Commonwealth of Independent States: Model Statute to Fight Extremism

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The Commonwealth of Independent States (CIS) Interparliamentary Assembly which is currently comprised of delegations of the parliaments of Armenia, Azerbaijan, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Tajikistan and Ukraine enacted on 14 May 2009 the Model Statute *О противодействии экстремизму* (On Countering Extremism).

The Model Statute develops the ideas of the national statutes with the same or similar titles that were adopted in 2002 in Russia (see: IRIS 2007-9:19/27), in 2003 in Moldova and Tajikistan, in 2005 in Kazakhstan and Kyrgyzstan (see: IRIS 2005-8:17/26), and in 2007 in Belarus (see: IRIS 2007-3:11/14).

The Model Statute defines extremism as “an attempt at the foundations of the constitutional order and state security, as well as violation of the rights, freedoms and lawful interests of a man and citizen, that takes place as a result of denial of legal and (or) any other accepted standards and rules of social behaviour” (Art. 1).

A list of what is defined as “extremist activity” includes an activity of a mass media outlet to plan, prepare or execute actions that range from hate speech to portrayal of Nazi symbols, from threats of violence against public officials and their relatives to the “provision of informational services” for extremist actions.

The materials become extremist once the court’s decision on it enters into force. The decision is to be taken on the proposal of the procurator concerned or as part of a resolution of an administrative, civil or criminal case where such demand was made (Art. 11 and 12).

Article 13 of the Model Statute sets out a detailed procedure for closing down an extremist media outlet. It begins with the registering authority (or the control body with the executive in the mass media sphere) or public prosecutor issuing to the founder and/or editorial office (editor-in-chief) a written warning with details of the offences. If the offences can be remedied, a deadline is given. A warning can be contested in court. If a warning is not contested or if its legality is upheld, if no remedial action is taken by the given deadline, or if within a certain time period (set by national law) of being warned a media outlet is again engaging in extremism or spreading extremist content, then the media outlet is to be shut

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down in a procedure set by the national law.

Article 14 of the Model Statute stipulates that if the extremist materials are disseminated on-line, relevant (to the above-described) measures are applied to the communication networks taking into account the specificity of the Web.

О противодействии экстремизму, Информационный бюллетень, 2009, No. 44

http://www.iacis.ru/html/?id=22&pag=761&nid=1

Model Statute On Countering Extremism, 32nd plenary meeting of the CIS Interparliamentary Assembly (Resolution No. 32-9 of 14 May 2009), Информационный бюллетень, 2009, No. 44

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