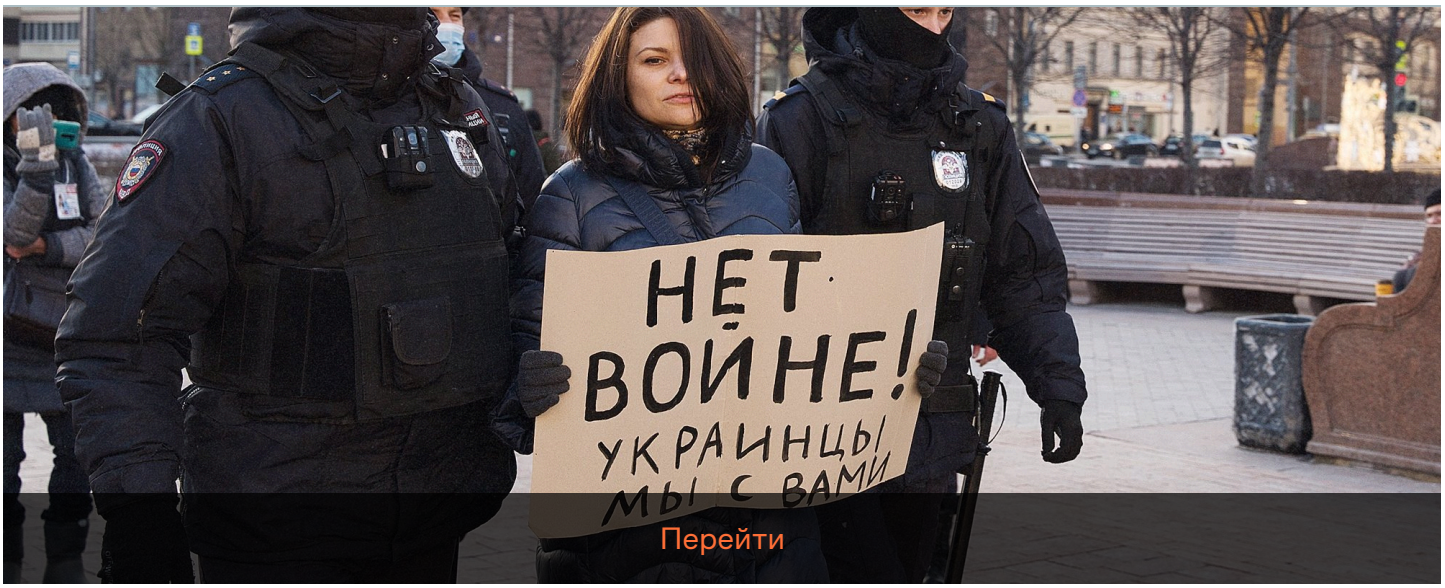

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10.04.2023

Submission to the UN Universal Periodic Review on freedom of assembly in Russia

Русская версия

Published on 10.04.2023

1. During the last review process, Russia accepted numerous recommendations regarding upholding the freedom of assembly (namely, 147.61, 147.64, 147.123, 147.155, 147.157, 147,162, 147.165, 147.175, 147.176, 147.180). None of those recommendations have been implemented, and practically no work towards complying with international standards and obligations was done. The situation with freedom of assembly gradually worsened in all of the aspects we cover in this submission.

2.In this submission, OVD-Info focuses on the developments in the sphere of freedom of assembly since 2018.

SUPPRESSION OF PEACEFUL ASSEMBLIES

3. Since 2018, the situation with freedom of assembly in Russia has significantly deteriorated.

4. The major turnpoint were the Moscow protests in the summer of 2019 in support of independent opposition candidates for the Moscow State Duma elections. More than 2700 people were detained, 33 people were criminally prosecuted — 11 of them resulted in prison terms, 1 person is still serving his prison sentence as of 2023. One of the criminal cases was under notorious Article 212.1 — Konstantin Kotov was sentenced to 4 years in prison «for repeated participation in peaceful uncoordinated assemblies».

5. In 2020, the COVID-19 pandemic provided the Russian government with a pretext to further restrict the right to freedom of assembly. In most regions, public events were completely banned, in some — seriously limited. Even solo demonstrations were banned, which led to mass arrests. In 2022, the Constitutional Court ruled that such a ban on solo demonstrations is constitutional. However, this ban has been selectively enforced, with pro-government rallies and events allowed to proceed while opposition protests have been suppressed. As of 2023, COVID-19 bans on rallies are still in force in some regions, including Moscow and Saint Petersburg.

6. In April 2020, protests were held in Vladikavkaz against mandatory self-isolation during the coronavirus pandemic and deteriorating economic conditions. At least 51 protesters have been criminally prosecuted, mainly for hooliganism and violence against law enforcement officers, more than 30 of them are already sentenced. One of the biggest sentences — 10 years of prison to Vadim Cheldiev.

Unfortunately, there is no detailed information about these cases in the public space.

7. During 2020 as well, after the arrest of the former head of Khabarovsk krai Sergei Furgal, the continuous peaceful protests in Khabarovsk were quite notable. By December 2020, OVD-Info recorded 64 arrests during protest and almost twice as many — 121 — fall on the time intervals between protest events. Journalists and bloggers have been deliberately detained in Khabarovsk in anticipation of possible major protests.

8. In 2021, country-wide protests emerged after the return and subsequent imprisonment of Alexey Navalny. More than 23 500 people were detained. More than 180 people (including 8 minors) became defendants in criminal cases as an aftermath of protests.

9. During 2022, a total of 20,467 individuals were detained on politically motivated grounds for participating in assemblies or single-person pickets, or in connection with them. Of these, 19,478 were detained for expressing an anti-war stance. It is important to note that protests on a variety of other topics, such as environmental issues, labor rights, or political prisoners, were also taking place. Nonetheless, all types of assemblies and pickets, regardless of their subject matter, were suppressed and their participants and organizers were prosecuted.

POLICE VIOLENCE AND CONDITIONS OF DETENTION

10. Problems with violence and the use of torture against detainees have been particularly worrying after 2019 protests. Assemblies participants' who are beaten both during actions and after detention. In particular, in 2021, such reports included cases of targeted beatings, torture in police

departments, threats of physical and sexual violence, and actual attempts of it.

11. In 2022, OVD-Info documented at least 413 similar reports about police violence during anti-war protests. Some of the women who were arrested during those protests were subjected to sexual violence. For example, in the police department in the Moscow district of Brateevo, officers tortured young women and threatened them with rape. These incidents were not investigated by the authorities, although the BBC Russian Service has managed to identify the perpetrators in the case of Brateevo.

12. Protests participants face police violence during and after detention despite their age. There are examples of minors being threatened or beaten at police stations.

13. There are no criminal cases against police officers for using violence during mass detentions — nevertheless, there are many such cases against protesters.

14. Detainees are also subjected to pressure in the form of threats of physical and sexual violence, extended detention, arrest and criminal prosecution. Some detainees are without access to food and water for many hours, and sometimes they are not allowed to go to the toilet, resulting in unacceptable conditions.

15. Protesters who are detained face harsh conditions throughout the detention process. They have reported suffering from extreme temperatures, stuffiness, and overcrowding while being transported in police vans.
At police stations, detainees have been denied food, water, and access to toilets, as well as medical assistance. Those who are held overnight before trial were not provided with proper beds. Due to the limited capacity of detention centers, some protesters have been kept in police vans for days.

16. Problems in special detention centers are also described, such as cold, heat, stuffiness, poor hygiene, lack of toilet bowls and other supplies, as well as the joint detention of smokers and non-smokers.

AUTHORIZATION OF PEACEFUL ASSEMBLIES

17. The process for approving public events in Russia is unbalanced and unfavorable for organizers. As of 2023, authorities will not approve practically any events that are not organized by them. From 2016 to mid-2022, courts received 6,987 complaints regarding refusals to authorize assemblies, many of which were considered after the planned assembly date. Only one case of successful compensation to an organizer for unlawful non-authorization of an assembly in 2022 is known.

18. Russian legislation, contrary to international standards, does not provide for a special legal regime for spontaneous assemblies. In practice, the uncoordinated nature of even a peaceful action allows the authorities to declare it illegal. This particularly affected the suppression of spontaneous anti-war protests in 2022.

19. The only type of assembly not requiring prior authorization is a solo demonstration. However, new legislation on assemblies also allowed recognizing a picket line or rotating solo demonstrations as an unauthorized public event after the fact, even if held kilometres away and at different times.

ADMINISTRATIVE AND CRIMINAL PROSECUTION

20. Administrative and criminal prosecution in regards to freedom of assembly continues. At least 423 criminal

cases have been opened in connection with the rallies since 2019. After 2019 mass protests, the practice emerged of using various non-protest related criminal code articles for such prosecution — for instance, in 2021, protests participants were accused of «blocking transport communications» (Article 267 of the Criminal Code) or «inciting violation of sanitary and epidemiological rules» (Article 236 of the Criminal Code).

21. In 2019-2022, 41987 cases under Article 20.2 of the CAO («Violation of assembly rules») were considered by the Russian courts. The total sum of the fines imposed in 2019-2021 for the participation in assemblies is 260 471 381 RUB (3 281 944 USD). In 2022, the administrative prosecution of assemblies' participants and single-picketers started to include Article 20.3.3 of the CAO («Discreditation of the Russian army») — at least 1000 such cases happened in 2022. In some cases, people were brought to administrative responsibility simultaneously under two Articles: 20.3.3 and 20.2 of the CAO for the same event.

22. Assembly laws and other laws applicable to assemblies do not meet the «quality of law» requirements and are applied unpredictably. Moreover, the legislation and its enforcement are highly discriminative to minors and foreign citizens.

23. After the 2021 protests, activists who, according to law enforcers, organized them, were forced to compensate «the overtime» of the security forces involved. At least 13.7 million rubles were already paid (roughly 199k USD).

ACCESS TO JUSTICE

24. The mass detentions in Russia in 2019-2022 were accompanied by violations of the right to defense and access to justice for those detained, such as restricting communication with the outside world, using threats, limiting access to lawyers and legal assistance, sending them to court

without the ability to review case materials, and so on. In police stations and detention centers, phones and writing materials are confiscated from detainees, and complaints about conditions are often refused. In courts, detainees are coerced into admitting guilt and waiving their right to a defense. In 2022 alone, lawyers and defenders were denied access to police stations over 275 times.

25. The field of accountability mechanisms because of freedom of assembly violations is virtually non-existent.

26. Challenging law enforcement actions during protests is ineffective. There are 0 criminal cases initiated against the police officers for the use of violence (including sexualized and gender-specific).

27. Russian legislation provides for compensation for unlawful detention at peaceful assemblies. Yet, in 2022, we are aware of only 25 cases where courts granted compensations for such violations, in one of which the compensation amount was 0.1 roubles (0,0014 USD).

28. Successful complaints on the arrest conditions are also quite rare — in 2022, we are aware of only 6 cases of compensation for such violations.

EXTRAJUDICIAL PRESSURE ON ASSEMBLIES' PARTICIPANTS

29. Authorities and state-controlled media undermine and discredit public assemblies and their participants. The state's strategy for countering extremism identifies uncoordinated public meetings (including protests), mass riots, and acts of terrorism as the most dangerous forms of extremism.

30. To intimidate both actual and potential protesters, authorities use various preventive measures, including threatening university expulsion (at least 72 cases in 2022) or job dismissal (at least 10 cases in 2022).

31. Protesters are threatened with criminal charges, including even before participating in an action. Some protesters have been forcibly placed in psychiatric hospitals or mandatory self-isolation, and police officers may visit protesters and their relatives under the guise of preventive talks to prevent offenses, although it is clear that these visits are meant to intimidate protesters.

32. In preparation for rallies, the police may block the central streets and metro stations, as well as limit the work of cafes and shops. The city's video surveillance and facial recognition systems are used to identify protesters, with at least 595 such arrests in 2021-2022.

33. Russian authorities also make attempts to prevent youngsters' participation in peaceful assemblies via media resources, extrajudicial pressure and propaganda. The state propaganda condemns the 'involvement' of underage persons in 'unauthorized' protests. Young protesters also face pressure in educational facilities.

34. Parents are also put under pressure if their children were involved in street protests. They face administrative prosecution and subsequent visits from the guardianship authorities.

INFORMATION ABOUT PROTESTS

35. The number of blockings and harassment for «calls to participate in mass events» has skyrocketed since 2019.

36. Russian authorities restrict Internet usage for coordinating public events including extrajudicial blocking of websites with information about unauthorized rallies, blocking apps to coordinate protest actions, and turning off mobile Internet in areas of mass protests.

37. In December 2020, amendments to the Law «On Information» were adopted, obliging the owners of social

networks to monitor and restrict access to prohibited information, including calls to protests and involving minors in such actions. Administrative liability was introduced for violation of these requirements.

38. The fight against the dissemination of information about actions has intensified after the mass protests of January 2021, bans and administrative measures were being applied against the media, social networks and users.

39. Roskomnadzor (Russian media and Internet watchdog) sent a warning to the owners of social networks, threatening fines under Article 13.41 of the CAO if information about the protests was disseminated. Several social networks have blocked pages and accounts linked to the protests, after Roskomnadzor has warned that they will be fined for failing to comply with requirements to curb the spread of calls for participation in rallies.

40. In addition, Roskomnadzor put pressure on the media, demanding that news about upcoming rallies be removed. VKontakte was fined twice, for a total of 3 million rubles (~37 740 USD), including for links to Youtube. Google, Facebook and Twitter received a total of 16 protocols from Roskomnadzor related to the refusal to remove content prohibited in Russia and fines for tens of millions of rubles, including calls to go to «unauthorized rallies». In addition to social networks, due to blocking associated with «calls», individual sites and projects also suffered.

41. On February 24, Roskomnadzor informed everyone that they should only use official information about the armed conflict in Ukraine and demanded that the media delete any publications where the words «war» or «invasion» are used instead of «a military operation, " and reports on shelling cities or claiming Russian personnel losses, otherwise threatening to block and fine them (up to ~78 200 USD). Thus the extent of control over any public calls for protests

became increasingly strict after the full-scale invasion in Ukraine.

42. For example, Sofia Attarova tweeted a post about the protest and deleted it after 29 seconds. However, the police officer was still able to take a screenshot. Later, she was detained in the Moscow metro using a facial recognition system, and arrested for five days, accused of organizing an uncoordinated event (part 2 of article 20.2 of the CAO). In total, more than 40 people were prosecuted for «discrediting the Russian Armed Forces» for posts calling for anti-war meetings.

43. To collect information related to assemblies, the authorities spy on organizers and participants of protests, hack activists' and journalists' accounts, infiltrate into activist chats, use Internet photos to detect protesters, and monitor social media of people detained at rallies.

PROSECUTIONS OF NGOS WORKING ON FREEDOM OF ASSEMBLY

44. The authorities persecute the organizations working on the issue of the freedom of assembly in Russia.

45. OVD-Info — the biggest organization focusing on freedom of assembly in Russia, was designated as a foreign agent in 2021, which was granted, inter alia, due to its cooperation with the Council of Europe. Moreover, the website of OVD-Info is blocked due to transmitting information on political persecutions, including mass persecution in connection with the protest rallies in 2021.

46. HRC «Memorial» and International Memorial were liquidated in 2021. In 2023, the court ruled to liquidate Moscow Helsinki Group, which is one of the oldest and famous Russian NGOs. All these organizations extensively worked on freedom of assembly.

47. The Russian authorities recognized as a foreign agent and later as an extremist organization the movement «Vesna» which advocates for political freedoms, including the freedom of assembly, and against the war in Ukraine.

RECOMMENDATIONS

- Ensure that spontaneous events and events with few participants may be held without prior notifications of the authorities;
- Exclude the possibility of criminal liability and administrative arrests for participation in peaceful assemblies;
- Release all people criminally prosecuted in connection with their participation in peaceful assemblies;
- Substantially reduce fines for violation of the rules concerning public assemblies;
- Reform system of approval of public assemblies, so as to make it more flexible and favorable to organizers;
- Repeal local laws that prohibit solo demonstration due to the pandemic;
- Stop the practice of preventive detentions and post-factum detentions with the use of facial recognition systems;
- Avoid from using excessive force against protesters, effectively investigate the cases of police violence and torture of the protesters and bring the perpetrators to justice;
- Refrain from using extrajudicial and other forms of pressure on protests' participants;
- Repeal the laws prohibiting «discrediting» and «spreading fakes» about the use of Russian armed forces;
- Stop the persecutions of NGOs and HRDs working in the field of freedom of assembly;
- Refrain from treating authors of social media posts about assemblies as their organizers and stop such persecutions;

- Refrain from blocking content about assemblies and revise relevant legislation in accordance with international standards;
- Stop detentions and prosecutions for participation and organizations of anti-war public events, acquit and release prosecuted anti-war activists.

Photo: Pickets on the day of the declaration of war with Ukraine, Moscow, February 24, 2022 / by Natalia B. for OVD-Info

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