



For immediate release – 2 November 2009

PRESS RELEASE

Russia: Government Must Respect Recommendations of UN Human Rights Committee on Free Expression

ARTICLE 19 welcomes recommendations by the United Nations Human Rights Committee (the Committee) in its concluding observations on the Russian Federation's implementation of the International Covenant on Civil and Political Rights (the ICCPR). At the same time, ARTICLE 19 urges the Russian Government to take immediate steps to implement these recommendations, in particular those related to freedom of expression.

ARTICLE 19 submitted a shadow report for the 97th session of the Committee from 12- 30 October 2009 in Geneva that provided detailed evidence of a range of abuses of the right to freedom of expression in Russia.

In the Concluding Observations issued on 29 October 2009, the Committee expressed its concern *“at the alarming incidence of threats, violent assaults and murders of journalists and human rights defenders, which has created a climate of fear and a chilling effect on the media, including for those working in the North Caucasus, and regrets the lack of effective measures taken to protect the right to life and security of these persons.”* These concerns are similar to those of ARTICLE 19 in the shadow report.

Likewise, the Committee also recommended an amendment to the Criminal Code, in order to reflect the principle that public figures should tolerate a greater degree of criticism than ordinary citizens, and to decriminalise defamation, making it a civil matter with a cap on potential damages.

“These recommendations are particularly relevant today as Yuri Orlov, head of the Moscow-based human rights organisation Memorial, currently faces charges of criminal defamation,” says Dr Agnès Callamard, Executive Director of ARTICLE 19. *“ARTICLE 19 wants defamation to be decriminalised worldwide because it has such a chilling effect on freedom of expression,”* continues Callamard.

In addition, the Committee also reiterated previous recommendation to revise the Federal Law on Combating Extremist Activity, making the definition of "extremist activity" more precise and excluding any possibility of arbitrary application. ARTICLE 19 had expressed concerns that anti-extremist legislation had been used to

suppress independent and critical viewpoints, especially with regard to definitions of “extremist literature” and “social groups” accused of inciting hatred in Russia.

When determining whether written materials constitute “extremist literature”, the Committee recommended that the government ensure that the experts giving evidence in court cases must be independent and that defendants in such cases must be able to offer counter-expertise. The Committee also found that the loose definition of “social groups” was open to interpretation by courts in a manner that afforded protection to state organs and agents.

ARTICLE 19 noted several cases from around Russia where law enforcement agencies, state prosecution officials and the military were recognised as “social groups” by experts and the courts, and subsequently effectively protected from public criticism or scrutiny under anti-extremism and hate speech laws. This practice clearly illustrates a tendency to use legislation to silence criticism of powerful state actors.

The Human Rights Committee has issued a clear call to the Russian Federation to make urgent changes to its domestic laws and practice, in order to bring the country fully in line with its obligations under the International Covenant on Civil and Political Rights. ARTICLE 19 endorses these recommendations, especially those that apply to the fundamental right to freedom of expression, and intends to continue monitoring the government’s implementation of these recommendations, along with all of the country’s freedom of expression obligations.

NOTES TO EDITORS:

- For more information please contact: Nathalie Losekoot, Senior Programme Officer: Europe at Nathalie@article19.org or +44 20 7324 2500.
- For a copy of ARTICLE 19 shadow report, submitted to the Human Rights Committee as part of its preparation for the review of the sixth periodic report by the Russian Federation, see <http://www.article19.org/pdfs/submissions/russia-written-comments-of-article-19-global-campaign-for-free-expression-co.pdf>.
- For a copy of the Concluding observations of the Human Rights Committee on the sixth periodic report of the Russian Federation, see <http://www2.ohchr.org/english/bodies/hrc/docs/co/CCPR.C.RUS.CO.6.doc> (advanced version).
- ARTICLE 19 is an independent human rights organisation that works around the world to protect and promote the right to freedom of expression. It takes its name from Article 19 of the Universal Declaration of Human Rights, which guarantees free speech.