# Should Ukraine Drop Sanctions against Russian Tech Companies?

Olga Kyryliuk

PhD, CEO & Founder, The Influencer Platform

Photo by STR/NurPhoto via Getty Images

- Ukraine fundamentally altered its approach to regulating the internet in 2017 when it introduced economic restrictions (sanctions) against thousands of Russian individuals and legal entities.

- The sanctions have significantly infringed on Ukrainians' digital rights and freedom of expression and damaged the country's information space and economic interests. At the same time, they did not go far enough in achieving the stated goals of their supporters.

- The consistency of these sanctions with freedom of expression standards is dubious given the guarantees provided by Ukrainian and international human rights law, as well as rulings that broad sanctions on media platforms are unlawful. The way in which the Ukrainian authorities introduced the sanctions and their accompanying legal framework also raises numerous rule-of-law concerns, further undermining the legitimacy of these measures.

- Moreover, the sanctions do not seem to have eliminated the threat of Russian propaganda or signiicantly contributed to building a more secure national information space. It is increasingly clear that the threat of disinformation is not unique to the Russian-controlled platforms that were targeted with sanctions.

- With major changes in Ukraine's political leadership, the country has yet another chance to address the dueling challenges of defending freedom and maintaining national security. By strengthening its commitment to human rights and democratic values, Ukraine can build a strong foundation for tackling such challenges in the digital age.

## Introduction

The freedom of expression is one of the most crucial human rights in the digital age and is an essential pillar of any democratic governance model. Indeed, the presence of a diverse media and information space is a litmus test for a state's adherence to the values of the freedom of speech and the rule of law. Yet, as we've observed across the world, the more opportunities people have to share information and express their opinions, the greater the scrutiny of their freedom of expression. Online restrictions are often justified by governments with claims that the situation in their jurisdictions is unique and exceptional, necessitating the limitations they impose. Such measures are, in many cases, portrayed as temporary; in reality, they are only the beginning of a cascade of increasing controls. According to the Freedom on the Net 2018 report, dozens of countries approved or proposed laws that would restrict online media in the name of fighting "fake news" and online manipulation in the last year alone.[1]

## Political Background

Unfortunately, Ukraine – once a country with free and unrestricted internet – began its path towards greater internet restrictions when, in mid-May 2017, then-President Petro Poroshenko approved a decision by the National Security and Defense Council (NSDC) on the application of economic sanctions against nearly two thousand Russian individuals and legal entities. This set of allegedly economic restrictions, in fact, led to major restrictions on online platforms and content and set off a major debate over the freedom of expression in the country for years to come. Through these sanctions, Ukraine transformed its online regulation paradigm, moving from a hands-off approach to one by which the freedom of expression and national security are viewed as mutually exclusive values in a zero-sum game.

This paradigm shift occurred in an environment in which nationalistic sentiments were on the rise after the 2014 revolution and Russia's incursion into Ukrainian territory. This environment left little space for considering serious questions about the timeliness, proportionality, and effectiveness of the restrictions, which persist to this day. **Several years after their introduction, it is clear that the measures resulted in significant and unanticipated collateral damage to Ukraine's freedom of expression, informational space, and economic interests; moreover, they did not make meaningful progress in achieving the goals officials offered as their justification.**

> This set of allegedly economic restrictions...led to major restrictions on online platforms and content and set off a major debate over the freedom of expression in the country for years to come.

The 2017 economic sanctions led to the blocking of a wide range of Russian-owned web platforms, including social networks VKontakte (VK) and Odnoklassniki (OK), the email service Mail.ru, the search engine Yandex, over 50 online services provided by Yandex Group in Ukraine (including maps and taxi services), and the cybersecurity and anti-virus software developed by Kaspersky Lab and Dr. Web.[2]   President Poroshenko imposed the sanctions and blocking until mid-May 2020. In March 2019 he signed a new sanctions decree that, *inter alia*, imposed a new three-year ban on Yandex, even though the 2017 sanctions were still in force for one more year.[3]

The President and the Security Service of Ukraine (SSU) publicly justified the restrictions with the need to protect national security, restrict "anti-Ukrainian" propaganda, and safeguard Ukrainians' data. Notably, these particular justifications appear to have little connection with the economic threats that economic sanctions would ordinarily be expected to address. In his last post published on VK on May 16, 2017, former President Poroshenko urged "all compatriots to log out from Russian servers due to security concerns."[4]   The former Secretary of the NSDC, Oleksandr Turchynov, claimed that OK and VK were used for "waging information aggression and propaganda against Ukraine," illegally collecting [Ukrainians'] information, "recruiting a network of agents for Russian intelligence agencies," and the "distribution of pirated content."[5]   In a statement on its website, the SSU encouraged all businesses to execute the restrictions unconditionally, claiming that Russian intelligence services were sharing "anti-Ukrainian calls for radical armed protests" via the online services.[6]

Despite these dire warnings, support for the restrictions was far from unanimous. Earlier in 2017, then-Minister of Information Policy (MIP), Yuriy Stets, claimed that a ban on Russian social media would lack a legal basis and establish a precedent too enticing for future leaders to resist.[7]   Yet, after the President introduced sanctions, a MIP official commented that although the Ministry considers the freedom of expression to be a key value, the NSDC decision is consistent with the national interest.[8]   Around the same time, former Chair of the Parliamentary Committee on the Freedom of Speech, Viktoriia Siumar, said that in order for an internet resource to be blocked, the SSU must provide sufficient evidence of either a human rights violation, a direct incitement to conflict, or war propaganda; in addition to this evidence, a court order is preferred.[9]   A representative of the Parliamentary Commissioner for Human Rights

(Ombudsperson) confirmed this, noting in 2017 that blocking any internet resource requires a court order under Ukrainian law.[10]

It is unclear how the new Ukrainian political establishment, which came to power after the 2019 presidential and parliamentary elections, will deal with the sanctions introduced by their predecessors. During his campaign, President Volodymyr Zelenskyy compared blocking websites to the state's lack of control over illegal parking in Kyiv, noting that fines for illegal parking can only be imposed if there is proper infrastructure in place. On social networks, Zelenskyy suggested users be given alternatives prior to considering wholesale blocking, and noted that because the authorities

Photo from [Ukrainian Presidential Office Archive](#)

had failed to explain the real rationale behind the sanctions, they had not secured enough public support.[11]   However, in mid-July 2019, the Zelenskyy-appointed NSDC Secretary Oleksandr Danyliuk reminded "state authorities of the need to ensure rigorous observance of sanctions and monitoring of their efficiency until their expiration or termination."[12] Violence (usually in the symbolic form of vandalism) has less frequently been directed at institutions and monuments associated with national minorities. Recently, however, additional targets have been added to the list of objects that inspire right-wing xenophobic attacks. In addition to memorials to the victims of the Holocaust, which have been targeted in the past as well, these include objects associated with recent political debates or conflicts such as the Polish military cemeteries in Volhynia, memorials of Hungarian national and cultural heritage in Transcarpathia and, of course, buildings belonging to the Ukrainian Orthodox Church of the Moscow Patriarchate.

## Legal Framework and the Reaction of the International Community

International human rights law[13]   and Ukraine's Constitution (Art. 34) guarantee the right to the freedom of opinion and expression. However, the freedom of expression is not an absolute right and can be limited if the restriction meets the three-part test elaborated by the European Court of Human Rights (ECtHR); in particular, this test dictates that the restriction be necessary for a democratic society, pursue a legitimate aim, and be provided for by law. Failure to meet any of these requirements indicates that the restriction constitutes an illegitimate interference in the freedom of expression. When it comes to the internet, these same rules apply, as does the general requirement that restrictions be specific and avoid generic bans on the operation of entire sites and platforms – an approach which the ECtHR recognized as excessive in other cases.[14]

Based on these standards, the sanctions mechanism invoked to block access to online resources in Ukraine is quite dubious, and raises numerous rule of law and human rights concerns. First and foremost, the sanctions were introduced by a decision of the NSDC that was approved and enacted by a presidential decree. Under human rights law, both the

NSDC decision and presidential decree are considered by-laws and thus do not qualify as being "provided by law."[15] Moreover, the United Nations Human Rights Committee has determined that, in order for a norm to be characterized as a "law," it must be formulated with sufficient precision to enable an individual to regulate their conduct accordingly; "laws" must provide "sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are legitimately restricted and what sorts are not."[16]   Ukraine's sanctions do neither.[17]

As noted above, the provision that a restriction is "provided by law" requires it to be sufficiently precise so as to have foreseeable implications. The Ukrainian authorities' requirement that internet providers block access to certain online resources does not meet these requirements, as it gives no clarity to providers on when they must comply with the requirement or who should pay for its implementation. While officials repeatedly promised that the SSU was developing instructions for implementing the decree, no apparent guidance has followed. Moreover, the authorities neither established a formal mechanism to monitor compliance with the restrictions nor officially articulated consequences for non-compliance.

The NSDC decision and the President's decree are inconsistent with existing Ukrainian telecommunications and national security laws, underscoring the poor legal and technical basis for the restrictions. For example, the decree prohibited "internet providers" from providing access to online resources belonging to sanctioned companies; however, the term "internet provider" does not exist in Ukrainian law, as internet services are provided by "operators or providers of telecommunications." Moreover, the decree contradicts Art. 10 of the Law on the National Security and Defense Council, according to which its decisions are binding only upon state executive authorities, which does not include the internet providers themselves.[18]   Due to this, there appears to be no formal liability for providers who do not comply with the sanctions. Nonetheless, adding to the legal uncertainty, the National Commission for the State Regulation of Communications and Informatization communicated to "operators and providers of telecommunications"- not to the "internet providers" noted in the decree – that, based on the Law of Ukraine on Telecommunications and licensing agreements, they are obligated to comply with the decree and can be held liable for noncompliance.[19]   The NSDC decision also runs contrary to previous practice, which limited avenues for restricting content and penalizing offenders by requiring a court order.

In addition to blocking websites, Ukrainian law-enforcement has aggressively used other tools to achieve their goals. According to the SSU, in 2018 alone it identified and blocked **360 cyber incidents, convicted 49 administrators of social network groups for "anti-Ukrainian propaganda," and began proceedings against an additional 29 individuals.** The data also show that "preventive measures" were taken against 220 group administrators who were allegedly disseminating information of a destructive nature to over ten million internet users.

While national security arguments for forceful responses to Russian disinformation may be logical in view of Ukraine's significant security challenges, it is far from clear if the restrictions imposed in Ukraine can be considered legitimate interference in a democratic society according to the aforementioned tests for proportionality and necessity. According to international human rights standards, in order to be considered a legitimate interference in the freedom of expression, the limitation must be the "least intrusive instrument"[20]   for achieving the relevant purpose. In addition, courts are typically required to assess the context, medium of dissemination, and size of the audience before issuing a content-specific restriction on a publication or media outlet. Whether the NSDC conducted such an assessment or considered other means for achieving the declared goal remains unclear.

The necessity and proportionality of the sanctions were also questioned by the international community, namely the Office of the United Nations High Commissioner for Human Rights (UNHCR) in Ukraine and the Secretary General of the Council of Europe (CoE).[21]   Several advocacy groups shared this view, such as Reporters Without Borders, which said the ban was neither proportionate nor justified in light of the security challenges faced by Ukraine[22] ,  and ARTICLE 19, which called website blocking a severe form of censorship that will inevitably result in an unnecessary and unjustifiable restriction on the freedom of expression for millions of Ukrainians. The organization also doubted that indiscriminate restriction of access to legitimate content will improve the situation in the country and argued that preventing the free flow of information about issues related to the conflict will, in fact, undermine Ukraine's democratic development.[23] Human Rights Watch was also among the most vocal critics, claiming that the ban was an attempt to control public discourse in Ukraine.[24]

## Claimed Economic Consequences and Efficiency

The sanctions do not appear to have achieved their initiators' desired economic goals. From the very beginning, the authorities have claimed that the sanctions are aimed at dealing a financial blow to Russian companies, and thus to the Russian government's budget and its military expenditures in Ukraine. Yet this impact is far from clear. For example, the economic impact on one major target of the sanctions, the Mail.ru Group, appears to be relatively minor. According to the company's financial results for Q2 2017, its VK social network continued to perform strongly with demonstrated growth in engagement.[25] The group's revenues grew 59.1 percent year-over-year to more than three billion rubles

(approximately $46 million), with advertising revenues growing the fastest. Despite the blocking of VK in Ukraine and regular seasonal variation, the total number of monthly active users grew in June 2017 to 91 million. While blocking Mail.ru Group services in Ukraine did impact the company's revenue – resulting in a decrease of 1.5 percent of total revenues in 2017 – the rest of the business continued to perform well according to the company.

In fact, the sanctions may have culminated in decreased tax revenues and investment in Ukraine. According to the director of Yandex's office in Ukraine at the time, the company was one of Ukraine's largest corporate taxpayers; between 2013 and 2017, Yandex reinvested Ukraine-based income into the development of its Ukrainian services, among them the launch of Yandex Taxi Ukraine amounting to a seven million dollar investment.[26]  Furthermore, the restrictions likely negatively affected Ukrainian businesses that used those platforms for advertising their products and services; journalists who gathered information from sources on the platforms, including from parts of Ukraine not under government control, were also negatively impacted.

Next, the sanctions appear to have only moderately decreased – but not prevented – users in Ukraine from accessing the services provided by sanctioned companies. According to data provided by the research network Factum Group Ukraine, as of April 2019, VK and Yandex are still among the top ten domains visited by Ukrainian internet users, while OK and Mail. ru hold the eleventh and seventeenth positions, respectively. [27]  The analytical company SimilarWeb published similar numbers.[28]

Research recently published by the NATO Strategic Communications Centre of Excellence shows that VK is only 19 percent less popular in government-controlled areas of Ukraine compared to non-government controlled areas where they are freely accessible.[29]  Those users who continued using VK after the ban by circumventing it using a VPN or due to uneven implementation by providers consolidated their use by developing stronger connections with other users and consuming more information from a greater number of groups. While the number of users in ideological groups decreased threefold, the number of ideological posts increased by 122 percent after the ban, and "pro-Russian propaganda notably increased, while the share of 'Ukrainian news' decreased." The report also finds that the VK audience has become younger.

Despite the ambiguity of providers' legal responsibilities to implement the restrictions and the absence of a court order, a majority of them followed the sanctions requirements. According to recent nationwide network testing by Digital Security Lab Ukraine, 50 of the 70 providers tested blocked more than half of the sanctioned online resources. The test also showed that the resources blocked by providers varied considerably by region. Findings of analysis of internet blocking in Ukraine (March 2019), Digital Security Lab Ukraine, Medium, https://medium.com/@cyberlabukraine/findings-of-analysis-of-internet-blocking-in-ukraine-march-2019-b20e-

This data shows that the sanctions do not appear to have led to major changes in the use of the services provided by the Russian companies. What is more, they do not seem to have eliminated the threat of Russian propaganda or significantly contributed to building a more secure national information space as the Ukrainian authorities claimed it would.

By banning VK, which policymakers perceived as the nexus of "anti-Ukrainian" propaganda online, Ukrainian authorities forced users onto other platforms, losing some ability to monitor and influence what people consume on VK, while also having little effect on the ongoing functioning of the VK platform itself. Moreover, the sanctions have polarized Ukrainian society even more by forcing a somewhat smaller number of users deeper into a problematic echo chamber. The sanctions have also introduced new security and privacy challenges for users; by forcing some users to access blocked online resources using VPN services, many of which do not offer robust data protection. In this way, the ban is actually exacerbating rather than addressing one of the problems it was intended to address.

In addition to pushing some users to consume and share more problematic content, government policy, largely limited to blocking access, did not include significant efforts to produce and encourage high-quality content in Ukrainian and Russian on political and non-political topics. By simply blocking access without creating or supporting viable alternatives, policymakers may have, in fact, undermined their stated goals for introducing sanctions in the first place.

While targeting Russian-owned platforms may have been logical in 2017 due to the conflict between the two countries, recent developments suggest a growing realization among policymakers that the threat of disinformation is not unique to platforms provided by Russian companies. Top officials at the SSU have begun to focus their attention on Facebook and Twitter, claiming that Russia is using these platforms to continue its information warfare against Ukraine.[30]  This new focus on non-Russian platforms lends credence to arguments that the sanctions have not achieved their goal of combating Russian propaganda – if that was indeed the goal at all.

## Conclusion

Restricting access to information resources that governments believe undermine their power over society is far from a novel measure. The political and social challenges that governments seek to address by blocking access to information are similarly not unique, as many existed long before new communications technologies and social media platforms were

available. Rather than creating a problem, social media provided more visibility to challenges experienced by societies and boosted information sharing within and among societies. Ukraine is no exception. In response to the challenge of disinformation, Ukraine began to aggressively restrict its online space in a step that few expected. While one part of Ukrainian society – convinced by security arguments or patriotic feelings – applauded the 2017 sanctions, many others criticized them. In any case, few alternatives to the sanctions were publicly proposed or considered.

From the very beginning, the timing of the sanctions and the process through which the authorities introduced them appeared capricious. If the threat was so great, why weren't the sanctions introduced several years earlier and why weren't procedures for their effective implementation ever introduced? In addition to these questions, the notion that the sanctions would contribute to easing tensions or resolving the conflict seemed unlikely in 2017 and still does to this day. What is more, given the sanctions' significant consequences for a majority of internet users in Ukraine, the absence of any meaningful public consultation to evaluate the measure or prepare the public for the upcoming restrictions is especially surprising. Two years after the sanctions' introduction, public consultations have yet to take place, and the authorities have failed to formally obligate providers to block access to banned resources, establish a clear procedure for such blocking, or provide technical assistance to make blocking as precise as possible. Most providers appear to be complying with the sanctions despite the ambiguity, likely out of fear of unstated consequences.

There is little evidence that the sanctions have contributed to reducing Russian propaganda or strengthening Ukraine's position in the conflict with Russia. Because the sanctions are formally an economic tool, they lend themselves to evaluation based on numeric results. Yet, while the number of users of banned resources did indeed drop, the real impact of this drop on the sanctions' stated goals is unclear. Given the stated goal of inflicting economic harm to Russian business interests, it would seem logical for the Ukrainian authorities to monitor and report to the public on the impact of the sanctions. Unfortunately, no official data is available as far as we know; the only data that is publically accessible are estimates provided by the sanctioned companies themselves. Regular monitoring and public reporting on the impact of the sanctions would go a long way towards addressing these outstanding questions.

Ukraine, like most countries, still has many lessons to learn, but some answers are already coming to light. The few discernible benefits – and significant downsides – of the country's aggressive steps to restrict online expression and information sharing have sparked renewed scrutiny of compromises that have been made. With a newly elected president who has challenged the status quo in many ways and made significant changes to Ukraine's parliamentary makeup, Ukraine has yet another chance to address the dueling challenges of defending freedom and maintaining security by strengthening its commitment to human rights and democratic values as a progressive country in the digital age.

Many countries have also directly blocked social media platforms, often with security arguments similar to those made by the Ukrainian authorities. For example, in April and May 2019, Sri Lanka shut down many social media platforms and online services, including Facebook, Facebook Messenger, WhatsApp, Instagram, YouTube, Viber, Snapchat, and Twitter, in response to the wave of Easter bombings targeting hotels and churches across the country. Access to VPN services was also restricted during the April round of shutdowns. Surprisingly, the Sri Lankan government's reaction received some support from the Western world. In addition, just a few months earlier, in December 2018, the Sudanese government ordered the blocking of Facebook, Twitter, and WhatsApp in an apparent effort to disrupt protests against the ruling regime. Venezuela repeatedly restricted access to multiple online services during anti-government protests in April 2019. Other countries are also active in blocking access to internet services, among them are Pakistan, Iraq, Syria, and Turkey. Yet these countries, hardly exemplars of good democratic governance, show how blocking is a popular tool among authoritarian-minded leaders rather than those who respect basic human rights standards and democratic principles.

## Recommendations

In times of armed conflict, national security becomes an increasingly influential factor in determining a broad array of government policies and priorities, including those relating to the freedom of expression and belief. Yet, experience in Ukraine and many other countries shows that reactively blocking access to information is shortsighted and unlikely to be a successful long-term strategy for thwarting threats in the digital era, as there will always be new technologies and tools enabling the circumvention of any restrictions put in place. Blocking access to information is also in tension with the freedom of expression, which, while not an absolute right, should be restricted only as a measure of last resort, in the absence of less severe alternatives, and in a strictly limited and targeted fashion. The importance of freedom of expression is particularly apparent and critical in times of conflict when access to territory and information is limited. Based on these values and our assessment of the sanctions in Ukraine, we make the following recommendations to the Ukrainian government, civil society, and international community, which, in our view, would more appropriately balance human rights and security while achieving more tangible policy results than those achieved by the sanctions:

- **Produce** high quality, multilingual, objective, and trustworthy Ukraine-focused content and increase the number of platforms involved in its dissemination both inside the country – including non-government-controlled territories – and outside it.

- **Create a strong fact-checking network,** especially focusing on fact-checking information related to the conflict.
- **Hold multi-stakeholder consultations** and request expert assessments of viability, effectiveness, and cost-benefit analysis before applying any restrictions or adopting policies regarding information and communication technologies, internet access, or digital rights.
- **Articulate clear justifications** to the public for any restrictions and their methods of implementation, including how they address the underlying problem while maintaining respect for human rights.
- **Evaluate any proposals aimed at the regulation of social media** through the lens of their potential impact on the freedom of expression.
- **Strictly comply with international human rights standards and best practices** for protecting freedom of expression online that have been developed by international institutions, including by the United Nations, the European Court of Human Rights, and democratic countries around the globe (e.g., Freedom Online Coalition).
- **Refrain from blanket prohibitions on access to resources** and ensure that the only legal grounds for removal of content or access is a court decision that follows a thorough and fair investigation of each case, provided that such a measure is necessary and proportionate to the pursued aim as required by international law.
- If the authorities determine that limitations are absolutely necessary, **formulate any limitations in a clear and precise manner,** establish a realistic mechanism for their implementation, and strictly limit their duration.
- **Acknowledge the right of internet providers to refuse to comply** with blocking requests when they are not in compliance with the state's obligations under international human rights law and are disproportionate to the pursued aim unless otherwise required by a court decision.
- **Organize nationwide awareness-raising campaigns** aimed at improving internet users' knowledge of digital rights, internet hygiene, harmful content, privacy, data protection, etc.
- **Conduct periodic (for example, biannual or quarterly) transparency reporting** on measures undertaken by the state to protect and safeguard the freedom of expression in times of conflict, especially if any restrictions have been imposed as part of those efforts.

1     The Rise of Digital Authoritarianism, Freedom on the Net 2018, https://freedomhouse.org/report/freedom-net/freedom-net-2018

2     Decree of the President of Ukraine No. 133/2017 as of 15 May 2017 Won Approval of the Decision of the National Security and Defense Council as of 28 April 2017 on the Application of Personal Special Economic and Other Restrictive Measures (Sanctions), https://www.president.gov.ua/documents/1332017-21850

3     Decree of the President of Ukraine No. 82/2019 as of 19 March 2019 on Approval of the Decision of the National Security and Defense Council as of 19 March 2019 on the Application, Elimination and Amendment of Personal Special Economic and Other Restrictive Measures (Sanctions), https://www.president.gov.ua/documents/822019-26290

4     Petro Poroshenko's VK profile, https://vk.com/poroshenko.petro

5     Турчинов прокоментував блокування "Однокласників" та "ВКонтакте", [Turchynov commented on blocking of Odnoklassniki and Vkontakte], Radio Svoboda, https://www.radiosvoboda.org/a/video/shemy-web-inf/web.xml/28491778.html

6     Заява СБУ щодо використання російськими спецслужбами окремих інтернет-ресурсів у спеціальних інформаційних операціях, [SSU Statement on Using by the Russian Intelligence Agencies of Some Internet Resources in Special Information Operations], Security Service of Ukraine, https://ssu.gov.ua/ua/news/1/category/21/view/3356#.lcanCDTd.dpbs

7     Юрий Стець, "Мне грустно, когда говорят, что Минстець занимается порохоботами", [Yuriy Stets, I feel sad when it is said that Minstets is dealing with porokhobots], E. Kuzmenko, I. Romaliyskaya, Censor.net, https://censor.net.ua/resonance/428120/yuriyi_stets_mne_grustno_kogda_govoryat_chto_minstets_zanimaetsya_porohobotami

8     Мінстець відхрестився від ідеї заборони соцмереж, [Minstets said it has nothing to do with the idea of banning social media], Ukrainska Pravda, https://www.pravda.com.ua/news/2017/05/16/7144102/

9     Для блокування Інтернет-ресурсів потрібна доказова база та рішення суду – Сюмар, [Evidentiary basis and a court decision are needed for blocking of Internet resources – Siumar], Unian, https://www.unian.ua/politics/1924946-dlya-blokuvannya-internet-resursiv-potribna-dokazova-baza-sbu-ta-rishennya-sudu-syumar.html

10    В Украине ограничить доступ к сайту можно только через суд – офис омбудсмена, [In Ukraine, access to websites can be restricted only through the court – Ombudsperson office], Unian, https://www.unian.net/politics/1925189-v-ukraine-ogranichit-dostup-k-saytu-mojno-tolko-cherez-sud-ofis-ombudsmena.html

11    Володимир Зеленський: нам вигідно розпустити Раду, але будемо думати і вчиняти за законом, [Volodymyr Zelenskyy: we can benefit from the dissolution of the Parliament, however we will consider and act by the law], Sergiy Shcherbyna, Vladyslav Krasinskyi, rbk.ua, https://www.rbc.ua/ukr/news/vladimir-zelenskiy-nam-vygodno-raspustit-1555546435.html

12    Повідомлення Апарату РНБО України, [Notification by the NDSC Secretariat], Official website of the NDSC, http://www.rnbo.gov.ua/news/3332.html

13    In particular, the Universal Declaration of Human Rights (Article 19), the International Covenant on Civil and Political Rights (Article 19), and the European Convention on Human Rights (Article 10).

14    General comment No. 34 "Article 19: Freedoms of opinion and expression" as of 12 September 2011, UN Human Rights Committee, https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf; Case of Ahmet Yıldırım v. Turkey, European Court of Human Rights, 18 March 2013, http://hudoc.echr.coe.int/eng?i=001-115705; Case of Cengiz and Others v. Turkey, European Court of Human Rights, 1 March 2016, http://hudoc.echr.coe.int/eng?i=001-159188

15    In the practice of regional human rights courts, the word "law" generally applies only to formal laws passed by a legislature. The Word "Laws" in Article 30 of the American Convention on Human Rights, Advisory Opinion OC6/86 of 9 May 1986, Series A, No. 6.
 General comment No. 34 "Article 19: Freedoms of opinion and expression" as of 12 September 2011, Doc. CCPR/C/GC/34, UN Human Rights Committee, https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

16    General comment No. 34 "Article 19: Freedoms of opinion and expression" as of 12 September 2011, Doc. CCPR/C/GC/34, UN Human Rights Committee, https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf

17    Юридичний аналіз Указу Президента про блокування сайтів, [Legal analysis of the Presidential Decree on websites' blockage], Freenet Coalition, https://www.ppl.org.ua/yuridichnij-analiz-ukazu-prezidenta-pro-blokuvannya-sajtiv.html

18    Закон України "Про Раду національної безпеки і оборони України", [Law of Ukraine on the National Security and Defense Council of Ukraine], https://zakon.rada.gov.ua/laws/show/183/98-вр

19    Інформаційне повідомлення до уваги операторів, провайдерів телекомунікацій, [Information note to the attention of operators, providers of telecommunications], Official website of the National Commission for the State Regulation of Communications and Informatization, https://nkrzi.gov.ua/index.php?r=site/index&pg=99&id=1516&language=uk

20      Freedom of expression and National Security: Balancing for Protection, An overview and analysis written for Columbia Global Freedom of Expression, Judges' Training Materials, December 2015, https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2016/01/A-Callamard-National-Security-and-FoE-Training.pdf

21      Report on the human rights situation in Ukraine from 16 May to 15 August 2017, Office of the United Nations High Commissioner for Human Rights, https://www.ohchr.org/Documents/Countries/UA/UAReport19th_EN.pdf; Ukraine: Secretary General Jagland voices concern over blocking social networks and websites, Council of Europe, https://www.coe.int/en/web/secretary-general/-/secretary-general-voices-concern-over-blocking-social-networks-websites-in-ukraine

22      RSF urges Ukraine to scrap ban on Russian social media sites, Reporters Without Borders, https://rsf.org/en/news/rsf-urges-ukraine-scrap-ban-russian-social-media-sites

23      Ukraine: Blocking of Russian social media sites is a severe form of censorship, ARTICLE 19, https://www.article19.org/resources/ukraine-blocking-of-russian-social-media-sites-is-a-severe-form-of-censorship/

24      Ukraine: Revoke Ban on Dozens of Russian Web Companies, Human Rights Watch, https://www.hrw.org/news/2017/05/16/ukraine-revoke-ban-dozens-russian-web-companies

25      Unaudited IFRS results for Q2 2017, Mail.Ru Group Limited, https://www.londonstockexchange.com/exchange/news/market-news/market-news-detail/MAIL/13325116.html

26      Без контакту: рік забороні російських соцмереж в Україні, [Without Vkontakte: One Year of Blocking Russian Social Media Networks in Ukraine], Hromadske.ua, https://hromadske.ua/posts/zaborona-socmerezh

27      The figures likely include access through VPN and other circumvention tools; Оголошені дані досліджень інтернет-аудиторії України за квітень 2019, [Release of data on the Internet audience in Ukraine for April 2019], Internet Association of Ukraine, https://inau.ua/news/ogolosheni-dani-doslidzhen-internet-audytoriyi-ukrayiny-za-kviten-2019

28      According to SimilarWeb, as of 1 April 2019, VK, Odnoklassniki, Yandex (both .ua and .ru) and Mail.ru took 4th, 7th, 10th-11th and 13th positions respectively, Mail.ru is still the most widely used email service in Ukraine, VK and Odnoklassniki are among the top 4 social networks, and Yandex trails only Google among search engines. Top Websites Ranking, SimilarWeb, Email in Ukraine, https://www.similarweb.com/top-websites/ukraine/category/computers-electronics-and-technology/email; Social Networks And Online Communities, https://www.similarweb.com/top-websites/ukraine/category/computers-electronics-and-technology/social-networks-and-online-communities; Search Engines in Ukraine, https://www.similarweb.com/top-websites/ukraine/category/computers-electronics-and-technology/search-engines

29      Responding to Cognitive Security Challenges, NATO Strategic Communications Centre of Excellence, Sebastian Bay, Giorgio Bertolin, Nora Biteniece, Edward H. Christie, Anton Dek, Rolf E. Fredheim, John D. Gallacher, Kateryna Kononova, Tetiana Marchenko, https://stratcom-coe.org/responding-cognitive-security-challenges

30      СБУ готується заблокувати ще 100 сайтів із пропагандою Росії, [SSU is Preparing to Block Another 100 Sites with Russian Propaganda], Olena Roshhenko, Ukrainska Pravda, https://www.pravda.com.ua/news/2019/02/12/7206425