On 10 November 2017, Russian legislators announced that they were drafting amendments to Russia’s 2012 ‘Foreign Agents Law’, extending its provisions to foreign-owned media outlets. These amendments have been portrayed as a ‘tit-for-tat’ retaliation in response to the US Department of Justice requiring Russian state-funded TV Channel RT to register under the US Foreign Agent Registration Act (FARA).

The Russian amendments were approved on 15 November by the lower house of parliament. They must now be approved by the upper house of parliament, before being signed into law by President Putin. It is understood that the upper house will discuss the amendments on Wednesday 22 November.

The Foreign Agents Law currently requires all Russian NGOs receiving foreign funding and engaged in loosely defined ‘political activities’ to register as ‘foreign agents.’ NGOs must indicate their ‘foreign agent’ status in publications, and are subject to onerous reporting requirements, special inspection orders, and restrictions on the activities they may undertake. Criminal and administrative sanctions for non-compliance include, inter alia, fines of up to 500,000 roubles ($16,000) or imprisonment of up to two years.

The amendments would extend this legislation to cover media outlets registered in foreign countries, and receiving funding from a variety of foreign actors. Once registered as a ‘foreign agent’, the outlet would be obliged to label all transmissions and publications as produced by a ‘foreign agent’.

On 2 January 2019, RFE/RL said it will appeal to the Supreme Court of Russia to throw out the 100,000 ruble fine imposed on it in July 2018 under the
“foreign-agent” law. On 13 December 2018, the Moscow City Court rejected RFE/RL’s appeal following the 21 August 2018 district court decision upholding the fine that was imposed over what the courts ruled was RFE/RL’s failure to comply with obligations to report on its operations in Russia following the designation of it as “foreign agents” by the Justice Ministry in December 2017. RFE/RL has paid the fine but contends that it was unable to fulfill the reporting requirement by the 15 April 2018 deadline because the Justice Ministry, despite repeated requests, failed to provide forms and set out the details of the reporting procedure in a timely manner.

Article by RFE/RL: "RFE/RL To Appeal 'Foreign-Agent' Fine In Russian Supreme Court"

06 Dec 2017: On 5 December 2017, Russia’s Justice Ministry announced that it had designated nine U.S. government-funded press outlets as "foreign agents". The list includes Voice of America, Radio Free Europe/Radio Liberty and seven other affiliates.

Statement by the Russian Ministry of Justice (in Russian)

CPJ Statement: “Russia designates nine U.S.-funded news outlets as foreign agents”

27 Nov 2017: On 25 November 2017 the amendments to the “Foreign Agents” Law were signed by President Putin, thus officially coming into force.

22 Nov 2017: On 22 November 2017 the upper chamber of the Russian parliament approved the amendments to the “Foreign Agents” Law, extending it to media outlets. The law is now awaiting signature by President Putin.

Article on RFE/RL: "Russia’s Federation Council Passes 'Foreign Agents' Media Bill"

ADDITIONAL INFORMATION

Letter from the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression/UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Statement by Article 19: "Requiring media to register as ‘foreign agents’ poses threat to free speech"

FOLLOW-UPS
Broadening of "foreign agents" status for media in Russia detrimental to freedom of expression online, says OSCE Representative

Reacting to the new law, the Council of Europe Commissioner for Human Rights stated that 'these new restrictions on media freedom are highly regrettable'.

Registration of media as "foreign agents" not acceptable says OSCE media freedom representative