

By the Judgement of 19 November 2024 No.53-II, the Constitutional Court assessed constitutionality of Article 152 (item 1) of the Civil Code of the Russian Federation.

This provision was subject of consideration insofar as it serves as a basis for a court to decide whether information about a person's wrongful conduct in family or other personal relationships, disseminated by the other party to that relationship and defamatory of that person's honour, dignity or business reputation, is true.

The contested provision was found not to be contrary to the Constitution of the Russian Federation, as its meaning implies the competence of the court to take into account the specific circumstances of the dispute in question:

to invite the claimant to submit explanations, subject to assessment by the court in conjunction with other evidence, concerning the defendant's arguments as to the accuracy of the information it has disseminated and/or other circumstances known to the court;

to make an independent assessment of the accuracy of the information disseminated in the event of an acquittal of the claimant, a decision to discontinue proceedings in a criminal case on rehabilitative grounds or a decision to discontinue proceedings in a case involving an administrative offence relating to the circumstances on which the information in question is based;

if, on the basis of the information provided by the parties, it is possible to establish that the information disseminated by the defendant has a sufficient factual basis, the court shall, on the basis of the totality of the circumstances of the case and on the basis of its internal conviction, accept the information as true or untrue.