Appendix: detailed legal analysis of draft laws No. 1057213-7, No. 1057230-7, No.1060657-7 и No.1060689-7.

Contents

Paragraph	Suggestion	Legal comment
1. Draft Law “On amending the Russian Federation Administrative Offense Code to increase liability for violations in preparing and conducting public events” No. 1060689-7, submitted to the Russian Federation State Duma on 23 November 2020.		
P. 1	in paragraph one, part 1, Article 3.5, the words «Articles 18.20, 20.33» are to be replaced by the words «Article 18.20, part 10 of Article 20.2, Article 20.33», after the words «part 1.2 of Article 17.15,» the words «part 6 of Article 19.3,» are to be added, after the words «Part 25 of Article 19.5,» the words «Part 9 of Article 20.2,» are to be added.	*** Technical clarification ***

P. 2	in Article 19.3: a) second paragraph of part one and second paragraph of part two is to be stated as following: «shall entail the imposition of an administrative fine in the amount of from two to four thousand rubles, or an administrative arrest for up to fifteen days, or community service for a period of forty to one hundred and twenty hours.» b) the second paragraph of part 4 is to be stated as following: «shall entail the imposition of an administrative fine on citizens in the amount of two to four thousand rubles, or an administrative arrest for up to fifteen days, or community service for a period of forty to one hundred and twenty hours; for officials - from five to ten thousand rubles; for legal entities - from thirty to seventy thousand rubles.» c) the second paragraph of part 5 is to be stated as following: «shall entail the imposition of an administrative fine on citizens in the amount of two to four thousand rubles, or an administrative arrest for up to fifteen days, or community service for a period of forty to one hundred and twenty hours; for officials - from five to ten thousand rubles; for legal entities - from thirty to forty thousand rubles.» d) the second paragraph of part 6 is to be stated as following: «shall entail the	The legislators have not substantiated the need for a significant increase in the severity of punishment for violation of Article 19.3 of the Code of the Russian Federation on Administrative Offenses, which establishes liability for disobeying the orders of law enforcement officers in the absence of a sign of repetition, with specific facts that would make it possible to talk about such a need. A significant increase in the minimum fine allows the authorities to disregard the specific circumstances of the case and the severity of the offense. Given the wide range of insignificant acts that can fall under the «disobedience of the lawful order of law enforcement officials», such punishments can often be disproportionate to the offense committed. In paragraph 7 of the Constitutional Court of the Russian Federation Judgement of February 14, 2013 No.4-П, the Constitutional Court declared unconstitutional the impossibility to impose a punishment below the lower limit of the established sanction, to take into account in full the nature of the offense, the financial situation of the offender, as well as other aspects essential for the individualization of responsibility and thereby to ensure the imposition of a fair and adequate punishment. Furthermore, it should be noted that the presence of «potential» danger and «possible» negative consequences are not a sufficient justification for increasing punishment, while «disobedience to an order of a police officer» itself implies a low degree of public danger. The object of this offense is the public relations that develop in the course of ensuring public order and public safety by the executive authorities. Public order should be understood as a certain order of behavior provided for by law on the streets, squares, parks, highways, railway stations, airports and other public places, that is, places where people gather. There are separate provisions for serious offenses. Thus, the purpose of this provision is to cover not strictly regulated public relations, which do not pose a high degree of public danger, and which are associated with ensuring the successful activities of

	imposition of an administrative fine on citizens in the amount of ten to twenty thousand rubles, or an administrative arrest for up to thirty days, or community service for a period of one hundred to two hundred hours; for officials - from twenty to forty thousand rubles; for legal entities - from seventy to two hundred thousand rubles.»	law enforcement agencies to maintain public safety and order. In the Resolution of the Plenum No.28 of June 26, 2018, the Supreme Court of the Russion Federation pointed out the impossibility of applying Article 19.3 if this public attitude is regulated by a special provision of the law. Consequently, Article 19.3 of the Code of the Russian Federation on Administrative Offenses covers other less significant social relations that did not need to be displayed in separate articles of the Code of the Russian Federation on Administrative Offenses, and therefore *a priori* implies less public interest, less public danger, and a smaller punishment for violation.
P. 3	in the Article 20.2: a) part 1 after the words «parts 2 - 4» the figure «9» is to be added; b) the following parts 9 and 10 are to be added: «9. The public event organizer's violation of the established procedure for collecting and spending funds for organizing and holding a public event, failure of submission or untimely submission to the authorized body of a report on the expenditure of funds collected for organizing and holding a public event, or its submission in an incomplete volume or in a distorted form - shall entail the imposition of an administrative fine on citizens in the amount of ten thousand to twenty thousand rubles or community service for a period of up to forty hours; for officials - from twenty thousand to forty thousand rubles; for legal entities - from seventy thousand to two hundred thousand rubles.	The violations specified in these provisions relate to the procedure for organizing or holding the assembly. At the same time, the introduction of special administrative liability for violations of the procedure for collecting and spending funds for organizing a public event, as well as for transferring funds for holding a public event, seems redundant, since parts 1 and 5 of Article 20.2 of the Code of the Russian Federation on Administrative Offenses already provide for liability for violation of the procedure for organizing and holding a public event. In addition, these provisions violate the internal semantic structure of Article 20.2 of the Code of the Russian Federation on Administrative Offenses. At the same time, the new part of Article 20.2 of the Code of the Russian Federation on Administrative Offenses provides for punishment in the form of community service. According to the Judgement of the Constitutional Court of February 14, 2013, «community service can be applied as an administrative punishment for administrative offenses provided in Articles 20.2, 20.2.2 and 20.18 of the Code of the Russian Federation on Administrative Offenses, only if they have caused harm to the health of citizens, property of individuals or legal entities, or other similar consequences». Thus, the Constitutional Court declared the application of community service for formal violations of the established procedure for organizing or holding public events unconstitutional. In conjunction with the above, the introduction of additional administrative measures for Article 20.2 of the Code of the Russian Federation on Administrative

	10. Enumeration (transfer) of funds and (or) other property for the organization and conduct of a public event, committed by a person who is not entitled to transfer funds for these purposes in accordance with federal law - shall entail the imposition of an administrative fine in the amount of ten to fifteen thousand rubles; for legal entities - from fifty to one hundred thousand rubles.»	Offenses with the existing legal regulation will extend the effect of Article 212.1 of the Criminal Code of the Russian Federation to the cases of repeated commission of such offenses, which provides liability up to 5 years in prison. Law enforcement practice under Article 212.1 of the Criminal Code of the Russian Federation does not allow to exclude criminal prosecution of people for formal violation of the requirements of various parts of Article 20.2 of the Code of the Russian Federation on Administrative Offences without causing real harm or damage. Due to the ambiguity of the practice of law enforcement, Article 212.1 has become the subject of consideration of the Constitutional Court of the Russian Federation three times over the 6 years of its existence. In this regard, the expansion of the compositions under Article 20.2 of the Code of the Russian Federation on Administrative Offenses, in fact, means a disproportionate expansion of the composition of Article 212.1 of the Criminal Code of the Russian Federation, and, therefore, violates the principle enshrined in Article 1 of the Criminal Code of the Russian Federation: new laws providing for criminal liability are to be included in the Criminal Code. In turn, additional offenses proposed by this draft legislation to Article 20.2 of the Code of the Russian Federation on Administrative Offenses and the increased responsibility under Article 19.3 of the Code of the Russian Federation on Administrative Offense only exacerbate the systemic problems of lawmaking in the Russian Federation, which were identified by the European Court of Human Rights and the UN Human Rights Committee. Thus, the European Court of Human Rights in its judgement *Navalnyy v. Russia* of November 15, 2018 (complaint No.29580/12 and others), drew attention to a structural problem in the regulation of legal relations in the field of freedom of peaceful assembly in Russia: «From the relevant provisions of Articles 19.3 and 20.2 of the Code of the Russian Federation on Administrative Offenses and the corresponding court resolutions it does not appear that due consideration must have been and in fact has been given to such concerns as the need to prevent disorder or crime and to protect the rights and freedoms of others. Neither does it seem that the

		competent authorities have struck a fair balance between these interests, on the one hand, and the applicant's interests in exercising his right to freedom of peaceful assembly, on the other» (§ 148). A similar problem in the legal regulation of freedom of peaceful assembly in Russia was also noted in the ruling in the case of *Lashmankin and Others v. Russia* of February 17, 2017. In particular, the European Court of Human Rights noted that «the dispersal of public events, the arrest of organizers and participants and their prosecution for administrative offenses had a basis in domestic law, namely in the Law on Assemblies and the Code of the Russian Federation on Administrative Offenses» (§ 413). In a memorandum on communication from Elena Popova dated April 6, 2018 (CCPR/C/122/D/2217/2012), the UN Human Rights Committee has also revealed violations of the right to freedom of peaceful assembly in Russia due to detention and administrative prosecution in accordance with Article 20.2 of the Code of the Russian Federation on Administrative Offenses.
2. Draft Law "On amending Federal Law "On assemblies, rallies, demonstrations, marches and pickets" No. 1057230-7, submitted to the Russian Federation State Duma on 17 November 2020.		
P. 1	part 3 of Article 7 is to be supplemented with paragraph 8.1 to read as follows: «8.1. details of a bank account used for collecting funds for organizing and holding a public event»;	Regulation of the procedure for «collecting funds for the organization and holding of a public event» is an unprecedented practice that has no analogues in other member states of the Council of Europe and OSCE member countries (there is no data collected on all of the 193 UN member states, however, our experts are not aware of such practice applied in any of these countries whatsoever). At the same time, the demand for providing details of a bank account used for collecting funds for organizing and holding a public event creates a substantial

		legal ambiguity. It is not clear from the text of the present regulation, how exactly an upstanding citizen is supposed to conduct themselves in order to avoid problems approving a public event, and not to be held accountable for violation of the established procedure for organizing and holding public events. What do they have to do if they do not have a bank account? Do they have to set up a new account or their main account is sufficient? Do they have to provide information about all their existing accounts? Are the costs of opening the account reimbursed? Do they have to provide account details if there are no planned expenses or if they are insignificant? Is providing a simple list of bank details sufficient, or do they have to provide an authenticated bank statement as well, in order to confirm the validity of the details? Therefore, the present demand exceedingly complicates the procedure of how the fundamental human right of any democratic society, a right to assemble and express opinions peacefully, is realized. Such difficulties and associated risks are expected to have a «chilling effect» on society, destimulatng citizens from participating in public policy. In the end, suggested amendments, speaking of their constitutional and legal meaning, will have a destructive effect on the balance of public and personal interests regarding the organization and holding of public events. Besides, these amendments will likely lead to an excessive governmental control over organizers and participants of such events, which is associated with unreasonable restrictions of freedom of peaceful assemblies, rallies, demonstrations, marches, and pickets. Those restrictions have repeatedly been declared by the Constitutional Court of the Russian Federation unacceptable (in particular, in the Judgement No.24-П of June 18, 2019). In addition, this requirement virtually excludes the possibility of holding a spontaneous assembly, which does not imply the possibility of preliminary notification. Even if attempting to notify of a public action within a short period of time, citizens may lack time and organizing power to resolve the question of

		funding for an event. ECHR, along with other international and national human rights organizations, has repeatedly pointed out the need to simplify the approval procedure, which at the moment is excessive in many respects and grants broad discretionary powers to an executive system of the government (see the judgement of the ECHR of February 7, 2017 in *Lashmankin and others v. Russia* (complaint No.57818/09 and 14 others); section V of General Comments No.37 to the International Covenant on Civil and Political Rights of the UN Human Rights Committee, concerning the right of peaceful assembly, of September 17, 2020 (CCPR/C/GC/37) (hereinafter General Comments No.37 of the UN Human Rights Committee)). Thus, in accordance with p.7 of General Comments No.37 of the UN Human Rights Committee, the notification process must be transparent and not aimed at creating unfounded bureaucratic requirements; requirements for the organizers, in turn, must be proportionate to the possible public response to a corresponding assembly, and, moreover, they must not demand any payment. The legal regulation in question, proposed by this draft legislation, contradicts the above-mentioned principle.
P. 2	Article 11 is to be supplemented with parts 3-11 to read as follows: «3. It is prohibited to transfer (hand over) or receive funds and (or) other property, in purposes of organizing and holding public events, from: 1) foreign states or foreign organizations; 2) international organizations or international social movements; 3) foreign citizens or stateless persons (not including those permanently residing in the	1. Introduced requirements do not correspond with their objectives stated in the explanatory memorandum, as there is no actual data to declare that holding public events creates a problem of lacking transparency while organizing such events. A key element of any peaceful assembly is its purpose, in this regard there is no need for yet further complicating the already complicated procedure of authorizing a public event, in order to reveal its funding sources and methods. These demands do nothing but have a «chilling effect» on potential public events organizers as well as on potential donors. 2. Introduced prohibition of financing a public events organization «from foreign sources» also does not seem to correspond with stated objectives. In particular, the explanatory memorandum mentions that the present draft legislation is aimed at

	Russian Federation); 4) non-commercial organizations, functioning as foreign agents; 5) citizens of the Russian Federation, who have not attained the age of 16 years at the moment of transfer of funds or other property; 6) anonymous contributor. An anonymous contributor is an individual who has not indicated any of the following information in the payment document of the donation: last name, name, patronymic name, address – or provided inaccurate information, or a legal entity whose taxpayers identification number or name of organization or bank details are not provided in a donation payment order or provided inaccurate information. 7) legal entities registered less than 1 year prior to the date of transfer of funds and (or) other property. 4. All funding intended for organization and holding of a public event are to be transferred only as non-cash payment to the bank account stated in the notification for such purpose, open in a Russian resident bank. Using other bank accounts for these purposes, as well as accepting cash, is not permitted.	increasing the lawfulness during the holding of public events and not to restrict Russian citizens' right to assemble peacefully. However, even not to bring up the question of legitimacy of the above-mentioned prohibition of «foreign sources» financing, it is itself a measure of restraint that does not provide for lawfulness. Thus, it naturally restricts the peaceful assembly rights of citizens of the Russian Federation, restraining all those who receive funds in one form or another from abroad, as well as establishing significant risks of administrative liability for every citizen if they make a mistake while organizing and directing funds to a public event. 3. Requirement to collect passport data makes the procedure more complicated and exposes contributors to additional risks. Moreover, it does not assign a person responsible for keeping this data confidential. This fact makes funds collection necessary for organization of a public even significantly more complicated. 4. The draft establishes unreasonable and unlawful prohibition of organization of a public event to several categories of persons and legal entities. The prohibition bans from organization of a public event the following persons (who had this opportunity before): - persons with double citizenship; - foreign citizens and stateless persons (whose rights are guaranteed by the European Convention on human rights); - international organizations and public associations (namely, UN that usually arranges events for so-called «International days»); - Russian non-profit organizations functioning as foreign agents; - Russian citizens under 16, who are partially deprived of capacity (for example, they may work and contribute to banking organizations); - Russian citizens who act as anonymous contributors (anonymous contribution to NPO is allowed for example, through a special donation boxes); - legal entities registered less than 1 year prior to transfer of funds and (or) other property.

	5. An individual provides in the payment order the following personal information to allow transfer of funds: last name, name, patronymic name, date of birth, address, passport series and number or series and number of an equivalent document, information on citizenship and note on the absence of restrictions provided in p. 3 of the present Article. 6. Legal entities provide in the payment order the following information in order to transfer funds: taxpayers identification number, name of the organization, registration date, bank details and note on the absence of restrictions provided in p. 3 of the present Article. 7. At the request of the organizers of the public event, the bank provides the initiator with information provided in the payment order according to parts 5 and 6 of this Article, specified in the relevant payment document or payment order. The organizer of a public event is not entitled to disclose information received from the bank to third parties, with the exception of cases provided for by the legislation of the Russian Federation.	In its essence, a perfectly legal activity is criminalized without any legitimate reason. 5. Requirements for organizers of public events become even more stringent. At the same time, there are risks that the organizer cannot foresee or control in any way. In particular, the organizer cannot protect himself from the receipt of donations from one of the prohibited categories of persons. They also do not have adequate tools to verify information about the sources of income. In case of non-cash payment, it is not necessary (and is not very clear how) to indicate all the information about the sender listed in this draft law, yet the responsibility will lie with the recipient. Moreover, this provision creates conditions for possible provocations aimed at purposefully bringing conscientious citizens under administrative responsibility on the part of malicious opponents. 6. The obligation to transfer funds received from prohibited categories of persons back to these persons, or to the federal budget, as well as the return of unspent funds to donors in proportion to their contribution, is an excessive burden that cannot be fulfilled in practice and carries additional risks for the organizer. A number of accounting duties are imposed on the organizer, while the skills of an accountant are not available to ordinary citizens without special knowledge. The process for organizing a public event becomes highly bureaucratized: it imposes a duty to check sources of funding and communicate with banks on a regular basis, calculating amounts of contributions, organizing the process of return of funding to banned contributors and drafting a consolidated report for the relevant authority. 7. According to the draft legislation, in order to organize and hold a public event, it is prohibited to transfer or receive not only money, but also «other property». Such an ambiguous formulation opens up possibilities for abusive and unpredictable law enforcement practice on the part of executive authorities. The legislator does not clarify what they understand by «other property». In this case, it is highly likely

	8. The organizer of a public event is not liable for accepting funds and (or) other assets, if he was not informed that the information provided by the contributor in the payment order was inaccurate and did not comply with part 5 and 6 of the present Article; or if the organizer of the public event did not receive information of the unlawfulness of the transfer of funds and (or) other assets/property. 9. If the funds and (or) other property was contributed by a person specified in part 3 of this Article (with the exception of an anonymous donor), they are subject to a full return, indicating the reason for such return. A donation made by an anonymous donor is subject to a return and transfer to the federal budget within 10 days from the date of its transfer to the bank account stated in the application of the public event, but no later than the day of the public event. 10. Funding collected by the initiator of the public event is to be used only to cover expenses related to organization and conduct of the public event specified in the notification. After holding a public event, its organizer is obliged to return unspent funds within 10 days, in proportion to the funds invested.	that absolutely any property can fall under the said category. For example, it is not clear whether the flag, poster, or information leaflets that are distributed by the event participant fall under the category of «other property». Secondly, it is unclear how to declare a forbidden transfer of such «other property». 8. The executive authorities responsible for approving a public event have an additional burden of ensuring compliance with «transparency», together with additional financial costs. The work on processing the reports will require significant time of employees of the executive authorities, which will certainly require additional budgetary funds. Furthermore, the governmental body responsible for the approval of the application is not in a position to verify the incoming information and it will need to do this in conjunction with other government authorities. In the aggregate, this will be expressed not only in the bureaucratization of the implementation of freedom of assembly, but also in the bureaucratization of the domestic process for servicing assemblies without benefit for either private or public interest. 9. It is unclear and unpredictable how the state authorities shall interpret key terms used in the proposed draft law such as «foreign funding», «funding of a public event» and «organization of a public event». For instance, under Federal Law from 19.07.2004 No.54-ФЗ «On assemblies, rallies, demonstrations, marches and pickets» (further referred as «the Law No.54») «organization of a public event» also includes «other actions which are aimed at organization or holding of a public event and do not contradict the legislation of the Russian Federation». However, neither the current version of the Law No.54, nor the proposed draft bill define such terms as «foreign funding», «funding of a public event». In conclusion, if legal regulation and amendments in question are implemented — given their unjustified and discriminatory nature, their quality is highly likely to become the subject of complaints to national and international human rights institutions, including the European Court of Human Rights. The ECHR has

	11. After holding a public event, its organizer submits to the executive authority or local self-government body that approved the place and date of the public event a report on the expenditure of funds collected for the organization and holding of the public event within the time frame established by the federal executive body, carrying out the function and (or) developing and implementing state policy and legal regulation in the field of internal affairs. 12. In order to verify the accuracy of the information, the report specified in Part 11 of this Article is to be sent by the relevant executive authority or local government body to the authorized federal executive authorities. 13. Individuals who violate established order on transfer, collection, return and spending of fundings for organization and holding of a public event are to be held liable according to the legislation of the Russian Federation.».	already raised similar questions to the Russian government regarding cases on restrictions on NPOs deemed as foreign agents (see the case of *Levada Center and 14 others v. Russia*, complaint No.16094/17). The Constitutional Court of the Russian Federation has also addressed this issue. It has declared that «considering that the Russian Federation, as it claimed directly in the preamble of the Constitution of the Russian Federation, is a part of international community, foreign funding of Russian NPOs that participate in political activity does not question loyalty of the NPOs to Russia, according to the legal position of the Constitutional Court in the Judgement from June 22, 2010 No.14-П. Other interpretations not only contradict the principle of a constitutional necessity to ensure mutual confidence and respect between citizens (and their associations) and the State, they also violate Article 21 (p.1) of the Constitution of the Russian Federation which places a duty on the State to protect the dignity of the individual and not to diminish it. Thereby the legal construct of NPO functioning as a foreign agent does not imply any negative assessment of such organization by the state, is not aimed to express abhorrence towards such organizations and their political activity, and hence it shall not be seen as manifestation of distrust or defamation of such NPO and (or) its purpose.» The proposed draft legislation not only «expresses abhorrence» but completely forbids holding of a public event if foreign or anonymous funding is involved. Such restriction is disproportionate and contradictory to the specified position of the Constitutional Court of the Russian Federation.

Appendix: detailed legal analysis of draft laws No. 1057213-7, No. 1057230-7, No.1060657-7 и No.1060689-7.

Paragraph	Suggestion	Legal comment
3. Draft Law "On amending Federal Law "On assemblies, rallies, demonstrations, marches and pickets" No. 1057213-7, submitted to the Russian Federation State Duma on 17 November 2020".		
P. 1	in Article 5: a) paragraph 2 of part 3 after the words «agitation in support of» the words «specified in the notification of a public event» are to be added; b) in part 4: in paragraph 2, the words «(non-acceptance) of his proposal to change the place and (or) time of a public event» are to be replaced with the words «his proposal to change the place and (or) time (and in the case specified in paragraph 2 of part 1 of Article 12 of this Federal law, — also about the choice of one of the forms of holding a public event declared by its organizer)», the words, «or about rejection of the proposal of the relevant executive authority of the subject of the Russian Federation or local government and refusal to hold a public event in the place, time and form specified in the notification» are to be added; paragraph 2.1 is to be added to read as follows: «2.1. in the case of a unilateral change to the objectives, form and (or) the stated number of	1. Amendment to paragraph 2 of part 3 sets a significant restriction on all forms of agitation, actually prohibiting those that were not specified in the notification. Such additional risks of interference in the organizer's activities by the authorities may violate their autonomy in choosing the format of the event (*Lashmankin and others v. Russia*). At the same time, the legislator does not provide a clear definition of agitation. In practice, any dissemination of information about an action is often considered agitation, including that not necessarily distributed by the organizer himself. 2. Amendment to part 4 of Article 5, which establishes the obligation of the organizer to notify the executive authority of the refusal to hold a public event in the place, time and form specified in the notification, violates the organizer's autonomy in choosing the format of the event and imposes an excessive burden. This amendment provides for the actual replacement of the conciliatory mode of holding meetings with a permissive one. As the European Court of Human Rights has repeatedly pointed out, the procedure for exercising freedom of assembly is not permissive, but consensual, and therefore the approval procedure meets the requirements of Article 11, paragraph 1, of the European Convention on Human Rights (hereinafter referred to as the Convention) only if this procedure is intended to ensure the peaceful nature of the event (judgment of 1 February 2005 in *Ziliberberg v. Moldova*, complaint No.61821/00). As a special case of freedom of expression, freedom of

	participants in a public event, to submit not later than the day of the public event (except for meetings and pickets held by one party) a new notification about the public event in the manner prescribed in Article 7 of the Federal law. In this case, information previously sent to the organizer of a public event about the approval of its holding is considered withdrawn;»; c) part 5 is to be worded as follows: «5. The organizer of a public event is not entitled to hold it if he has not submitted a notice of the holding of the public event in time or has not accepted a substantiated proposal sent to him by the executive authority of the constituent entity of the Russian Federation or body of local self-government reasoned proposal on changing the place and (or) time (and in the cases established by this Federal Law — also to choose one of the forms of holding a public event declared by its organizer), as well as in the cases provided for in parts 4, 5 and 7 of Article 12 of this Federal Law.»;	assembly is a fundamental right and one of the most important freedoms in a democratic society, and therefore any restrictions on this right must meet the strict criteria set out in Article 11 of the Convention, namely: they must be provided for by law and are necessary in a democratic society in order to ensure national security and public order, to prevent riots, and protect health, rights and freedoms of others. If the assembly does not pursue illegal goals and does not pose a threat to public order and the safety of citizens, it is impossible to impose restrictions on the realization of this right. The freedom of assemblies includes the right to choose the time, place and method of holding an assembly within the limits set out in Article 11, paragraph 2, of the European Convention (ruling of November 27, 2012 in *Saska v. Hungary*, complaint No.58050/08, § 21). In cases where the time and place of assembly are crucial for participants, the requirement to change the time or place may constitute an interference with their freedom of assembly, as well as a ban on speeches, slogans or posters (judgment of October 2, 2001 in *Stankov and the United Macedonian organization «Ilinden» v. Bulgaria*), complaints No.29221/95 and No.20225/95, §§ 79-80 and 108-109). Commenting on the Law No.54, the Venice Commission in its opinion No.686/2012 of March 5, 2013 has also pointed out that «[w]hile the terms “proposal”, “suggestion” and “agreement” in particular create an impression of non-directive instruments <...> there is no specification in the law as to how this should take place. Due to this kind of regulation, there is a high risk that in practice reconciliation does not take place. Thus, if the organizer fails to accept the authorities’ proposal, the public event is simply not authorised. The organizer is thus often left with the choice of either giving up the public event (which will then be de facto prohibited) or accepting to hold it in a manner which may not correspond to the original intent. The need to choose only between these two options is not compatible with Article 11 ECHR. (paragraph 22 of the Opinion) <...> The Assembly Law should secure the autonomy of the assembly, fostering

		co-operation on a voluntary basis only. If an agreement cannot be reached, a prohibition may only be considered if it is justified in itself and not due to the failure of cooperation, i.e. of not reaching an agreement.» (paragraph 31 of the Opinion). The above amendment makes an ultimatum out of the executive authority's proposal, forcing an organizer of a public event to either agree to a proposed change, which is often not based on the law (which is allowed by the broad discretion), or to refuse to hold an event at all. Such an approval procedure cannot be called either voluntary or, in fact, approval. 3. The requirement for an organizer to send an additional notification in case of an unilateral change in the goals, form, and (or) the declared number of participants in a public event is also excessive. Firstly, negotiation is a voluntary procedure in the mutual interest of the organizer and a public authority, and the requirement of a new notification in case of every change to the format of the event, even a minor one, would be contradictory to the notification principle of organization and holding public events (especially given the presence of administrative liability for failure to comply). Secondly, taking into account the absence of a regulated approval procedure in the Law, a new notification before the day of an event will restart the approval process and it will no longer be possible to hold an event at the originally announced time, because the public authority will act within time limits established by law. Apart from that, public events are often held on Sundays, when the authorities considering notifications do not operate, which makes it impossible to submit a new notification on time in such circumstances. 4. Amendment to part 5 of Article 12 reestablishes the ultimatum principle of the approval procedure for realization of freedom of assembly, which contradicts international principles and guarantees in the field of human rights (see paragraph 2). The organizer of a public event is no longer entitled to hold a public event if it has not accepted the proposal to change the place and (or) time of the public

		event, as well as its form. The Venice Commission, in its opinion No. 659/2011 of March 20, 2012, has stated that «cooperation between organizers and authorities, in accordance with Article 12 of the law on assemblies, should be regulated on a voluntary basis, respecting the autonomy of assemblies and without depriving the organizers of the right to hold assemblies because of failure to agree on any changes to the format of a meeting or meeting the deadlines for notification of a public event; powers of the executive system to change the format of a public event should be clearly limited to cases where there are compelling reasons for doing so (Article 11.2 of the Convention), with due respect for the principles of proportionality and non-discrimination, and the presumption in favor of assemblies.» (paragraph 49). In addition, in its present form, the prohibition of holding of a public event without prior notice contradicts the applicable international standards on freedom of assembly and is a disproportionate interference with freedom. The UN Special Rapporteur on Freedom of Assembly in his report to the UN Human Rights Council (A/HRC/20/27, paragraph 29) has noted that «[not] notifying the authorities of an assembly does not make an assembly illegal and therefore should not be used as a basis for dispersal of the assembly. In cases where it was not possible to properly notify of an assembly, organizers, community, or political leaders should not be subject to criminal or administrative prosecution such as fines or imprisonment». The Constitutional Court of the Russian Federation, in paragraph 4 of Judgement No.12-П of May 18, 2012, also indicated that the Law on Administrative Offenses enabled the prosecution of an organizer not for any deviation from the regulation established in the federal law, but only for one creating a real threat and harming protected objects. At the same time, a threat can be considered real if it was valid (and not putative), and harm to the life and health of citizens, and the property of individuals and legal entities, was not caused only by chance or due to timely

		measures taken regardless of the will (efforts) of the person charged with administrative offences. Currently, the Law No.54 does not provide for the concept of a «spontaneous assembly», which, according to the established position of the European Court of Human Rights, does not require prior notification in case of urgent occasions or spontaneous gathering of the citizens (see Clause 4.2 of the OSCE Guidelines on Freedom of Assembly, and §§ 451-455 *Lashmankin and others v. Russia*). Thus, a whole category of assemblies becomes illegal in the Russian Federation. Criticism of proposals to include parts 4, 5 and 7 in the list of grounds for prohibiting public events is presented in the corresponding section of the amendment.
P. 2	in Article 6: a) in part 5, the words «mark of a media representative» are to be replaced by the words «mark of a representative of the media, the type and description of which is established by the federal executive body responsible for the development and implementation of state policy and legal regulation in the field of internal affairs in agreement with the federal executive authority exercising the functions of control and supervision in the field of mass media, mass communications, information technologies and communications, and all-Russian public associations of journalists «; b) supplement with parts 6 and 7 as follows: «6. A journalist attending a public event is subject to the obligations and prohibitions provided for in parts 3 and 4 of this Article.	1. The amendment to part 5 of Article 6 introduces a single «attribute of a representative of the mass media, the type and description of which is established by the authorized federal executive body». This novelty limits the professional freedom of journalists and does not create «additional conditions for ensuring the rights of mass media representatives when reporting public events», as stated in the explanatory note to the bill. The unification of the distinctive marks of a journalist according to the standards of executive authorities implies that only a journalist with such a mark will be considered an «accredited» journalist, despite having a press card from an official media, an international organization/association of journalists. This imposes significant restrictions on the right of journalists to collect and disseminate information of public interest. That appears as a «permitting» procedure, without which not only national, but also foreign journalists will not be able to freely carry out their duties and will be under the threat of being prosecuted for noncompliance with this norm. The rights of journalists from «unregistered» mass media that do not have state

	7. When carrying out professional duties, a journalist at a public event shall not be entitled to carry out the following actions: 1) conduct campaigning in support of or against the goals of the public event by distributing leaflets, making posters, banners, slogans and in other forms; 2) carry out administrative functions for the organization and conduct of a public event, as well as authorize individual participants in a public event to perform similar actions; 3) organize the collection of voluntary donations, signatures for resolutions, requirements and other appeals of citizens; 4) participate in the discussion and decision-making, other collective actions in accordance with the objectives of the public event; 5) use various symbols and other means of public expression of collective or individual opinion, as well as means of campaigning, during a public event; 6) hide the distinctive feature of a media representative provided for in part 5 of this Article.»;	registration are also restricted. On the Internet, a huge number of journalists work precisely for «unregistered» publishers, therefore, such restrictions pose a serious danger to the institution of freedom of speech. The inadmissibility of these restrictions is specifically noted in paragraph 30 of General Comments No.37 of the UN Human Rights Committee: «Journalists, human rights defenders, election observers and others who monitor or report on assemblies play a particularly important role in the full realization of freedom of peaceful assembly. <...> Even if a rally is declared illegal or dispersed, this does not mean the right to monitor is terminated». Furthermore, the procedure and most importantly the time frame for obtaining a special 'emblem' is not set, which can be criticall at a time of «spontaneous assembly», meaning that a journalist cannot do their job and cover events as they unfold, only because of the absence of a state registered 'emblem'. Although the draft legislation is aimed at ensuring the conditions for journalists to exercise their professional duties, in fact the journalists freedom is diminished, increasing the likelihood of a journalist rights violation. As noted by the group of international journalistic organizations, the *Media Legal Defense Initiative, Article 19* and the *Media Protection Center* in *Butkevich v. Russia* (judgment of the European Court of Human Rights on complaint No.5865/07 of February 13, 2018): «According to international standards, mandatory licensing or registration of journalists is incompatible with the freedom of speech; where necessary, accreditation schemes should be specific, fair and reasonable, and their application transparent. <...> When presenting demands for protection, many threaten journalists in accordance with Articles 2, 3 and 10 of the Convention». 2. It is difficult to imagine how a journalist can generally «abuse» their status at a public event. Peaceful demonstrators should not be detained just because their public event is illegal. On the contrary, if a journalist blatantly violates public order and poses a threat for others, their status will not protect them from liability.

		As noted in *Butkevich v. Russia*: «Freedom to cover such issues [public events and protests] cannot be permitted to accredited journalists or the mainstream media only. Although accreditation or special identity cards may provide access to certain events or give certain privileges, this in no way constitutes a precondition for journalistic work or for seeking, receiving, and disseminating information. <...> The realities of covering protests do not always allow a journalist to distinguish themselves in high-risk environments. <...> Even though recognizing that it may be difficult to distinguish between demonstrators and other people present on the spot (observers or reporters), the authorities, including the courts, remain obliged to establish and assess the circumstances of each case and make the necessary distinction» (§§ 110, 112, 114). 3. The obligation to wear the standard distinctive sign may be used by law enforcement authorities in bad faith to obstruct journalistic activities. There is already a practice of detaining journalists with press cards «until the circumstances are clarified». The obligation to wear a specific badge, without the right to wear it by non-journalists creates the conditions for possible detention and delivery to the police station «to check» the right to wear the badge. Any journalist who covers events that are inconvenient for the authorities may be «neutralized» for up to 3-4 hours. The practice of law enforcement officers in Belarus during the suppression of mass protests in August-December 2020 showed that the requirements for mandatory «marking» of journalists and the mandatory presence of a special document of a single sample were excessive. Such requirements allow law enforcement officers to arbitrarily detain journalists and bring them to offices «for inspection», and at the same time, the presence of these marks simplifies the work of «identification» of journalists, which makes them easy to be purposefully found in the crowd.

		4. It is not known how the approval, production and issuance of these «features» will be organized. There is no guarantee that this «feature» will not be too complicated to produce and obtain and that the requirements for it will not change frequently and without prior notice. Taken together, this could result in the attributes becoming outdated, journalists being limited in their access to public events because of an outdated document and the number of journalists covering public events being artificially limited. 5. The amendment introducing new parts 6 and 7 to Article 6 significantly and unreasonably restricts the freedom of action of a journalist at a public event. In addition to retaining all the obligations and prohibitions inherent for a journalist in a public event, the amendment introduces a whole list of new restrictions and prohibitions. These restrictions do not meet the criteria for restricting the right, as they do not pursue a legitimate aim. Firstly, a journalist can be a participant in a public event and therefore carry out activities that are inherent to the participant in the public event. Secondly, a number of the prohibitions described do not apply to «participants» in a public event, namely to participate in discussions or to use various symbols and other means of publicly expressing collective or individual opinion, as well as means of agitation (given that in today's society a huge number of clothes have some sort of thematic labeling (prints) with information). In addition, an open list of the types of agitation that are prohibited to a journalist («and in other forms») allows for a broad interpretation of this provision, creates legal ambiguity and opens the way for abuse of authority. The proportionality of the prohibition to conceal the distinctive characteristic of a media representative is also not evident. It is not clear how a journalist can «improve» their position by concealing the distinctive feature, nor is it clear how

		the public «benefit» of such a ban is to be understood. Most of these restrictions are very broadly interpreted, which opens up additional opportunities for abuse by law enforcement agencies and creating targeted obstacles to journalists' activities. They will be easy to distinguish and there will always be an opportunity to neutralize them under arbitrary pretexts. 6. Collectively, these amendments contradict international principles of the protection of freedom of speech and information. As the Committee of Ministers of the Council of Europe's Guidelines on Protection of Freedom of Speech and Information in Times of Crisis rightly points out: «The member states must ensure the maximum safety of both their own and foreign journalists. However, the need for safety should not be used by the member states as a pretext to unduly restrict the rights of journalists, such as freedom of movement and access to information». (p. 2).
P. 3	in Article 7: (a) Paragraph 1 is to be supplemented by a sentence along the following lines: «The day on which the notification is received by the executive authority of the constituent entity of the Russian Federation or by a local authority, and the day on which the public event is held, is not to be taken into account in calculating the terms of submission of the notification; b) to supplement part 1.1 after the words «general organization,» with the words «including the successive participation of several persons in such acts of picketing»; c) to supplement part 1.2 with the following words: «1.2. A court decision in a specific civil, administrative or criminal case may recognise a	1. An amendment to part 1 of Article 7 is intended to clarify the deadlines for the submission of notification of a public event. At the same time, such clarification seems redundant, as there is a steady practice of law enforcement on this issue, reflected, in particular, in the decision of the Plenum of the Supreme Court of the Russian Federation of June 26, 2018 No.28. 2. The proposed possibility of recognition of «alternating participation of several persons in acts of picketing» as a collective public event appears to be excessive regulation, as paragraph 1.1. of Article 7 of the Law No.54 already provides for the possibility of judicial recognition by one public event of a set of acts of picketing carried out by one participant, united by a single idea and a common organisation. On this issue, the Constitutional Court of the Russian Federation in its Judgement No.4-П of February 14, 2013 has noted that in taking the relevant decision, the court should make sure that the totality of acts of a single picket is not a coincidence of actions of individual picketeers, but an action united by a single plan and common organization, and should avoid qualification of a picket carried out by one participant, in case of ordinary attention to it from persons

	public event as a mass simultaneous stay and/or movement of citizens in public places aimed at expressing and forming opinions, making demands on various issues of political, economic, social and cultural life of the country and foreign policy issues; d) paragraph 6 of part 3, after the words «medical care», be supplemented with the words «and sanitation»;	interested in its actions, as a single public event. The proposed legal regulation also reduces the degree of legal certainty by making it possible to acknowledge persons who are not actually participants in a public event as such. At the same time, the wording of the provision leaves uncertainties, in particular, the reference to «and on other conditions for holding a public event». Such a formula allows for broad interpretation and poses a danger to freedom of assembly and freedom of expression. Along with that, paragraph 6 of Committee of Ministers of the Council of Europe's decision (CM/Del/Dec(2020)1377bis/H46-33) of September 3, 2020, concerning the execution of ECHR ruling in *Lashmankin and others v. Russia*, requires from the authorities of the Russian Federation to repeal the provision that allows for considering several single-person pickets as an integrated collective public event. The draft legislation in question not only does not correspond to the said international obligation of the Russian Federation, but, on the contrary, is aimed to worsen the situation of realization of the right on a single-person protest, freedom of expression and peaceful assembly in general. 4. The amendment to part 3, paragraph 6, on the providing of information on the «healthcare» organization appears to be redundant and disproportionate. Firstly, it is not clear from the text of the law what is included in the concept of «healthcare», which allows inconsistent law enforcement practices to the detriment of the organizer of the public event. Secondly, it is not clear how the organizer of a public event can provide for this «sanitary service», and why the obligation of public authorities is imposed on a citizen seeking to exercise their fundamental rights. In practice, the requirement to provide information about the organisation of «healthcare» is limited to an indication of willingness to call for help from medical services if necessary.

		As stated by the Constitutional Court of the Russian Federation in its judgement No.24-P of June 18, 2019, in a democratic state governed by the rule of law it is the public authorities that must bear the main burden of responsibility for assisting citizens in the lawful exercise of their constitutionally guaranteed freedom of expression, in compliance with the requirements of Article 18 of the Constitution of the Russian Federation, according to which the meaning, content and application of laws, the activities of the legislative and executive authorities, local self-government and justice are determined by human and civil rights and freedoms, concerning, among other things, ensuring of public order and healthcare organization. In this very context should be perceived the normative content of paragraph 5 of Part 4 of Article 5 and paragraph 6 of Part 3 of Article 7 of the Law No.54, which impose on the organizer of a public event the obligation to ensure (within the limits of their competence) public order and safety of citizens during a public event and to indicate in the notification of an event the forms and methods of ensuring public order and organization of medical assistance (paragraph 3). Given that the organiser of a public event does not have the proper competence to provide «sanitary services» and that the law enforcement practice of coordinating activities is mainly directed against the interests of the organizers, the introduction of this additional requirement could complicate the approval procedure.
P. 4	in Article 8: a) in paragraph 3 of section 2 after the words «occupied by courts,» the words «emergency services» are to be added; b) to be supplemented by section 5 as follows: «5. Terms of provision and use of premises for organizing and holding a public event are determined by an agreement between proprietors (owners) of premises in question and organizers of public events.»	Restrictions on public events in the vicinity of buildings that are occupied by emergency services are abstract and do not adhere to the principle of legal certainty. Firstly, the draft legislation does not provide a concrete list of emergency services. Currently, the list of emergency services is defined by the government decree No.894 of December 31, 2004. Consequently, the draft law suggests restrictions on places where public events can be held, the exact content of which would be regulated by normative documents of executive bodies. However, the Constitutional Court of the Russian Federation has repeatedly pointed out in the decrees of November 1, 2019, and June 4, 2020 that creation of abstract territorial restrictions for public events is unacceptable.

		The European Court of Human Rights has repeatedly criticized the existing Russian system of territorial restrictions for public events. For instance, in the court decision on *Lashmankin and others v. Russia*, the ECHR assessed named restrictions as excessive and unjustified for a democratic state (§§ 431-442). Warning against introducing abstract territorial restrictions for public events is also included in paragraph 56 of General Comments No.37 of the UN Human Rights Committee. It should be noted separately that the proposed territorial restrictions would also apply to single-person protests, contradicting the explanatory note to the draft legislation.
P. 5	Article 10 is to be supplemented with part 31 as follows: «31. Preliminary campaigning must not contain false information about the goals, the declared number of participants and other conditions of a public event.»	It is highly probable that this provision will be used against politically undesirable organizers of public events, especially given the existing difficulties in the system of public events approval by the authorities (see *Lashmankin and others v. Russia*.) Taking into account the presumption in favor of holding assemblies and the possibility of holding an assembly even in the absence of a final consensus between the organizers of the assembly and the executive as a result of the completion of the approval procedure, the restriction on campaigning for the event is disproportionate (see paragraph 37 of the Opinion of the Venice Commission No. 659/2011 dated March 20, 2012). At the same time, the wording of the provision leaves uncertainties, in particular, the reference to «and on other conditions for holding a public event». Such a formula allows for broad interpretation and poses a danger to freedom of assembly and freedom of expression. This is especially true in cases where the notification was not submitted on time, or when no agreement was reached between the organizer and the executive

		authority regarding the place and time of the public event. Thus, informing about such an event, which a priori is not illegal, becomes the object of an administrative offense in the eyes of the law enforcement officer. It must be taken into account that any violations of the statutory requirements of this law fall under Article 20.2 of the Code of the Russian Federation on Administrative Offenses, which implies serious fines and administrative arrest. But the most dangerous thing is that for three publications that will be qualified as «containing false information» one can get two fines under Part 8 of Article 20.2 of the Code of the Russian Federation on Administrative Offenses (up to 300 thousand rubles each) and 1 criminal prosecution under Article 212.1 of the Criminal Code of the Russian Federation».
P. 6	in Article 12: a) in paragraph 2 of part 1, after the words «the time of the public event», the words «indicating the specific place and (or) time proposed to the organizer of the public event for its holding (and in the case of a notification of the holding of a public event combining its various forms, - also a well-grounded proposal to choose one of the forms of holding a public event declared by its organizer)» are to be added, the word «law» is to be replaced with the words «law. If the last day of the specified three-day period coincides with a Sunday or a non-working holiday, the executive body of a constituent entity of the Russian Federation or a local government body has the right to send these proposals to the organizer of the public event on the first working day following Sunday or a non-working holiday, but no later than three	1. The proposed regulation actually increases the terms for consideration of the notification by the executive authorities, enshrined in paragraph 2 of part 1 of Article 12 of the Law No.54 — from 3 days after the date of receipt to 4 days. As noted by the European Court in *Lashmankin and others v. Russia*, the authorities notify the organizers of the refusal to authorize the event too late, which makes it impossible for the latter to challenge the refusal before the planned date of the event (§§ 457-458). It is believed that the proposed changes will only worsen this situation. At the same time, the European Court of Human Rights has repeatedly stated that «although the rules governing public events, such as the prior notification system, are important for the smooth running of public events, their observance cannot become an objective in itself (see *Primov and Others v. Russia*, complaint 17391/06, June 12, 2014, § 118). The Court considers that exceptions should be possible in cases where, in specific circumstances, the strict application of time limits for notification may lead to unnecessary interference with freedom of assembly» (§ 449).

	days before the day of the public event»; b) parts 1.1 and 1.2 are to be supplemented to read as follows: «1.1. In case of the public assembly organiser apply for several types of public assembly in one application the executive governmental body of a constituent entity of the Russian Federation or municipal body upon receiving the application is entitled to send to the organiser of a public assembly a reasonable proposal of changing a place and (or) time of public assembly, or about choosing one of forms of public assembly that the organiser applied for. 1.2. The place proposed by the executive governmental body of a constituent entity of the Russian Federation or municipal body according to point 2 part 1 of the present Article has to comply with necessary requirements for meeting the announced goal of the public assembly»; c) parts 4-7 are to be amended as following: «4. In case of executive governmental body of a constituent entity of the Russian Federation or municipal body after agreeing the public assembly receives information from the authorised bodies that the organiser applied for conducting of the public assembly has no right to be public assembly organiser according to this Federal law, such executive governmental body of a constituent entity of the Russian	Moreover, the proposed legal regulation does not consider situations, in which a notification of public assembly is filed on the eve of long non-working holidays, such as New Year holidays. In mentioned cases application of the proposed changes will lead to the actual impossibility of public assemblies. Similar matters have been a subject of the Constitutional Court of the Russian Federation review (see Judgement of May 13, 2014 No.14-П). 2. Providing the authorities with additional opportunities to propose changes to the form of the public assembly to organizers will negatively affect the constitutional balance of public and private interests. The disproportionately wide discretion of Russian governmental authorities in the procedures for approving public assemblies were repeatedly criticised by ECHR in its practice (*Lashmankin and others v. Russia*). The ability of the authorities to interfere in the choice of the form of holding a public event will lead to the unification of such forms, contrary to the very nature of a public assembly, which, according to paragraph 1 of Article 2 of the Law No.54, is «open, peaceful, accessible to everyone, conducted in form of gathering, meeting, demonstration, rally or picketing or in various combinations of these forms of mass assemblies». 3. The additional possibilities offered by paragraph «c» of this part of the draft legislation, providing the authorities with a power to withdraw the approval of a public assembly also seems to be a disproportionate expansion in the state's ability to interfere in the realization of the freedom of peaceful assembly. Proposed legislative regulation does not contain an obligation for the government authorities to test the proportionality and the need for such measures in the given circumstances when deciding to revoke an approval. Such regulation will highly likely be recognised as non-compliant, among the others, to the Convention. Earlier, the European Court of Human rights has mentioned that the procedure of

	Federation or municipal body is entitled to retrieve information on agreement of conducting of the public assembly or proposal as set by point 2 part 1 of the present Article sent to public assembly organiser. 5. If the organiser (organisers) of the public assembly from the moment of agreement with the executive governmental body of a constituent entity of the Russian Federation or municipal body of the place and (or) time of public assembly conduct and before the public assembly start publicly (in mass media, information and telecommunication network «Internet» or in other means that ensure access of general public) disseminate information on unilateral change of goals, forms and (or) applied number of participants, as well as non fulfilling the obligation set by point 2.1 of part 4 of Article 5 of the present Federal law, appropriate executive governmental body of a constituent entity of the Russian Federation or municipal body are entitled to retrieve information on agreement of public assembly conducting or proposal as set by point 2 part 1 of the present Article sent to public assembly organiser. 6. If, as a result of an emergency, a terrorist act, or in the presence of a real threat of their occurrence (commitment), the safety of the public event participants cannot be ensured during its holding, the executive branch of the	public assembly authorization in Russia allows arbitrary and discriminatory limitations (*Lasmankin and others v. Russia* §§ 421-429). A proposal to establish separately the possibility of banning any public assembly, regardless of the agreement, including on the eve or even on the day of the planned public assembly, if, as a result of an emergency situation, terrorist act or if there is a real threat of their occurrence (commission), the authorized body authorities can not ensure the safety of participants in a public event, seems to be excessive. Legal mechanism of ending the public assembly in case of occurrence of a real threat for citizens' health and lives, public or private property is settled by Article 16 of the Law No.54. Moreover, government authorities will gain the ability to forbid any public assembly, with the organizer unable to dispute the authorities' decision to the court effectively within a limited time frame. In fact such regulation has reversed the legal positions of the (for example, ruling of the Constitutional Court of the Russian Federation of February 14, 2013 4-П and Decision of the Plenum of the Supreme Court of June 28, 2018 No.28). The European Court of Human Rights has repeatedly declared this problem of court objection of public assembly authorization refusal, in particular mentioning that Russian court control is limited to check the law compliance of proposal to change the place, time or type of public assembly and does not consider necessity or appropriateness of those proposals (*Lashmankin and others v. Russia* §§ 342-361, 428, 460). Proposed legal framework is also not compliant with the principle stated in paragraph 52 of the General Comments No.37 of the UN Human Rights Committee, according to which an abstract risk of violence or simple assumption, that authorities will not be able to prevent or offset a possible threat to public assembly participants, is not sufficient for its suspension.

	constituent entity of the Russian Federation or local government authority must immediately propose organizer of the public event to change the place and (or) time of its holding. 7. If the circumstances specified in part 6 of this Article were revealed on the day preceding the day of the public event, or on the day of the public event prior to its start, the executive authority of the constituent entity of the Russian Federation or local government must immediately notify the organizer of the public event about the impossibility of its holding and propose to change the date and, if necessary, also the place and (or) time of the public event by submitting a new notification.»	
P. 7	Paragraph 3 of Part 2 of Article 14 is to be complemented with the words «, including the compliance of the procedure of its organization and holding».	The proposed legal consolidation of the obligation for authorized representatives of internal affairs to additionally ensure the procedure for organizing and holding public events appears to be an excessive regulation. Such a clarification is capable of influencing law enforcement practice, provoking additional interference by the authorities in the citizens' realization of the freedom of peaceful assembly. Thus, the European Court, in its judgment in *Lashmankin and others v. Russia*, recognized the existing security measures taken by police officers during public events as extremely strict, and the actions of the authorities as arbitrary and discriminatory (§§ 464-470). The proposed legal regulation is likely to aggravate the established practice.

4. Draft Law "On amending Art. 20.2 of the Russian Federation Administrative Offense Code to introduce liability for illegal use of press badges" No. 1060657-7, submitted to the Russian Federation State Duma on 23 November 2020.

Appendix: detailed legal analysis of draft laws No. 1057213-7, No. 1057230-7, No.1060657-7 и No.1060689-7.

P. 1	Introduce into Article 20.2 of the Russian Federation Administrative Offense Code (Assembly of Legislation of the Russian Federation, 2002, No.1, Art. 1; 2007, No.26, Art. 3089; 2012, No.24, Art. 3082; 2014, No.30, Art. 4259; 2018, No.53, Art. 8483) amendment, supplementing it with part 6.2 of the following content: «6.2. The use of the distinctive mark of a media representative during a public event provided for in part 5 of Article 6 of the Federal Law from June 19, 2004 No.54-ФЗ «On assemblies, rallies, demonstrations, marches and pickets» by a person who does not have the right to use it entails the imposition of an administrative fine in the amount of twenty thousand to thirty thousand rubles or up to fifty hours of community service.»	1. The present amendment introduces an administrative penalty for using the distinctive mark of a media representative during a public event by one who does not have the right to use it. This provision violates the rights of journalists, restricting their professional freedom and poses a critical threat to freedom of speech and information in the country, potentially having a «chilling effect» on journalists and discouraging them from working at public events. 2. To begin with, the legal nature of this offense is not clear. What is the social danger of this act, and what «advantages» does get a person wearing the distinctive mark? If the law enforcement agencies properly fulfill their duty to ensure the realization of freedom of assembly, a certain sign denoting a journalist does not provide its owner with special patronage, but only helps law enforcement agencies to guarantee the safety of a journalist's work and protection from interference in its work. 3. The amendment to part 5 of Article 6 introduces a certain single «sign of a representative of the mass media, the type and description of which is established by the authorized federal executive body». This novelty limits the professional freedom of journalists and does not create any «additional conditions for ensuring the rights of media representatives when covering public events», as stated in the explanatory note to the draft legislation. The unification of the distinctive marks of journalists according to the standards of the executive authorities implies that only a journalist with such a mark will be considered an «accredited» journalist, despite having a press card from his official media outlet, an international organization/journalists' association. This imposes significant restrictions on the right of journalists to collect and disseminate information of public interest. That means that a «permitting» procedure appears, without which not only domestic but also foreign journalists will not be able to freely carry out their function and will be under the threat of being brought to liability for non-compliance with this norm.

		The rights of journalists from «unregistered» media who do not have state registration are also restricted. Nowadays, in the Internet age, a huge number of journalists work in «unregistered» media; therefore, such restrictions pose a serious threat to the institution of freedom of speech. The unacceptability of these restrictions is highlighted in paragraph 30 of General Comment No.37 of the UN Human Rights Committee: «Journalists, human rights defenders, election observers and others involved in monitoring or reporting on peaceful assemblies play a particularly important role in the full exercise of the right to peaceful assembly. <...> Even if an assembly is declared illegal or dispersed, this does not mean that the right to monitor is discontinued». At the same time, the procedure itself and, most importantly, the deadlines for obtaining a special badge are not established, which may be critical in case of a «spontaneous assembly» that journalists will not be able to cover due to the absence of such a badge. Thus, although the draft legislation is aimed at providing conditions for journalists to realize their professional duties, in reality, the area of journalist freedom is narrowing, providing a favourable environment for infringement of journalists' rights. As noted by a group of journalistic international organisations the Media Legal Defence Initiative, ARTICLE 19 and the Mass Media Defence Centre in *Butkevich v. Russia* (European Court of Human Rights ruling on complaint No.5865/07 of 13 February 2018, paragraphs 113-4): «Under international standards, mandatory licensing or registration of journalists was incompatible with the right to freedom of expression; if needed, accreditation schemes must be specific, fair and reasonable, and their application must be transparent. In certain circumstances a requirement to wear distinctive clothing could threaten journalists' rights under Articles 2, 3 and 10 of the Convention.». 4. It is hard to imagine how a journalist could «abuse» their status at a public

		event. Peaceful demonstrators should not be detained simply because their public event is illegal. However, if a journalist has started to openly disrupt public order and pose a threat to others, then their status is no longer protected in any way. As noted in the case of *Butkevich v. Russia*: «Freedom to cover such issues [public events and protests] cannot be permitted to accredited journalists or the mainstream media only. Although accreditation or special identity cards may provide access to certain events or give certain privileges, this in no way constitutes a precondition for journalistic work or for seeking, receiving and disseminating information. <...> The realities of protests covering do not always allow a journalist to distinguish themselves in high-risk environments. < ... > Even though recognizing that it may be difficult to distinguish between demonstrators and other people present on the spot (observers or reporters), the authorities, including the courts, remain obliged to establish and assess the circumstances of each case and make the necessary distinction» (§§ 110, 112, 114). 5. The obligation to wear the distinguishing sign of a standard pattern may be used by law enforcement authorities in bad faith to hinder journalistic activities. There is already a practice of detaining journalists with a press card «until the circumstances are clarified». The obligation to wear a specific badge without the right to wear it by non-journalists creates the conditions for possible detention and delivery to the police station «to check» the right to wear the badge. Any journalist who covers events that are inconvenient for the authorities may be «neutralized» for up to 3-4 hours. The practice of law enforcement officers' actions in Belarus during the suppression of mass protests in August-December 2020 showed the excessive requirements for mandatory «marking» of journalists and the mandatory presence of a special document of a single standard. Such requirements allow law enforcement officers to arbitrarily detain journalists and bring them to offices «for

		inspection», and at the same time, the presence of these marks simplifies the work of «identification» of journalists, which makes them easy to be purposefully found in the crowd. 6. It is unknown how the approval, production and issuance of these «attributes» will be organised. There is no guarantee that this «attribute» will not be too complicated to produce and obtain, and that the requirements for it will not change frequently and without prior notice. Altogether, this may lead to the possibility that this «attribute» may become outdated, journalists will be restricted in their access to public events because of an outdated document and the number of journalists covering public events will be artificially limited. 7. Special attention should be paid to the severity of the penalties imposed for this offence. In paragraph 7 of the Judgement of February 14, 2013 No.4-П the Constitutional Court of the Russian Federation pointed out that the presence of the lower limit of the fine on the various parts of Article 20.2 of the Code of the Russian Federation on Administrative Offenses is unconstitutional, because it does not allow the most complete consideration of the nature of an offense committed, the financial situation of the offender, as well as other circumstances having significant importance for the individualization of responsibility, and thus ensuring the appointment of fair and proportionate punishment. The Venice Commission, in its Opinion No.686/2012 of March 5, 2013, after analyzing the existing fines for administrative violations in the area of freedom of assembly, pointed out that they needed to be reviewed and significantly reduced, because very often they do not correspond to the gravity of the non-violent acts regulated (paragraphs 54-55). This is particularly true for part 8 of Article 20.2 of the Code of the Russian Federation on Administrative Offenses for repeated violation of the procedure for holding a public event, which is punishable by a

		fine of up to 300,000 roubles. The fact that this violation is placed under the section on freedom of assembly poses a very serious threat to journalists. The second violation threatens journalists with administrative detention for up to 30 days or, as stated above, a fine of up to 300,000 roubles (with the imposition of an additional fine of twice the amount of the first if the fine is not paid on time, according to part 1 of Article 20.25 of the Code of the Russian Federation on Administrative Offenses), and the third violation will be a ground for criminal prosecution of a journalist under Article 212.1 of the Criminal Code (repeated violation of the established procedure for organizing or conducting an assembly, rally, demonstration, march or picket). Thus, a person detained for bearing the sign of a journalist without the right to wear it, which is the most harmless «violation», may be imprisoned for up to 5 years. Along with that, the Committee of Ministers of the Council of Europe, at its 1377th meeting on 1-3 September 2020, in paragraph 7 of its decision in *Lashmankin v. Russia* has stated that sanctions, if any, against participants of peaceful assemblies, which have not been properly approved, should be limited to reasonable fines, while their criminal punishment, especially in the form of imprisonment, should be excluded. Naturally, this also includes punishment in the form of administrative arrest under the Russian Code of Administrative Offences, which is a form of imprisonment. Similarly, the Constitutional Court of the Russian Federation (Judgement No. 2-П of February 21, 2017 in the case of Ildar Dadin and Decision No. 7-O of January 27, 2020 in the case of Konstantin Kotov) has stated that imprisonment for the peaceful, albeit illegal, realization of freedom of assembly is unacceptable. Although both cases considered the issue of criminal prosecution, *a fortiori* it can be concluded that the penalty of imprisonment is disproportionate in the case of administrative responsibility.

		With regard to community service, which is also provided for in this Article as a punishment, according to the Judgement of the Constitutional Court of February 14, 2013, «community service may be applied as an administrative punishment for administrative offences under Articles 20.2, 20.2.2 and 20.18 of the Code of the Russian Federation on Administrative Offenses only if the latter have caused harm to the health of citizens or the property of individuals or legal entities or other similar consequences». The use of community service for formal violations of the established procedure for organizing or conducting public events is deemed unconstitutional.