

INTERPRETATIVE STATEMENT OF THE RUSSIAN FEDERATION AT THE  
ADOPTION OF THE FINAL DOCUMENTS OF THE COUNCIL OF EUROPE  
CONFERENCE OF MINISTERS RESPONSIBLE FOR MEDIA AND  
INFORMATION SOCIETY

The delegation of the Russian Federation, driven by the desire to preserve the spirit of cooperation and consensus in the ranks of the Council of Europe Member States, considers it possible to support the amended compromise version of the final documents of the Council of Europe Conference of Ministers responsible for media and information society.

At the same time, we believe that the documents of the Ministerial Conference do not fully reflect the essential principle of the balance of rights and responsibilities in the information space, extolling the freedom of mass media, cyberspace and all of its actors and downplaying the importance of reasonable restrictions and supervision by the State. In such a position, in our view, lies a great threat to society. One of the main tasks of government is to protect citizens from unlawful and immoral content. We believe that the chaotic and uncontrolled flow of information can cause huge damage to all, especially the most vulnerable categories of citizens, in particular children.

Supporting the sovereign right of States to regulate their national segment of the Internet and media activity in their territories, we believe that, exercised within reasonable limits, it is the key to a well-balanced and safe media landscape and cyberspace.

We believe that the documents of the Conference cannot be considered or interpreted, even in the form of recommendations, as giving any legal status to bloggers, human rights defenders, whistle-blowers or other "persons performing journalistic activities or public watchdog functions", as well as to the so-called "new media", which is merely a tool for certain individuals to exercise their right to freedom of expression.

This category is not only very arbitrary, but has no basis in binding international legal instruments. Provision of such privileges to a specific group, is not consistent with the spirit of the Universal Declaration of Human Rights (which

recognizes all people as equal) and undermines the concept of professional, quality and ethical journalism.

Based on this view, we are convinced that a range of rights of Internet users put forward in the documents of the Conference cannot be considered and addressed in isolation from the obligations of Internet users and the availability of certain legal regulators of their activities. The specificity of cyberspace requires a more detailed approach, rather than wholesale transplantation of the existing international legal regime to cyberspace activities. This approach must be developed on the basis of consensus (which was, unfortunately, lacking during the preparation of documents for the Conference).

While fully acknowledging the right of Internet users to freedom of expression, we do not appreciate attempts of one-sided interpretation of opportunities provided by the Internet, which was originally created for the exchange of information and knowledge. It is puzzling when such crucial goals as combating cybercrime, terrorism and sexual exploitation of children are relegated to the bottom of the list, whereas the exaggerated importance of using the Internet for "discontent and protest" is emphasized at the very top. We stress the inadmissibility of absolutizing a principle that is potentially dangerous to social and political stability.

The role of the ECtHR, while substantial, should also not be misinterpreted. The Russian Federation reaffirms its position that the decisions of the Court are only legally binding vis-a-vis the parties of a specific case, and do not automatically create universal "standards".

Finally, it is outside the Council of Europe's competence to create and codify a terminology in the field of information and communications technologies this task should be performed by specialized organizations, such as the International Telecommunications Union. On that account we do not consider the Conference's final documents as legally defining new terms in this sphere.

We declare that these documents are applicable to the Russian Federation only insofar as their compatibility with the Russian Federation's Constitution, Federal legislation and international treaty obligations.