



# ARTICLE 19

*Item 6: Adoption of the UPR outcome of the Russian Federation*

*39<sup>th</sup> Regular Session of the UN Human Rights Council*

*21 September 2018*

*Statement delivered by Lucy Bye*

Thank you Mr President,

The Russian Federation's third review under the UPR has taken place as the government has further tightened its grip on freedom of expression and other fundamental freedoms.

The intensifying clampdown on online expression and the violent suppression of peaceful protests in recent months, has gone hand-in-hand with the abuse of an ever-expanding web of highly restrictive laws and policies designed to undermine the exercise of these rights. Whilst civil society and political opposition have been the primary targets, free expression on- and offline has been stifled across society.

In this context, the recommendations related to freedom of expression and information, association and assembly, which Russia has today accepted, can only be seen as paying lip service to its obligations under international human rights law: these recommendations can only be fully implemented if the government repeals or reforms legislation designed to restrict these rights, recommendations it has explicitly refused to accept.

The highly problematic 2016 so-called 'Yarovaya Law', justified on the grounds of "countering extremism" requires the storage of Internet users' communications activities and access to this data upon the security services' request. Such attempts

by the Russian authorities to restrict online communications and to violate the right to privacy, supposedly for the protection of national security, are neither necessary nor proportionate. This law provided the legal basis for the blocking of Telegram in April 2018, which resulted in extensive violations of freedom of expression when almost 20 million Internet Protocol (IP) addresses were ordered to be blocked, causing an unprecedented level collateral website blocking. It must be repealed.

Since 2012, Russia has operated a blacklist of Internet websites and incrementally extended the grounds upon which websites can be blocked, including without a court order. As of September 2018, over 110,000 sites and almost 5 million pages remain blocked, including those collaterally blocked. The permanent blocking of several online media outlets is completely unjustified and can only be seen as designed to intimidate others into self-censorship. Individual Internet users have also been persecuted for their online expression, including simply liking or sharing content on social media platforms.

Laws restricting online anonymity, and introducing data localisation requirements, further threaten to significantly chill free expression online, by facilitating state surveillance of individuals' communications in violation of the right to privacy.

We remain deeply concerned by the persistent harassment of independent media in Russia. The majority of Russian media outlets are under direct or indirect state control. The limited number of remaining independent media broadcast online or target minority audiences; others have moved abroad, been forced to close or change ownership and/or editorial position. The lack of access to pluralistic and diverse sources of information deprives the public of their right to know.

Journalists and human rights defenders continue to face reprisals for their work, including persistent judicial harassment, and smear campaigns. We repeat our call for the immediate release of journalist Zhalaudi Geriev, and human rights defender Oyub Titiev, currently behind bars on spurious drug charges in Chechnya.

The 2012 'foreign agents' and 2015 'undesirable organisations' laws unduly restricting the work of NGOs, must also be repealed. Almost 80 NGOs have been formally designated "foreign agents", up to 30 NGOs closed, and many more facing

heavy fines and costly litigation. Fourteen foreign entities have been designated “undesirable organisations”.

Finally, whilst we would welcome the commitment to investigate abductions, imprisonment, and torture of LGBTI people in Chechnya, the government’s flagrant denial of the existence of any ‘incidents of discrimination against those persons’<sup>1</sup> during the UPR, does not give much hope for their effectiveness. Moreover, the government’s implementation of the 2013 highly discriminatory law banning “propaganda of non-traditional sexual relations” continues to restrict the expression and assembly rights of LGBTI people: Pride and other marches have been denied authorisation, online content providing vital information to LGBTI people has been taken down and individuals prosecuted for their expression. Without its urgent repeal, promises to ensure LGBTI people can fully exercise their rights will continue to ring hollow.

Thank you.

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<sup>1</sup> June report of the working group