[RU] Code on Administrative Offences Adopted

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After lengthy consultation, the new Code on Administrative Offences of the Russian Federation has now been adopted by the Federal Assembly and signed by the Russian President, Vladimir Putin. The Code will enter into force on 1 July 2002. The code deals extensively with administrative offences related to the right to seek, receive, and impart information.

There are two types of administrative offences outlined in the Code: those which were in the Soviet Code of 1984 on administrative offences and those which are being included in the Code for the first time. In contrast to the Soviet Code on administrative offences, the new Code establishes that administrative penalties may be imposed not only on natural persons and officials but also on legal entities. This means that if a media organization is registered as a legal entity, then the organization, the journalist, and the editor-in-chief may all potentially be held liable under the Code for the offence committed.

If an administrative offence is committed, the entity or person judged guilty of the offence, may receive a warning or be required to pay an administrative fine.

The first offence on the list is encroaching upon citizens' rights. For example, violating the established procedure for publishing documents connected with preparation and conduct of elections and referendums by mass media shall entail the imposition of an administrative fine.

Second, violating the terms and conditions provided for by the laws on elections and referendums with respect to canvassing and campaigning during a referendum on television, radio or the press are also punishable.

The other offences concerning the infringement of electoral legislation by media outlets and journalists are as follows:

- conduct of a pre-election campaign and canvassing during a referendum, when it is prohibited by the law, as well as conduct by a person whose participation in the pre-election campaign is prohibited by federal law;

- failure to provide the right of reply (in defence of honour, dignity or business reputation) to a regisLaw and tered candidate prior to the termination of the election campaign, where the provision of such a right is obligatory.

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The Code also states that officials may be held liable for infringing on the right to information. According to the Code, an unlawful refusal to provide a citizen with documents or materials which directly concern the rights and freedoms thereof of that citizen in the established procedure, failure to make such documents and materials available in due time, failure to make other information available in the cases provided for by law, and the provision of incomplete information or information known to be unreliable, shall all entail an administrative fine. Previously, offenders could be subject to civil, criminal and/or summary punishments.

A number of administrative offences listed in the Code also concern the activity of mass media and journalists. The Code enumerates the following offences:

- violating a procedure for collecting, keeping, using, or disseminating information about citizens (personal data);

- divulging information, which, under federal law, should not be divulged (except for cases when disclosure of such information is criminally punishable), by a person who received such information while carrying out his/her official or professional duties;

- producing and/or broadcasting television, video, documentaries, and feature films, as well as computer files and programs which contain subliminal messages and/or may harmfully influence someone's health;

- impeding lawful dissemination of mass media products, or imposing unlawful limitations on retail sale of an edition of a periodical;

- violating the rules of disseminating obligatory information;

- artificially impeding steady reception of radio and television broadcasts;

- producing or disseminating products of unregistered mass media as well as producing or disseminating such products after the decision to terminate or suspend the media outlet has been made in the established procedure;

- producing or disseminating mass media products without indicating the imprint thereof in the established procedure, as well as indicating incomplete imprint or an imprint known to be false;

- violating, through an advertising agent, advertising legislation (improper advertising or refusal of counter-advertising);

- displaying fascist products or symbols for the purpose of popularization of such products or symbols.

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Kodeks Rossiyskoy Federatzii ob administrativnih pravonarusheniyah #195-FZ, Rossiyskaya gazeta, 31 December 2001

http://www.rg.ru/oficial/doc/codexes/APK/

Code on Administrative Offences of the Russian Federation, Official Journal, 31 December 2001

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