

# Free Media in danger - Self-Censorship and Lack of Solidarity

*By Nadezda Azhgikhina, journalist, Russia*

In 2017 the Supreme Court of Russian Federation made a significant decision: All accusations and previous legal actions against Elena Nadtoke, editor of private local newspaper from Rostov Region were regarded as illegal, and it obliged local courts responsible for it and urged them to change their verdicts. This took place after a final verdict of European Court of Human Rights.

Elena Nadtoke and her lawyers, director of Mass Media Defense Center, Galina Arapova and criminal lawyer Tumas Mikasyan, have been waiting 6 years for this decision. It shows that the European Court of Human Rights has an impact.

Although, while several people already got compensations from Russian state, Nadtoke after being punished by "damage of reputation" and verbal assault of local official, criticised in her newspaper, she demanded not only compensation, but changing all legal decisions about her. Nobody did it before. And she won.

## **The case gave hope**

The fact was met with great enthusiasm in media community, all experts said that it gave hope to many other people and their cases, and opened new way to demand justice. At the same time the case showed the big gap between some bright examples of victories of rule of law and the routine of everyday practice in Russian media becoming more and more tough for independent voices and companies.

In parallel since 2014, media experts have counted more than 25 amendments, special recommendations and other legal initiatives associated with media activities demanding new restrictions for journalists and independent media, appeared in actual legislation and its implementation.

Several lawyers report that media and journalists face today new forms of pressure from courts – 5 years ago most of all complaints came from state officials or businessmen, claiming 'damaging for their reputation and privacy'. Today most of complaints come from regulation bodies and governmental institutions.

## **Anti-extremism law as a tool to stop free voice**

The “anti-extremism law” appeared in the legislation as part of the war to fight global terror and especially terror attacks in Russia. However, the definition of “extremism” in the new law was so wide and unclear, that it became a tool to punish and stop critical voices. Dozens of media all over Russia have been brought to court for “promotion hostility to certain groups of people”, among those groups – “police of a local settlement”, “corrupt members or regional administration”, “corrupt lawyers” etc.

During recent years, authorities have been provided with new legal tools to restrict access to information, to carry out surveillance and to censor information online. Among other restrictions, access to a website can be blocked based on its addition to a blacklist allegedly created to protect children from information “harmful for their health”, or because the Prosecutor General deems it contains calls for mass riots or mass public events.

The so-called “Yarovaya Package” (2016) introduced measures to counter terrorism and ensure public security. Telecommunications companies and certain internet service providers should store copies of communications and metadata and disclose them to the authorities upon the latter’s request, without the need for a court order. This initiative passed through despite of hot critics from both legal experts, media business and civil society. The fact is that most of those initiatives restricting media activities never have been widely discussed in Russia.

## **Restriction on foreign investments and International cooperation**

Despite official legal status of foreign investment in the media (limited to 20 %), media owners with any foreign funding say they face unprecedented pressure and prefer to avoid any foreign investment. As a result, a number of media companies with international background or joined funding left Russian market with a significant impact on diversity and pluralism in the media, and hundreds of media workers got unemployed.

International cooperation in the media field and new technologies were welcomed in the 1990’s and enabled a growth of new and efficient initiatives. Now quality of reporting and development of all forms and frames of the field, is no longer welcomed any more as many projects and programs of international cooperation have been frozen or stopped. Mid-career training, management training, and other initiatives supporting media development in Russia and created culture of dialogue, have been forgotten.

Media companies and NGOs are afraid of asking for international grants, being afraid to be regarded as “foreign agents” because of Western funding. Russian governmental or private donors traditionally do not invest in independent journalism, media literacy or journalist education. Very few exceptions like Prokhorov foundation are focused mostly on culture and do not deal with journalism as it is. Advertising market is not enough to fund private media in Russia, so media look for donors and extra funds. The state is the principal player in media market. And critical voices have no chance to get governmental funds.

Political tensions also influenced freedom of the media and media development in Russia. It is not an exaggeration to say that anti-Russian sanctions from US and EU had dramatic consequences for independent media and diversities.

First, financial problems caused job cuts, squeezing of number of papers to Internet, and cuts of investigations and other expensive content. Secondly, most of the legal restrictions for media freedom (and independent NGOs) look like obvious response and reaction of new stages of sanctions. Legal experts say that with any new stage of anti-Russian international sanctions, new legal initiatives of regulations addressed civil society or free media appeared in the picture. As a result, most of the companies practice strict self-censorship – just to avoid court cases or other problems, stop critical investigations and dealing with hot political issues. Those who deal face strong pressure, from all possible sides.

RBK national holding ltd (TV, newspaper and multimedia platform) faced unprecedented court case, after publication of an acquisition of a luxury yacht for property of governmental oil company chief. The case had strong national and international media coverage, and gave a clear signal for media: Never touch people in power.

The reputable regional TV, Tomsk 2 lost its license in open air, formally because of business intrigue, but allegedly because of its independent position. The same happened to the independent national Rain TV after presenting alternative to mainstream political position and giving space to opposition. A big number of regional independent media companies faced blaming on national TV as “Western agents” and “debtors of US State Department”. Mass media Defense Center, Memorial and all other human rights groups are presented as “enemies of the nation”.

### **Journalists in shelter**

Journalists from opposition and critical media also face regular attacks and threats, on line and off line. First of all Glasnost Defense Foundation every week reports about attacks, pressure, censorship and on line and off line threats what happen in all Russian regions. National and International attention attracted recent attacks on “Novaya Gazeta” and “Echo of Moscow” journalists.

In spring 2017, after publication about violation of LGBT rights in Chechnya Chechen Muslim leaders called for “fatva” against journalists from Novaya, and several journalists went into shelter, but nothing happened to the offenders. Julia Latynina awarded the Politkovskaya’s prize in September 2017 did not show up because of death threats. Echo of Moscow journalist Tatiana Felgelgauer was wounded in her office by unknown man in October.

October is month of Anna Politkovskaya assassination 11 years ago. Recent publication devoted to this date in Novaya Gazeta makes in clear lack of political will to investigate all details of Politkovskaya and other tragedies. More than 350 names are in death list of Glasnost Defense Foundation memorial - those who have been killed, disappeared, died in unclear situation etc. during the last 25 years.

Most cases ended with impunity. Free Word Association, a newly established organization of journalists, bloggers, translators, writers and script writers, prepared a report on violation of their rights as it has appeared in Russia during 2016-2017. The report was supported by PEN International and was based on analysis and data of organizations working on freedom of expression in Russia such as Glasnost Defense Foundation and Mass Media Defense.

### **Initiatives of activists – a new threat against free speech**

The report also stresses that there is a new threat for free speech – the so-called “initiatives of activists” - right wing groups of nationalists or religious fundamentalists. Those groups destroy exhibitions and performances, attack journalists and writers and call to kill journalists, civil journalists, LGBT and feminists.

Media lawyer and chair of Mass Media Defense Foundation, Galina Arapova said that partial justice and selective implementation of law (today those protected are only pro-governmental journalists, and those punished only oppositional) is also a problem. It could be changed, she believes, if journalist community – together with civil society- raise their voices and demand rule of law and real justice.

Free media and independent journalism face many challenges today in Russia. The future of free journalism depends, anyway, on solidarity and commitment to fight for media freedom and their rights. As well as end of impunity, and efficient pressure on authorities, demanding respect freedom of the media and journalists rights.