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## [Discrediting Journalism: Russia's New Laws on 'Foreign Agents'](#)



On November 15th, Russia's State Duma passed amendments which enable the government to brand whole news media outlets as "foreign agents." This is Moscow's reaction to the US authorities' demand that the channel RT, formerly known as Russia Today, must register as one. Russian legislation now states that any organisations receiving money from foreign sources may be deemed "foreign agents." The amendments also expand on the definition of what is considered to be mass media. These will probably take effect just before Russia's presidential elections, and should be considered in this context.

Before President Vladimir Putin signed through these law changes, Radio Liberty, the *Nastoyashcheye Vremya* (Current Time) TV channel, and the Voice of America [received](#) their first warnings. The regional RFE/RL projects *Idel.Realii* and *Kavkaz.Realii* have also been warned by the Ministry of Justice about impending restrictions. Earlier, a State Duma deputy from the United Russia party, Andrey Isaev, [named](#) four media outlets which, in his opinion, are subject to the regulations: CNN, Deutsche Welle, the Voice of America, and Radio Liberty. State Duma vice-chairman Pyotr Tolstoy [is of a different opinion](#): One or two foreign media will be registered as foreign agents. Looking into statements by high-ranking United Russia members is pointless, since it is state officials who will actually be responsible for implementing the law, not legislators in the Duma.

There is more to what is happening than simply a desire to punish those "irritants" whose names first spring to

mind. The situation with RT will soon be forgotten, but the amendments will stay. They could seriously make life harder for journalists, and will doubtless serve to restrict access to information in Russia.

### **Journalists will need more lawyers**

The new amendments are affecting two laws simultaneously – the Law on Mass Media, and the Freedom of Information Act. The Law on Mass Media mentions both Russian and foreign media, but contains no definition of “foreign” media *per se*. Foreign mass media must be accredited with the Ministry of Foreign Affairs (MFA). This accreditation, be it permanent or temporary, gives the right to gather information and contact state authorities on Russian soil. MFA accreditation is required not only by foreign employees of foreign media, but also by their local Russian staff. The key point here is that they are correspondents for media headquartered outside of Russia.

Mariya Zakharova, the head of the Russian MFA Information and Press Department, organises behind-close-doors meetings with foreign correspondents to inform them about Moscow’s official point of view. The author of this text was told by foreign media staff that Ms. Zakharova often took issue with the content of publications. Editorial offices react to this diplomatically, since everyone understands that their work in Russia depends on receiving timely accreditation for their current and future staff members.

The Russian media are controlled by a different authority – Roskomnadzor. Roskomnadzor issues registration certificates, issues warnings to editorial offices, and has the power to block websites without waiting for court decisions. Since 2016, the authority has also been monitoring compliance with the ban on foreigners directly or indirectly controlling any Russian media (the share of foreign capital is limited to 20%).

The new regulations regarding “foreign agent” media will introduce a new player – the Ministry of Justice. This authority keeps a [register](#) of “foreign agent” non-profit organisations, which currently contains 87 entries. The Law on Non-Governmental Organisations (NGOs) came into force five years ago, on November 21, 2012. Since then, some non-profit organisations have managed to adapt sufficiently to pressure from the Ministry of Justice. NGO members and ministerial officials clearly lack experience of mutual interaction. Once the regulations concerning “foreign agents” come into force, the Moscow offices of foreign mass media will need to hire additional lawyers and Government Relations specialists.

### **Media startups and Telegram channels as targets**

Pyotr Tolstoy [claims](#) that the regulations will not affect the Russian bureaus of foreign media. As a rule, a bureau typically is classified as employing a couple of correspondents, a translator, and a secretary responsible for accreditations and travel-related formalities.

The BBC’s Russian service, which announced it would expand its staff this year, is the closest thing to a full-scale editorial office for a foreign media outlet in Russia. The BBC [promised](#) to examine the amendments carefully, and vowed to continue providing fact-based, impartial information. At the same time, the Russian authorities have not mentioned this British corporation among the new law’s targets.

Last, but by no means least: The new amendments to the Law on Information concern not only media officially registered in Russia, but any organisations spreading information via social media and email – a whole range of online resources currently independent from the authorities. For example, the Open Russia organisation’s website is not registered as media, and its authors have no press cards. Yet Open Russia can be pressurised either by force, or with the help of Roskomnadzor. In 2016, Roskomnadzor threatened to block Open Russia’s website for an article on various unauthorised protests in memory of Boris Nemtsov. These claims were connected solely to the content, and the new regulations will introduce “foreign funding of information distributors” among the criteria. The head of Roskomnadzor, Aleksandr Zharov, vaguely [mentioned](#) that news websites of foreign media not registered in Russia could be blocked.

### **Agents, traitors, and spies**

Unfortunately, this vagueness is part and parcel of the Russian understanding of “foreign agents”. Many NGOs who were labelled as such have since had to abandon their work with state-funded organisations in the Russian regions. It became practically impossible to organise Human Rights lessons at schools, or educational

programmes about AIDS. The leaders of many institutions fear “foreign agents” like the plague.

Some foreign media outlets have already encountered similar problems: their journalists find that officials and civil servants in the regions are refusing to talk, for fear of losing their jobs. Consequently, correspondents are less able to gather information. If news sources for foreign journalists become limited to official MFA statements, interviews with a Moscow-based opposition, and showpiece events organised in big cities, that would be ideal for the Russian authorities. Journalists could also film stories about the honest lives of ordinary folk and the beauty of Russia.

Erik de Mauny, the BBC’s first correspondent in the USSR, [recalled](#) that he was only able to work in Moscow in the 1960s because the KGB banned him from travelling within and around the country. Foreigners have almost unrestricted movement nowadays, except for classified areas and facilities. Nevertheless, it is possible to imagine a situation in which certain regional authorities might ask “foreign agent” journalists to leave their territory.

Even if just a couple of media were declared “foreign agents”, it would have long-term consequences for the whole sector. State TV programmes have already been suggesting that the remaining independent Russian media are traitors and turncoats. An example being the series of broadcasts on Channel One about the Echo of Moscow radio station – which was accused of “being caught cooperating with Western NGOs” in the “Echo of the State Department” programme. A week after that broadcast aired, one of the radio’s presenters, Tatyana Felgenhauer, was attacked.

## **Two worlds - two laws**

What happened to RT was only a pretext for the State Duma’s amendments. Russia Today is not the first Russian media to be registered as a “foreign agent” in the USA. TASS had this status from 1947 until 1992, as did Vladimir Gusinsky’s *Mediamost* company from 1995 to 2001, and RIA *Novosti* since 2003.

According to American law, legal entities and individuals engaged in lobbying and internal affairs at the request of any foreign state must undergo this procedure. The law requires such entities to submit reports to the US Ministry of Justice twice a year. The “foreign agent” status does not affect their work in the USA itself, which means that the American regulations are not discriminatory.

Russian amendments pave the way to a full-scale informational iron curtain in the future. State Duma deputy, former TV presenter, and vice-president of the All-Russia State Television and Radio Broadcasting Company, Evgeniy Revenko [warned](#) that media representatives could face criminal charges for refusing to fulfil their obligations as “foreign agents”. In order to achieve this, media would need to be added to Article 330 of the Russian Criminal Code, which currently provides for up to two years in prison for violating the requirements concerning “foreign agent” NGOs. It is unclear who would be punished in the case of foreign media – their directors and editors-in-chief are not based in Moscow. Hence, such amendments would probably most affect foreign-funded Russian media projects on the ground.

The Federation Council’s commission on Russian state sovereignty went even further, and [proposed](#) that foreigners should only be allowed to cover socio-political issues via Russian intermediaries. Does this mean that New York Times and Guardian reporters will be forced to have curators at the MFA or Russia Today agency? The head of the State Duma committee on information policy, Leonid Levin, [clarified](#) that nobody will interfere with foreign media covering the Russian elections. Nonetheless, nothing can stop the lawmakers returning to this possibility later, during Putin’s fourth term.

It is clear that the new regulations have several goals – to complicate the foreign media’s job, to gradually drive editorial offices with foreign funding out of Russia, to regulate the activities of independent media startups and Telegram channels, and to reduce the credibility of the independent mass media in Russia. Most importantly, by adopting these amendments, the authorities will undermine the credibility of journalists by questioning their impartial status and legally equating them with biased participants in an information war.

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