

RUSSIA

1. GENERAL INFORMATION ON MEDIA AND MEDIA USE

Literacy and education The literacy rate in the Russian Federation for adults (percentage of people ages 15 and above) is 99 per cent.

Media landscape In 2007, according to the data of the Federal Agency for Printed Media and Mass Communications, a total of almost 72,000 mass media were registered in the Russian Federation, among them over 59,000 printed media. This number includes 35,500 newspapers and weeklies (7,374 all-Russian and 28,126 regional and local periodicals). However, not all of them actually appear. According to experts' assessment, out of the 26,980 officially registered newspapers (2007) only 17,000–18,000 are actually printed (the 2007 report of the Federal Agency for Printed Media and Mass Communications on the Russian market of periodicals). 1,978 radio stations were registered in Russia in 2007. 113 of them were broadcasting in/from Moscow and 91 in/from St Petersburg. There are 2,500 registered TV stations.

Party media Several of the 15 officially registered Russian political parties own newspapers, particularly Unified Russia (the overwhelmingly largest party in the Parliament), the Communist Party of the Russian Federation, the Union of Right Forces, the democratic party Yabloko, and the Patriots of Russia.

Internet media Apart from the online versions of many countrywide newspapers, there are thousands of internet newspapers and media outlets. The internet remains the most open, independent and pluralistic information space and is fast growing. The number of internet users grew by 40 per cent in 2007 and reached 35 million (24.6 per cent of the total population of Russia, which is 142 million people).

In 2007, the Foundation for the Defence of Glasnost registered five cases of censorship related to online information resources out of the total 33 registered cases of censorship in the mass media. One of those five cases was registered in Moscow. Apart from this, the foundation has registered 41 cases of hindering the operations of a series of internet editions, particularly those highly critical of the government.

General media access In 2006, 99 per cent of the population of the Russian Federation (over 140 million) were covered by the existing TV broadcasting networks. About 1.5 million people (1 per cent of the population) had no access to TV (particularly in the remote mountainous districts of the Northern Caucasus, southern Siberia, Far East, or in some northern regions of the Russian Federation).

The coverage has slightly improved since the early 1990s (in 1990, 2.1 per cent of the population had no access to TV). More important, however, is that Russia is increasingly covered by multiple TV stations. In 1990, 36.4 per cent of the Russian population were able to receive three or more TV programmes. By 2006, this had increased to 88.3 per cent. In 1990, 4 per cent of the population were able to receive only one single TV station. By 2006, this number had dropped to 1.4 per cent (data of the Federal Statistical Service of the Russian Federation, 2007).

About 21 per cent of the total population of Russia (about 30 million) do not read any newspapers, although this is not a question of the availability of the papers but, rather, a reflection of the generally declining interest in newspapers. Local printed media have the biggest circulation (over 30 per cent of the audience) followed by regional press (about 30 per cent) while the federal daily press has the lowest circulation (18 per cent of the audience).

The number of those with access to the internet is growing fast, although it still remains relatively low. In 2001, 29 people out of 1,000 used the internet. This number increased to 246 (35 million) in 2007, which corresponds to growth by a factor of 8.48 within six years.

How frequently do citizens use the media as a source of information? Federal TV channels are used very often (85 per cent of Russian citizens receive their information from the federal TV broadcasts), regional TV channels are used often (40 per cent), the press is used often (31 per cent), the internet is used often (25 per cent), regional radio is used only occasionally (13 per cent), local radio is used occasionally (10 per cent).

Media consumption

How significant is the influence of the media on the formation of political opinion? Radio and the internet have rather little influence, while the press and regional TV enjoys significant influence. Federal television is highly significant for the formation of political opinion.

Media influence on political opinion

The social background of media consumers does affect the level of influence of specific media. This is particularly true with regard to the limited access of low-income social groups to the satellite and cable TV networks, as well as to the internet (16 per cent of the population live below the poverty line). The regional differences as well as the gaps between the urban and rural areas do affect the influence of different media. Those social and regional differences strongly affect the diversity of the media available to specific groups of the population, thus affecting their ability to freely seek and disseminate information.

Over the past few years, the interest of the public in general information has decreased following an increasing trend of depolitization of public opinion, particularly among the younger generations. These trends have contributed to the increased importance of the federal (state or state-controlled) television, widely available virtually for free, as a major source of information, while the circulation of the countrywide newspapers of general interest has gradually been dropping (an average Russian spends 13 minutes daily on reading newspapers). The spread of satellite and cable TV, as well as that of the internet in urban areas, has not yet compensated for this development.

All levels of government (federal, regional and local) are widely represented in the media market, although there are significant differences as far as particular types of media are concerned.

State-owned media

The Federal Media Law (Article 19) stipulates that editorial departments exercise their profession independently. Interference by government authorities (as well as by other actors) in their work is prohibited (Article 58). The Media Law does not directly regulate the procedure for appointing the editors-in-chief who take the final decisions on every issue. It leaves that to the media outlet's own regulations, which are passed by a two-thirds majority of the members of the editorial departments and approved by the owner. In practice, editors-in-chief of state-owned media are appointed by the relevant government or their appointment is overwhelmingly influenced by the government. Wherever professional boards assist the government in decisions, political opposition has no influence on them.

While the market for countrywide newspapers is dominated by the private media (only one countrywide newspaper is owned by the state), broadcast public opinion as well as the regional and local media landscapes are marked by the hegemony of the state-owned media. Two-thirds of TV and radio stations at all levels are state owned or controlled. Over 40 per cent of local and regional newspapers are owned or controlled by local or regional governments, although the presence of private printed media in the market differs from one region to another.

State-owned media and published opinion

The hegemony of the state-owned media is particularly strong among the sources of information most often used by the population – federal TV and the local media – with the exception of the fast growing internet. The coverage of the state-owned media is either very friendly towards the government or is degrading into pure propaganda.

The countrywide press is more diverse and pluralistic than the TV coverage. There is a reasonable degree of diversity and pluralism in the private radio coverage as well.

The Media Law (Article 38) provides that the authorities will inform the mass media about their activities by responding to requests for information, holding press conferences, and by disseminating reference, statistical and other materials. Editorial departments can request relevant information from any government agencies (Article 39). The provision of information can only be denied if it is a subject of state, commercial or other secret protected by law (Article 40).

Government press conferences Access to specific governmental agencies, including to press conferences, is provided through accreditation. Events attended by accredited journalists can be recorded. The law does not discriminate against the mass media as far as their access to government agencies is concerned. However, the accreditation of any journalist can be withdrawn provided he/she or the editorial department have violated the rules of accreditation or have disseminated information damaging the honour and dignity of the agency concerned (Article 48). Though it must be confirmed by a court ruling, this defamation clause leaves room for practical discrimination against individual journalists or media.

The Foundation for the Defence of Glasnost registers relatively high numbers of cases where access to relevant information has been denied to journalists, including the denial of permission for audio or video recording or photographing of individual events, refusal of requests for accreditation, restriction of attendance and observation of various public meetings held by the authorities). In 2007, the foundation registered 238 such cases (in 2006: 240, in 2005: 233, in 2004: 213, in 2003: 109).

A special law of 15 December 1994, amended on 16 October 2006, regulates the coverage of the activities of the authorities by the state-owned media. It gives the accredited media representatives the right to retrieve or copy records of open meetings made by the press services of respective agencies, or to record those meetings and broadcast press conferences in both audio and video format (Article 4). The law further details which information provided by which government authorities' press services it is mandatory for the state-owned media to reproduce.

2. LEGAL ENVIRONMENT

Freedom of expression Article 29 (1) of the constitution of the Russian Federation guarantees freedom of opinion. Article 29 (2) prohibits the propagation of social, racial, national or religious hate or enmity, as well as the propagation of social, racial, national, religious or linguistic superiority. This article, as with the whole of Chapter II of the constitution establishing individual rights and freedoms cannot be subjected to any amendment.

While freedom of expression can in principle be exercised by virtually any group, the political opposition and non-governmental organisations most critical of the government are refused access to the state controlled media. Thus the opportunities for expressing the full diversity of interests are limited.

Free media coverage Article 29 (4) of the constitution establishes that everyone has the right to freely seek, receive, transfer, produce and disseminate information by any legal means. The listing of information that is subject to state secret protection is established by federal law. Article 29 (5) guarantees the freedom of the mass media. This article, too, as with the whole of Chapter II of the constitution, cannot be subjected to any amendment.

The civil code of the Russian Federation protects the honour and dignity, as well as the (business) reputation of Russian citizens without particularly specifying those of officials (except for the president of the Russian Federation). Under the civil code and the Media Law, mass media responsible for the dissemination of 'false information' can be obliged by a court to pay compensation to the individuals or organisations concerned.

*Regulation of
media coverage*

Similar cases, and particularly those of 'deliberate' dissemination of 'false information', however, can be treated under the criminal code should the individual or organisation concerned claim the 'false information' disseminated represents 'slander'. In the case of a criminal offence the penalty can reach from financial sanctions and barring journalists from exercising their profession (for up to five years) to imprisonment.

The final choice of route (apart from some fine nuances) remains with the individual or the organisation which intends to bring a media outlet to court. For a variety of reasons, defamation claims are predominantly brought to the courts under the civil code procedure and are seldom treated as a criminal offence. The number of such cases brought to the courts has been permanently growing since 1994, often threatening to bankrupt the media concerned.

For almost eight years after 1997, the Supreme Court of the Russian Federation discussed the implementation of the defamation clauses in the Russian legislation. In 2005 it agreed on a resolution establishing that the claims should be proportionate and should not undermine the existence of the media concerned.

In 2007, the Foundation for the Defence of Glasnost registered 220 civil cases against media outlets (229 in 2006, 382 in 2005, 373 in 2004, 378 in 2003). 124 cases were completed, 64 of them (more than 50 per cent) were lost by the media. At the same time, it recorded 46 cases of the criminal prosecution of journalists in 2007 (48 in 2006, 42 in 2005, 35 in 2004, 34 in 2003).

There is no special legislation determining access to information and/or the protection of the privacy of 'office bearers'. The Media Law mainly refers to the general limits established on the access and the dissemination of information established by the Russian laws on the protection of state secrets and personal data.

Media coverage is regulated by the Media Law of 27 December 1991, with later amendments. It is also regulated by a wider set of media legislation including, apart from the basic Media Law, such acts as the law regulating the coverage of government activities by the state-owned media (1995), the Law on the Languages of the Peoples of the Russian Federation (1991), as well as the provisions of other laws relevant to media coverage, such as of those on elections and combating of extremism.

The constitution of the Russian Federation (Article 29(5)) prohibits censorship. So does the Media Law. Article 3 of the latter prohibits government officials, institutions, organisations and agencies, as well as non-governmental organisations from demanding that editorial departments obtain their permission prior to publicise any information or materials. Neither does it allow the imposition of any prohibition on the dissemination of information or materials, or of their parts. The law prohibits establishing and funding any organisations, institutions and bodies, or of any job positions whose functions would include exercising censorship of the mass media.

The constitution of the Russian Federation (Article 55 (3)) allows that individual human rights and freedoms are limited to the extent necessary to protect constitutional order, public health and morals, the rights and legitimate interest of other individuals, and in the interest of the defence and security of the country. Under the Martial Law (Article 56), freedom of opinion and media freedom may be restricted or suspended.

The basic Media Law has incorporated specific restrictions on the free access and dissemination of information introduced by other laws, particularly by the legislation on combating extremism and on elections. The access to and the dissemination of information on any special counterterrorist

operation is practically exempted from the regulation by the Media Law and is governed exclusively by the commander of the operation. This tacitly gives the person in charge the right to exercise censorship.

The Media Law in principle does not exempt any individuals, groups, institutions or issues from free coverage by the media. However, there are some restrictions established by related laws and partially incorporated into the media legislation. Those restrictions include the following, in particular: Information about candidates (parties) disseminated during electoral campaigning will exclude any attempts to establish a negative image of the rival candidates. This clause is often interpreted as prohibiting any critique of candidates (parties) running in the elections. Breaches of this clause may result in the seizure of the printed materials or a prohibition of broadcasting the relevant materials.

In a special anti-terrorist operation, information gathering and media coverage is determined by the commander of the operation. The coverage of anti-terrorist operations is in general subject to tough restrictions while the dissemination of the information about the individuals involved and about their families is governed by the laws on state secrets and on personal data.

The dissemination of any information about any organisations that have been banned by a court decision and which have been included on the list of extremist organisations is prohibited unless the material explicitly refers to their legal ban.

The Media Law of the Russian Federation does not exclude any individuals, groups of people or organisations from working as journalists or from expressing their opinions, provided they exercise their profession legally (i.e. the media concerned are duly registered, and the journalists have appropriate identification cards).

Any examination of the media reports by state authorities prior to their publication or broadcasting falls under the definition of censorship and is prohibited. However, the examination of the video materials submitted by political parties or candidates for free broadcasting by public TV during election campaigns can be seen as an exemption from this rule.

There are no government committees or bodies that are entitled to regulate media coverage. However, a governmental regulatory body – the Federal Agency for the Supervision of the Implementation of the Legislation on Mass Communications and on Cultural Heritage has specific powers related to the registration of media outlets as well as to the suspension or the termination of their activities on the grounds of violating the law.

Changes in the past five years The 1991 Media Law has been amended nine times since 2003 (it was amended five times from 1992 to 1999, and another six times from 2000 to 2002). Apart from some technical amendments, the most relevant amendments incorporated tougher provisions as a result of the amended legislation on elections, and on combating terrorist and extremist activities. Those amendments included an expanded definition of abuses of freedom of the media (Article 4) to include the dissemination of public appeals supporting or justifying terrorism or extremism, or of any information about any organisation that has been banned by a court decision and included on the list of extremist organisations. The 2006 version of the article also included the clause giving the commanders of antiterrorist operations the power to determine the gathering of information about the conduct of the operation. It also prohibited the dissemination of information on the means and tactics used during any anti-terrorist operation, and included an explicit reference to the laws on the protection of state secrets and personal data to govern the release of any information about those involved into the operation;

The amendments introduced since 2003 have resulted in more than a 'slight aggravation' of the free media coverage, but can hardly be described as a 'strong aggravation' as they do not change the original legal regime covering the mass media in the Russian Federation.

The Law on Combating Extremism of 2002, amended in 2006 and 2007, has expanded the grounds for restricting free media coverage particularly for the activities of special services and forces.

The major modifications to free media coverage took place either before or at the very beginning of the past five years. Those changes tightened government control over the federal TV, local and regional TV, radio stations and the printed media. Over the past five years, this control has been consolidated. These modifications have resulted in a strong aggravation of free media coverage.

Censorship is prohibited by the constitution and the law. However, it remains an informal practice in both the state and private media. In 2007, the Foundation for the Defence of Glasnost registered 33 cases of censorship, mainly by local authorities (2006: 28, 2005: 23, 2004: 29, 2003: 12).

Legal censorship

Before they start operating, all mass media outlets must be registered with the designated state registration agency, or with its territorial branch. Exemptions from the registration requirement include mass media established by the authorities for the purpose of disseminating official materials; periodicals printed with fewer than 1,000 copies, radio and TV programmes broadcast through cable networks limited to one state body, educational institution or enterprise, or with no more than ten recipients; audio and video programmes disseminated through no more than ten copies.

Media licences

The registering state agency is part of the government structure and is neither independent nor impartial. The registration can be refused if the application is submitted by individuals or entities not eligible to establish a mass media outlet; the information provided is false; the title, thematic focus or specialisation of the media outlet abuses the freedom of mass information; or if another mass media outlet with the same form of dissemination is already registered under the same title.

Any changes among the founders of the media outlet, or in the title, language, form of dissemination or territory covered require a re-registration.

The registration can be cancelled by the ruling of a court if: it has been obtained in a fraudulent way; the registered medium has not been published (or broadcast) within a year of registration; the statute or the agreement with the editorial department has not been approved within three months of the publication of the first edition (or broadcast); or if the media outlet has been registered for the second time

The operations of a mass medium can be terminated by the ruling of a court if it has, within 12 months, repeatedly abused the freedom of the press and has been repeatedly warned by the registering state agency. Its operation can also be terminated if it has failed to implement a court's decision suspending its operations.

In 2007, the Foundation for the Defence of Glasnost registered 15 cases of mass media operations being terminated (all had local or regional dissemination with the exception of an over-regional TV programme). In 2006, it registered 26 such cases, 23 in 2005, 16 in 2004 and 7 in 2003. This makes up less than 0.1 per cent of all the registered mass media, which justifies the conclusion that registration is withdrawn rarely.

Journalists do not require any special state permission or certification. Journalists have the legal right to attend public meetings of the government and parliament if they are accredited. Although the law does not discriminate against mass media as regards their accreditation rights, the latter may be affected by the rules of the relevant authorities, which also have the right to withdraw accreditation if a journalist violates established rules or on the grounds of defamation. Journalists attending public meetings of the government have the right to record them, or to receive copies of the records made by the press service of the relevant agency.

Journalists' legal status

Cases of journalists being excluded from their jobs are rare. More often they are subject to criminal prosecution or unlawful dismissal. In 2007, the Foundation for the Defence of Glasnost registered 12 cases of unlawful dismissal of editors or journalists (2006: 6, 2005: 11, 2004: 5, 2003: 14) and 46 cases of criminal prosecution of journalists (2006: 48, 2005: 42, 2004: 35, 2003: 34).

The Foundation for the Defence of Glasnost records denials of permission to record or photograph public meetings, refusals of requests for accreditation, and restrictions on the attendance and observation of various meetings of the government. In 2007, it recorded 238 such cases (2006: 240, 2005: 233, 2004: 13, 2003: 109).

Russian media legislation provides legal remedies to protect the rights of the media and journalists. The legal practice indicates, however, that media and journalists seldom win cases against the government.

Monopolies and cartels In the Media Law, there are no specific clauses prohibiting cartels in the media market. However, this market is subject to general rules which do not allow monopolies or the establishment of cartels in individual sectors.

3. POLITICAL CONDITIONS

Coverage of marginal groups The diversity of the printed press ensures that the political concerns and interests of different sections of the population are represented in the media coverage. However, the predominance of the state media in the most relevant segments makes this representation largely marginal. The opportunities for expressing different, publicly relevant social and economic interests, from those of pensioners and housing communities to political opponents, is insufficient and is hindered for political, economic and legal reasons.

While the political opposition attributes this to government policy seeking to manipulate the media, the government itself claims it wants to exclude corruption of the mass media by business and extremist political groups, as well as to exclude hostile influences from abroad.

Although political opponents, non-governmental organisations or social movements are not explicitly denied the right to seek and disseminate information, the exercise of this right is limited by the government through reduced access to the most relevant state media and government information, by economic means, labour legislation and taxation, a deficient distribution system and other sanctions. There is a strong tendency towards marginalising media that are critical of the government.

Self-censorship Self-censorship is a widespread practice across the whole spectrum of media, including TV, radio and the press. This is particularly true with regard to the state owned media. The delegation of censorship functions to the editors-in-chief, who are given full responsibility for the content of media coverage and sole power for deciding which material is or is not published (or broadcast), has largely replaced censorship by government authorities; it has become an issue of editorial politics.

State repression If not with outright repression, journalists and media are confronted with different sorts of sanctions from the state if they do not follow established rules that are often applied by the authorities. However, these rules are not necessarily linked to media coverage of a particular issue. Those sanctions include: denial of access to information (238 cases recorded in 2007); moral compensation claims (220); temporary detention of journalists by police, security services, etc. (140); seizure of an individual edition of a periodical (92); criminal prosecution of journalists (46); denial of access to printing facilities (34); practices of unofficial censorship (33); termination of the opportunity to broadcast (27); termination of a media outlet (15); unlawful dismissal of editors and journalists (12); termination of the office lease for media outlets (7).

Obstacles to internet access Access to the internet is free with the exception of schools, where access to the worldwide web is filtered in order to exclude sites which are not compatible with educational purposes.

Changes in the past five years The Foundation for the Defence of Glasnost registers an increasing number of conflicts related to freedom of information in Russia. In 2007, it has registered 1,502 such conflicts (2006: 1,345, 2005: 1,322, 2004: 1,236, 2003: 1,119 conflicts. This constitutes a 34 per cent growth over the past five years.

Growing particularly quickly is the number of cases of temporary detention of journalists (140 cases in 2007 versus 22 in 2003), seizure of an edition (92 cases versus 32), unofficial censorship (33 cases versus 12), denial of access to information (238 cases versus 109), termination of the publication (15 versus 7), and criminal prosecution of journalists (46 cases versus 34).

The effect of those sanctions on the present situation of freedom of media can be evaluated as strong aggravation on the scale applied. The reasons for this development seem to be both the widespread fear within the government of a kind of 'orange revolution', and the approach of the crucial parliamentary and presidential elections in December 2007 and March 2008, which were meant to ensure a smooth transfer of political power from President Putin to his successor Dmitrii Medvedev.

The state-owned media do not control either the distribution of paper, or the distribution networks. However, the deficient residual distribution system lacks proper competition and is still controlled by the government, making the distribution very expensive for the independent press, or impossible if entry into the distribution system is denied. *Government control over print media*

The government also controls access to broadcasting facilities and, indirectly, printing facilities. Such controls are used not to influence the content of the mass media but, rather, to sanction the most critical media. In 2007, the Foundation for the Defence of Glasnost registered 27 cases of access to broadcasting facilities being denied (18 in 2006, 23 in 2005, 14 in 2004 and 24 in 2003) and 34 cases of access to printing facilities being denied (50 in 2006, 38 in 2005, 33 in 2004, 65 in 2003). Thus the authorities often apply sanctions to the private media.

4. ECONOMIC PRESSURES

Most of the regional and local state-owned media receive subsidies from the regional and/or local budget. At the same time, the private media are not supported by public money. While there is no consolidated data available on local government spending on the media, in 2006 the Federal Agency for Printed Media and Mass Communications launched public grants to support socially relevant projects in the mass media. In 2006, it disbursed grants amounting to 127.582 million roubles (EUR 3.5 millions). Apart from this, the agency supported periodicals for disabled people with a further 23 million roubles (EUR 640,000 Euro). *State subsidies*

The amount of public support received by the media, however, is negligible when compared with the media market. In 2007, the capitalisation of the three biggest media holdings (Rambler, RBC and STS) exceeded USD 7.5 billion. The total value of the mass media advertising market in the Russian Federation amounted in 2006 to USD 6.5 billion. The cash flow for just printed periodicals amounted in 2007 to USD 4 billion (the 2007 report of the Federal Agency for Printed Media and Mass Communications). The coverage of the subsidised media is extremely friendly to the government, often degrading into propaganda.

Media companies have to struggle with a great number of problems, which include, inter alia, the declining interest of the population, an unstable regulatory environment, a rigid taxation system and accounting requirements, a deficient distribution system, deficits in the regulation of intellectual property rights, an underdeveloped advertising market, and badly developed but potentially promising regional and local media markets, still dominated by the state-owned media. *Further aspects*

5. NON-STATE REPRESSION

A greater number of conflicts related to the freedom of press is registered, which can be attributed to the non-governmental 'repression' of journalists. Those include the following: attacks on journalists (75 cases registered in 2007, a total of 371 from 2003); intimidation of journalists (27 cases in 2007, 147 from 2003 through 2007); attacks on the offices of editorial departments (11 cases in 2007, 74 from 2003); and the murder of journalists (eight cases in 2007, 58 from 2003). *Repression by non-state groups*

The people and/or organisations behind the attacks are not exactly known since the official investigations do not usually succeed. The background of the recorded cases justifies the view that there are a great variety of motives behind them; these include political (government critical journalists and media are often a target for attacks), business and criminal motives. The data above also justifies the conclusion that non-state 'repression' is often used against journalists and the media.

The state authorities have proved both unable and/or unwilling to effectively prosecute attacks against journalists. It is notable, however, that journalists are not an exceptional example of the inefficiency of law enforcement in the Russian Federation. It is also true that the authorities often perceive journalists, particularly the independent ones, as an unwelcome challenge, who rather than deserving protection from the authorities have to be protected against. The feeling of being not protected by the state is widespread among journalists.

Changes in the past five years The intimidation through non-state repression has remained, on average, at the same level over the past five years.

6. CONCLUSIONS

Freedom of the media: general situation The general situation of the freedom of media in the Russia Federation can be characterised as freedom of the (political) media with major restrictions. The free coverage of the media has been strongly aggravated over the past five years.

Changes in the past five years The major obstacles to a free media include tight government control over state-owned media; informal influence by the government authorities on either the major stakeholders of the media holdings, or through editors-in-chief on the editorial policy of many private media outlets; sanctions applied to most critical journalists and media; economic problems; a deficient, inefficient and excessively expensive distribution system; and declining interest of the population, particularly of the young generation, in the printed press.

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FURTHER READINGS

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