[RU] “Foreign agent media” list expanded

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On 1 December 2022, a new version of the foreign agents’ law enters into force in the Russian Federation. It merges, updates and replaces the norms that have existed since 2012 in the Statute “On the Mass Media”, as well as in the federal statutes on non-commercial organisations and on public associations (see IRIS Extra 2020).

The new law, “On Control over Activity of Persons under Foreign Influence”, foresees that foreign funding and/or material assistance are no longer obligatory factors in the designation of the status “foreign agent”: a vaguely-defined “foreign influence” is sufficient. The current four lists of “foreign agents” established by the Ministry of Justice under various pieces of legislation are to be replaced by the Register of Foreign Agents and the Unified Register of Individuals Affiliated with Foreign Agents (Articles 5 and 6). Persons on the current lists will automatically be entered into the new ones. The Statute provides for 18 types of activity that are prohibited for “foreign agents” (Article 11). It also provides for obligations related to the permitted activities of “foreign agents”, a system of state control over the activity of “foreign agents”, administrative and criminal liability in case of possible violations, and the procedure for being entered and removed from the above two registers.

The speed of implementation of the Russian law on “foreign agents” has significantly increased since the preparation and start of the full-scale aggression against Ukraine on 24 February 2022. The initial list of “foreign agent media” consisting of ten outlets in 2017-2020, mostly affiliated with the Radio Free Europe/Radio Liberty and the Voice of America, had jumped to 54 by November 2022. The list of individuals with the status of "foreign agent media" increased from five in 2020, to 76 by the start of the war in February 2022, and to 135 by November 2022. In addition, some 21 journalists have been entered into a general list of "foreign agents".

Furthermore, since 2015, several comparable federal Statutes have been adopted, aimed at limiting the activities of foreign entities, including their media activities, as well as the distribution of information, both online and offline. These entities (currently 55 of them) are carrying out an “undesirable activity” from the viewpoint of the authorities. Once found “undesirable”, foreign or international non-commercial organisations have their activities suspended in Russia for an

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indefinite period, which also means a ban on distributing their reports online and offline.

In 2022, the European Court of Human Rights found the legal restrictions imposed by the 2012 “foreign agent” law, as amended, to be an infringement of freedom of expression, saying the interference with the applicant organisations’ rights had been neither prescribed by law, nor had the interference been “necessary in a democratic society”’ (see IRIS 2022-8/29).

О контроле за деятельностью лиц, находящихся под иностранным влиянием

https://rg.ru/documents/2022/07/19/document-inoagent.html

“On Control over Activity of Persons under Foreign Influence”, Federal Statute of the Russian Federation of 14 July 2022 N 255-FZ

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