators on the basis of a motivated written decision of the leader of one of the bodies, engaged in the operational-search activity or protection of security of the Russian Federation, in the cases established by federal laws.

Operators are required to renew the provision of telecommunication services on the basis of a court decision or a motivated written decision of the leader of one of the bodies, engaged in the operational-search activities or in the protection of security of the Russian Federation, who had previously decided to suspend the provision of communication services.

4. (...).

5. When the authorized state bodies carry out investigations, telecommunications operators are obliged to provide assistance to those bodies in accordance with the criminal procedure legislation."

⁹⁹ The Federal executive body mentioned in this Article is the Roskomnadzor.

¹⁰⁰ Federal Law № 126-FZ, from 7 July 2003. Official version available at http://www.consultant.ru/document/cons_doc_LAW_43224/. English version is available at <http://cis-legislation.com/document.fwx?rgn=5060>.

¹⁰¹ Paragraph 5 was introduced by the Federal Law dated 28 July 2012 № 139-FZ and Federal Law from 5 May 2014 No. 97-FZ.