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Russia's 'Undesirables' Law Expected to Boost Media Self-Censorship

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Under Russia's anti-extremism laws, media outlets that receive two warnings from Roskomnadzor within a one-year period can have their licenses revoked.

Russia's media, already feeling its way uncertainly through a darkened maze of vaguely worded laws, will be forced to up its self-censorship by new legislation that bans the activities of "undesirable" foreign nongovernmental organizations and makes media outlets liable for spreading information about them, critics of the new law say.

President Vladimir Putin's approval of legislation on Saturday that prohibits foreign organizations deemed to threaten "the foundations of the constitutional system of the Russian Federation, its defense capabilities and its national security" has been interpreted as an attack on Russian activists by rights groups. But in addition to isolating Russian civil society activists from their foreign counterparts, the law also bars individuals and media outlets from reproducing materials published by these "undesirable organizations."

First presented to the State Duma in January, the law also prohibits these "undesirable organizations" from establishing or supporting media outlets and local media-focused NGOs in Russia, according to the Organization for Security and Cooperation in Europe (OSCE).

The latest version of the legislation does not specify the penalties media outlets could face for violating it. It does mention, however, that individuals found guilty of "participating" in the activities of "undesirable" organizations can face a fine of up to 15,000 rubles ($300) for a first offense. A second offense can lead to six years behind bars.

Lawmaker Anton Ishchenko, one of the authors of the law, told The Moscow Times that it won't prevent news organizations from reporting on "undesirable organizations," but it will bar them from publishing slogans or providing links to the material published by these entities. Ishchenko did not specify the consequences media outlets could face for violating the legislation, nor did he elaborate on whether news organizations will be allowed to quote representatives from the "undesirable" foreign entities.

Playing It Coy

Ishchenko — who dismissed the OSCE's claim that the legislation would undermine media freedom — could not provide an example of a foreign organization that would be deemed "undesirable." According to the law, the Prosecutor General's Office will decide whether an organization is "undesirable" using evidence provided by federal security and law enforcement agencies.

"My wish is that no organization makes it onto the list," Ishchenko said. "But if there indeed are foreign organizations that threaten Russia's security, then they must be stopped."

The legislative initiative has attracted wide-ranging criticism. Rights organizations like Human Rights Watch have claimed the "undesirable organizations" law will further weaken Russian civil society. In a statement published last week, the OSCE Representative on Freedom of the Media, Dunja Mijatovic, urged Putin to veto the bill in order to "protect pluralistic debate." The legislation's wording, which she claimed was "broad and imprecise," would constrict democratic rights, including freedom of expression and of the press, her statement said.

Blurred Lines

The prospect of being punished for publishing content from "undesirable organizations" blurs the fine line between what Russian media outlets can and cannot publish legally. Already, editors may think twice about publishing material on LGBT themes, wary of falling foul of a law banning the ill-defined "promotion" of non-traditional sexual relations to minors. Likewise, a law banning the public promotion of Nazi symbols has been cited in warnings issued to news websites that ran photos from the scene with stories about vandals defacing a war monument in Siberia with graffiti of a swastika.

The absence of clear guidelines on what is permissible and what is not under the new law can only reinforce the already widespread practice of self-censorship among the country's media outlets, according to independent observers.

"Initiatives like these are aimed at increasing the self-censorship of Russian media outlets," said Ivan Pavlov, a prominent human rights lawyer and head of the St. Petersburg-based Freedom of Information Foundation, which has frozen its activities after being given the politically charged "foreign agent" label by the Justice Ministry last year.

"The authorities are trying to bring self-censorship, a concept that normally belongs in the moral sphere, into the legal sphere in the current political context."

Pavlov said civil society and independent media outlets would have time to ponder ways to sidestep the law, which he expects to be implemented no sooner than six months after its adoption. After Putin signed legislation in 2012 that required Russian NGOs that receive foreign funding and engage in broadly defined political activity to register with the Justice Ministry as "foreign agents," many organizations changed their official mandate or registration to avoid being affected by the legislation, he said.

There are currently 64 NGOs, including prominent human rights group Memorial, listed on the Justice Ministry's "foreign agents" register.

Tightening the Screws

As it increased its control over NGOs, the Kremlin has also moved to tighten its grip over the country's media environment by selectively blocking access to news sites and adding additional restrictions to media ownership laws.

In 2013, Russia adopted legislation allowing prosecutors to block websites without a court order. The new prerogative was then used against several opposition websites and news outlets, including Grani.ru and Kasparov.ru, which had been critical of the Russian government. Putin also signed legislation requiring bloggers with more than 3,000 unique daily visitors to register with state media watchdog Roskomnadzor and to observe the regulations imposed on media outlets.

The threat of being prosecuted for extremism hangs over Russia's news organizations. The maximum fine news organizations can be issued with if found guilty of inciting or vindicating extremist activity has increased tenfold, to 1 million rubles ($20,000), under legislation Putin signed earlier this month.

The former editor of independent news website Lenta.ru, Galina Timchenko, was abruptly dismissed last year after her organization received an extremism warning from Roskomnadzor for publishing an interview with a Ukrainian ultranationalist leader. She was replaced by journalist Alexei Goreslavsky, widely viewed as espousing pro-Kremlin views.

Other opposition-minded outlets, including radio station Ekho Moskvy and investigative newspaper Novaya Gazeta, have each received a warning for their coverage of Russia's alleged involvement in the Ukraine crisis.

Under Russia's anti-extremism laws, media outlets that receive two warnings from Roskomnadzor within a one-year period can have their licenses revoked. More than 4,500 websites were blocked last year after Roskomnadzor determined that they contained extremist materials, the Interfax news agency reported last month.

Russia currently ranks 152nd in Reporters Without Borders' 2015 World Press Freedom Index, finishing behind Zimbabwe.

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