

Mass Media within the Framework of Access to Information: Much Noise, Little Access

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Problem Formulation

Free access of everyone to information is the key principle of free societies guaranteed by constitutions and international laws. This is specified in Article 19 of the Universal Declaration of Human Rights which states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”. These freedoms can be limited in the cases “as determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society” (Article 29). Each freedom guaranteed in the Universal Declaration was “proclaimed as the highest aspiration of people” (Preamble). Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms as well as the documents made by the Convention’s bodies, including the precedents considered by the European Human Rights Court, clearly states that the freedom of everyone’s access to official (administrative) documents in the member-states of the Council of Europe is considered as a means of supervision of the actions taken by authorities and as a democracy status indicator. This freedom is one of the key methods of citizens’ participation in local social life and the social life of the nation as a whole. Information access is a means of ensuring openness in social life.

This means the admission of the presumption of information openness for citizens and the protection of their information rights. This also means the orientation of the key technological components of the information environment (information resources, information/telecommunication infrastructure and information technologies generation, distribution and operation systems) at ensuring free flow of information, the realisation of the constitutional right of free search for, obtaining, production, transmission and dissemination of information.

Open and unlimited dissemination of information being the public domain increases the security and health of society and contributes to higher living standards, since citizens have more possibilities for taking deliberate decisions on the issues relating to their own daily life, the environment and the future.

The fundamental information flow legal regulation principles are covered by international documents in sufficient detail and can be formulated as follows.

The legal equality of all participants in information interoperability regardless of their political, social and economic status based on the constitutional right of citizens of free search for, obtaining, production, transmission and dissemination of information in any legitimate way.

Maximum openness in the implementation of functions by the governmental bodies, as well as by all other public bodies¹, with provisions for informing society of their activities, subject

¹ The term “public authorities” implies all the authorities that are in some way connected with performing the public service functions: the official governmental authorities of all levels, elected offices of all levels, other administration and governance authorities that are established in accordance with the legislation to serve the public interests, state enterprises and corporations, judicial authority, quasi-autonomous non-state agencies, intergovernmental and interstate organizations and agencies, as well as nongovernmental organisations performing public service functions (for instance, managing road or communication

to the limitations placed by the national legislation.² This means that any information² possessed by the governmental bodies or local self-government should be open and accessible, except the clearly limited substantiated list of the information, which is not subject to public access.

It is necessary to oppose the practice of classifying any information. The governmental bodies and local self-government should carry out information training of their staff who should be well aware of the significance and content of the laws regarding the right of citizens in respect to access to information, the procedure of exercising the right of access to information, the content of information sources, etc.

Mandatory publishing by the governmental bodies and local self-government of key information on their activities, including:

- information on the legal status and the goals of operations, as well as of its daily activities, including the decisions related to the support of public interests;
- information on the procedures of relations with citizens (the procedures of making queries, appeals against actions, etc.), as well as on the procedures ensuring direct participation of individuals in the taking of decisions and/or legislative initiatives;
- information on what information resources and information sources are possessed by a governmental body or local self-government;
- information on the content of the decisions or actions of a governmental body or local self-government related to the support of public interests, including the reasons for taking this or another decision or taking this or another action, as well as the documents, materials and other information sources which were directly related to the taking of this or another decision or this or another action.

Information access limitation is deemed an exception from the general information openness principle and is used only in accordance with laws, including regard to the right of ownership on information. Responsibility for its safekeeping, its classification and declassification is personified.

The scope and content of the information, which is not subject to public access, should be clearly defined. Information access limitations should apply only if:

- the reasons for information access limitation are clearly and definitely established by law;
- access to information may inflict irreparable damage on an interested party;
- such damage should be greater than public interest in access to such information³.

The procedure of obtaining information should be as clear and easy as possible. Information queries should be considered within a clearly defined timeframe. The query consideration period should be clearly determined by the period of time required for selecting the required information (information sources) or the preparation of a substantiated refusal to provide information, but should not exceed 15 to 30 calendar days.

infrastructure.) The private companies and organisations should also provide open information regarding those activities that are related to the key public interests, such as environmental protection and public health.

² The “information” here implies a wide range of documents and materials, which are related to the work of the public authorities, regardless of the form of information storage (paper, electronic, or other), the data sources, or the date and place of publication.

³ The official authority or municipal government should prove that uncovering the information could, indeed, bring significant harm to the interested party. Even if such evidence is provided, the information could still be deemed open, if it concerns substantial public interest. The information availability should be determined by its content rather than its formal connection to the limited access areas. In a number of cases the limitations for information access should be time-restricted.

Sanctions for non-provision of information should be strict and firm. To provide real access to information for individuals, it should be established that causing obstruction to access to information or intentional modification or destruction of information is a criminally (administratively) punishable act. Provisions should be made on a mandatory basis for sanctions for intentional distortion of the content of information sources.

UNESCO documents stress that government entities play a leading role in broadening the availability of the information being public domain for the population and use thereof by citizens. To successfully handle this role, the government should develop an integral, consistent and comprehensive national information policy ensuring the development, dissemination and use of the official information being the public domain.

With regard to these principles the Rights Protection Foundation under the title of “Information Access Freedom Commission” regularly carries out reviews of the status of information access for various categories of the population. Some deliverables of these studies are given in this review.

Information Access Monitoring

Information access has been monitored in Russia since 1996 when the newly established Commission on the Freedom of Access to Information carried out a study of journalists’ access to information which was quite strict in methodological terms for the first time in Russia after the Perestroika⁴.

Then the Commission on the Freedom of Access to Information carried out a second study which differed from the first one by studying access of information not only by journalists but also by different categories of citizens, and a procedure such as expert poll was also used⁵.

A major research under the title of “Status Analysis and the Development of Proposals for Optimising the Operation of the Mass Media Supported by the Regional Issues Fund (the City of Cherepovets)” was carried out in 2000. The issues relating to information access were studied in that paper, apart from other issues⁶.

A study under the title of “Analysis of Relationships between Local Self-Government Bodies and Local Television in Small and Medium-Sized Cities of Russia and Making Proposals for Addressing the Problems Which Arise between Them” was carried out on the order of Internews in 2001. In particular, empirical materials regarding access to information by journalists and other categories of citizens was gathered, systematised and analysed in the course of the study.⁷

The Commission on the Freedom of Access to Information implemented a major project under the title of “Mass Media and Local Self-Government Bodies: Interaction for Improving the Information Openness of Authority”⁸ for the purpose of making recommendations in

⁴ See: *Russian Journalism: Freedom of Information Access*. Moscow, 1966.

⁵ Naturally, the research authors fully realised that the survey methodology is not the best instrument for obtaining the necessary information. When analysing the problems of the Russians’ access to the information, it is necessary to start with determining the initial knowledge level of the citizens. Evidently, the simplest way of determining this level is offering the respondents to answer certain questions and make a conclusion regarding the knowledge level based upon the quality of these responses. Unfortunately, this method is rather labor-intensive and expensive. Therefore, the authors had to select another way. It was offered to the survey participants to make a self-assessment of how well-informed they are in various spheres of public life. Clearly, the results of such self-assessment cannot be regarded as a valid indicator of this parameter; however, they could be used for identifying a number of relationships and regularities that are crucial for this study.

⁶ For details see: Report entitled “Status Analysis and Recommendations Development for Optimising the Functioning of the Mass Media, which are Supported by the Regional Problems Foundation (City of Cherepovets)”. Available at the library of the Independent Institute of Communication.

⁷ For details see: *Local Television, Authorities, Population: Information Openness as a Foundation of the Social Partnership*. Moscow: 2001.

⁸ The project was funded by the Open Society Institute (George Soros Foundation). Project head – I.M. Dzyaloshinsky.

respect to improving the information openness of local self-government bodies, including proposals for improving relations between local self-government bodies and local mass media. Provisions were made at one of the project stages for obtaining the required information and analysing the real picture of the information openness of local self-government bodies.

A project under the title of “Developing the Methodologies of Setting Tolerance Guidelines in Society via the Mass Media” was implemented in 2004 where an attempt was made to assess the degree of the information openness of various social structures and to identify relations between the tolerance level of the population and the information openness level of various social structures.

Reliable information was received in the course of the research in respect to:

- the overall assessment of the information openness of the governmental bodies and local self-government by the population;
- the priorities in terms of various information issues in the eyes of the population;
- the overall assessment of the population in respect to the activities of governmental bodies aimed at addressing information issues;
- the acceptability by the population of existing and proposed measures aimed at improving citizens’ awareness;
- the history of changes in the public opinion regarding information issues as a result of mass media activities, the implementation of public participation event programmes, public relations, as well as under the effect of other factors.

The data produced in the course of the research carried out by the Commission on the Freedom of Access to Information in the recent years demonstrates that the number of the respondents who regarded their awareness of the key spheres of social life as high does not exceed 10-15 per cent. As regards the operations of the governmental bodies, the number of the respondents who regarded their awareness as high varied from six to ten per cent (depending on the region), while 30 per cent of the respondents regarded it to be medium, over fifty per cent regarded it to be low and about 15 per cent found it difficult to answer.

In 1997, 19 per cent of the respondents quite frequently faced denial of information, while 56 per cent of the respondents noted that information was denied to them sometimes. According to the statistics for 2002 and 2004, the number of the respondents to whom information was frequently denied is steadily close to 23-25 per cent. The number of the people who claim to face denial of information in big cities is greater than in other kinds of cities.

Much attention was paid in the course of polls to the issue of the information openness of various organisations and departments. In particular, respondents from various regions were asked to remember whether they had to apply to various governmental bodies, departments and organisations for the information relating to their direct operations. The results produced demonstrate that public and rights protection organisations and the organisations of educational institutions reply to information queries about their activities most frequently.

As regards information privacy leaders, the top three are the staff of government companies and organisations, both stated-owned and private financial establishments, the staff of law enforcement, judicial authorities, the staff of local self-government bodies.

The available data allows to identify the key reasons to which those who hush up information refer in explaining to citizens why they deny the possibility of providing the information they are interested to know.

Most frequently (24 per cent of the cases) the denial of information is not explained at all. If the entities, which deny information, condescend to any explanations, then the explanation

that traditionally ranks first is “The management prohibited to release information”. This reason is followed by reasons such as “the absence of the employee”, “insufficient time or funds for information search”, “the absence of the required information”, “references to the classified nature of the information”. If compared with data for 1997, it turns out that references to the classified nature of the information are used significantly less frequently now (11 per cent in 2004 against 24 per cent in 1997). Explanations such as “The absence of the employee, insufficient time or funds for information search” are less frequent (24 per cent in 1997 and 13 per cent in 2004), as well as the absence of the required information (27 per cent in 1997 and 12 per cent in 2002). But the denial of information is significantly more frequently explained by direct prohibition of the management (8 per cent in 1997 and 20 per cent in 2004).

So what do the people to whom information was denied in response to their query? Approximately 14 per cent of the respondents comfortably accept the denial as the sole right of the information owner. 11 per cent refuse to interact with such an information source. Accordingly, virtually a third of the respondents use the avoidance technology. An approximately similar number of the respondents (32 per cent) apply to the direct or superior management of the person hushing up information (the pressure technology). Slightly over 25 per cent of the respondents try to convince the information owner that the information owner is not right (the persuasion technology). Every tenth respondent referred to laws. Three per cent of the respondents claim that they appealed to court. Accordingly, 13 per cent of the respondents recall laws. Finally, about 10 per cent of the respondents try to influence the information source with the use of “informal” techniques, including the offering of a “remuneration”.

An attempt was made in the course of the research to establish the information activity level of the respondents. Information activity was understood as the frequency of the efforts applied for obtaining additional information⁹.

The data produced demonstrates that approximately 18 per cent of the respondents can be considered to show high information activity since they claimed that they tried quite frequently to obtain additional information on various issues they were interested in. 36 per cent of the respondents try to obtain additional information sometimes. All others do it either rarely or never attempt to obtain additional information or found it difficult to answer this question.

If the data for 2004 is compared with the data for 1997, when a similar poll was carried out, it seems like the information activity level of the population declined significantly. If 24 of the respondents sought additional information quite frequently in 1997, the percentage in 2004 was 16 per cent. The number of those who sought additional information at least sometimes also declined.

Since quite a significant part of the respondents needs additional information and makes certain attempts to find it, it is reasonable to ask what measures the respondents would agree to take in order to have more freedom in obtaining information.

The available data demonstrates that a significant portion of the respondents find it difficult to answer this question. In other words, people do not care about this. The breakdown of the respondents who agreed to answer this question was as follows: 22.5 per cent were willing to spend much time but were not willing to spend money; 20 per cent were ready to give up information search if this process required money or time to be spent; 6 per cent were willing to pay any amounts of money just not to waste time; others found it difficult to answer.

A direct question was asked to the respondents: what measures contributing to more freedom in obtaining information do they agree to? Two ready answers were proposed: “A tax for the

⁹ I.e., the information that for various reasons failed to reach an individual through regular channels.

development of the information sphere” and “The introduction of a charge for the provision of information services (including a subscription fee for television)”. The answers given demonstrate again that a significant portion of the population has no clear idea in respect to the possible measures required for information sphere development. Approximately 25 per cent of those who answered this question said something like they would not agree to any measures, which would require any costs from them personally. About 20 per cent of those who are willing to sacrifice something agree to pay personally for the information they need, slightly over 11 per cent would agree to a tax. Accordingly, it can be stated that the respondents prefer not to think about any radical information sphere restructuring plans. However, in comparing data for several years, one can notice that the number of the respondents willing to agree to the introduction of a charge for the provision of information services (including a subscription fee for television) grew from 9.6 per cent in 1997 to 20 per cent in 2004.

Mass Media in the Dissemination of Socially Important Information: Public Opinions

As regards analysis of the sources from which the population draws information about various segments of social life, the following can be stated. The main information source about any segments of social life for the respondents is the mass media followed by communication at work and communication at home. Internet does not come within miles of these traditional information sources. There are just two spheres where Internet is more or less conspicuous as an information source: culture and education. The subjects that discussed at work are education, culture, and the activities of local self-government bodies. The preferred issued for discussion at home are household and utility services, education and culture.

Analysis of the replies given by the respondents to the question of the key information sources confirmed the law, which was identified many times: it is particularly television, which is the most significant information source for Russians. Television is followed respectively by newspapers, radio, friends, acquaintances and colleagues. Magazines come last. This hierarchy virtually does not depend on the profile of the respondents or on their residence address: magazines and other information sources sometimes swap positions in some groups (friends, acquaintances, colleagues; Internet; rumours, gossip).

Since it is the mass media which is the main source from which the population of Russia draws information, questions were asked to the respondents in the course of this study for the purpose of obtaining information about the respondents’ vision of the functional distinctive features of the local mass media and the subjects which, in the opinion of the respondents, should be in the focus of attention of the local mass media.

Analysis showed that the hierarchy of the tasks that, in the respondents’ opinion, the local mass media should address is as follows. The instrumental and pragmatic capabilities of the mass media, namely its ability to give practical information, reference, advice, to render assistance in particular situations rank first. Then, in the respondents’ opinion, the mass media should help address epistemological tasks such ensuring the possibility of expressing various opinions, analysing events, seeking ways to address problems. The third group mentioned by the respondents included social and political tasks: monitoring the operations of business and political entities. This group is followed by tasks such as facilitating mutual understanding and the resolution of disputes (the intermediary function which caught the attention of forty per cent of the respondents). Other tasks were mentioned by less than one third of the respondents.

A task such as criticism of the activities of the authorities ranked tenth and last (Table 1).

Table 1

Vision of the population in respect to the tasks of the local mass media (on the whole for all respondents)

Tasks	%
Giving practical information, reference, advice, etc.	69.2
Helping people in particular situations	60.7
Informing of the events which take place, covering city life	58.3
Expressing the position of the governing bodies of a settlement	54.1
Giving the floor to the representatives of various viewpoints, reflecting the diversity of opinions, sentiments	52.8
Analysing the events which take place, seeking ways to address problems	52.4
Monitoring the operations of business and political entities	51.0
Facilitating mutual understanding of people, resolving disputes	40.2
Providing the possibility of having fun and nice time	36.4
Organising people for reaching common goals	35.1
Shaping certain political views of people, invoking active social actions	31.8
Criticising the actions of authorities, particular people and population groups	30.6

Mass Media in the Dissemination of Socially Important Information: Journalists' Opinions

In considering the mass media from the viewpoint of participation of this institution in the dissemination of socially important information, journalists point out that contemporary Russian mass media is first of all the means of advertising and PR. It is the political technologies and advertising staff that most frequently determine the key subjects for the mass media, the participants in the media field, the emotionality and relevance of materials. Since mass media production and distribution costs in Russia exceed by many times mass media revenues, including advertising, government subsidies, subscription and retail sales, editorial boards have to forget about any independence in choosing the subject or field of investigation.

Another issue which prevents the mass media from being considered as a reliable source of socially significant information is the high degree of dependence on authority which has absolutely no desire to pay regard to the distinctive features of the press as an independent social institution and is trying to make journalists its handymen who must execute the orders given to them from above.

As regards federal mass media, especially television, the leaders of Russia seem to have learned the lesson of “those who controls information have power”. Accordingly, it is not surprising that authorities tried hard to impose stricter controls of television news achieving minimisation of the criticism addressed to them. Except several newspapers capable of publishing various views and a number of Internet sites, the status of independent mass media in Russia is not delightful. Out of three national television channels the authorities own Russia and a control stake in the First Channel. The authorities also have a control stake in Gazprom, which in turn has a control stake in NTV. The authorities also control the biggest radio stations such as Mayak, Radio Rossii and ITAR-TASS and RIA Novosti agencies. As it was noted in the review under the title of “Mass Media in Russia 2004. Analysis, Trends,

Forecast” (M., 2005), the nature of relations between authorities and mass media somewhat changed in 2004, though all changes took place in accordance with the impetus given in 2000: the information security doctrine followed by the information field “cleanup” from dissent, the nationalisation of federal television channels, effective introduction of censorship and self-censorship in the mass media. An information monopoly was introduced in Russia since the First Channel and RTR, the two main national television channels in Russia, overweigh all other 15 thousand mass media sources released in Russia in terms of their coverage and influence. Only unidirectional propagandistic coverage of subjects such as Chechnya and YUKOS, the policy of the Russian Federation President on the whole, human rights is possible at these television channels like in other state-owned mass media sources, some persons are prohibited to be shown live, and live programmes are no longer shown.

The heads of local administrations see the local mass media first of all as something like an additional information and analytical service, as well as public relations division, but in no way a controller or a source of criticism of their actions. In their opinion, the press should be something like a permanent rostrum from which only those who have thoughts and proposals that can be useful to authority can speak. The journalists proper should be just moderators or translators of positions and viewpoints in this case. Given all investment differences in the age, education and life practice, the heads of administrations consider the mass media as an exclusively information and propagandistic extension to administration rather than as an independent civil society institution or a special relatively independent information business. Many of them are originally convinced that the business of journalists is to help them, the leaders, to address the problems they face.

It is not surprising that the research carried out by an organisation under the title of Public Expert Examination showed that the overwhelming majority of journalists feel censorship limitations (Table 2).

Table 2

Breakdown of replies to the question of “Do you feel censorship in your work?”

Replies	%
Feel self-censorship	40.0
Feel censorship from authorities	29.5
Feel censorship from the founder	20.7
Feel censorship from the editor	10.5
Do not feel censorship	8.8
Difficult to reply	5.3
No reply	1.8

Therefore on the whole, the freedom of speech rating made by Reporters without Frontiers, a reputable international rights protection organisation, where Russia ranks 140th among 167 countries looks quite objective in respect to Russia. Only Turkmenistan, North Korea, Belarus and some African countries are worse than Russia.

Non-Provision of Information to Journalists or Causing Obstructions to the Dissemination of Information

Analysis of the materials produced in the course of the research shows that the frequency of denials of information to journalists has been fluctuating around a certain “axial” level. Approximately 30 per cent of journalists complained in 1996 that information was frequently denied to them; the number of journalists having complaints in 1997 was 24 per cent; the

number of the journalists who claimed with confidence that information was frequently denied to them was 29 per cent in 2002 and 30 per cent in 2004. The number of the journalists who claimed that information was denied to them but rarely has also been stable at 60 per cent all those years. We are not going at all to dwell on the content of the issue of who and what kind of information requests and how legitimate is the denial of information. It is clear that the denial of information can be quite legitimate or can be a blunt violation of law¹⁰. We are interested in this case in the formal stability of the proportion: 30 journalists out of 100 claim that information is frequently denied to them, 60 journalists out of 100 say that information is denied to them rarely and 10 to 15 persons say that they have never come across denials of information. It seems to us that this proportion demonstrates not as much the so-called objective level of information privacy as the professional community structure in which just a small portion will fully comply with the unwritten rules of the game and information will not be denied to them; approximately one third of them will work on the verge of the allowed in any, even the most liberal environment, and information will be frequently denied to them; most professionals will come close to the limit of the forbidden rarely, will be knocked down and will drift to the allowed zone from this forbidden limit and not approach it for a long time.

If the history of information denials to journalists for the recent several years is traced, one can see that the governmental bodies, parties, public movements and state-owned companies have become more open. Business, financial establishments, individuals have become more private.

Law enforcement authorities have not changed their information policy during all these years (35 to 40 per cent of information queries have not been satisfied during those years).

A typical example of the attitude of law enforcement authorities to the mass media is the memo of the head of the Russian Federation Ministry of Internal Affairs Administrative Department V.A. Maydanov No. 1/1224 of March 4, 2005, under the title of "Recommendations for Responding to Mass Media Criticism in Respect to the Operations of Internal Affairs Authorities". For the purpose of preventing "information threats" Paragraph 1.2 of the given Recommendations instructs: "The execution of measures by the staff of information, regional and public relations divisions of the Russian Federation Ministry of Internal Affairs Main Department for federal Okrugs, the information and public relations divisions of the Ministry of Internal Affairs, the Main Department of Internal Affairs, the Department of Internal Affairs of the constituent entities of the Russian Federation jointly with the staff of investigative divisions aimed at identifying the possible organisers of PR events for the purpose of discrediting militia operations (goals, objectives, amounts of investment) in order to take counter-measures, as well as to publish retractions in the mass media".

However, there are many others who wish to introduce censorship. A little-known entity under the title of North-Western Okrug Consumer Rights Protection Public Committee advanced the initiative of "previewing television programmes to be shown on television for the purpose of preventing the promotion of violence, sexual perversions and drugs" several years ago in Saint-Petersburg. In fact, the association of citizens proposed their assistance in carrying out "socially useful" pre-censorship. The Saint-Petersburg mass media supported by human rights advocates from Civil Monitoring did not take kindly to the initiative of the

¹⁰ The problem of the denial of information is not as simple as it seems at first glance. The quantity of denials without an analysis of each case can be interpreted both as an indicator of informational closeness of a governmental department (region, organisation) and as a specific feature of the professional activity of a concrete journalist, and as an indicator of a professional journalist culture type. Indeed, a journalist can inquire about information, being fully aware that he will not provided with it. He will do that because such behaviour concerned with the penetration into "prohibited areas" is regarded professionally right in the the consciousness of the group he belongs to. And, vice versa, if the journalist belongs to another group where it is regarded to be professionally right to keep to some unwritten rules of the game and not to ask the newsmakers about things it would be undecent to ask about, he would never complain of a denial of information. Lena Tregubova has told about that very colourfully in her "Tales of a Kremlin's Digger".

“workers” and raised a scandal. “The Public Committee” tried to win the favour of the local Legislative Assembly deputies, but they kept indifferent to the dubious initiative. So the committee’s activities faded away.

There was also the initiative of the Soviet (Council) of People’s Deputies of Oryol Oblast in respect to the introduction of mandatory ethical and aesthetical censorship of electronic and printed mass media. Oryol legislators addressed President Vladimir Putin, the Russian Federation Government, the Federation Council and the Russian Federation State Duma (Parliament) asking “to take firm measures in order to change the national mass media policy”. “The problem of evil and defiling effect of the mass media and especially television on the growing generation admits of no delay. The global molestation of children’s souls cannot be stopped without changes in the national mass media policy and the introduction of ethical and aesthetical censorship”, the document said.

Nikolay Volodin, the Chairman of Oryol Oblast Soviet of People’s Deputies, said that the deputies had to adopt the appeal in connection with complaints from “the representative of common people” against the mass media which were addressed to Yegor Stroyev, the Head of Administration of the Oblast. The President did not respond to the initiative. So far...

An enthusiast team from the so-called “family-territorial committees” in the city of Omsk carried out an event in the course of which volunteers watched all television programmes broadcasted in the city. Then the committee activists wrote a letter to Vladimir Radul, the Vice Governor of Omsk Oblast for Ideology, in which they demanded “to clear the air of violence, cruelty and sex”. The letter was signed by over six thousand city residents. No particular complaints were made in the letter: no television programme, no film, which caused resentment of the public, were named.

By the way, it is very curious that the public addressed their calls to authorities rather than to the mass media.

Journalists (over 50 per cent of the journalists who information has ever been denied) name the prohibition of the management to release information as the main reason to which those who hush up information refer. This reason is followed by an explanation such as the unwillingness to wash dirty linen in public (it was heard by about 30 per cent of the journalists) and references to the classified nature of information (27 per cent). The same number of journalists received no explanations as to why information was denied to them. As compared with previous years, the situation has slightly changed. Firstly, the number of references to the classified nature of information reduced. Evidently, it is clear without any special comments that the matter is not that journalists are requesting information of classified nature less frequently but that officials resort to this explanation less frequently knowing that a journalist may check the degree of secrecy. There have been fewer references to incomplete information, the absence of special staff, time or money required for information search, the reluctance to deal with the press in general or with a particular mass media in particular. However, the number of references to the ban on releasing information placed by the management has more than doubled as compared with 1997. The number of cases when information is denied without any explanations – just so – has nearly doubled.

In response to information denials journalists use various methods of impacting those who hush up information. The journalists’ main weapon in this unequal struggle has been during the recent years the ability to convince the one who denied information to still give the journalist the possibility of getting access to the information. However, it should be noted that the number of the journalists resorting to this well-proven tool declined by 15 per cent in absolute terms. (60 per cent of journalists in 1996 and 1997 and 45 per cent of journalists in 2004). The number of the journalists who refer to law has declined: 35 per cent in 1996, 41 per cent in 1997 and 25 per cent in 2004. There are fewer of those who use the so-called unofficial methods of impact: 19 per cent in 1996 and 1997 and 10 per cent in 2004.

Respectively, there is an increase in the number of the journalists who resort to another well-proven means of pressure: informing their own management of the impossibility of doing the job in view of the fact that the management has its own capabilities to impact the information owner. The number of the journalists who did not respond to information denial in any way sharply increased from 3 per cent in 1996, 13 per cent in 1997 to 20 per cent in 2004.

All this data can be interpreted as follows: many journalists no longer consider obtaining information as a personally significant issue that has to be addressed by all means. Obtaining information has become a routine business, which more frequently requires the execution of some formal activities while in the case of any contingencies responsibility is transferred to the upper layers of the editorial hierarchy.

The employed methods of impacting the information source have frequently been quite efficient. At least a very insignificant number of the journalists replying to this question indicated that such methods have not helped them at least once. The use of various pressure techniques on the information source always results in obtaining the required information in three cases out of ten and such methods produce an effect sometimes but sometimes produce no effect in 6 cases out of ten. In other words, it can be stated that relations between the information source and journalists in respect to the provision of information are of non-legal nature. Information may be given or denied not because someone should provide it or does not have the right to provide it but because a journalist has been able to insist on it or to influence the information source in any way.

However, the entities denying information or impeding its dissemination avoid using the notion of censorship, though it is obvious that such actions in their essence are particularly censorship, though such censorship is subtler than the former Soviet Glavlit.

However, completely blunt cases happen, like arresting newspaper runs which is frequently done under a made-up pretext that has nothing to do with mass media operations. The corresponding incidents are frequently covered by the materials of the centre for Journalism in Extreme Situation.

How do journalists respond to all those cases? Unfortunately, it has to be stated that the weak and segmented journalist community virtually does not resist to the infringement on its rights. Occasional acts of indignation are left effectively unnoticed. Moreover, the data produced in the course of the research demonstrated that most regional journalists are quite sceptical about the media independence idea. Nearly 70 per cent of the polled journalists are confident that the state has the right to and should interfere with mass information processes.

Internet as the Means of Dissemination of Socially Significant Information

The number of Internet users in Russia is approximately 15 million people. According to the forecast of the Information Technologies and Communication Ministry, the number of Internet users in Russia may exceed 20 million people by the end of 2005 and will reach 50 million people by 2010. However, according to specialists, there are no more than a million active network users. A high degree of information inequality between particular groups of the population and between the regions of Russia should be noted.

But this is not a reason for not claiming that the cyberspace potentially can significantly enhance the positions of an individual and small social groups in the information system.

Internet has become the conduit of information space globalisation process in Russia. By obtaining free access to powerful foreign mass media, including the mass media of the highest quality, any Russian Internet user can check information with domestic mass media and assess the situation at a different angle of view. Currently one does not have to know a foreign language, since many foreign press publications are available at inopressa.ru.

Alongside with the Internet the users now can establish communities and communicate directly. This possibility has been in full demand. A parallel information system has started developing in the network from various private initiatives.

Tools such as IRC channels, guestbooks at author sites, various kinds of forums, mailing lists, chats and ICQ have been in full demand and Internet has become an interactive live environment.

Many sites (over 1000 by now) filed for registration as mass media bodies. Most periodicals have sites in the web.

However, it should be noted that internet information is trusted in society less than all other mass media sources: according to the results of the recent research, just 2% of the respondents trust Internet.

Officials and some public figures have been looking for the ways of saving Internet users from harmful information all the recent years. Andrey Romanchenko, Deputy Head of the Federal Press and Mass Communications Agency, mentioned the need for filtering the content of materials in the network more than once. Lyudmila Narusova, a senator from Tyva, proposed to equate Internet to mass media which would allow to hold liable the developers or authors of the sites disseminating untrue information. Yuriy Luzhkov who proposed to clearly define “the rights and obligations of network users” insisted on the same thing. Minister of Culture and Mass Communications Aleksander Sokolov called on the government to assist in bringing network users in order. The statements that have been made promised a sad future to the Russian network segment (Runet). But the President promised a certain guarantee of virtual freedom at the end of last year calling the Internet the most democratic means of dissemination of information. In addition to that, he made a reservation that he would not like free dissemination of information in the Internet to be limited under the pretext of fighting criminal trends.

While some people speak about controls over Internet, others implement various projects providing the access of security services to the information transmitted via electronic communication channels (from regular phones to cellular and paging systems). It turned out unexpectedly that Russia still does not have the legislative acts that could guarantee reliable protection of personality, society and state in electronic information.

Protection of the Freedom of Speech and the Freedom of Information Access

It should be mentioned that the actions aimed at imposing government control over the mass media and Internet cause an adverse reaction from the public. The corresponding resolutions were taken at the rights advocates’ congress, the congress of Yabloko party, other public organisations. The representatives of the Saint-Petersburg Civil Resistance arranged a picket at the open studio of Channel Five at Malaya Sadovaya Street. The resistance movement which includes Yabloko Party, NBP, the Social-Democratic Party, the Committee of Unified Action for the Protection of Citizens’ Rights and other organisations supporting social security beneficiaries’ protests against the monetisation demanded that a live weekly talk show is introduced at Channel Five and the floor is given to the “political opposition”. Besides, the civil resistance representatives rallied generally against censorship at local television.

Ella Pamfilova, the Chairman of Board for Assistance in the Development of Civil Society Institutions and Human Rights under the Russian Federation President, also declaimed censorship and addressed Vladimir Ustinov, the General Prosecutor of the Russian Federation, requesting for legal appraisal of the aforementioned memo No. 1/1224 of March 4, 2005, issued by V.A. Maydanov, the Head of the Russian Federation Ministry of Internal

Affairs Administrative Department. E.A. Pamfilova says in her letter: “Without disputing the rights of the militia to protect the honour, dignity and business reputation by all means which are not prohibited by law, rights advocates draw your attention to the fact that the recommendations signed by V.A. Maydanov are in conflict with a number of provisions of the Russian Federation Constitution and with the provisions of Federal Law “On Militia”. Article 2 of Federal Law “On Militia” contains the exhaustive list of the tasks addressed by the staff of internal affairs authorities, and “forecasting possible information threats” is not on the list.

In the opinion of E.A. Panfilova, the inclusion of the measures aimed at opposing the dissemination of objective information into the recommendations mailed to internal affairs authorities casts doubts on the readiness of law enforcement entities to work in the environment of transparency and openness to society. It is this corporate privacy, which does not contribute to the development of an environment of trust of Russian citizens to the militia operations and willingness to assist militia in the extremely important public order protection activities.¹¹

According to IA REGNUM Agency, the management of the Union of Journalists of Karelia addressed Dmitriy Mikhaylov, the Republic’s Minister of Internal Affairs, calling on him to eliminate obstacles in providing access to the information, which does not present an official secret. Such an address was caused by the complaints of Karelian journalists in connection with the activities of the State Road Safety Inspectorate Department Press Group, which refuses to cooperate with non-municipal periodicals referring to some ban placed by the Head of Department Vladimir Dubinin. In this connection the head of the Karelian Union of Journalists proposed to the Minister of Internal Affairs to remind his subordinates of the need for strict compliance with Russian laws.

In Quest of a Solution

All of the above leads to the understanding of the need for developing and implementing a national programme for facilitating free access of citizens to information. If the essence of this programme is described in brief, the following should be pointed out:

The Information Openness of the Governmental Bodies and Local Self-Government Should Be Improved

To address this task, a number of legal, institutional/technological and economic measures should be implemented.

First of all the mechanism of practical exercise of the constitutional right of the freedom of obtaining information should be launched. The legal basis for such a mechanism should be made by clear legally defined rules, terms and procedure in respect to obtaining information by citizens from the governmental bodies and local self-government, from other government and non-government legal entities, as well as in respect to direct access to government and non-government information resources. Legislation regarding the operations of the governmental bodies and local self-government should fix the duties and responsibilities of such authorities and their officials for informing citizens and all structures of society, for providing information services to them, for the accumulation, storage and use of government information resources within the scope of competence of such authorities. This will allow to improve the credit of governmental and local authorities in respect to information, law and order, and to significantly limit the possibility of corruption in the bodies of authority.

Simultaneously to that, access to certain kinds of information should be limited exclusively within the limits of legislation for the purpose of protecting the personal rights and freedoms

¹¹ Source: <http://www.regnum.ru/news/427660.html>

of citizens, the interests of business and other entities of society, state and national security. A particularly balanced approach is required in respect to personal data handling, since it is this segment where threats to the personal life integrity and infringement of rights of personal, family and commercial secret are most likely in the case of both excessive government interference and unauthorised activities of non-government entities.

As regards institutional and technological level, the legally defined duty of the governmental bodies and local self-government in respect to the provision of information services to the public should be addressed exclusively for the benefit of the consumer so that the consumer could obtain the required documented information with a guarantee of its reliability in the place and time convenient to the consumer and in various standard forms. The information provided by the governmental bodies and local self-government should be broadly available to all social groups. Therefore the costs of provision of information can be covered at the consumer's expense only on a non-profit basis, within a limited scope and with differentiation between the kinds and forms of provision of information. Up-to-date information and communication technologies provide broad possibilities of addressing this task as required.

A Dialogue between Society and Authority Should be Stimulated

A significant role in enhancing interaction with the public can be played by consultative public councils and commissions under the governmental bodies which should specialise in generalised lines of activity of such bodies. The key task of such entities is to identify socially significant issues, the attitude of the public to the ways of addressing them proposed by authority, establishing the possible compromise and the least controversial solutions, if conflicts arise. The practice of the consulting entities operating under various governmental bodies shows that if the approach to establishing and managing the operations of such entities is inadequate, there will be a significant danger of their degeneration due to the inability to fulfil the tasks set.

Direct interaction between the governmental bodies and the public is based on the provision of certain information by the officials of such bodies. Therefore not only the efficiency of such interaction but also the basis possibility of its implementation wholly depends on the realisation of the need for ensuring the information transparency of its operations and maintaining an active and open dialogue with society and its entities by state authority.

Society Should Become an Efficient Management Information Generator

Not only the system of governmental bodies and local self-government, but society itself are a strong source of information. However, to make this information capacity be able to be used efficiently for the benefit of the development of each personality, society and state as whole, the institutional structuring of society is required which is an important step on the way towards the development of a democratic civil society.

It is well known that the political, public, professional, corporate and other entities of society generate significant information volumes. The presence of multiple structured and ranked independent information sources broadens the possibility of obtaining reliable information to a mass user in the form convenient to the user, creates the environment for accelerating and raising the reliability of the information support of the management decisions taken by the governmental bodies, the efficiency of the information support of public political and social activities, as well as for the generation of public opinion and its influence as a real "fourth authority" in a democratic society.

The Mass Media Can and Should Become an Efficient Institution of Information Development

Many issues related to the freedom of access to information for journalists, to the legal protection of personal secret in the mass media, the protection of citizens and society from false and unfair information disseminated in the mass media still remain outstanding. The mass media are failing to fulfil their educational tasks and the tasks of preserving and developing national cultures in full.

It is obvious that the development and implementation of the Programme for Facilitating Free Access of Citizens to Information will require revision of multiple established ideas and the involvement of significant intellectual and financial resources. However, it is not less obvious that the development and implementation of the Programme will mean significant advance of Russia on its way of integration into the world community. New possibilities will be ensured in respect to regular communication of information about political and social/economic life to the population by the governmental bodies and administration. The development and continuous improvement of legislation, legal and institutional mechanisms will allow to efficiently control relations between all political life entities as they exercise their information rights and duties, to establish a system of independent and open monitoring of the government's activities.