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Administrative liability for fake news in Russia

The State Duma of the Russian Federation adopted in its final reading a draft Federal Law supplementing the Code of Administrative Offenses of the Russian Federation (the Code) with three new offenses in connection with dissemination in the media and the information networks, including the Internet, of false socially significant information under the guise of reliable messages (the so-called "fake news"), and measures of liability for their commission depending on severity of consequences:

| Code | Elements of an offense | Liability |
|------------------|---|---|
| Art. 13.15 p. 9 | <p>Dissemination of false information has created:</p> <ul style="list-style-type: none"> - a threat of harm to life and (or) the health of citizens, property - a threat of mass violation of public order and (or) public safety or - a threat of interfering with the functioning or cessation of the functioning of life support facilities, transport or social infrastructure, credit institutions, energy facilities, industry or communications, <p>while the actions of the person disseminating the information do not contain a criminal offense.</p> | <p>Administrative fine:</p> <ul style="list-style-type: none"> - on citizens in the amount of from 30,000 to 100,000 rubles with or without confiscation of the subject of an administrative offense; - on officials - from 60,000 to 200,000 rubles; on legal entities - from 200,000 to 500,000 rubles with or without confiscation of the subject of an administrative offense. |
| Art. 13.15 p. 10 | <p>Dissemination of false information has caused interference with the functioning of life-support facilities, transport or social infrastructure, credit institutions, energy facilities, industry or communications,</p> <p>if these actions of the person disseminating the information do not contain a criminal offense,</p> <p>or a repeated commission of an administrative offense under of Art. 13.15. Part 9 of the Code.</p> | <p>Administrative fine:</p> <ul style="list-style-type: none"> - on citizens in the amount of from 100,000 to 300,000 rubles with or without confiscation of the subject of an administrative offense; - on officials - from 300,000 to 600,000 rubles; - on legal entities - from 500,000 to 1 million rubles with or without confiscation of the subject of an administrative offense. |

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| <p>Art. 13.15 p. 11</p> | <p>Dissemination of false information has caused:</p> <ul style="list-style-type: none"> - death of a person, harm to human health or property, - mass violation of public order and (or) public safety, - termination of the functioning of life support facilities, transport or social infrastructure, credit institutions, energy facilities, industry or communications, <p>if these actions of the person disseminating the information do not contain a criminal offense,</p> <p>or a repeated commission of an administrative offense under Art. 13.15. Part 10 of the Code.</p> | <p>Administrative fine:</p> <ul style="list-style-type: none"> - on citizens in the amount of 300,000 to 400,000 rubles with or without confiscation of the subject of an administrative offense; - on officials - from 600,000 to 900,000 rubles; - on legal entities - from 1 million to 1,5 million rubles with or without confiscation of the subject of an administrative offense. |
|---------------------------------|---|--|

Administrative liability for the above administrative offenses will not be applied if the dissemination of deliberately false socially significant information under the guise of credible messages in the media, as well as in information and telecommunication networks began before the day when the relevant changes to the Code become effective.

All cases of initiation of proceedings in connection with the above listed administrative offenses should be notified to the public prosecution authorities within 24 hours.

The Council on Human Rights under the President of Russian Federation, according to its representative, will monitor the enforcement of these changes in order to record possible abuses.¹

It should be noted that Russian legislation does not contain a definition of "socially significant information". At the same time, dissemination of information refers to actions aimed at obtaining information by an indefinite circle of persons or transmitting information to an indefinite circle of persons.²

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[1] <https://www.interfax.ru/russia/653882>

[2] Art. 2 of the Federal Law of 27.07.2006 N 149-FZ "On Information, Information Technologies and Information Protection"

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