Protection of Children by Russian Legislation: Possible Risks of Providers and Owners of the Websites on the Internet.

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Introduction

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Introduction

The topic chosen for this work has several sides of consideration: the rights of children, the rights of providers, and the rights of website owners on the Internet. The main reason for this topic being so interesting is that it is closely connected with every branch of Russian law and international law.

Children’s legal protection in Russia has its own features and is now developing in several directions. The first direction is human rights, which are described in the Constitution of the Russian Federation. Chapter 2 of the Russian Constitution\(^1\) identifies the list of inalienable human rights. In accordance with the norms of International Law, the Russian Constitution recognizes and guarantees freedom and all human rights, including protection from violation of inalienable human rights, for example, and protection from private life intervention or personal injury; these rights are fundamental in modern society. Russian law provides children with special attention; that is why the topic of the research is very useful, timely, and necessary.

The second direction in which Russian law is developing is the area of civil rights of children, which are listed in the Civil Code of the Russian Federation (“Civil Code”) and the Family Code of the Russian Federation (“Family Code”). The Russian Civil Code is based on recognition of the equal rights of the regulated parties. One of the main principles\(^2\) of the Civil Code states that private life intervention is unacceptable. This principle is directly related to possible children’s rights violations.

The main origins of the Civil Rights include: actions of state or local government which are named by the law to be the foundation of civil rights and responsibilities; a court order stating civil rights and responsibilities; new ideas or products in any area, such as science, literature, the arts, as well as inventions or any other intellectual property; harm inflicted on a person; illegal financial enrichment; and any other applicable actions of citizens or legal entities. Thus, a person responsible for an illegal action, such as injury or enrichment to children, will have to face the law.

The Civil Code states the limits\(^3\) of the civil rights. The use of legal rights in order to exclusively inflict harm is unacceptable. Actions that bypass the Civil Code and have illegal

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\(^{1}\) КОНИСТУЦИЯ РОССИЙСКОЙ ФЕДЕРАЦИИ [КОНСТ. РФ] [CONSTITUTION] art. 17 (Russ.).

\(^{2}\) ГРАЖДАНСКИЙ КОДЕКС РОССИЙСКОЙ ФЕДЕРАЦИИ [ГК РФ] [Civil Code] art. 1 (Russ).

\(^{3}\) Id. art. 10(1).
purposes or any other illegal use of civil rights are called an “Abuse of Rights.” Even though integrity is expected from all parties in a legal relationship, for example, a civil rights abuse of one party takes place; that party is entitled to ask for compensation of any losses caused. Legislation provides legal protection of Civil Rights.

It is very important to note that the term “children” or “minor” is used to describe a person who has not reached adulthood, or who is under 18 years of age. Everybody has legal capacity at the moment of birth; however, civil capacity can be gained by a person only after turning 18. The Civil Code dictates special rules of early adulthood, or children’s emancipation, as well as discerns young children and teenagers from 14 to 18 years of age.

The topic of this work is devoted to the risks of children’s rights violation by Internet providers and is connected with children’s rights violation in the global Internet network. However, the cases of children violating the law themselves are even more interesting, and worth consideration. The legislative provisions already mentioned describe the legal position of children violating the law; liability for these violations lies with the parents, adoptive parents, and legal guardians.

The Family Law stated in the Family Code is a part of the Civil Code. Chapter 11 of the Family Code sets the list of rights of children under the age of 18. A child has a right for his/her rights to be protected by parents or legal guardians.

The third area in which Russian law is developing is procedural law. Chapter 31 of the Civil Procedural Code of the Russian Federation (“Civil Procedural Code”), in particular, regulates cases of the deprivation of rights to control personal income for citizen between the ages of 14 and 18. The Civil Procedural Code specifies reasons for the limitation mentioned above, among which can be alcohol or drugs abuse. However, an increasing number of Internet

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4 Id. § 5.
5 Id. § 4.
6 Id. art. 11(1).
7 Semeinyyi Kodeks Rossiiskoi Federatsii [SK RF] [Family Code] art. 54(1) (Russ.).
8 GK RF art. 17, ¶ 2.
9 Id. art. 21(1).
10 Id. art. 21(2).
11 Id. art. 27(1).
12 Id. art. 28(1), (2).
13 Id. art. 26)(1), (2).
14 SK RF art. 56(1).
15 Grazhdanskii Protsessual’nyi Kodeks Rossiiskoi Federatsii [GPK RF] [Civil Procedural Code] art. 281(1) (Russ.).
addiction cases are discussed in the legal publications, and there are ideas about rights deprivation in such cases. A case of a teenager’s deprivation of rights to control personal income can be filed by parents or a legal guardian. Therefore, in the case of an incurable Internet addiction, the teenager may lose the right to control personal income as Internet addiction often harms the teenager’s family.

The Code of Administrative Procedure of the Russian Federation (“Code of Administrative Procedure”) dated March 8, 2015 and edited on June 29, 2015, effective as of September 15, 2015 sets the rights of a minor. The Minor citizens at the age of 16 to 18 and disabled individuals have full range of procedural rights and responsibilities. They have full administrative procedural legal rights in disputable cases and other cases where they can participate independently.

The mental health of minor citizens is protected by the Code of Administrative Procedure of which declares that court orders can be publicly announced, unless they affect the rights and legal interests of the minor. So, as we can see, the publicity is limited, in those cases, to align with the interests of the minor. In addition, court questioning of a minor witness, up to 14 years of age, is conducted in special conditions, and at the court’s discretion those conditions can be applied to the witness between the age of 14 and 16. An education professional is usually invited to the court to accompany a minor.

The fourth direction is Information Law. The main law that regulates the information technology relationship is the Federal Law No. 149-FZ of the Russian Federation on Information, Information Technology, and Information Protection (“Federal Law No. 149-FZ”), dated June 27, 2007, the last changes to which came to effect on September 1, 2015. The law regulates the rights to search, receive, transfer, produce and spread information; it sets the rules of the use of information technology, and provides information protection. As for the provider’s risks in light of children’s rights violations, this law states two main terms. These

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16 GPK RF art. 281(3).
17 KODEKS ROSSIISKOI FEDERATSII RF OB ADMINISTRATIVNYKH PRAVONARUSHENIIAKJ [KOAP RF] [Code of Administrative Violations] art. 5(2) (Russ.).
18 Id. art. 11(10).
19 Id. art 162(1).
terms definitions are commonly used by the courts and are discussed in legal publications. Most important of them are:

1. **Information**: data which was received and presented from any source;
2. **Information telecommunication network**: a technological system designed for information transmission via connection lines which can be accessed by Computer Engineering sources;
3. **Access to information**: the ability to obtain and use data;
4. **Information provision**: actions directed to obtain information or transfer information to certain individuals;
5. **Spread of information**: actions directed at information receipt by an uncertain number of people;
6. **Information system operator**: a person or legal entity using the info system to process the information in its database;
7. **Internet website**: a set of computer programs and other information available on the Internet by domain names and/or network addresses, which allow the websites to be found online;
8. **Internet page**: a part of a website. A webpage can be accessed by a link that includes the domain name and symbols created by the Internet site owner;
9. **Internet site owner**: a person who individually sets the rules of use of the website, as well as the rules of information published on it;
10. **Hosting provider**: a computing power provider for publication of information in the system connected to the Internet.

It is prohibited by the Federal Law No. 149-FZ\textsuperscript{21} to spread information that encourages: war; national, racial and religious hatred; and all other kinds of information that legally cause civil and administrative liability. This legal statute sets the ground for children’s rights protection. The meaning of this protection is explained below in article 10.2, which explains the special features of public information distribution by a blogger.

An owner of a website and/or webpage on the Internet, which has over 3,000 visitors per day, has to follow the laws of the Russian Federation to make sure that the website is not going to be used for: criminal activity of any kind; disclosure of state or other specially protected,

\textsuperscript{21} Id. art 10(6).
secret information; spreading of material that publicly motivates terrorist actions or approves of
terrorism, and other extremist materials; publishing materials that promote pornography, violent
cults, or cruelty; or distributing materials that contain foul language. A website owner has a
responsibility to: validate the information that is placed for public use on his/her webpage;
promptly remove all unreliable information; prevent the spread of private and personal
information that contradicts the Civil Code; respect the legal bans and prohibitions of the
Russian Federation, which define the boundaries of spreading mass media information; and
respect the rights and legal interests of citizens and legal entities, which include honor, dignity,
and business reputations. The failure to comply with any of these duties is considered an abuse
of rights.

The fifth direction in which Russian law is developing is in the sphere of international
privacy law. It is well known that the worldwide internet network is exterritorial and can be
accessed from any part of the world. In many cases of citizens’ rights violation, it is very
difficult to find a violator. In such cases, it is also extremely difficult to find a defendant for the
case in court. The third part of the Civil Code includes Chapter 6, called "Private International
Law." This chapter sets the legal rules and regulations that are to be used, and defines privacy
law with regards to a person or a legal entity.

The Civil Code used in civil relationships that involve foreign citizen or foreign legal
entities is led by a set of international agreements of the Russian Federation, the Civil Code,
other laws, and conduct accepted by Russia.

The personal law that applies to an individual is the law of a country of that person’s
citizenship. In addition, the law that governs a legal entity is defined as the law of the country
that the entity was established in.

It is important to refer to the statutes describing the consequences of harm. The law of
the country where an accident and/or damage took place will be effective for determining the
harm and the compensation in a court case. If the accident took place in another country, the law
of that country will be used, as the owner of the legal entity should be aware and must predict the
harm in that country. If the parties reside in the same country, the law of that country must be

22 GK RF art. 1186(1).
23 Id. art. 1195(1).
24 Id. art. 1202(1).
25 Id. 1219(1)-(3).
used. In cases where the parties work and reside in different countries but are citizens of the same country, the law of the common country must be used.

We have reviewed above all the aspects of Russian Law associated with the risks of providers and website owners caused by children’s rights violation that occur online. Further, in this research, we will explore all the directions of legal regulation from a citizen’s standpoint; the rights of a minor; and the proceeding rights of participants of information turnover, information law, and international privacy law. The main purpose of this paper is to define the tendencies of the legislation in the area researched, and to make conclusions about the possible risks of Internet users being brought to justice for Internet rules of conduct violations.

I. The Protection of Children’s Rights by the Constitution.

The preamble to the Constitution of the Russian Federation states the ground rules of Russian Law. These rules include the rights and freedom of an individual, civil peace and accordance, state unity, the inviolability of democracy, and the recognition of the Russian Federation as part of international society. The Constitution of the Russian Federation has the strongest legal power in the country.26 Universally recognized principles and norms of international law and agreements of the Russian Federation are all parts of its legal system.27 If an international agreement has positions or other rules than are stated in the law of the Russian Federation, then the rules of the international agreement will dominate. Thus, international law has the primary force in the Russian Federation.

As it is stated in the Declaration of Human Rights Declaration,28 children have rights for special care and assistance. According to the principle of recognition of international norms, the main legal provisions of the UN Convention on the Rights of the Child29 have the highest legal power. As it is stated in the Convention, a child cannot be subject to a violation of private life rights such as family life, the integrity of the home,30 or correspondence privacy. A child has the legal right to protection against an unlawful violation of all his/her rights and privacy.31

26 KONSTITUTSIIA ROSSIISKoi FEDERATSII [KONST. RF] [CONSTITUTION] art. 15(1) (Russ.).
27 Id. art. 15(4).
30 Id. art. 16(1).
31 Id. art. 16(2).
According to the Russian Constitution, the rights and freedoms of a human are of the highest value. The recognition, respect and protection of human and civil rights\textsuperscript{32} are acknowledged and guaranteed by the Russian government.\textsuperscript{33} Maternity, childhood and family are also protected by the government.\textsuperscript{34} The age of adulthood is set at 18 years of age by the Constitution.\textsuperscript{35}

The Russian National Action Strategy Plan ("the National Strategy") was developed according to the Constitutional norms of protecting and supporting children's rights. The National Strategy is set to protect the interests of children between 2012 and 2017.\textsuperscript{36}

The National Strategy has two main purposes: set the direction and goals of national politics regarding the protection of children's rights, and to identify the best ways to implement the plan. The Plan has to be completed in compliance with the universally recognized principles and norms of international law.

According to the 2011 National Strategy, more than 93,000 children were victims of crimes. Teenage alcoholism, drug and substance abuse are among the main problems of the society. Almost a quarter of all crimes in the country are committed by the teenagers under the influence of alcohol.

Another vital problem that has to be mentioned is excessive use of the Internet, which results in a high number of Internet crimes against children. The National Strategy concludes that technological development puts children at a high risk of vulnerability due to their exposure to illegal Internet content. Technological growth has led to increased incidents of crimes such as child trade, child pornography, and prostitution. According to the Ministry of Internal Affairs, the number of websites with child pornography increased by almost a third, and the amount of the illegal material on these websites increased 25 times\textsuperscript{37}. As a matter of fact, multiple suicidal websites are available to teenagers at any time. The Russian government is determined to combat these problems. The National Strategy was developed according to the Council of Europe’s Children Rights Protection Strategy of 2012-2015, which includes three main

\textsuperscript{32} KONSTITUTSIIA ROSSIISKOI FEDERATSII [KONST. RF] [CONSTITUTION] art. 2 (Russ.).
\textsuperscript{33} Id. art. 17.
\textsuperscript{34} Id. art. 38(1).
\textsuperscript{35} Id. art. 60.
\textsuperscript{37} Id.
resolutions. First, the promotion of all kinds of child friendly services and systems. Second, the eradication of all forms of violence towards children. Finally, a guarantee of children’s rights in situations where they are especially vulnerable.

A separate section of the National Strategy is devoted to the measures for the information security of children. The National Strategy prioritizes development and implementation of training programs for children and teenagers to provide the guidelines of safe Internet use and rules of conduct online. All the measures are directed to prevent Internet addiction, participation in illegal activities, pornography, and involvement in flash mobs.

In modern Russia, it is extremely important to create legal mechanisms to block the spread of criminal ideology through media sources for children and adolescents, as well as the cult of violence, other antisocial outspoken tendencies, and their respective attributes. Creating mechanisms for public examination of Internet content for children is an important area of work for the Russian government. For instance, the National Strategy proposed two measures: the creation of a list of web portals and sites that will provide information about the best resources for children and their parents; and encouraging parents to use services of “Parental Control” as much as possible, which is a great tool to set limited access to the Internet.

A special office of the Commissioner for Children's Rights was introduced by Decree of the President of the Russian Federation. The Ombudsman for Children has the right to: request a receive necessary information, documents and materials from the federal authorities; obtain unrestricted access to federal and state authorities of the Russian Federation, as well as local authorities and organizations; either independently or jointly with the state authorities, check the activities of federal executive bodies, the regional governments, or any other officials, and receive any necessary explanations; send reports and recommendations to the federal executive government, the regional bodies of state power of the Russian Federation, local governments, and officials containing descriptions of any activities that violate the rights and interests of a child; provide a report containing recommendations on the possible and necessary measures for the restoration of the child’s rights and interests that were violated; and invite analysts, scientific organizations, and any other organizations for any research needed for expert technical and

[38 Id. § 7.
analytical research needed for the protection of children’s rights, including those on a contractual basis.

The Federal Law No. 124-FZ of the Russian Federation on Basic Guarantees of Rights of a Child in the Russian Federation (“Federal Law No. 124-FZ”) protects the civil rights and legitimate interests of a child which are stated in the Constitution of the Russian Federation. The Law establishes unlawful acts against children. These unlawful acts include: child trafficking; the exploitation of children; the use of minors in prostitution and other forms of sexual exploitation; slave labor of minors; servitude of minors; and other illegal acts involving minors.

All of the crimes listed above can now be performed through the Internet and, therefore, are the subject of this research. The Internet is considered to be one of the greatest tools for intellectual, mental, physical, spiritual and moral development of children. The laws of the Russian Federation may establish measures to prevent harm to a child’s health, progress and well-being by restricting their access to public places at night. The restriction is also applied to the right to use the Internet, without parents or legal guardians, in places that offer public Internet access.

There is a special Order of the Russian Federation No. 188 on the Organization of Prosecutor’s Control Over Implementation of Laws on Minors and Young People, (“Order of the Russian Federation No. 188”) that has to be mentioned among the by-laws by the Attorney General of the Russian Federation. The Order states that the organization of supervision should be based on the fact that the United Nations Convention on the Rights of the Child, the universally recognized norms of international law as well as Russian legislation, prioritizes the interests and welfare of children in all areas of life. This Order of the Russian Federation No. 188 prevents the adoption of regional regulations that contradict the federal law and interests of children. Russia has provided oversight of the observance of the rights of minors and young

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41 Id. art. 14.1(3).
43 Id. § 2. art. 10.1(3). 149-FZ, art. 1. ssian Federation n Citizenship of the Russian Federation ("ions or engage in certain activities
44 Id. at item 6.4.
people to freedom of conscience and religion. With this purpose, illegal activities of destructive religious organizations are monitored and banned, especially in cases when children are encouraged by these organizations to refuse to fulfill their civil duties or commit crimes. In addition, the Order of the Russian Federation No 188 sets another vital rule:\(^{45}\) it prevents the unlawful use of youth associations for political, extremist, occult, or religious purposes.

Constitutional principles are supported in the Constitutional Law of the Russian Federation No. 19-P on the Constitutional Court of the Russian Federation ("Constitutional Law of the Russian Federation No. 19-P"). The Constitutional Court of the Russian Federation is a judicial body under constitutional control, which can independently exercise judicial power through constitutional proceedings.\(^ {46}\) The Constitutional Court verifies the conformity of laws with the Constitution of the Russian Federation, interprets the Constitution, and initiates legislation.

The Constitutional Court of the Russian Federation has a great and primary role in the protection of the social and economic rights of citizens, including minors. This constitutionally important objective, the protection of life, health and morals of minors, is very crucial, since childhood is a period of physical, mental and psychological immaturity and the most important\(^ {47}\) stage of personal development. This period in a child’s development sets the foundation of moral qualities, and is the period where children form outlooks and attitudes that define future life principles and perspectives. In the Russian Federation, the State’s legal and social policy is aimed at ensuring the health, freedom, and personal development of an individual and the wellbeing of citizens. Ensuring a safe and secure childhood, as a constitutionally recognized duty of the State, requires the government to develop and implement an effective legal policy, with regards to minors, in order to prevent discrimination, strengthen their rights, protect legal interests, and restore rights in cases of violations.

Constitutional justice has a protective and guaranteeing impact on the entire legal system of the State. In Russia, the Constitution pays special attention to the protection of the rights and legitimate interests of children.

\(^{45}\) Id. § 7.  
II. Civil law principles of children rights protection.

The topic of this work involves a detailed analysis of the probabilities and risks that children are exposed to through various kinds of deals and transactions online, and the possible harm to others as a consequence. The reason for this approach is that children often become a target of various Internet scams that are posted on websites that contain information that is attractive to children; this may involve the children in illegal activities or in commerce. In this case, the risk is imposed on a child him/herself as well as on his or her family and society in general.

The basic norms of the positive law that are giving definitions to objects, subjects and content of legal relations are the main subject of the civil law. In Russia, the regulation of children rights is carried out by the legal provisions of the Civil Code, the Family Code, and federal and local laws and regulations.

The Civil Code of the Russian Federation determines basic concepts of the civil freedoms and rights, as well as legal rights. All Russian citizens (individuals), and legal entities acquire and exercise the civil rights of their own free will and in their own interest. They are free to establish their rights and obligations on a contractual basis, so long as any legislation does not contradict the conditions of the contract.\textsuperscript{48} Civil rights may be limited by federal laws, but only to the extent necessary to protect the constitutional order, morality, health, rights and lawful interests of other people, as well as the national defense and state security.

Thus, restriction of civil rights is only possible under the law. In the case of a violation of children's rights by users of the information and communication networks, restrictions are periodically established in order to eliminate the possibility of threats to the health and well being of children.

The integrity in civil relations is declared\textsuperscript{49} by the Civil Code and is presumed in cases in the courts. The Civil Code, or any other corresponding law, is used in cases where there is an impediment to the decree of the President of the Russian Federation or to a Civil Code decree of the Russian Federation. International Treaties of the Russian Federation are applied to the

\textsuperscript{48} GK RF art. 1(2).

\textsuperscript{49} Id. art. 1(3).
relations referred to in paragraphs 1 and 2 of Article 2 of this Code immediately, unless the international treaty requires publication of a national act first.\textsuperscript{50}

The legal capacity of citizens is described in the Civil Code.\textsuperscript{51} Citizens have a right to: own property; inherit and bequeath property; engage in business and any other activities not prohibited by law; form legal entities independently or jointly with other citizens and legal entities; perform any transactions and participate in any obligations that are not contrary to existing law; choose a place of residence; possess the rights of authorship for inventions, works of science, literature, art, and other materials protected by intellectual property laws; and possess personal, non-property rights. The civil, legal capacity\textsuperscript{52} of a citizen is the ability to acquire and exercise civil rights, and the opportunity to create and perform civic duties upon reaching the age of eighteen. The law provides the description of cases of the emancipation of citizens in cases where a citizen enters into marriage before reaching the age of eighteen. In this case, the citizen acquires full legal capacity from the time of marriage. Legal capacity acquired by marriage is maintained in full, and in the case of divorce before reaching the age of eighteen. Only the court, in case of annulment, may rule on the loss of such capacity.

The Civil Code defines three age groups of children: young children up to six years of age; young children between the ages of six and fourteen; and adolescents between the ages of fourteen and eighteen. Children under six years old do not have legal capacity. Young children from six to fourteen years old have partial capacity, as do adolescents from fourteen to eighteen years – they do not yet have full capacity. The Federal Law No. 62-FZ of the Russian Federation on Citizenship of the Russian Federation (“Federal Law No. 62-FZ”) defines a child as a person under the age of eighteen.\textsuperscript{53}

A Russian passport is issued at the age of fourteen. In some circumstances a passport may be issued before the age of fourteen, or a special market may be made in the birth certificate.\textsuperscript{54} Every child gains natural human rights from birth. These rights include the right to: life and

\textsuperscript{50} Id. art. 18.

\textsuperscript{51} Id. art. 21(1).

\textsuperscript{52} Id.


development; name, nationality and family ties; use of native language; education; health care; rest and leisure; freedom of expression; and protection from all forms of physical or mental violation and exploitation.

Let’s examine the features of capacity of young children and adolescents. Minors under the age of six to fourteen years of age have a right to: perform small domestic transactions; process deals aimed at obtaining complimentary benefits that do not require notarization or state registration; and make decisions regarding transaction for the disposition of funds provided by the legal representative or the latter’s consent by a third party for a specific purpose or for free disposal. The rest of the deals for young children can be done on their behalf only by their parents, adoptive parents or guardians.

Moreover, financial liability for the transactions by a minor, including transactions made on their own, lies with his or her parents, adoptive parents or guardians, unless they prove that the obligation that has been violated is not their fault. These individuals, in accordance with the law, are also responsible for the harm caused to minors. The Civil Code also describes the main rules governing the invalidity of transactions made by incompetent individuals, young children or teenagers.

It is important to emphasize that if the Internet deal was completed with contradiction to principles of public order, the transaction is proclaimed void. In some cases, described by the law, the court may transfer all the funds obtained through the deal described above directly to the Russian Federation budget if proved that the parties were acting intentionally. The consequences of such transaction are also regulated by the Civil Code. If the transaction is invalid, each party shall return to the other all the funds received under the transaction, and if it is impossible - to compensate its cost.

Children are people not always able to understand the significance of their actions. In cases of Internet addiction, they may often get into trouble or risky situations. Therefore, the legal status of children can be equated to the legal status of disabled people. The Civil Code establishes the invalidity of the transaction made by a citizen who is not able to understand the significance of his actions, or control them. If a transaction was done by a person who was not

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55 GK RF art. 28(2).
56 Id. art. 28(2).
57 Id. art. 28(3).
58 Id. art. 168.
59 Id. art. 167.
able to understand the significance of his/her actions or control them, the deal may be declared invalid by the court upon the suit of a citizen or other parties whose rights and interests were violated as a result of the transaction.60

The Russian Code may also limit the legal capacity of a resident.61 According to the civil procedural legislation, a citizen who, as a result of gambling addiction or abuse of alcohol or drugs, puts his family in a difficult financial situation can be restricted by a court in such capacity. Later, this person will be under guardianship. At this time, the guarded individual has a right to make only small daily transactions. In the case of gambling addiction, the will of a man is suppressed, and the legal literature62 suggests the following addition to Article 30 of the Civil Code: "A citizen who as a result of gambling or in the Internet, abuse of alcohol or drugs puts his family in a difficult financial situation, restriction in the capacity can be put by a court in the order established by the civil procedural law." (emphasis added).

Another interesting legal provision is the invalidity of the transaction made by a misinformed person. There are multiple cases of misleading information posted about consumer services on the Internet. Minors are especially vulnerable and in danger of this kind of confusion. A transaction made under the influence of delusion may be deemed by a court to be invalid upon a claim of the parties acting under the influence of misunderstanding, if the mistake was so significant that the party reasonably and objectively assessing the situation, would not have done the deal if it knew about the real situation.63 Delusion is assumed to be essential in transactions where: the party was deceived with regards to the subject of the transaction; the party was wrong about the nature of the transaction; the party was misguided about a person with whom it entered into a transaction; or the party was misled about the circumstances.64 All these circumstances are possible where a child is involved in illegal activities. For example, the sale of pornographic products is often as a subject of these transactions, where the pornography is labeled as a movie or a book. A transaction made under the influence of fraud65 may also be deemed by the court to be invalid upon a victim’s claim.

60 Id. art. 177(1).
61 Id. art. 30(1)
63 GK RF art. 178(1).
64 Id. art. 178(2).
65 Id. art. 179(2).
Now we will review the transactions involving minors. A transaction conducted by a minor under the age of fourteen years is void and, upon the request of his/her parents, adoptive parents or guardians, the court will recognize it as invalid. This rule does not apply to small everyday transactions that can be completed by all young children.

For older children and teenagers there are restrictions on the deals as well. A transaction settled by a minor under the age of fourteen to eighteen years without the consent of his parents or legal guardians where consent is required by law, may be deemed by a court to be invalid upon the suit of the guardians. This rule does not apply to small transactions of minors who have become fully operational. However, this minor has the right to use the revenues, received as a result of its own civil law relations. For example, a minor may handle independently his/her earnings, scholarships, and reward for an invention.

Therefore, the Civil Code provisions confirm that transactions, including online transactions, are not included in the concept of legal capacity of young children and teenagers from fourteen to eighteen years of age. Transactions of legal entities must be carried out with the consent of parents or guardians.

The right of the child to protection is established by the Family Code. Children have the right to defend their rights and legitimate interests. Protection of the rights and legitimate interests of a child is carried out by parents, legal guardians, guardianship authorities, prosecutors and the court.

Judicial protection of civil rights is carried out by means of the Civil Procedural Code. All of the legal actions are in accordance with the provisions of Chapter 31 of the Civil Procedural Code and can be applied to minors. This includes: limitations of capacity; recognition of incapacity; and restriction or deprivation of a minor between the ages of fourteen and eighteen years old of the right to use. Case hearings and resolutions are carried out by the court, according to the civil proceedings for minors.

In Russian legal literature there are suggestions to work to broaden the ability to protect the rights of a child. O.J. Sitkova considers protective measures in relation to a childe to be

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66 Id. art. 175(1).
67 Id. art. 172(1).
68 Id. art. 172(2).
69 Id. art. 26(2).
70 Id. art. 56(1).
71 GPK RF art. 51(1).
essential, stating that “... necessity for the application of protective measures rises from a need to prevent possible crimes and harm.”\textsuperscript{72} The author compares the use of protective measures in self-defense, and considers protective measures to be defensive measures. OJ Sitkova indicates the ability of protective measures as a measure:

to ensure the normal life of the family, the duties of family members to be executed to the extent necessary, and the implementation of subjective rights in statutory limits. These measures can be applied as soon as the competent authorities became aware of the violation of rights. At the same time, these measures can be applied in the absence of misconduct and the damage caused, but only under the threat of its occurrence.\textsuperscript{73}

On the basis of legal provisions of the Civil Code, the Federal Law No. 124-FZ plays a main role.\textsuperscript{74} The provisions of the Federal Law No. 436-FZ of the Russian Federation on Protection of Children from Information Harmful to Their Health and Development ("Federal Law No. 436-FZ")\textsuperscript{75} plays a main role as well.

The media in the Russian Federation is regulated by the Federal Law No. 2124-1 of the Russian Federation on Mass Media ("Federal Law No. 2124-1"),\textsuperscript{76} which describes the restrictions against the abuse of freedom of mass media.\textsuperscript{77} According to the Article 2 of the Federal Law No. 2124-1, means of mass media include: periodicals, network publications, television, radio, broadcasts, videos, newsreel programs, and any other form of periodical dissemination of mass media under constant name (title).

As a basic principle of legal regulation, the Federal Law No. 2124-1 stipulates the inadmissibility of censorship. Thus, under the latter it refers to "request [that] editors of the media from the officials of state bodies, organizations, institutions or associations coordinate and approve news and announcements in advance (except for the cases when the official is the author or interviewee), as well as to ban messages and to distribute the materials parts of them, -is

\textsuperscript{73} Id.
\textsuperscript{77} Id. art. 4.
prohibited.\textsuperscript{78} However, the prohibition of censorship does not mean the inadmissibility of any restrictions on freedom of the media.

It is not permitted to use the media in order to commit a criminal offense, for the dissemination of material containing public calls for terrorist activities, materials that promote pornography, violence and cruelty, or for providing instructions on how to produce home-made explosives and explosive devices. The dissemination in the media and telecommunication networks of the information about the ways to develop, buy, produce or use drugs is illegal and forbidden. It is also prohibited to spread information on minors who are suffering as a result of illegal actions. This includes the minors’ full names, middle names, photos and video images of the minors, their parents, or other legal representatives.

Article 4 of the Federal Law No. 2124-1 establishes the obligation of the public authorities of the Russian Federation to take measures to protect a child from information, propaganda and agitation harmful to his/her health or moral and spiritual development, including: national origin, social class or social intolerance; advertisement of alcoholic beverages and tobacco products; the promotion of social, racial, national, and religious inequality; information of a pornographic nature; information that promotes unconventional sexual relations; and the dissemination of printed materials, audio or video, that advocate for violence, cruelty, pornography, drug addiction, substance abuse, or anti-social behavior. Thus, if a website is registered as a mass media source, all the above-mentioned limitations are applicable to the site.

The appropriate legal guarantees protecting the rights of minors in the field of information are listed in the Federal Law No. 38-03 on Advertising.\textsuperscript{79} This law prohibits the placement of unethical advertising, any other type of ads promoting unlawful acts, or ads that contain incitements to violence or brutality. Article 6 of this law contains provisions designed to protect minors from abuses of trust and lack of experience in advertising, including advertising discrediting parents and educators, or advertising that undermines the credibility of the minors or show minors in dangerous situations. Paragraph 10 or Article 5 prohibits advertising in textbooks intended to educate children on the programs of primary, general, and basic education, school diaries, or in school textbooks. Violation of these prohibitions and restrictions, including the


assumptions made in the placement of advertising information on the Internet, entails administrative responsibility of advertisers, the advertisement, or of the advertisements in accordance with Article 14.3 for improper promotion: an administrative fine. The most socially dangerous forms of inappropriate advertising prosecuted in criminal procedure by application of the Criminal Code of the Russian Federation ("Criminal Code"): Article 129 for ads containing slander; Article 130 for ads containing insult; Article 242 and 242.1 for ads containing pictures or descriptions of a pornographic nature, including pornographic images of minors; and Articles 280 and 282 for extremist advertising. These criminal acts entail fines, community service, correctional work or imprisonment.

As part of the civil-rights-based approach, a number of presidential decrees and government resolutions were adopted in Russia. The Presidential Decree No. 986 September 1, 2009[^80] regulates the activity of the Commissioner for Children's Rights. The Government Decree No. 272 of May 6, 2006,[^81] adjusts the position of the government commission for minors and protection of their rights.

The Civil Code allows clarification of the legal status of individuals and legal entities which can be applicable in the future in cases of disputes or violations of the law. Therefore, it is important to consider basic civil provisions relating to child rights violations.

### III. Protection of Children’s Rights Under the Information Law.

In this chapter we will be analyze the central and most important facts of our research. Information laws provided by the Russian legislature is the main branch of the law for the current topic.

How exactly can the rights of children be desecrated on the Internet? Who is responsible for such violations? What penalties are applicable to a violator? The answer to all these questions

can be obtained based on an examination of current Russian legislation and communication networks.

The question of liability for illegal acts on the Internet is complicated. The role of the provider is to establish technical communication between an individual, a website and a data-center. Therefore, the provider shall be obliged to carry out all necessary orders for blocking illegal Internet sites.

Legal and administrative orders suggest liability for minors’ rights violation. Chapter 6 of the Code of Administrative Violations of the Russian Federation (“Code of Administrative Violations”)\(^\text{82}\) regulates administrative offenses that infringe on health, sanitary and the epidemiological well-being of the population, as well as public morals. Alcohol use by a minor or products containing alcohol, and the abuse of new, potentially harmful psychoactive drugs or intoxicating substances is penalized by an administrative fine in the amount of 1,500 to 3,000 rubles.\(^\text{83}\)

An administrative fine in the amount of 4,000 to 5,000 rubles is given for: propaganda about, or the illegal advertising of narcotic drugs, psychotropic substances or their procurers, plants containing narcotic drugs or psychotropic precursors, as well as new and potentially harmful psychoactive substances. The advertising products and manufacturing equipment may also be confiscated. Officials are subject to a fine in the amount of 40,000 to 50,000 rubles.\(^\text{84}\)

The article of the Code of Administrative Violations regarding the violation of the legislation on the protection of children from information harmful to their health and/or development\(^\text{85}\) is the main topic, and is most essential for this research. The spread of information among children that contains material harmful to the health and/or (as long as this action is not a criminal offense) is penalized in the following ways: an administrative fine on citizens ranging from 2,000 to 3,000 rubles, with confiscation of the subject of the administrative offense; a fine for officials ranging from 5,000 to 10,000 rubles; a fine for individuals carrying out business activity without the establishment of a legal entity, ranging from 5,000 to 10,000 rubles with the confiscation of the subject of the administrative offense or suspension of activities for a period of up to ninety days; and for legal entities, a fine ranging from 20,000 to

\(^{82}\) KOAP RF.

\(^{83}\) Id. art. 6.10(1).

\(^{84}\) Id. art. 6.13(1).

\(^{85}\) Id. art. 6.17.
50,000 rubles, with confiscation of the subject of the administrative offense or the administrative suspension of activities for a period of up to ninety days.86

The most important measure is an administrative fine for a person providing access to information distributed to children through information and telecommunication networks, including the Internet. This does not include telecom operators who provide communication services based on contracts of telecommunication services. In cases where access to minors is granted, administrative and organizational measures, as well as technical and hardware-software means of child protection from harmful information have to be provided.

In case the business owners fail to comply, two types of fines are applied. First, a fine ranging from 5,000 to 10,000 rubles is applicable where the business activity was conducted by an individual. Second, a fine ranging from 20,000 to 50,000 will be imposed for business undertaken by a legal entity.87

Placement of information motivating children to participate in the creation of informational products that are harmful to their health and/or their development is penalized by administrative fines in the following manner: for citizens, a fine ranging from 1,000 to 1,500 rubles; for officials, a fine ranging from 2,000 to 3,000 rubles; and for legal entities, a fine ranging from 20,000 to 30,000 rubles.88

Legal protection of minors from propaganda of non-traditional sexual relationships is described in Article 6.21 of the Code of Administrative Violations. The promotion of same-gender sexual relationships among adolescents, information describing unusual sexual relationships, distorted images or their social equivalence of conventional and unconventional sexual relationships, or the imposition of information of the above-mentioned acts which cause interests in such relations, is subject to an administrative fine if the information is not already subject to a criminal offense. For a citizen, the promotion of this information is subject to a fine in the amount ranging from 4,000 to 5,000 rubles. The fine for officials for promoting this kind of information ranges from 40,000 to 50,000 rubles. Legal entities are subject to a fine from 800,000 to 1,000,000 rubles, or administrative suspension of activities for a period of up to ninety days.

86 Id. art. 6.17(1).
87 Id. art. 6.17(2).
88 Id. art. 6.17(3).
If all the above steps have been completed with the use of the media and/or information and telecommunication networks, including the Internet, such actions shall entail the imposition of an administrative penalty: a 50,000 to 100,000-ruble penalty for citizens; a 100,000 to 200,000-ruble penalty for officials; and a penalty of 1,000,000 rubles for legal entities, or the administrative suspension of activities for a period of ninety days.  

Another interesting fact is that for foreign providers there are special measures in the Russian Federation. In case a foreign citizen is guilty of the above-mentioned actions, non-nationals shall be subject to an administrative penalty in the amount ranging from 4,000 to 5,000 rubles, with administrative expulsion from the Russian Federation or administrative arrest for up to fifteen days of administrative expulsion from the Russian Federation, so long as the offense does not encompass a criminal offense. If a foreign citizen has used the Internet, and these actions do not contain a criminal offense, such activities shall be subject to an administrative fine ranging from 50,000 to 10,000 rubles, with administrative expulsion from the Russian Federation or administrative arrest for up to fifteen days with administrative eviction from the Russian Federation.

Another noteworthy norm describes the consequences of involving a minor in tobacco use. This propaganda is subject to an administrative fine on citizens in the amount of 1,000 to 2,000 rubles. If such action is committed by parents or the legal guardians of a minor, their behavior is followed by an administrative fine in the amount of 2,000 to 3,000 rubles.

The main legislation in this area is the Federal Law No. 149-FZ. Legal provisions of this law were refined and modified in 2015. A question on the role and place of the Federal Law No. 149-FZ in the Russian legal system is explored in the doctrine. Many authors over the past decade considered the provisions of this law to be attributed to civil or administrative law. It is possible to consider that in Russia, in recent years, a separation of media law has occurred. An

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89 Id. art. 6.21(2).
90 Id. art. 6.21(3).
91 Id. art. 6.21(4).
92 Id. art. 6.23(1).
entire block of laws and regulations were developed for the regulation of social relations within the scope of the information and communication networks in Russian legislation. In this study, we are going to talk about the Federal Law No. 149-FZ as a separate branch of the Russian law.

The scope of the Federal Law No. 149-FZ regulates three main cases: the implementation of the right to seek, receive, transfer, produce and disseminate the information; the application of information technology; and the protection of information.

The law gives the definition of basic notions, among which, in particular, the following terms are highlighted:

1. **Information**: data regardless of the form of its submission;
2. **Information technology processes**: the methods of search, collection, storage, processing, delivery, and dissemination of information, and the means of implementation of such processes and methods;
3. **Information and telecommunication network**: a technology system intended to convey information, which is accessed with the use of computer technology;
4. **Information holder**: a person who independently created the information/received a right to permit or restrict access to the information identified by any features;
5. **Access to information**: the ability to obtain information and to use it;
6. **The provision of information**: actions aimed at obtaining information in a certain circle of persons or delivery of information to specific individuals;
7. **Dissemination**: actions aimed at gaining information by undefined range of persons or information transfer to unlimited range of individuals;
8. **Electronic information**: data sent or received by the information user and telecommunication networks;
9. **Information system operator**: a citizen or legal entity using the information system and processing the information contained in its databases;
10. **Website**: a set of computer programs and other information contained on the information system, which is accessible through the Internet domain name and/or network addresses that allows you to identify Websites on the Internet.

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95 Federal Law No. 149-FZ, art. 1.
96 Id. art. 2.
11. *Web page (hereinafter, Internet page)*: a part of the site on the Internet that is accessed by the pointer consisting of domain name and the symbols defined by the site owner on the Internet;

12. *Network address*: an identifier on the network needed in telematics services for provision of a defining connection, softphone or other means of communication that are included in the information system;

13. *Internet site owner*: a person who independently, and at his/her own discretion, determines the order of use of the website including the rules of posting of information;

14. *Hosting provider*: a person who provides services of computing power in the information system, constantly connected to the Internet;

15. *Unified system of identification and authentication*: the Federal information system established by the Government of the Russian Federation, which provides, in cases stipulated by the legislation of the Russian Federation, authorized access to the data contained in information systems.

16. *Search engine*: an information system carrying out the search on the Internet network information requested by a user. Search engines provide the user with information on the index page of a site on the Internet for access to information located on sites on the websites that belong to other persons, except for the information systems used to implement State and municipal functions, provision of public and municipal services as well as for the implementation of other public authority established by the federal laws.

Citizens and organizations are entitled to seek and obtain any information\(^\text{97}\) in any form and from any source in compliance with the requirements established by the legislation of the Russian Federation. Legal regulation\(^\text{98}\) relations in the sphere of information, information technology and information security include: the freedom to seek, receive, transfer, produce and disseminate information by any lawful means; the limitation of access only by federal laws; the openness of information about the activities of State bodies and bodies of local self-government, and free access to such information, except as established by federal laws; the quality of

\(^{97}\text{Id. art. 8(1).}\)

\(^{98}\text{Id. art. 3.}\)
languages of people of the Russian Federation to establish information systems and exploit them; ensuring the security of the Russian Federation to establish information systems, and maintain and protect the information contained therein; the inadmissibility of collecting, storing, using or disseminating information about an individual’s private life without his/her consent; and the inadmissibility of establishing any advantages of one information technology system to others, unless bound by applying certain information technologies for the institution and operation of Government information systems, which have not been established by federal laws.

Information may be used freely by anyone and be transmitted from one person to another person, so long as the federal law does not limit the access to the information, or other requirements for its provision or distribution. Information can be sub-divided into publicly available information and data to which access is limited to federal laws (“restricted access”). Publicly available information, access to which is not restricted, is data placed by her owners on the Internet in a format that allows easy processing and reuse. Such information appears in the form of open data. Access to the following may not be restricted: normative legal acts affecting the rights, freedoms and duties of a person or citizen, as well as those that establish the legal status of organizations and powers of State bodies and bodies of local self-government; information about the environment; information about activities of State bodies and bodies of local self-government, as well as data about the use of budget funds (with an exception for data which contains State or official secrets); information gathered using the public funds of libraries, museums and archives, as well as in State, municipal, or other information systems created or designed to provide citizens and organizations with such information; and any information, access to which, is restricted by federal law. If, as a result of the wrongful denial of access to information, late delivery, or providing inaccurate or inconsistent information causes damages, such costs shall be compensated in accordance with the Civil Code.

Especially relevant for our topic is the provision of section 9 of the Federal Law No. 149-FZ: "Restriction of access to information.” Access to information shall be established by federal laws to protect the foundations of the constitutional system, morality, health, rights and lawful

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99 Id. art. 5(1).
100 Id. art. 5(2).
101 Id. art. 7.
102 Id. art. 5(4).
103 Id. art. 8(4).
104 Id. art. 8(7).
interests of other individuals, as well as the defense and security of the country.\textsuperscript{105} The
confidentiality of information, access to which is limited to federal laws,\textsuperscript{106} is granted and
guaranteed. In accordance with the law, a citizen cannot be obliged to provide any information
about his/her private life, including information of personal or family secrets, nor can this
information be obtained against a citizen’s will, unless otherwise stipulated by federal laws.\textsuperscript{107}

Dissemination of information in the Russian Federation is free according to the
requirements established by the legislation of the Russian Federation.\textsuperscript{108} Information distributed
without the use of the mass media must include reliable information about its owner in a form
and to the extent sufficient to identify this person. An Internet site owner is obliged to place on
his/her website the material about their name, location, address and e-mail address.\textsuperscript{109} It is
prohibited to disseminate information that promotes war, incitement to national, racial or
religious hatred and enmity, as well as other information that causes criminal or administrative
liability.\textsuperscript{110}

The rules of dissemination of information on the Internet established by the legal norm
10.1 of Federal Law No. 149-FZ for organizers. The organizer of the dissemination of
information\textsuperscript{111} on the Internet is a person engaged in activities to ensure the functioning of
information systems and/or of computer programs that are designed and/or used for reception,
transmission, delivery, or processing the electronic communications Internet users.

The organizer of the dissemination of information on the Internet has several
responsibilities. First, the organization of the dissemination of information on the Internet must
inform the Federal Executive authority that controls and supervises the mass media, mass
communication, information technology and communications, about the business and activities
implemented\textsuperscript{112} in accordance with the procedure established by the Government of the Russian
Federation. The organizer must also keep the information about reception, transmission,
delivery, and/or processing of voice material, written text, images, sounds or other electronic
messages of Internet users and information about those users for a period of six months from the

\textsuperscript{105} Id. art. 9(1).
\textsuperscript{106} Id. art. 9(2).
\textsuperscript{107} Id. art. 9(8).
\textsuperscript{108} Id. art. 10(1).
\textsuperscript{109} Id. art. 10(2).
\textsuperscript{110} Id. art. 10(6).
\textsuperscript{111} Id. art. 10.1(1).
\textsuperscript{112} Id. art. 10.1(2).
date of completion of implementation of such acts. The organizer must provide this information to the public authorities carrying out operational searching activities for ensuring the security of the Russian Federation, in cases specified by federal laws\textsuperscript{113} on the territory of the Russian Federation. Finally, an organizer of the dissemination of information on the Internet must ensure compliance with the communications hardware requirements and technical means used by the specified Organizer in operated by him/her information systems.

The rules of information posting for bloggers are established in section 10.2 of the Federal Law No. 149-FZ. The owner of the site or page of the site on the Internet, that has public information and is accessed within twenty-four hours by more than 3,000 Internet users (hereinafter referred to as a “blogger”), must ensure these posts’ compliance with the legislation of the Russian Federation,\textsuperscript{114} including the cases when the data was placed by other users.

It is essential for a blogger to prevent the use of a site or site’s pages to be used for criminal acts, or for posting materials that promote pornography, cults of violence and cruelty, or contain foul language. A blogger is required to verify the accuracy of posted information, which is made publicly available, before it is displayed. A blogger must also promptly remove any false information. Finally, it essential that a blogger avoid the dissemination of information about a citizen’s private life, which would be in violation of the Civil Code.

The Federal Executive authority, which carries out the functions of control and supervision in the sphere of mass media, mass communication, information technology and communications (“Roskomnadzor”), maintains a register of sites and/or Web pages on the Internet that host public information and are accessed within twenty-four hours by more than 3,000 Internet users.\textsuperscript{115} This system allows identifies the websites spreading information that is forbidden in the Russian Federation. Internet pages with illegal content are added to the “black list” of websites for several reasons reasons: First, an Internet page may be added to the black list because it contains materials with child pornography or materials which motivate children to participate in pornographic events. An Internet page may also be added to the black list because it contains information about, or promotes, suicide. A page may also be blocked because it contains information about ways to develop, produce and use illegal narcotics, psychotropic substances, and the where to find such substances or how to cultivate narcotic plants. Finally, an

\textsuperscript{113} Id. art. 10.1(3).
\textsuperscript{114} Id. art. 10.2(1).
\textsuperscript{115} Id. art. 10.2(8).
Internet page may be added to the black list because of distributed information that has been banned by a court decision.

The law gives the owner of a site on the Internet, the ISP hosting and Internet service providers, a right to appeal the decision on the inclusion of domain names, indexes pages of sites on the Internet and a network address in the Register of the court within three months from the date of the decision.

In order to create the list of the websites or pages, the Roskomnadzor is entitled to organize a monitoring of sites and webpages on the Internet, and approve the methods to determine the number of users of a site or page on the Internet per day. The Roskomnadzor is also entitled to request the information from the organizer of dissemination, bloggers, and others with data needed to maintain such a registry. These people are obliged to provide the requested information not later than ten days from the date of receipt of the request from the federal body of executive power performing functions of control and supervision in the sphere of mass media, mass communication, information technology and communications.

The Roskomnadzor defines the responsibility of a hosting provider or an individual responsible for website or webpage,\textsuperscript{116} and directs notifications in Russian and English, electronically. The notification demands that all necessary data to identify blogger be provided.\textsuperscript{117} This notice records the date and time of the warning to the hosting provider, or to a person in the information system previously-specified in this Part.\textsuperscript{118}

Search engine operator responsibilities are governed by legal norms of Article 10.3 of the Federal Law No. 149-FZ. State regulation in the sphere of information technologies is set forth in Article 12 of the Federal Law No. 149-FZ. The guideline describes all the conditions for effective use of information and telecommunication networks, including the Internet and other similar information and telecommunication systems\textsuperscript{119} in the Russian Federation. The guideline also highlights the actions needed for the information security of children.\textsuperscript{120}

The rights of an information owner in databases of information system are protected regardless of the copyright and other rights in such databases.\textsuperscript{121} The procedure for creating and

\begin{footnotesize}
\begin{enumerate}
\item Id. art. 10.2(9.2).
\item Id. art. 10.2(9.3).
\item Id. art. 10.2(9.4).
\item Id. art. 12(1.3).
\item Id. art. 12(1.4).
\item Id. art. 13(3).
\end{enumerate}
\end{footnotesize}
maintaining information systems that are non-governmental or municipal is determined by operators of these information systems in accordance with the requirements set by the law.\textsuperscript{122}

The use of information and telecommunication networks is governed by Section 15 of the Federal Law No. 149-FZ.

The rules restricting access to information disseminated by violation of law is governed by Section 15.3 of the Federal Law No. 149-FZ. If information is detected that contains appeals to riots, extremist activity, or participation in public events held in violation to the established procedure in the information and telecommunication networks, including the Internet, the Prosecutor General of the Russian Federation or his deputies send a request to Roskomnadzor to restrict access to information resources that are spreading such information.\textsuperscript{123} The Roskomnadzor immediately directs the request to the operators, with measures to restrict access to the information resource.\textsuperscript{124} This requirement must contain the website domain name, network address, and the website pointers on the Internet that identify such information. The Roskomnadzor defines the hosting provider who is posting on the Internet and the specified information, and sends this hosting provider electronic notification in both Russian and English on the violation of the rules of distribution of the information. After receipt of this request, the telecom operator must immediately restrict access to informational resource\textsuperscript{127} and within twenty-fours hours after the receipt, the hosting provider shall inform the owner on the information resource they serviced and notify them about a need to immediately remove information containing appeals to riots, extremist activity, or participations in mass (public) activities carried out in violation of the established order.\textsuperscript{128} In case of a failure of the organizer to stop the dissemination of information on the Internet and remove information from the website, the authorized federal body of executive power shall be given notice stating the time of execution of such duties, which shall be no less than fifteen days.\textsuperscript{129}

The Order of the Roskomnadzor No. 1022, the Order of the Federal Penitentiary Service of Russia No. 368, and Order No. 666 by Rospotrebnadzor from November 9, 2013, developed

\textsuperscript{122} Id. art. 13(6).
\textsuperscript{123} Id. art. 15.3(1).
\textsuperscript{124} Id. art. 15.3(2).
\textsuperscript{125} Id. art. 15.3(2.2).
\textsuperscript{126} Id. art. 15.3(2.3).
\textsuperscript{127} Id. art. 15.3(3).
\textsuperscript{128} Id. art. 15.3(4).
\textsuperscript{129} Id. art. 15.4(1).
information evaluation criteria for decision-making principles for which websites should be added to the “black list” by the executive authorities. The following criteria is used for evaluating materials with pornographic images of minors, and/or announcements involving minors as performers in any entertainment of pornographic nature that are distributed through the Internet. Those are the principles essential to verify the domain names and/or web pages of sites, as well as the network addresses that will be added to the black list (“Registry”):

1.1. Any image of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for sexual purposes.

1.2. Photo, video, audio and/or text information on the production, distribution, transfer, import, export, supply and/or providing, selling or possessing child pornography, the purchase of child pornography for oneself or another individual.

1.3. Information and any suggestions of attracting minors as performers in entertainment events of pornographic nature containing information about places of such events or contact information (phone number of mobile or fixed-line, e-mail or postal address), including advertising, posters, articles, audiovisual products with specified information.

1.4. Photo, video, audio and/or text information intended to incite sexual feelings towards minors or justifying sexual behavior of minors (except for works of art that describe their genre justified and/or the relationship between minors, as well as minors and adults, are not subject to the criteria specified in paragraphs 1.1 - 1.3 of this chapter).

Quite often on the Internet suicides and other alike activities are discussed. Motivation to commit suicide includes offers, requests or order to commit suicide, as well as indications that suicide is being used as a way to solve a problem. Other suicidal motivations include an expression or positive evaluation or approval of suicide, as well as an inducement to commit suicide. Information that persuades an individual to commit suicide that involves allegations that do not contain direct or explicit meanings include specific examples that popularize specific actions of others who have committed suicide, or statements of the benefits to committing suicide. This information may include portraying suicide as reasonable, logical, and natural in today’s society. Suicidal motivations also include disapproving expressions, or humiliating failed attempts at suicide, including a description of attitudes, feelings, or discussions of the topic by people who previously attempted suicide. Finally, suicidal motivation may include ads or
surveys. Such ads may include ones to meet others, with the intent to attempt suicide or commit suicide, including group suicide and/or suicide with the help of someone else or in someone's presence or under someone's supervision. Surveys may test rankings for the choice of a suicide as a way of solving the problem, as well as for selecting the most painless, safe, affordable, aesthetic method of it.

Information on how to commit suicide includes data about one or more methods of suicide. This information may include descriptions of demonstrations, including text, images, processes, procedures or other audio/video materials on the Internet, that depict the possible effects of committing suicide, or the places to commit suicide. Information about suicide also includes any information about the sum of the conditions necessary for suicide, including the choice of location, time, method, and other preparatory actions that are necessary to achieve this purpose.

The procedure of websites blockage with the above content, as well as by the decision of the court, is carried out according to the rules of Article 15.1 of the Federal Law No. 149-FZ. During the first twenty-four hours after the receipt of notice from the registry operator for the inclusion of the domain name or the index page of the site in the Registry, the hosting provider is obliged to immediately remove the internet pages containing forbidden information. If an owner refuses to omit to restrict access to the site, this duty falls on the hosting providers. In case the hosting provider or the owner of the site fails to take these measures, the network address will be included in the Register allowing for the identification of the site containing the prohibited information. In this case, the Internet Service Provider is obliged to limit access to this website beginning on the date of inclusion in the Registry.

Legal issues related to protection of information are provided in Article 16 of the Federal Law No. 149-FZ on Information. Information protection is an adoption of legal, organizational and technical measures aimed at: the protection of information from unauthorized access, destruction, modification, distribution, blocking, copying, lending, or any form of misconduct; the confidentiality of information with restricted access; and the realization of the right to access the information.

The liabilities for violations in the sphere of information, information technology and information security is defined by Section 17 of the Federal Law No. 149-FZ. Violation of the requirements of the Law entails disciplinary, civil, administrative or criminal liability in
accordance with the legislation of the Russian Federation.\textsuperscript{130} If the dissemination of certain information is limited or prohibited by federal laws, civil liability for the dissemination of such information shall not be on a person providing the services\textsuperscript{131} in following cases: if the person transferred the information provided by another without change or correction; and if the person, due to the storage of information and access to it, could not have known about the illegality of the disseminated information.

The hosting provider, operator, and the owner of the site are liable to neither the copyright holder nor to the user for access to information or limiting its distribution in accordance with the requirements of the Federal Law No. 149-FZ.\textsuperscript{132}

Therefore, the Federal Law No. 149-FZ, with all of the latest changes, introduces strict regulations of the actions of public authorities and their interactions with the hosting providers and site owners in the case of violations of law on the Internet.

A special law\textsuperscript{133} exists in the Russian Federation: Federal Law No. 436-FZ of the Russian Federation on Protection of Children from Information Harmful to Their Health and Development. The law regulates relations connected with the protection of children from information harmful to their health and/or development,\textsuperscript{134} and provides legal measures of child protection from the many dangers threatening them in the media environment.

The law regulates new safety rules of information traffic for a child, but at the same time it does not restrict access to such information. It sets the necessary restrictions of the distribution of such information for children at the time it can be possibly retrieved by minors and in public places available to them. The law states the appropriate administrative, technical, and program measures, as well as other protective measures for manufacturers and distributors. These measures help prevent access to minors on a voluntary and self-regulated basis.

The Federal Law No. 436-FZ is interdisciplinary in nature and is designed for a uniform, comprehensive legal regulation of protection of children from all kinds of information harmful to their health and development. This type of information includes media products, printed materials, audiovisual works in all types of media, and computer programs and databases. This

\textsuperscript{130} Id. art. 17(1).
\textsuperscript{131} Id. art. 17(3).
\textsuperscript{132} Id. art. 17(4).
\textsuperscript{134} Id. art. 1(1).
information also includes material disseminated through entertainment events (i.e. through demonstration of information products in a place accessible to children, and in places attended by a significant number of individuals, including theatres, and cultural, education, entertainment and recreational activities) and information-telecommunication networks, including Internet and mobile radiotelephone communication networks. It is important to emphasize that the Federal Law No. 436-FZ neither limits access of adults to information that could harm the health and development of children, nor does it regulate the content of information products designed for adults or violate the ban on censorship of the media. The basic concepts for the purposes of the law are provided in Article 2.

Listed below are some of the perceptions that are especially important for child protection from unauthorized information:

1. *Children’s access to information*: the ability to obtain and freely use information;
2. *The information security status of children*: the protection of children from risks associated with harm to their health, and/or physical, mental, spiritual or moral development;
3. *Information products*: media products, printed and audiovisual products on all types of media, including media distributed on the Internet and in mobile radiotelephone communication intended for circulation on the territory of the Russian Federation;
4. *Information harmful for children*: data with immoral content and decoration harmful for the physical, mental, or spiritual development of children;
5. *Material causing health and/or developmental damage*: data, including the information contained in the information products for children, which is prohibited or restricted for children in accordance with the law on protection of minors;
6. *Pornographic information*: data provided in the form of the naturalistic images or descriptions of sexual organs and/or sexual intercourse or comparable sexual acts;
7. *Sites accessible to children*: public places that allow children to visit and use any type of media, posted in informational-tele communicational networks;
8. *Naturalistic description or image*: the appearance or depiction in any form and by any means of a person, animal, human body parts and/or animal,
actions/inactions, events, or phenomena, with an emphasis on fixing details of anatomical aspect and/or physiological processes;

9. Circulation of information products: the provision and/or distribution of information goods, including its sale, subscription, rent, lease and distribution via information and communication networks, together with the Internet and networks of mobile and radiotelephone communication.

The types of information harmful to the health of and/or development of children are defined in Article 5 of the Federal Law No. 436-FZ. Information prohibited for distribution among children\(^\text{135}\) includes material encouraging children to commit actions that threaten their lives or health, including suicide. Any type of information that might cause in children a desire to consume narcotic, psychotropic or intoxicating substances, use tobacco or alcohol products, or take part in gambling, prostitution, vagrancy, or begging is considered an action that threatens the child’s life or health. In addition, information that promotes wrongful conduct that includes foul language and contains pornographic material is strictly banned for minors.

The classification of information products is conducted in accordance with Article 6 of the Federal Law No. 436-FZ. The classification of information products is carried out independently by its manufacturers and/or distributors prior to its circulation on the territory of the Russian Federation.\(^\text{136}\) The examination of information products evaluates: the subject, genre and decoration of the product; the visual characteristics of the information contained therein pursuant to categories delimited by age; and the probability that the information contained therein may impair the health or development of children.

The classification of information products is carried out according to the following categories: information products for children under six years old; information products for children six years old or older; information products for children under twelve years old; information products for children under sixteen years old; and information products prohibited from children entirely. The data obtained as a result of the classification of products shall be specified by the manufacturer or its distributor in the accompanying documents on information

\(^{135}\) *Id.* art. 5(2).

\(^{136}\) *Id.* art. 6(1).

\(^{137}\) *Id.* art. 6(3).
products, and are the basis for placing a sign on it for its circulation on the territory of the Russian Federation.\(^\text{138}\)

The law specifies the features of information products for children under the age of three years old;\(^\text{139}\) for children under the age of six years old;\(^\text{140}\) for children under the age of twelve\(^\text{141}\) for children under the age of sixteen years,\(^\text{142}\) depending on the nature and extent of its impact on the health and development of children of different age groups. The level of impact is determined according to the level of their biological, psycho-physiological and mental development. Turnover of information products containing materials prohibited for distribution among children in places accessible to children shall not be allowed without the imposition of: administrative and organizational measures, and technical and hardware-software means of protection of children from this type of data.\(^\text{143}\)

The information product symbol is assigned before presentation in entertainment event\(^\text{144}\) of any kind. The legal regulation of symbols of information products is carried out in accordance with Article 12 of the Federal Law No.436-FZ. The sign shall be placed in relation to each category of children by age and a "+" symbol. For example, the information products for children under the age of six years old\(^\text{145}\) appears in the form of figures "6" and a “+” symbol, and/or text warnings: "for children over six years of age." It is important to note that posting of symbol/ sign of information products or text alert on the Internet, with the exception of websites registered as mass media, is a right, but not an obligation, of an owner of a website in the Russian Federation.

The specifics of the dissemination of information through the information-telecommunication networks are specified in Article 14 of the Federal Law No. 436-FZ. Access to information disseminated via information and communication networks, including the Internet, in places accessible to children\(^\text{146}\) must be provided by the application of administrative

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\(^\text{138}\) Id. art. 6(6).
\(^\text{139}\) Id. art. 7.
\(^\text{140}\) Id. art. 8.
\(^\text{141}\) Id. art. 9.
\(^\text{142}\) Id. art. 10.
\(^\text{143}\) Id. art. 11(3).
\(^\text{144}\) Id. art. 11(6).
\(^\text{145}\) Id. art. 12(1.2).
\(^\text{146}\) Places accessible to children may include Internet cafes, hotels or other public places where the owners provide access to the Internet.
and organizational measures, technical, and hardware-software means of protection children from information harmful to their health and/or development.\textsuperscript{147}

According to paragraph 3 of Article 14, in order to ensure the safety of life, health and morals of a child, and to protect him/her from negative influences in the manner determined by the Government of the Russian Federation, special expertise must be implemented. The expertise assesses the following factors: social, psychological, educational and sanitary features of desktop or computer games, toys, and facilities for children.

Here is an example of one of the court cases\textsuperscript{148} in the Russian Federation. The District Attorney initiated a lawsuit against the Federal State Unitary Enterprise ("the Russian Post"), to invalidate the inaction of measures to prevent children from accessing information harmful to their health that was distributed via the Internet in several post offices in the area. The actions of post offices violated requirements of The Federal Law No. 114-FZ of the Russian Federation on Counteracting Extremist Activity ("Federal Law No. 114-FZ") and the Federal Law No. 436-FZ; the post office did not limit children’s access to harmful information. On the post office computers connected to Internet there was no content filtering system, allowing minors to have access to pornographic websites, as well as sites containing extremist material forbidden in the Russian Federation. The accessible information had previously been included in the federal list of extremist materials.

The District Court and Court of Appeals recognized the validity of the requests of the public prosecutor and ratified the claim. The court noted that the Russian Post, by providing access to illegal content, was actually acting as a distributor. Current legislation prohibits distribution, and requires limited access to information containing extremist and pornographic material that can have a negative impact on the moral, spiritual, mental and physical development, health and life of minors.\textsuperscript{149}

\textsuperscript{147} Federal Law No. 436-FZ, art. 14(1).
\textsuperscript{148} Apelljacionnoe Opredelenie Kostromskogo Oblastnogo Suda ot 16 sept. 2015 g., po delu No. 33-1574/2015 [Decision on Appeal of the Kostroma Regional Court of Sept. 16, 2015, in case No. 33-1574/2015 16.09.2015]
\textsuperscript{149} FSUE "Mail of Russia," the communication operator.
has a license to provide telematics services, and therefore is obliged to take measures to restrict access to Internet sites containing illegal information.

The legal consequences of the examination of information products are defined in Article 19 of the Federal Law No. 436-FZ. No later than fifteen days from the date of receipt of the expert opinion, the Roskomnadzor must decide two issues. First, whether the non-conformity of the product with the requirements of the Federal Law No. 436-FZ and the regulations repealed violations. This requires experts to conclude that the availability of such information is harmful to the health or development of children. In the case of a symbol mismatch, the experts must decide in which specific category of information the product belongs. Second, the Roskomnadzor must decide whether the product conforms with the requirements of the Federal Law No. 436-FZ, and, in this case, on whether the refusal to fine is in accordance with Paragraph 1 of this part of the regulations.

Liability for violations of information that harmful to children’s health and development is defined in Article 22 of the Federal Law No. 436-FZ. Desecration of the legislation of the Russian Federation on the protection of children from information harmful to their health and/or development shall entail liability in accordance with the legislation of the Russian Federation.

The norms of liability are explained in a letter\(^{150}\) of The Ministry of Communications and Mass Communications of the Russian Federation "on the Application of the Federal Law No. 436-FZ on Protection of Children from Information Harmful to Their Health and Development." The order of examination of information products is approved by Minkomsvyaz of Russia in Order No. 217 dated August 29, 2012. The above-mentioned document states that the examination may not exceed thirty days from the moment of conclusion of the contract about its conduct. Payment for services of experts and any expenses incurred by them in connection with the examination shall be carried out at the customer's expense. The document also clarifies Article 6.17 of the Code of Administrative Violations, and establishes administrative liability for violation of the legislation of the Russian Federation on Federal Law

\(^{150}\) Is'mo Minkomsvjazi Rossii No. 52-165/VA O Primenenii Norm Federal'nogo Zakona ot 29 dek. 2010 g., No. 436-FZ O Zashhitie Detej Ot Informacii, Prichinjavushhej Vred Ih Zdorov'ju I Razvitiju [Letter of The Ministry of Communications and Mass Communications of the Russian Federation on the application of the Federal Law on Protection of Children from Information Harmful to Their Health and Development] (Aug. 14 2012) (on file with agency), http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=145825;dst=0;rnd=180312.54719 94180697948;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%CF%E8%F1%FC%EC%EE%20%EE%F2%2014 %20%E0%E2%E3%F3%F1%F2%E0%202012%20%BD%2052165%2C%20%20;EXCL=PBUN%2CQSB%2C KRBO%2CPKBO;SRD=true;ts=2185636661803127321382116060704 (Russ.).
No. 436-FZ. In addition, Article 13.21 of the Code of Administrative Violations sets higher penalties, up to 200,000 rubles, for the media if they violate the order of information products distribution among children. Other measures of administrative liability for violation of the Federal Law No. 436-FZ are absent at the moment in the Russian Federation.

At the same time, it should be noted that the power for the implementation of the State supervision and control over the circulation of information is carried out by several parties: Rospotrebnadzor, the Ministry of Culture of Russia, Rosobrnadzor and Roskomnadzor; based on the kinds of information products, the specifics of its distribution and activities of the federal bodies of executive power. Thus, state control over compliance with the requirements of the legislation of the Russian Federation in the field of protection of children from information harmful to their health and (or) development is carried out by:

1. **Rosobrnadzor**: in cases of information products used in the educational process;
2. **Ministry of Culture of Russia**: for traffic information products related to audio-visual works on all types of media and information products disseminated through events related to the assigned area of activity of the Ministry;
3. **Rospotrebnadzor**: verifies the conformity of information products sold to consumers, parts of the instructions in the accompanying documents on information products information derived from the classification of information products The placement of information product symbol is also monitored by Rospotrebnadzor;
4. **Roskomnadzor**: monitors TV channels, radio channels, TV shows and radio programs, as well as dissemination of information through information and telecommunication networks, including the Internet, and mobile radiotelephone networks, with the exception of supervisory authority carried out in this field by the Rosobrlandzor and the Rospotrebnadzor.

The methodological recommendations on organization and the carrying out of State control and supervision over compliance with legislation of the Russian Federation on the media
were approved by an Order of the Ministry of Communications,\textsuperscript{151} and the Roskomnadzor. As a part of control and supervision, the Roskomnadzor issued a temporary regulation of the Government function of establishing and maintaining a solitary\textsuperscript{152} “unified register of domain names, web pages in the information and Telecommunications Internet and network addresses that allow to identify sites containing information prohibited in the Russian Federation.”\textsuperscript{153}

\textsuperscript{151} Rasporjazhenie Roskomnadzora ot 29 iiun’ 2012 g., No. 21 Ob Utverzhdenii Metodicheskih Rekomendacij po Organizacii i Provedeniju Gosudarstvennogo Kontrolja i Nadzora za Sobljudeniem Zakonodatel'stva Rossiijskoj Federacii o Sredstvah Massovoj Informacii [Order of the Ministry of Communications and Roskomnadzor of Jun. 29, 2012, No. 21 on Methodological Recommendations on Organization and Carrying out of State Control and Supervision With Legislation of the Russian Federation on Media] 2012, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=134435;dst=0;rmd=180312.39079814427532256;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%D0%E0%F1%EE%EE%0F%FF%E6%ED%E8%E5%20%D0%EE%F1%EA%EE%EC%ED%E0%E4%7E%E6%F0%E0%20%EE%F2%20%02.06.2012%20%20%20%20%22%CE%E1%20%F3%F2%E2%5E%F0%E6%E4%5E%ED%E8%E8%20%EC%5F%22%E4%8E%F7%E5%F1%EA%E8%F5%20%F0%E5%EA%EE%EC%5E%ED%E4%E0%F6%E8%E9%20%EE%F6%E0%ED%E8%7E%0F%E6%E8%E8%20%EF%F0%E0%EE%22%5E%F0%EE%ED%EE%3E%EE%20%EA%EE%ED%F2%02%EE%EB%FF%20%8E%ED%E0%E4%EE%7E%0E%7E%0E%E1%EE%1%EE%FA%E4%5E%ED%E8%EE%EA%E9%20%D4%5E%EE%5E%F0%EE%F6%E8%EE%20%EE%20%F0%E5%EA%F1%EE%20%0%EC%0%EE%EE%9%0%8E%ED%F4%EE%F0%EE%0%F6%E8%EE%22%20%EXCL=PBUN%2CQCSBO%2CKRBO%2C2PKBO;SRD=true;ts=69924951281032136939856478635 (Russ.).

\textsuperscript{152} Rasporjazhenie Roskomnadzora Vremennyj Reglament Ispolnenija Gosudarstvennoj Funkcii Sozdaniya, Formirovaniya i Vedenija Edinoy Avtomatizirovannoy Sistemy ot 1 noiabr’ 2012 g., [Interim Regulation and Provisional Rules of Execution of State Function of the Creation, Formation and Maintenance of a Unified Automated System of Nov. 1, 2012] 2012, http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=138103;dst=0;rmd=180312.3061302271671593;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%C2%F0%E5%EC%5E%ED%E9%20%F0%E5%EE%EB%E0%EC%5E%ED%F2%20%8E%F1%EE%EB%ED%E5%ED%E8%FF%20%EE%F1%EE%4%EE%F0%1%EE%2%EE%5E%ED%EE%9%20%F4%3%3%ED%5E%EA%6%EE%8%20%EE%7E%0E%5E%ED%EE%E4%7E%E6%F0%E0%20%EE%F2%20%02.06.2012%20%20%20%20%22%CE%E1%20%F3%F2%E2%5E%ED%EE%3E%EE%20%EA%EE%ED%F2%02%EE%EB%FF%20%8E%ED%E0%E4%EE%7E%0E%7E%0E%E1%EE%1%EE%FA%E4%5E%ED%E8%EE%EA%E9%20%D4%5E%EE%5E%F0%EE%F6%E8%EE%20%EE%20%F0%E5%EA%F1%EE%20%0%EC%0%EE%EE%9%0%8E%ED%F4%EE%F0%EE%0%F6%E8%EE%22%20%EXCL=PBUN%2CQCSBO%2CKRBO%2C2PKBO;SRD=true;ts=151054652418031278106280723586679 (Russ.).

\textsuperscript{153} Is’mo Minkomsvjazi Rossii No. 52-165/VA O Primenenii Norm Federal’nogo Zakona ot 29 dek. 2010 g., [Letter of The Ministry of Communications and Mass Communications of the Russian Federation on the application of the Federal Law on Protection of Children from Information Harmful to Their Health and Development] (Aug. 14 2012) (on file with agency), http://base.consultant.ru/cons/cgi/online.cgi?req=doc;base=LAW;n=145825;dst=0;rmd=180312.5471994180697948;SRDSMODE=QSP_GENERAL;SEARCHPLUS=%CF%E8%F1%FC%EE%20%EE%F2%20%14%20%E0%22%3%F1%F2%02%20%2012%20%B9%20%52165%22%20%EXCL=PBUN%2CQCSBO%2CKRBO%2C2PKBO;SRD=true;ts=218563666180312732138116060704 (Russ.).
Another important document that is essential to mention is the Order of the Procurator General of the Russian Federation on Organization of Prosecutorial Supervision of Compliance with the Law on Minors and Young People.\textsuperscript{154} The order was issued in connection with improvements of the structure of the organs of the Procurator's Office and State Administration of the Russian Federation in connection with legislation on criminal procedure. The document’s main objective is to increase the effectiveness of prosecutorial supervision of compliance with the law on minors and youth, as well as strengthen its preventative force.

This order, in particular, requires\textsuperscript{155} systematic verification of information in the media, schools, educational and cultural centers to be in compliance with the legislation on protection of children from information harmful to their health, reputation and moral development. Individuals responsible for such violations are liable for the dissemination of such data, as well as information promoting violence and cruelty, pornography, gambling, and anti-social behavior, including the use of alcohol, drugs and tobacco. The use of media information and telecommunication networks, including the Internet, with the purpose of sexual exploitation and other crimes against minors, has to be suppressed.

We have analyzed the legal situation related to the protection of the rights of children on the Internet. Administrative and legal protection has been developing very actively in Russia in the recent years. Legal and administrative norms are included not only in the Code of Administrative Violations, but also into federal laws of the Russian Federation. Among all the regulations, the Federal Law No. 149-FZ plays a very substantial role in Russia for children’s protection.


Issues of Private International Law are important in cases of participation of foreigners in legal relations. These cases are not rare, as website owners often create their sites for use in several countries, not only in their country. The main question of Private International Law is determining the applicable law. In case where everything is clear and a contractual relationship


\textsuperscript{155} Id. art. 3(2).
arises from the provision on applicable law, difficulties in other kinds of legal relationships arise in the determination of the law to be used.

In Russia, Private International Law is governed by Part VI of the Civil Code. The Civil Code defines the laws applicable to civil-legal relations involving foreign individuals or other complicated foreign elements.\(^{156}\) The rights applicable to the civil-legal relations involving foreign citizens or foreign legal entities or the civil-legal relations, involving other foreign elements, including the cases where the object of civil rights is abroad, is determined on the basis of international agreements of the Russian Federation, the Civil Code and other laws and customs recognized in the Russian Federation.

It is important to note that in case it is not possible to determine the applicable law, the law of the country with which the civil legal relationship of a foreign element is most closely connected with is used.\(^{157}\) If an international treaty of the Russian Federation contains substantive rules to be applied to the corresponding situation, based on the definition of conflict-of-laws rules of the law applicable to matters fully resolved, such fundamental rules are excluded.\(^{158}\) Therefore, in this case, the rules of the international treaty involving Russia are applied.

The qualification of legal concepts in determining the applicable law is given in Article 1187 of the Civil Code. The basic rule is: when determining the applicable law, the interpretation of legal concepts is carried out in accordance with Russian law, unless otherwise stated by the law.\(^{159}\) However, it may be possible that a determination of the applicable law is not possible because the legal concepts do not exist under Russian law, or are not recognized under verbal designation and there cannot be used. In this situation, in accordance with Russian directive, foreign law may be applied.\(^{160}\)

If a country has several active legal systems, the applicable legal system is determined in accordance with the law of that country. If it is not possible to determine which legal systems apply, the legal system with which the case is most closely connected is used.\(^{161}\)

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\(^{156}\) GK RF art. 1186.
\(^{157}\) Id. art. 1186(2).
\(^{158}\) Id. art. 1186(3).
\(^{159}\) Id. art. 1186(1).
\(^{160}\) Id. art. 1187(2).
\(^{161}\) Id. art. 1188.
In applying foreign law, the principle of reciprocity is practical. Foreign law in the Russian Federation should apply regardless of whether the corresponding foreign State is using the Russian law in similar cases. The only exception to this rule is cases where the application of foreign law on the basis of reciprocity is stipulated by the law.\textsuperscript{162} And in cases where the application of foreign law depends on reciprocity, it is assumed that it exists, unless proven otherwise.\textsuperscript{163} It is important that any reference to a foreign law in accordance with the rules of this section shall be construed as a reference to the material and not to the conflict of laws of the country concerned, except as provided for in paragraph 2 of this article.\textsuperscript{164}

When applying the foreign law, a court must establish its rules in accordance with their official interpretation, practice and doctrine in the foreign country.\textsuperscript{165} People involved in the case may submit documents confirming the content of foreign law, which they mention in support of their claims or objections, and otherwise to assist the court in determining the content of these rules.\textsuperscript{166}

On requests related to the discharge of entrepreneurial activity by the parties, the duty to provide information about the content of foreign law can be imposed on the parties by the Court. However, if the content of foreign law, despite all the efforts made within a reasonable period of time, is not set, Russian law is applicable.\textsuperscript{167} Direct application of norms define the cases where Part VI of the Civil Code does not affect the absolute norms of the legislation of the Russian Federation, as a result of instructions within the peremptory norms or as a reason of their particular significance regulate the relevant relations independently of applicable law.\textsuperscript{168}

The personal law of the physical person is defined as a law of the country of the nationality of that person.\textsuperscript{169} If a person has Russian citizenship but is of a foreign nationality, his personal law is the Russian law.\textsuperscript{170} If a foreign national resides in the Russian Federation, his/her personal law is the Russian law.\textsuperscript{171} If the person is a citizen of several countries, his/her personal

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\textsuperscript{162} Id. art. 1189(1).
\textsuperscript{163} Id. art. 1189(2).
\textsuperscript{164} Id. art. 1190(1).
\textsuperscript{165} Id. art. 1191(1).
\textsuperscript{166} Id. art. 1191(2).
\textsuperscript{167} Id. art. 1191(3).
\textsuperscript{168} Id. art. 1192(1).
\textsuperscript{169} Id. art. 1195(1).
\textsuperscript{170} Id. art. 1195(2).
\textsuperscript{171} Id.Id.t.rt. 1195 Code of the Russia2).an Federation n Citizenship of the Russian Federation ("ions or engage in certain activities art. 1195(3).
law is considered to be the law of the country in which that person resides.\textsuperscript{172} The personal law of individuals without citizenship is considered to be the law of the country in which that person lives.\textsuperscript{173} The personal law of the refugee is considered the law of the country which has granted him/her asylum.\textsuperscript{174}

The personal law of a legal entity is, generally, the law of the country where the legal entity is established.\textsuperscript{175} The personal law of a legal entity are determined by: the status of the organization as a legal entity; the organization-legal form of the entity; the requirements for the designation of a legal entity; question on reorganization and liquidation of a legal entity, including issues of succession; the content of the legal capacity of a legal entity; the rules of acquisition of civil rights and obligations by a legal entity; the internal relationship, including relationships with the participants of a legal entity; the legal entity’s ability to meet obligations; and matters of liability for the founders and participants of a legal entity for its responsibilities.\textsuperscript{176} If an established, foreign legal entity conducts its business activities mainly in the territory of the Russian Federation, the Russian law applies to this company or can be verified by choice of a lender of this legal entity.\textsuperscript{177}

For the current topic it is important to determine the rights applicable to the obligations arising as a result of harm. To obligations arising as a result of an injury, the law of the country where the action took place or other circumstance of a claim for damages, applies. In the case where such action or other damage took place in another country, the law of that country applies, as the offender should have foreseen the possible injuries, harm or danger.\textsuperscript{178} The scope of the law, and the applicable obligations arising as a result of the injury determined, include, in particular: the ability of a person to be responsible for harm caused; the responsibility for injury to a person that is not inflicting harm; the foundation of liability; the basis of limitation of

\textsuperscript{172} \textit{Id.} art. 1195(4). of Nov. 26, 2007, No. 188.D%EE-in which this article was published and the date of publication or engage in certain activities
\textsuperscript{173} \textit{Id.} art. 1195(5).
\textsuperscript{174} \textit{Id.} art. 1195(6).
\textsuperscript{175} \textit{Id.} art. 1202(1). of Nov. 26, 2007, No. 188.D%EE-in which this article was published and the date of publication or engage in certain activities
\textsuperscript{176} \textit{Id.} art. 1202(2). of Nov. 26, 2007, No. 188.D%EE-in which this article was published and the date of publication or engage in certain activities
\textsuperscript{177} \textit{Id.} art. 1202(4).
\textsuperscript{178} \textit{Id.} art. 1219(1).
liability and relief from it; the mechanisms of reimbursement; and the amount and size of compensation.\textsuperscript{179}

Thus, an important conclusion is evident: in civil and legal relations involving foreigners, as organizations and individuals, Russian law comes from the general provisions of Private International Law.

V. Children rights protection: Administrative and Judicial practice

To better illustrate the Russian practice of protection of children’s rights on the Internet, we will review several of the latest cases.

1. The Website “Vipsoski” placed materials containing information on individuals providing services of an intimate nature and their prices. Despite the fact that according to with the first paragraph of Article 10 of the Federal Law No. 149-FZ, the dissemination of information is carried out freely. However, it is subject to the requirements established by the Federal Law No. 149-FZ, which defines the grounds for limiting distribution. One of the reasons for this is a decision of federal executive bodies on all kinds of data distributed through the Internet, including materials with pornographic images of minors, or announcements involving minors as performers to participate in entertainment of a pornographic nature.

The Supreme Court of the Republic of Bashkortostan has restricted access to such information. The court found such material information prohibited for distribution in the territory of the Russian Federation, and included this material and the site in the black list. The restriction came to force on August 27, 2015. Access to this information has been blocked by Roskomnadzor.

In August 2015, several articles were published, stating that Roskomnadzor requested deletion of an article about a certain type of drugs.\textsuperscript{180} A summary of the message was published on the Roskomnadzor’s Facebook page about a possible blockage of some Wikipedia pages on August 20, 2015. The reason for the possible blocking of the Wikipedia pages was a decision of

\textsuperscript{179} Id. art. 1220.
the Chernoyarskiy District Court of the Astrakhan region from June 25, 2015.\textsuperscript{181} This decision banned throughout Russia the distribution of information about the preparation of narcotic substances. The court's decision is based on the position of paragraphs 1 and 2 of Article 45 of the Federal Law No. 3-FZ of the Russian Federation on Narcotic Drugs and Psychotropic Substances (“Federal Law No. 3-FZ”). This law prohibits the promotion of drugs. Also this court decision provides a link to the rules of Article 4 of the Federal Law No. 2124-1.\textsuperscript{182}

The Wikipedia website has not been closed. A compromise was reached as the authors of Wikipedia have changed the information and the likelihood of finding a contested article, adding a number of homonyms to the name of the drug "Charas."\textsuperscript{183} After changing the article, "Charas" contains fourteen references of this word to geography, culture, cinema, sport, and biology. And only under “miscellaneous,” can you find a narcotic substance. In such an arrangement, the disputed material is difficult to detect, and this material is almost inaccessible to a child.

Below are some examples of press publications on this topic.

The first example is the Website "Hightech," under section "technology."\textsuperscript{184} The website "Wikipedia" is under threat of being blocked as the resource administration refused to delete the article about drugs upon receiving a demand of the Roskomnadzor.

The Roskomnadzor warned the administration of the Russian Wikipedia about possibly blocking the Internet-encyclopedia due to the article entitled “Charas,” which describes a narcotic substance. The Roskomnadzor received a decision of the Chernoyarskiy District Court of the Astrakhan region from June 25, 2015, which banned the distribution of information throughout Russia about the creation of drug substances placed on the Russian version of “Wikipedia, the free encyclopedia.”

The Roskomnadzor notified the administration of the resource about possibly blocking the site. According to the Roskomnadzor, in the case of failure to comply with a court decision, in accordance with the Federal Law No. 149-FZ, the Roskomnadzor is obliged to send information on this page to the operators (through illegal Registry information) to block the page on the entire territory of the Russian Federation. Representatives of the agencies emphasized

\textsuperscript{184} "Vikipedi," supra note 180.
that if the Administration does not fulfill its requirements, it will lead to full lock-up of resources for functioning on the basis of the HTTPS protocol that does not allow access to individual pages.

The Executive Director of Noncommercial Partnership "Wikimedia RU," Stanislav Kozlovskiy, stated to RIA News that Wikipedia will not remove the article from the website with information about drug making as “Wikipedia is a universal encyclopedia; all information is taken with reference to various sources. In this article, all information is taken from the website of the UN, all sources are academic. We discussed the situation and decided to leave this article.”

Later, Kozlovskiy reported that the request issued by the Roskomnadzor was discussed in the community of authors in accordance with the rules of Wikipedia. According to Kozlovsky, resource users did not find reasons to remove the disputed article, which, in their opinion, does not violate the Russian laws. “Preparation of substance is described only in general terms, specific step-by-step instructions are not described and will never be posted in Wikipedia,” said Kozlovskiy. Nevertheless, the authors have adapted and reviewed the text of the page. “This always happens when an article like this is under scrutiny. Formally, the page contains another text but I’m not sure whether this would satisfy Roskomnadzor,” concluded the representative of online encyclopedia.

The second example is the Internet-site "Petro and Mazepa," which posted an article entitled “Charas is not only a drug, it is an island in Yakutia as well.”

TJournal praises the intelligence of the Wikipedia activists. On August 21, 2015 after threats to block the site, the Roskomnadzor stated that it wished to avoid the closure of Wikipedia, leaving the choice up to the Internet-encyclopedia. And a neat way out was found. The final decision of the parties became the change of address of the article in the Wikipedia from “/wiki/Charas” to “/wiki/Charas_(narcotic_substance).” At the previous location, a list of meanings of the word "Charas" was posted, including: an island in Yakutia, a grape variety, two Indian movies, a kind of hashish, as well one of the written names of the Charysh River in Altai

186 Id.
187 Id.
189 Id.
Region. From all the information above, it can be concluded that the Wikipedia administrators have made the necessary changes. In particular, the administrators amended the title of the article and its Internet address by posting an article in variety of such items. The article was not locked.

The third example is the social network “Vkontakte.” In September 2015, a number of publications appeared about the blocking of one of the groups on the social network. The Internet site "HighTech"\(^{190}\) published an article entitled, "Court has banned the largest community on the social network ‘Vkontakte.’”

The decision was made about the information posted in the MDK group of the social network by the Smolenskiy District Court of St. Petersburg. The group, which has 6,800,000 subscribers, was proclaimed illegal on the territory of the Russia Federation. But for the current moment, MDK is still available in Russia, as the defendant has a one-month period to appeal the court decision.

The Prosecutor's Office of St. Petersburg originally filed for recognition of the information posted in MDK to be prohibited for distribution on the territory of the Russian Federation. The Office noted that the resource was checked based on a request of a citizen whose name is not revealed. The Prosecutor's Office claims that the community “posts informational materials offending the feelings of religious people and degrading different groups of people on the grounds of religious or national affiliation.”\(^{191}\) The conclusions of the Prosecutor's Office were confirmed by the experts of the A. I. Herzen Russian State Pedagogical University.

As a part of the trial inspection, certificates of the community were presented. Prosecutors sought to prove that the prohibited materials are still posted in the community as of now. So, in each of the 695 albums published, the community contains between 400 and 600 photos, and a large portion of them are of a pornographic nature or might affect children's mental health. Pictures that insult the feelings of believers, texts containing bad language, and other similar materials are also prohibited for distribution in Russia.

Lawyers representing the owners of MDK requested to: question additional witnesses; initiate a new examination of the community; involve representatives of the social network


\(^{191}\) Komsomol'skaya Pravda, KP.RU, http://www.kp.ru/online/news/2142670/%20Published%20n%202021/08/2015%20at%202017-02 (last visited Jan. 10, 2016) (Russ.)
“VKontakte”; and temporarily suspend the consideration of the case, at least for the time of examination by the Court of arbitration of the claims of the company “Sarafanko,” owner of MDK, for documentation of the Prosecutor’s Office on the case. But the judge dismissed all the petitions and reiterated that, in case of objections from the parties, the hearing of the appeal has to take place first. And only after the completion of all the procedures stated by the law of the Russian Federation, the resource can be added to the list of prohibited sites.

Another article concerning the social network “VKontakte” was made on the website “SNOB.” The article was titled, "Vkontakte has blocked community ‘Children-404.’”

The Community "Children-404" was blocked based on the decision of the Central District Court of Barnaul City of the Altai region on August 7, 2015. The support project for homosexual, bisexual and transgender teenagers, "Children-404," was initiated in 2013 by Elena Klimova from Nizhny Tagil, a journalist from the agency "Rosbalt." Children published letters on the pages of the project, telling about the issues they were having because of the homophobia of the people around them. On the page, they could get an advice from a psychologist as well.

The Court found that the Community maintained posts in order to meet other adolescents and engage in unconventional sexual relationships. The group contained revealing images of GLBT relationships between adolescents and adults as well. Taking into account the fact that the content of communications groups focused on children and adolescents, the Court considered the information contained in the group to promote the unconventional sexual relationships among adolescents. The social network VKontakte has blocked "Children-404" on the territory of the Russian Federation in accordance with the Roskomnadzor’s request which, on its end, included the community to the list of networks promoting unconventional sexual relationships among adolescents known as single register of prohibited information.

Multiple concerns followed later in the mass media, stating that one case of community blocking can lead to the block of the whole network “VKontakte,” as the https protocol that is used by this social network encrypts traffic not allowing the provider to capture traffic and not allowing the identification of what page exactly is opened by a user. However, the network is still open for users and just the disputed page is blocked now.
Currently, there is a bill under consideration in the State Duma.\(^{192}\) This bill would establish the penalties to a provider if access was not limited to prohibited sites. According to the project, for example, the fine for legal entities will range from 50,000 to 100,000 rubles. Public discussion of the bill ends on December 28, 2015.

As we can see from the above-mentioned examples, consideration of matters related to the possible violation of rights and lawful interests of minors is now carried out in accordance with the law. In every case, the key point is the combination of the law on freedom of information and the prevention of advocacy of wrongful conduct.

In the case of the encyclopedia Wikipedia, the controversial article was not blocked because the website administrators observed the Roscomnadzor’s requirements and changed how to locate an article, its title, and some of its contents. In the process of approvals, the question of jurisdiction was raised, since Wikipedia is governed by the laws of the State of California, in the United States.

In the event of social network “VKontakte,” the gay adolescents’ community was locked after a series of trials. The cause of such blocking included, for example: the strength of the group that had 65,500 members; a clear focus on the target audience; and the possibility of using the information in the community as a “teen dating site.”

In general, providers strictly adhere to the orders of the Roskomnadzor published as a result of court decisions. The penalties are not yet set for providers, and it is too early to declare the need for their implementation. However, in practice, no complaints have been filed about the providers failing to follow court orders.

**VI. Child Protection: Existing Criminal Laws and Liabilities**

A separate subject of our consideration is the possibility of legal regulation of these relations by the norms of criminal law. The Executive Power of the Russian Federation has repeatedly considered suggestions for the introduction of special criminal liability for crimes committed using the Internet. The last serious consideration of this matter took place in 2013.

A well-known expert on criminal law, R.O. Dolotov, an Assistant Professor at Moscow State University, described all of the stages of consideration by the Administration of the President of the Russian Federation in a package of amendments to the legislation in his article titled "The Kremlin Will Introduce Criminal Penalties for Harmful Content on the Internet."

According to Dolotov, the introduction of such fines will help to clearly establish the liability of Internet service providers, site owners, forums and social networks. The Center of Political Information, run by the political scientist Alexei Mukhin, prepared an analytical report on the Internet legal regulations based on the experiences of more than a dozen European countries, including the United States, Canada and Australia. Another report was prepared by the Civil Society Development Fund, managed by Konstantin Kostin. The report proposes to increase the role of public examination that would strike a balance of interests and would make the blacklisting of websites as objective as possible. As the author of the article, Ruslan Dolotov stated, "...there is no need to create separate specific laws regarding the Internet in the criminal law, as they duplicate the existing law." The article also provides a link to the presentation during the "open line" on April, 25, 2013 with Russian President Vladimir Putin. President Putin touched upon the issue of freedom on the Internet, and stated that "society should limit itself from pedophilia, child pornography, drug trafficking and suicide training."

As of now, no special legal measures relating to crimes using the Internet exist in the Criminal Code. The reason seems to be derived from the general theory of criminal law, and is related to the fact that such crimes fall under the general rules of criminal liability.

The sectoral nature of the Criminal, which is aimed at identifying the types of crimes, now allows the application of these rules to crimes committed on the Internet.

O.S. Guzeeva, in the article "Criminal policy in relation to crimes committed in the Russian segment of the Internet," wrote that "[the] initial placement of information on the Russian segment of the Internet was characterized by the absence of any restrictions, which had been dictated not so much by providing guarantees of the constitutional rights of citizens to freedom of information but more so by the lack of the necessary technical capacity to monitor...

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194 Id.
195 Id.
196 O.S. Guzeeva, Criminal Policy in Relation to Crimes Committed on the Russian Segment of the Internet, BRANCHES OF LAW (May 12, 2015), http://xn----7sbbaj7auwnfkh.xn--p1ai/article/3397 (Russ.).
the quality of information on the RuNet." According to the author, this fact led to the spread of illegal content that saturated the Russian segment of the Internet: information of a pornographic, narcotic, or terrorist nature.

Guzeeva discusses the need for a legal and institutional framework, including the removal of the uncertainty surrounding the concept of "Internet crime." Referring to the legal provisions of Chapter 28 of the Criminal Code entitled "Crimes in the Sphere of Computer Information," the author includes penalties for the illegal access to computer information, the creation, use and distribution of malicious computer programs, as well as for violation of the rules of operation of storage facilities, processing or transmission of computer and information and telecommunication networks. Likewise, the author presents statistics on these crimes. Thus, according to the Judicial Department at the Supreme Court of the Russian Federation, in 2009, 347 people were found guilty of crimes under section 28 of the Criminal Code and have been convicted. In 2010, this number decreased to 321. In 2011 and 2012, this figure decreased to 258 and 280 individuals found guilty and convicted under section 28 of the Criminal Code, respectively. According to Article 274 of the Criminal Code, between 2009 and 2012, no one was found guilty or convicted for these crimes. Guzeeva concludes that "in general, over the past four years, the number of registered crimes decreased, while one can hardly talk about reduction of the number of offenses under the Chapter 28 of the Criminal Code." The decline of the number of people convicted for committing computer crimes, taking into account the spread of information technology, highlights the complexity of identifying and investigating these crimes. The same can be said about the use of a criminal justice response to crimes against children on the Internet. Currently, an administrative and legal order is used in Russia to suppress such illegal actions.

The Criminal Code includes Article 159.6, which relates to computer crime. The Article is entitled "Fraud in the Sphere of Computer Information," but to understand the topic of this research, there are two chapters of the Criminal Code that relate to fundamental human rights. These are Chapter 18, "Crimes Against Sexual Inviolability and Sexual Freedom of the
Individual, " and Chapter 19, "Crimes Against the Constitutional Rights and Freedoms of a Man and a Citizen."

For our research the main item of Chapter 18 should be considered Article 135 of the Criminal Code, "Sexual Abuse." According to this Article, abuse conducted in a non-violent manner, by person who has attained the age of eighteen, in relation to a person under sixteen years of age,\textsuperscript{203} is penalized by: compulsory works for a term of up to 440 hours; the restriction of freedom for up to three years; community service for up to five years with disqualifications to hold certain positions or engage in certain activities for up to three years; or imprisonment for up to three years, with prohibition to hold certain positions or engage in certain activities for up to ten years. If a crime is committed against a person who has attained the age of twelve, but has not attained the age of fourteen,\textsuperscript{204} it is an offense that leads to imprisonment for a term of three to eight years with disqualification to hold certain positions or engage in certain activities for up to fifteen years. An offender may also be subject to a restriction of liberty for up to two years. If such an act was committed by a person with previous conviction for previously committed crimes against the sexual inviolability of minors,\textsuperscript{205} the person will be sentenced to imprisonment for a term of ten to fifteen years, with prohibition to hold certain positions or engage in certain activities for up to twenty years.

It should be mentioned that the provisions of Article 137 of the Criminal Code, "Violation of Privacy," according to Section 1, the unlawful collection or dissemination of information about the private life of individuals that is personal or is a family secret, without consent, or without dissemination of this information in a public statement or in a publicly shown product or mass media, is penalized by a fine up to 200,000 rubles. This crime may also be penalized by: a fine up to the salary or other income for a period of eighteen months; by compulsory works for a term of up to 360 hours; correctional labor for up to one year; community service for up to two years, with disqualification to hold certain positions or engage in certain activities for up to three years; imprisonment for a term up to four months; or imprisonment for up to two years, with disqualification to hold certain positions or engage in certain activities for up to three years.

\textsuperscript{203} UK RF art. 135(1).
\textsuperscript{204} Id. art. 135(2).
\textsuperscript{205} Id. art. 135(5).
The reason for such detailed considerations of the options available to the prosecution of perpetrators of crimes against minors using the Internet is the fact that the use of criminal law measures for such cases in the Russian law is currently a controversial issue. Special guidelines on this matter are nonexistent as of now. All the principles of fraud and computer information prosecution are related to crimes of a different kind.

It seems that the Articles 135 and 137 of the Criminal Code may be applied to the case of crimes using the Internet, just as a particular case of these legal norms of qualifying crimes.

Legal regulation of Internet crime is actively developing in Russia at the moment. At the conclusion we should note a new legal act, the Order of the Ministry of Communications and Mass Communications of the Russian Federation and the Federal Service for Supervision of Communications, Information Technology and Mass Media amended the recommendation to limit access to sites on the Internet. As can be seen from the text of the Order, the procedure for the closure of malicious Internet sites is being actively improved.

**Conclusion**

We have reviewed all the areas of the legal regulation of public relations associated with violations of children's rights on the Internet. The evaluation was carried out from the standpoint of human rights, the rights of minors, the procedural rights of participants in information traffic, and from the standpoint of the Civil Code, the Federal Law No. 149-FZ, the Code of Administrative Procedure and Private International Law.

Returning to the civil-legal methods of legal regulation of the issues, proposals on adding the gambling addiction to the list of grounds for limiting legal capacity should be mentioned. Furthermore, special procedures on the matter of Internet children’s rights violation are

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nonexistent as of now in the Russian Federation. All the principles of fraud and computer information prosecution are related to crimes of a different kind.

In conclusion, it should be noted that currently there are a lot of difficulties and gaps in the regulation in the Russian legislation in the field of online child protection. One of them is still the determination of jurisdiction in the process of court disputes. In addition, despite the fact that the information law has been actively developing in recent years, judicial practice in this sector is still insufficient. Legal regulation of this sector is characterized by the norms of different branches of law, civil, administrative and partially criminal with the prevalence of severe measures of administrative regulation.