



Гражданский Контроль
Общественная правозащитная организация

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and

Citizens' Watch

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1. (A) Introduction

- 1.1 CIVICUS is a global alliance of civil society organisations (CSOs) and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, we proudly promote marginalised voices, especially from the global south, and have members in more than 170 countries throughout the world.
- 1.2 Citizens' Watch is a human rights CSO founded by a group of Russian activists, lawyers, journalists and parliamentarians in 1992. Our strategic priority is to bring domestic human rights legislation and practices closer to international legal standards. We focus on promoting judicial independence and transparency and access to justice, providing professional training for defence lawyers, and combatting intolerance and racism.
- 1.3 In this document, CIVICUS and Citizens' Watch examine the Government of Russia's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society. Specifically, we analyse Russia's fulfilment of the rights to the freedoms of association, peaceful assembly and expression and unwarranted restrictions on human rights defenders (HRDs) since its previous UPR examination in April 2013. To this end, we assess Russia's implementation of recommendations received during the 2nd UPR cycle relating to these issues and provide a number of specific, action-orientated follow-up recommendations.
- 1.4 During the 2nd UPR cycle, the Government of Russia received 75 recommendations relating to civic space. Of these recommendations, 31 were supported, 40 were noted and 4 were partially supported and partially noted. An evaluation of a range of legal sources and human rights documentation addressed in subsequent sections of this submission demonstrate that the Government of Russia has not implemented any of these recommendations relating to civil society space.
- 1.5 CIVICUS and Citizens' Watch are deeply concerned by the adoption and application of several draconian laws that have resulted in the expulsion and closure of numerous CSOs, and the restriction of the activities of countless others.
- 1.6 CIVICUS and Citizens' Watch are further alarmed by the increasing criminalisation and persecution of dissenting views by means of growing restrictions, in both law and practice, on the exercise of the fundamental freedoms of expression and peaceful assembly. As a result of these restrictions, the space for civil society in Russia is currently rated as 'repressed' by the CIVICUS Monitor.¹

¹ CIVICUS Monitor: Russia, <https://monitor.civicus.org/country/russia/>.

- Section 2 of this submission examines Russia's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of association.
- Section 3 examines Russia's implementation of UPR recommendations and compliance with international human rights standards related to the protection of HRDs, civil society activists and journalists.
- Section 4 examines Russia's implementation of UPR recommendations and compliance with international human rights standards concerning the freedom of expression, independence of the media and access to information.
- Section 5 examines Russia's implementation of UPR recommendations and compliance with international human rights standards related to the freedom of peaceful assembly.
- Section 6 makes a number of recommendations to address the concerns listed.
- An annex of implementation of 2nd cycle UPR recommendations related to civic space can be found in Section 7.

2. (B) Freedom of association

- 2.1** During Russia's examination under the 2nd UPR cycle, the government received 29 recommendations on the right to the freedom of association and creating an enabling environment for CSOs. Among other recommendations, the government was urged to "amend the new law on NGOs so that it cannot be used as an instrument of repression and intimidation of NGOs and civil society" (140.169) and "revise the law on 'foreign agents' and adopt measures in order to facilitate and enhance dialogue and practical cooperation between Government and civil society" (140.179). Of the recommendations received, the government accepted 9, noted 17 and partially supported and noted 3. However, as evidenced below, the government has failed to take adequate measures to realise these recommendations.
- 2.2** Article 30 of the Russian Constitution guarantees the right to the freedom of association, as does article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which the Russian Federation is a state party. However, the Government of Russia has increasingly imposed and actively used legislative restrictions to unwarrantedly limit the exercise of this freedom.
- 2.3** On top of long-standing and demanding registration requirements and intrusive supervisory powers over CSOs, a spate of restrictive laws passed since 2012 has severely constrained the work of CSOs and impeded the exercise of the right to the freedom of association. Of particular concern is Federal Law 121-FZ,² commonly

² Cf. Federal Law 121-FZ on Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-commercial Organizations Performing the Function of Foreign Agents, 18 July 2012, <https://goo.gl/7AjpVS>.

known as the ‘foreign agents law’, which requires all non-commercial organisations (NCOs) to register as “carrying functions of a foreign agent” for conducting any “political activity” from foreign sources. Given that it is loosely defined, the expression “political activity” may in practice cover any kind of civil society advocacy.³ Even ecological organizations were listed as foreign agents.⁴ The law increased the vulnerability of CSOs that receive external support, while financially asphyxiating those that ceased receiving such funding. The ‘foreign agents law’ has repeatedly been denounced by independent experts as contrary to international law.⁵

- 2.4** Listed CSOs are required to undergo costly annual audits for which they must pay; provide the Ministry of Justice with detailed information about their activities, internal governance and budget; and mention on any publication that it was produced by a foreign agent. Punishment for noncompliance includes fines that can reach 300,000 roubles (around 4,400 EUR).⁶ In 2014 organisations recognised as foreign

³ The courts recognised the organisation of seminars, conferences and public discussions on social and legal problems in Russia as political activities. See, for instance, decision of the Supreme Court of the RF, case 41-АД15-1, 3 July 2015, concerning the CSO Women of the Don, <http://goo.gl/yee2WM>.

⁴ Dauria, a CSO that has led ecological campaigns for two decades, was labelled “foreign agent” in January 2016, and Bellona-St. Petersburg followed suit one year later. At least seven environmental NGOs closed since 2012 after being designated as foreign agents. Cf. The Guardian, 14 January 2016, “Russian green group labelled ‘foreign agent’ in crackdown on NGOs”, <http://goo.gl/DpdsDF>; Human Rights Watch, 18 January 2017, “Russian Environment NGOs: An Endangered Species”, <http://goo.gl/d3Yq5e>.

⁵ The fact that the Foreign Agent Law contradicts international law was recognised by the Commissioner of Human Rights of the Council of Europe, the UN Committee Against Torture and the Venice Commission. According to the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights, CSOs recognised as foreign agents are placed in a discriminatory position compared to other CSOs. In particular, ‘foreign agents’ may not apply for the status of a provider of services for the public benefit (which prescribes certain benefits), make donations to political parties or participate in the elections of the President of the Russian Federation and the State Duma. Cf. Opinion of the Commissioner on Human Rights on the legislation of the Russian Federation on non-commercial organizations in light of Council of Europe standards. 15 July 2015, <https://goo.gl/2U9rYm>; Opinion of the Commissioner on Human Rights on the legislation of the Russian Federation on non-commercial organizations in light of Council of Europe standards. 15 July 2015, <https://goo.gl/2U9rYm>; CAT/C/RUS/CO/5, Concluding observations on the fifth periodic report of the Russian Federation, adopted by the Committee against torture at its forty-ninth session (29 October-23 November 2012), paragraph 12; Opinion on Federal Law N 121-FZ On non-commercial organizations (Law on foreign agents on Federal laws N 18-FZ and N 147-FZ and on Federal law N. 190-FZ on making amendments to the criminal code (Law on treason) of the Russian Federation, adopted by the Venice Commission at its 99th Plenary Session (Venice, 13-14 June 2014), <https://goo.gl/o3snkD>, paragraphs 53-55, 63, 70, 76-82, 93; Expert opinion on the law enforcement practice of the federal law on non-commercial organizations with functions of a ‘foreign agent’ of the Standing Commission for NCO development of the Council under the President of the Russian Federation for the Development of Civil Society and Human Rights. 15 May 2017, <http://president-sovet.ru/presscenter/news/read/3916/ю>.

⁶ Decision of the Charabylaksky District Court, case 5-33/2016, 30 August 2016, concerning NGO “MASHR”, <http://goo.gl/LEFgpt>; Decision of the Nizhegorodsky District Court, case 12-1697/15, 7 December 2015, concerning NGO “Ecological center “Dront”, <http://goo.gl/upNcmX>; Decision of the Nizhegorodsky District Court, case 12-1300/2015, 16 September 2015, concerning NGO “Committee against torture”, <http://goo.gl/6jxw5m>; decision of the Tversky District Court of Moscow, case 12-3344/2015, 28 September 2015, <http://goo.gl/AvVorp>.

agents were forbidden from participating in any election activity.⁷ In addition, the “foreign agent” label carries a negative public connotation. This has been effectively exploited in state propaganda, notably through national television programmes

- 2.5** The first ruling under the “foreign agents” law, issued in early 2013 amid a nationwide governmental inspection campaign, resulted in fines of US \$13,000 being imposed on the election monitor Golos and its director, on the charge of failing to register.⁸ In November 2013, a civil suit ruling forced another independent group, the Center for Social Policy and Gender Studies (CSPGS), to register as a foreign agent.⁹ Other organisations, including LGBTI and women’s rights groups, faced similar civil suits in late 2013.¹⁰ In February 2016 Agora, a human rights organisation, became the first to be liquidated by a court decision under the “foreign agents” law.¹¹ The first criminal case for “malicious evasion of the duties” under this law was opened in June 2016 against Valentina Cherevatenko, chair of the Women of the Don CSO, which had been designated a foreign agent in 2014.¹² In July 2017 prosecution was stopped and the criminal case was closed.¹³ Several organisations have fought their labelling in the courts.¹⁴ Since 2014 at least 49 CSOs appealed to the European Court of Human Rights (ECtHR) claiming that the decisions labelling them as foreign agents violated their rights, as protected by the European Convention on Human Rights (ECHR).¹⁵

⁷ Federal law 355-FZ On amendment in a number of legislative acts of the Russian Federation concerning the matter of finance reporting of political parties, electoral assemblies, candidates of state and local elections. 24 November 2014, <https://goo.gl/NDQmzd>.

⁸ Dawn, 26 April 2013, “Russian court fines NGO \$13,000 under ‘foreign agent’ law”, <http://goo.gl/mKSPWb>. See also: Decision of the Zamoskvorezky Court of Moscow, case 2-454/2014 (2-6489/2013/ M-3995/2013), 24 June 2014, <https://goo.gl/Bzoya4> (in Russian).

⁹ Decision of Kirovsky district court of Saratov, case 2-6614/2013, 27.11.2013, <https://goo.gl/fd1HNN> (in Russian).

¹⁰ Human Rights Watch, 6 December 2013, “Russia: First Ruling on Civil Suit Under ‘Foreign Agents’ Law”, <http://goo.gl/obA4qS>.

¹¹ FIDH, 11 February 2016, “Russia: First human rights organisation liquidated by court for “influencing public opinion”, <http://goo.gl/At9f8z>.

¹² Frontline Defenders, n/d, “Case History: Valentina Cherevatenko”, <http://goo.gl/bSqpN2>.

¹³ Агентов.нет. «Первое в России уголовное дело за нарушение закона об иностранных агентах», <https://goo.gl/kR7ogL>.

¹⁴ Rights in Russia, 12 December 2016, “Glasnost Defence Foundation lodges application with European Court of Human Rights over ‘foreign agent’ law”, <http://goo.gl/PcwF8G>; RAPS, 16 December 2016, “Moscow court refuses to exclude rights group Memorial from “foreign agents” list”, <http://goo.gl/vYs795>. See also BBC, 27 March 2013, “Russia NGOs decry ‘intimidation’ raids”, <http://goo.gl/aF1Dm4>, see also decision of Tverskoy district court of Moscow, case 2-502/2015, 11 March 2015, <https://goo.gl/mheQHj>.

¹⁵ The Court joined the applications: Ecodefence and others v. Russia and 29 other applicants (9988/13), <http://goo.gl/8j2HSA>. The case was communicated; Amnesty International and the Human Rights Resource Centre submitted their opinions in support of the applicants. The Council of Europe Commissioner for Human Rights Nils Muiznieks also supported applicants as a third party. Cf. MID.ru, 4 August 2017, “Comment by the Information and Press Department on Council of Europe Commissioner for Human Rights Nils Muiznieks’ position concerning the application ECODEFENCE and others v. Russia”, <https://goo.gl/EoWpz7>.

- 2.6** On 6 September 2017 the list of foreign agents CSOs, maintained by the Ministry of Justice, included 88 CSOs.¹⁶ The number had previously been as high as 151 but has decreased because some CSOs closed down or were delisted, mostly because they stopped receiving foreign funds.¹⁷ Initially no procedures were established for a CSO to remove its 'foreign agent' label even if it stopped receiving foreign funding, and organisations listed on the registry were not allowed to leave it until 2015, even if the liquidated themselves.¹⁸
- 2.7** Passed in December 2012, Federal Law 272-FZ¹⁹ further restricts the activities of CSOs. Among other provisions, this law prohibits citizens with dual US-Russian citizenship from participating in or leading Russian CSOs, and the registered offices of foreign CSOs from participating in political activities in Russia; it also established that any CSO engaging in political activity and receiving funds from the USA can be suspended by the Ministry of Justice. Such CSOs lose the right to establish media outlets, conduct public events and use bank accounts.
- 2.8** The Legislation was further restricted in 2015 with the adoption of the Federal Law 129-FZ, which is also known as the 'law on undesirable organisations'²⁰. According to this law a foreign or international CSO may be declared "undesirable" by the Prosecutor General if deemed a threat to national security. Exercise of activities of organisations declared "undesirable" in Russia is prohibited, and all persons participating in any of their activities are subject to administrative²¹ and criminal sanctions.²² These provisions are vague and open to arbitrary application. A recent example of this is the persecution of the SOVA Centre for Information and Analysis, which faces charges for participating in the activities of undesirable organisations. The basis for the accusation is that the SOVA Centre's website contains hyperlinks to the websites of the National Endowment for Democracy and Open Society Foundations, which used to support the organisation and have been labelled as

¹⁶ See list of CSOs recognised as performing the functions of foreign agents in <https://goo.gl/ptfLzi>.

¹⁷ Amnesty International, 2016, *"Agents of the people": Four years of "foreign agents" law in Russia: consequences for the society*, available in <http://goo.gl/i4vjk5>; Газета.ру, 2015, «Иностранные агенты пошли на выход» (in Russian), <https://goo.gl/ivU82x>.

¹⁸ Procedures for leaving the Foreign Agents register were established by law in 2015. See Open Democracy, 15 August 2017, "Five years of Russia's Foreign Agent law", <http://goo.gl/F7Nej2>. By mid-2017, more than 20 organisations had been removed from the list when they agreed to stop accepting foreign funding. See Human Rights Watch, 24 July 2017, "Russia: Government vs. Rights Groups. The Battle Chronicle", <http://goo.gl/KtbtUF>.

¹⁹ Cf. Federal Law 272-FZ About Corrective Actions on Persons Involved in Violations of Fundamental Human Rights and Freedoms, Rights and Freedoms of Citizens of the Russian Federation, 28 December 2012, <https://goo.gl/BD5fjt>.

²⁰ Federal law 129-FZ On amendments to certain legislative acts of the Russian Federation, 23 May 2015, <https://rg.ru/2015/05/26/fz129-dok.html>.

²¹ Code on Administrative proceedings, art. 20.33, <https://goo.gl/2XQZmw>.

²² Criminal Code of the RF, art. 284.1, <https://goo.gl/6EdGNB>.

undesirable.²³ By mid-2017, the registry of “undesirables” included 11 prominent organisations.²⁴

- 2.9** After the annexation Crimea local CSOs, mass media and religious organizations faced with requirement of re-registration in accordance with Russian legislation. OSCE observed that no more than 5 to 10 per cent of them previously registered under Ukrainian law succeeded to re-register.²⁵ The reason behind this low rate appears to be the will of de facto authorities to reduce civil society space.²⁶ This amounts to unlawful limitation of the freedom of assembly.

3. (C) Harassment, intimidation and attacks against human rights defenders, civil society activists and journalists

- 3.1** Under Russia’s previous UPR examination, the government received 27 recommendations on the protection of HRDs, journalists and civil society representatives, including several on the criminalisation of homosexuality and the resulting civic space restrictions targeting LGBTI activists. The government was urged, among other recommendations, to “repeal existing regional laws banning homosexual propaganda” (140.90; noted) and “investigate thoroughly, promptly and impartially all allegations of intimidation and violence against journalists and HRDs and bring the perpetrators to justice” (140.150; supported). Of the recommendations received, 18 were accepted, 7 were noted and two were partially supported and noted. However, as examined in this section, the government has failed to implement these recommendations effectively.
- 3.2** Article 12 of the UN Declaration on Human Rights Defenders mandates states to take necessary measures to ensure the protection of HRDs. The ICCPR further guarantees the freedoms of expression, association and peaceful assembly. However, in spite of these protections, Russian civil society activists and HRDs are currently left

²³ Front Line Defenders, 12 September 2017, “SOVA Centre for Information and Analysis fined”, <https://goo.gl/gT7io7>.

²⁴ The list can be found on the Ministry of Justice website, <http://minjust.ru/ru/activity/nko/unwanted>. It includes the National Endowment for Democracy (July 27, 2015); OSI Assistance Foundation and Open Society Foundation (December 1, 2015); U.S. Russia Foundation for Economic Advancement and the Rule of Law (December 7, 2015); National Democratic Institute for International Affairs (May 17, 2016); Media Development Investment Fund Inc. (August 18, 2016), International Republican Institute (August 18, 2016), Open Russia (April 27, 2017), Institute of Modern Russia (April 27, 2017), Open Russia Civic Movement (April 27, 2017), and The Black Sea Trust for Regional Cooperation (June 30, 2017). For details on the most recent case, see Balkan Insight, 4 July 2017, “Russia Bans Romanian-American Democracy Organisation”, <http://goo.gl/vGTwd7>.

²⁵ OSCE, Report of the Human Rights Assessment Mission on Crimea, 6–18 July 2015, <https://goo.gl/Vsuime>.

²⁶ Ibid. Example of shrinking society space can shown with the results of the latest the President of the Russian Federation grants competition: among the 5 winners, CSOs registered in Crimea, there is no human rights CSO, all of the winners work in the sphere of culture and education, <https://goo.gl/Y1QV2p>.

unprotected by state authorities and institutions, which in addition are often complicit in or even directly responsible for their persecution.

- 3.3** Anti-terrorism legislation was reinforced in July 2016 with the passing of a legislation package including Federal Laws 374-FZ²⁷ and 375-FZ.²⁸ Justified by the authorities on national security grounds, the new legislation was denounced by civil society as yet another tool to curb dissent. Even before the new laws were passed, charges of terrorism were often brought against HRDs.²⁹ Following the new laws, several activists have been charged, with some convicted for expressing views allegedly sympathetic to terrorism. For example, blogger Aleksei Kungurov was convicted and imprisoned for justifying terrorism.³⁰ He wrote in a social media post alleging that the real reason for Russian military operation in Syria was not to fight against terrorism but support of the President Bashar al-Assad.
- 3.4** LGBTI activists and organisations have been specifically targeted as a result of a so-called “anti-gay” law passed in 2013,³¹ which makes the distribution of “propaganda of non-traditional sexual orientations” among minors a criminal offence.³² The new legislation has led to marked increase in homophobic violence, which remained unpunished,³³ as well as to the administrative and judicial harassment of LGBTI rights

²⁷ Federal Law 374-FZ On amendment to the Federal Law On Combatting terrorism and to a number of legislative acts of the Russian Federation concerning adoption of additional measures on anti-terrorism and ensuring public security, 6 June 2016, <https://goo.gl/Gz5R3h>. The Law inter alia outlined powers of local self-government in combatting terrorism, defined and regulated missionary work, and set administrative responsibility for non-compliance with missionary work regulations.

²⁸ Federal Law 375-FZ On amendment of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation concerning adoption of additional measures on anti-terrorism and ensuring public security, 6 June 2016, <https://goo.gl/kKviWE>. The Law lowered the minimum age of criminal responsibility and included the new crime of “not-reporting a crime”, which was regarded as the return to notorious soviet practice of massive reporting on neighbors and acquaintances. Cf, Meduza, 7 July 2016, “В России принят закон о доносительстве. Им будут злоупотреблять?”, <https://goo.gl/DXVmEh> (in Russian).

²⁹ RFERL, 13 March 2015, “Bashkir Activist Sentenced For 'Justification Of Terrorism'”, <http://goo.gl/1vHjwq>; Machorka, 16 November 2015, “Russia: anarchist Ilya Romanov sentenced to 10 years”, <http://goo.gl/zCSLsa>.

³⁰ He was RFERL, 20 December 2016, “Russian Blogger Convicted, Imprisoned For Post Criticizing Syria Intervention”, <http://goo.gl/ZNs1mK>. Earlier, in September 2013, a group of Greenpeace activists had also been threatened with terrorism charges, then charged with piracy and kept in detention, and eventually acquitted largely as a result of international pressure, after they tried to climb aboard a controversial oil rig to disrupt its operations. The Guardian, 20 September 2013, “Greenpeace activists could be charged with terrorism after ship stormed”, <http://goo.gl/ncDGec>.

³¹ Federal Law 436-FZ On Protection of children from the information, damaging their health and development, 29 December 2010, <https://goo.gl/eccKP3>.

³² The enactment of the Law for the Purpose of Protecting Children from Information Advocating for a Denial of Traditional Family Values reportedly led to an increase in anti-LGBTI violence; as argued by the head of the Russian LGBT Network, “the latest laws against so-called gay propaganda, first in the regions and then on the federal level, have essentially legalised violence against LGBT people, because these groups of hooligans justify their actions with these laws”. Cf. The Guardian, 1 September 2013, “Russian anti-gay law prompts rise in homophobic violence”, <http://goo.gl/G27Fnz>.

³³ *Novya Gazeta* published series of articles covering the persecution of gay men in Chechnya; see for instance (in Russian) *Novya Gazeta*, 4 April 2017, “Расправы над чеченскими геями (18+)”, <https://goo.gl/vXyV2N>. The persecution is so severe that Canada collaborated with a CSO to escort some persecuted gays from

CSOs and the arbitrary arrests of LGBTI activists, particularly during demonstrations.³⁴ In January 2016, a court found Sergei Alekseenko, the director of Maximum, a group providing legal and psychosocial support to LGBTI people, responsible for the contents of the organisation's website, which conveyed positive information about LGBTI relationships. He was fined 100,000 roubles (around US\$1,300) for the alleged "propaganda".³⁵

- 3.5** Additionally, the work of activists and journalists has been arbitrarily criminalised under various charges, including insult of religious feelings,³⁶ espionage,³⁷ production of pornography,³⁸ possession of narcotics,³⁹ organising public disorder⁴⁰

Chechnya to Canada and welcomed some of them as refugees. Cf. Novya Gazeta, 3 September 2017, <https://goo.gl/tRW3WH>.

³⁴ Human Rights Watch, 15 December 2014, "License to Harm. Violence and Harassment against LGBT People and Activists in Russia", <http://goo.gl/cw7ayB>.

³⁵ Human Rights Watch, 3 February 2016, "Russia: Court Rules Against LGBT Activist. Repeal the Discriminatory Anti-LGBT Law", <http://goo.gl/zei2e1>. In fact, many activists, citizens and even corporations have been accused for allegedly spreading "gay propaganda". See, for instance, The Guardian, 30 April 2015, "Russian politician denounces Apple's U2 album gift as 'gay propaganda'", <http://goo.gl/DGon9i>; Independent, 25 September 2015, "Apple investigated by Russia for 'homosexual propaganda' over its emojis featuring same-sex couples", <http://goo.gl/3pHNE7>; Pink News, 14 March 2016, "Calvin Klein accused of breaking 'gay propaganda' law in Russia", <http://goo.gl/SZNYlY>; The Guardian, 5 December 2016, "Russian MPs accuse Fifa 17 video game of 'gay propaganda'", <http://goo.gl/zUgOPv>.

³⁶ Ruslan Sokolovsky was convicted on charges of incitement of hatred and insult to the religious feelings of believers to a 3.5 years suspended sentence for playing in video-game "Pokemon Go" in a church. Cf. Human Rights Watch, 11 May 2017, "Russia: Pokemon Go Blogger Convicted", <https://goo.gl/KA7btQ>.

³⁷ In late September 2016 Ukrainian journalist Roman Sushchenko was detained and charged with espionage in the Russian Federation. In early October, a Moscow court sent him to pre-trial detention for two months. Cf. RAPS, 17 February 2017, "Russian court upholds detention of Ukrainian journalist charged with spying", <https://goo.gl/z9rmmS>.

³⁸ Russianreader.com, 1 March 2017, "The Yuri Dmitriev Affair", <https://goo.gl/TW9bES>; 7x7, 7 September 2017, "Защита карельского историка Дмитриева запросит новую экспертизу фотографий". <https://goo.gl/4qVZ6o>.

³⁹ In September 2016, another journalist, Zhalaudi Geriev, from the North Caucasus Republic of Chechnya, was sentenced to three years imprisonment for drug possession. Geriev is a human rights defender and independent journalist who works for an online news portal that is well known for reporting abuses by Chechen authorities. Cf. Human Rights Watch, 6.09.2016, "Russia: Journalist Punished for Chechnya Reporting", <https://goo.gl/ns9geY>; Frontline Defenders, n/d, "Zhalaudi Geriev sentenced to three years imprisonment", <http://goo.gl/5R6ocL>.

⁴⁰ Akhtem Chiygoz, deputy chairman of the Crimean Tatar parliament, the Mejlis, treated as an extremist organization in Russia, was convicted to 8 years for organizing mass riots against annexation of Crimea by Russia in 2014. BBC, 11 September 2017, "Crimean Tatar leader Chiygoz jailed by Russian court", <https://goo.gl/1Y2Jmy>.

and violating immigration laws.⁴¹ These cases are often marked with violations of due process.⁴²

- 3.6** HRDs and independent journalists alike have also increasingly suffered intimidation, harassment and physical violence. During the night of 8 September 2016, for example, a Greenpeace team of volunteer firefighters was attacked by armed masked men in the Krasnodar region, and at least one staff member and one local volunteer were injured. The group was helping local authorities and environmental activists fight illegal wildfires in valuable wetlands and coastal salt lakes.⁴³ Journalists investigating corruption, government mismanagement, organised crime and human rights abuses also appear to be particularly vulnerable to violent attacks. Such was the case of Nikolai Andruschenko, the 73 year-old co-founder of the *New Petersburg* newspaper and harsh critic of the current administration, who died in hospital in April 2017 as a result of injuries sustained a month earlier, when he was attacked in the street by strangers.⁴⁴ In March 2016, two HRDs and six journalists, including one each from Norway and Sweden, were attacked in the Ingushetia region on their way to Chechnya; the case was insufficiently investigated and the perpetrators were never identified.⁴⁵

⁴¹ Ali Feruz, an openly gay HRD and correspondent for an independent newspaper, was charged with immigration violations, detained and subjected to tortures. A court eventually ruled that he should be forcibly deported to his native Uzbekistan, where homosexuality is a serious crime and his life is in danger. Cf. RFERL, 7 October 2016, "Russian Charges Ukrainian Journalist With Espionage", <http://goo.gl/Pc5QcK>; CNN, 7 August 2017, Gay journalist appeals against Russian deportation order", <http://goo.gl/RsdBY4>. Tatyana a Kotlar, in turn, was convicted for registering migrants in her flat to enable them to have access to various state services. Cf. Kommersant.ru, 14 July 2017, "Правозащитницу судят за помощь украинским беженцам", <https://goo.gl/BzfPCZ>. Specifically about her conviction, see Sos-hrd.org, 12.09.2017, "Правозащитницу Татьяну Котляр признали виновной в фиктивной регистрации беженцев", <https://goo.gl/hJWj7b>.

⁴² For the cases of Ahtem Ciygoz, Ilya Romanov, Rinat Galiullin and Dmitry Krepin, see RFERL, 12 December 2016, "Pretrial Detention Of Crimean Tatar Activist Prolonged", <http://goo.gl/u8Ad3W>; OVD-Info, 28 July 2017, Новое дело Ильи Романова: вагина, кафиры и планшет, <http://goo.gl/Njh9SL>; OVD-Info, 30 July 2017, "На фигуранта челябинского дела «Хизб ут-Тахрир» после 5 лет в колонии завели новое дело", <http://goo.gl/hdMpij>; OVD-Info, 31 July 2017, "Четвертый мартовский: начался суд над Дмитрием Крепкиным", <http://goo.gl/e5euE7>.

⁴³ Greenpeace, 9 September 2016, "Greenpeace Russia team attacked by armed masked men", <http://goo.gl/nBPXwt>.

⁴⁴ RFERL, 21 April 2017, "'Difficult' Russian Journalist Died As He Lived: Mired In Intrigue", <http://goo.gl/162uKy>. In another recent attack, Vladislav Ryazantsev, a correspondent with the *Caucasian Knot*, was beaten by unknown individuals in Rostov-on-Don. Muftah, 16.01.2017, "Chechen Authorities Threaten Human Rights Journalists with Impunity, Again", <https://goo.gl/3EzCps>; "Избитому корреспонденту "Кавказского узла" назначили судмедэкспертизу без его участия", <http://goo.gl/kkf2vc>. Threats against investigative journalists are too common to list. For an example, see the case of Rinat Sagdiyev, a correspondent for the national business daily *Vedomosti* who received anonymous threatening text messages in connection to his investigative reporting on the state oil company Rosneft. Cf. CPJ, 18 July 2017, "Russian journalist warned by anonymous text messages to stop reporting", <http://goo.gl/v6U9tt>.

⁴⁵ The Guardian, 10 March 2016, "Two human rights activists and six journalists, including one from Sweden and one from Norway", <https://goo.gl/3euSF9>.

4. (D) Freedom of expression, independence of the media and access to information

- 4.1** Under the 2nd UPR cycle, the government received 16 recommendations on the freedom of expression and access to information. For example, the government was urged to “harmonize its domestic legislation with article 19 of ICCPR and modify the Penal Code in order to decriminalize defamation and bring defamation to the civil jurisdiction” (140.147; noted) and “amend the law ‘On counteracting extremist activities’ to define extremism in terms of actual use of violence” (140.26; noted). Of the recommendations received, 7 were accepted, 8 noted, and one was partially supported/noted. However, as discussed below, the government did not take effective measures to implement these recommendations.
- 4.2** Article 19 of the ICCPR guarantees the right to the freedom of expression and opinion. Article 29 of the Constitution of Russia also guarantees this freedom. However, concerns have mounted about the restriction of these freedoms in Russia, both online and offline. Since 2012, a series of laws have been passed to reintroduce defamation as a criminal offence and impose steep fines on media outlets publishing allegedly defamatory public statements; increase internet censorship; and expand the definition of treason to allow the government to brand critics as traitors.
- 4.3** In October 2014, changes to the Federal Law 2124-1 on Mass Media established that foreign states, international organisations or any organisation controlled by one, foreign entities, Russian legal entities with foreign participation, foreign citizens, stateless persons, or Russians who are also citizens of another state may not found or direct a media company, nor own, manage or control, directly or indirectly, more than 20 per cent of the shares or capital of a media entity. Censorship also takes the form of a prohibition on distributing information produced by an organisation deemed “undesirable”.
- 4.4** Given the proven success of online platforms as a tool for organising protests, restrictions on online activity have also increased in recent years. In particular, the Internet Law (commonly referred to as the ‘Bloggers Law’) of 2014 made all websites with more than 3,000 daily visitors responsible for the accuracy of information published, banned online anonymity, required search engines and social networks to keep computer records on Russian soil of everything posted for the previous six months, and established steep fines for violations.⁴⁶ In addition, in July 2017 President Putin signed a law banning technology that allows Internet users to access online content that is prohibited in Russia, including virtual private networks (VPNs) and anonymizers, and giving Russia’s communications regulatory body the authority

⁴⁶ NDTV, 7 May 2014, “Russia Quietly Tightens Reins on the Internet With a ‘Bloggers Law’”, <http://goo.gl/4DUxd6>.

to restrict access to anonymizing services.⁴⁷ The law also creates an official register of online resources to which access is restricted in Russia.⁴⁸

- 4.5** Additionally, the above mentioned Federal Laws 374-FZ and 375-FZ force mobile phone operators and companies providing internet services to store all electronic correspondence, files and calls made or received by their clients for a period of three years.⁴⁹ The laws, which will come into force in July 2018, also compel operators to provide the police and the intelligence services with the encryption keys used to secure electronic messages. Recently passed bills also require internet providers to cooperate with the authorities by blocking banned websites and disclosing the content of instant messaging and other information about users. These laws are regarded as threatening to both human rights and cybersecurity.⁵⁰
- 4.6** There is widespread persecution of free speech under the guise of combating extremism. Article 282 of the Criminal Code of the Russian Federation outlaws extremist activities and gives judges ample discretion on the basis of a very wide definition of “extremism”.⁵¹ Under a unified investigative procedure, experts are asked to determine whether an online post is extremist. Their neutrality and professionalism are often questioned.⁵² For instance, in experts’ opinion a phrase negating the existence of the God and prophet Mohamed is extremist and insults feelings of believers.⁵³
- 4.7** As a result of the overreaching state powers granted by these laws and their arbitrary and targeted application against critics, Russian citizens cannot safely express views

⁴⁷ Federal Law 276-FZ On amendment to the Federal law On information, information technologies and on protection of the information, 29 July 2017, <https://goo.gl/t93Jxv>; Amnesty International, 31 July 2017, “Russia: VPN ban is a major blow to Internet freedom”, <http://goo.gl/MiYHiB>;

⁴⁸ Federal Law 374-FZ On amendment to the Federal Law On Combatting terrorism and to a number of legislative acts of the Russian Federation concerning adoption of additional measures on anti-terrorism and ensuring public security, 6 June 2016, <https://goo.gl/Gz5R3h>; Federal Law 375-FZ On amendment of the Criminal Code of the Russian Federation and the Code of Criminal Procedure of the Russian Federation concerning adoption of additional measures on anti-terrorism and ensuring public security, 6 June 2016, <https://goo.gl/kKviWE>.

⁴⁹ Federal Laws 374-FZ and 375-FZ, 6 July 2016.

⁵⁰ Human Rights Watch, 12 July 2016, “Russia: ‘Big Brother’ Law Harms Security, Rights”, <https://goo.gl/VKZod2>.

⁵¹ The Committee on Elimination of Racial Discrimination expressed concern that “such broad definitions [of extremism] can be used arbitrarily to silence individuals” and recommended to “amend the definition of extremism in the Law on Combating Extremism and in articles 280 and 282 of the Criminal Code to ensure that it is clearly and precisely worded, in accordance with article 4 of the Convention [on elimination of all forms of racial discrimination]” (CERD/C/RUS/CO/23-24, 25 August 2018, paras. 11-12).

⁵² Meduza, 22 June 2017, “Специалисты по порнографии и экстремизму Как работает Центр социокультурных экспертиз, чьи аналитические статьи помогают судам сажать правозащитников, националистов и Pussy Riot”, <https://goo.gl/Hn17CP>; Colta.ru, 26 October 2015, «Ненависть к группе «работники Министерства культуры», <http://www.colta.ru/articles/society/8848>.

⁵³ Znak, 11 May 2017, «...Формирует мнение, что в России царит мракобесие и произвол...» 13 цитат из приговора видеоблогеру Руслану Соколовскому, <https://goo.gl/9MtQdw>.

that are not aligned with the official political, economic and social narratives.⁵⁴ Many activists have been criminalised for expressing their opinions on social media.⁵⁵ Cases such as that of Andriy Vynohradov, a pro-Ukrainian activist and member of the Ukrainian Cultural Centre, who was arrested in early 2017 for a post on social media in Russian-occupied Crimea, have become worryingly common.⁵⁶

- 4.8** Texts that are deemed extremist are included in a federal list of extremist materials maintained by the Ministry of Justice.⁵⁷ As of September 2017 there were 4212 materials included in the list.⁵⁸ The distribution of extremist materials is prohibited and they are liable to confiscation. In August 2017 an edition of the Bible translated into Russian by the Jehovah's Witnesses was deemed extremist, confiscated by court order and destroyed.⁵⁹
- 4.9** Leading figures in art and culture have been prohibited from pursuing their projects, and sometimes criminally prosecuted. In 2015 the director of Novosibirsk Opera and Ballet theatre, Boris Mezdrich, and its production director, Timofei Kulyabin, were charged with administrative offences and fired after the Russian Orthodox Church insisted that the opera Tannhauser insulted religious feelings.⁶⁰ Kirill Serebrennikov, the prominent director of the Gogol Centre, a Moscow theatre, was placed under house arrest, accused of embezzling 68 million roubles (£900,000) of government funds.⁶¹ Film director Sergey Uchitel suffered attacks from orthodox fanatics led by a member of the State Duma and former General Prosecutor of the Republic of Crimea, who claimed that his film on relationships between the Russian tsar and a ballet dancer constituted blasphemy and should be prohibited.⁶² There were threats and

⁵⁴ Crime Russia, 8 February 2017, "Human rights activists report Runet's transition under martial law", <http://goo.gl/TYFw8T>. Full report available in <http://goo.gl/iet1Df>.

⁵⁵ SOVA, 6 September 2017, "Brief Report on Misuse of Anti-Extremist Legislation in January - August 2017", <https://goo.gl/vbwfxS>.

⁵⁶ KHPG, 16 January 2017, "FSB detains Ukrainian Cultural Centre activist & his wife in Russian-occupied Crimea", <http://goo.gl/vnRa2N>.

⁵⁷ Federal Law 114-FZ on Combating Extremist Activities, 25 July 2002, <https://goo.gl/EfrgGo>, Art. 13.

⁵⁸ The Federal list of extremist materials, <http://minjust.ru/ru/extremist-materials>.

⁵⁹ Openrussia, 18 August 2017, "Выборгский суд постановил уничтожить тираж Библии в переводе Свидетелей Иеговы", <https://openrussia.org/notes/712840/>. Jehovah witnesses by the decision of the court were named extremists, their worshipping is prohibited, BBC, 17 July 2017, "Russia Jehovah's Witnesses banned after they lose appeal", <https://goo.gl/7yRxup>. Moreover the scientologists are also being persecuted, in Saint-Petersburg some of their leaders are detained facing criminal charges, Kommersant.ru, «Суд арестовал двух основателей «Саентологической церкви Санкт-Петербурга», 08.06.2017, <https://goo.gl/k1zekb>.

⁶⁰ The Guardian, 29 March 2015, "Theatre director fired over Wagner opera that offended Russian Orthodox church", <https://goo.gl/Te4Je3>.

⁶¹ The Guardian, 22 August 2017, "Arrest of Russian theatre director raises fears of clampdown on dissent", <https://goo.gl/UpbEmm>. Two other directors and main accountants faced similar charges. Cf. Radio Svoboda, 6 September 2017, "Суд подтвердил продление ареста Малобродскому, Итину и Масляевой", <https://www.svoboda.org/a/28720154.html>. In July 2017 the Bolshoi Theatre in Moscow cancelled the premiere of a ballet devoted to ballet dancer Rudolf Nureyev, staged by Kirill Serebrennikov; cf. Reuters, 9 July 2017, "Russia's Bolshoi calls off premiere of Nureyev ballet", <http://goo.gl/ptVq4p>.

⁶² BBC, 22 February 2017, "Calls for blasphemy ban on Russian film Matilda", <https://goo.gl/2cuxAk>.

attacks on cinemas⁶³ his film studio⁶³ and his lawyer' office.⁶⁴ Many cinemas decided not to broadcast the film in the fear that Russian police will not be able to ensure security of spectators.⁶⁵

5.(E) Freedom of peaceful assembly

- 5.1** During Russia's examination under the 2nd UPR cycle, the government received 17 recommendations on the right to the freedom of peaceful assembly. Among other recommendations, the government was urged to "revise laws on public assemblies according to the recommendations by the Venice Commission (140.162; noted), "end the widespread practice of arresting participants at opposition rallies and pressing charges against them (140.161; noted) and "pay specific attention to [...] human rights training of personnel of law-enforcement agencies" (140.136; supported). Of the recommendations received, Russia accepted 7, noted 9 and partially supported/noted 1. However, as evidenced below, the government has failed to realise adequately these recommendations.
- 5.2** Article 21 of the ICCPR guarantees the freedom of peaceful assembly. In turn, article 31 of the Russian Constitution also guarantees "the right to assemble freely without weapons, hold rallies, mass meetings and demonstrations, marches and pickets." However, increasing restrictions on the right to assemble, imposed in both law and practice, have severely limited civil and political freedoms in Russia. The use of disproportionate force by the security forces and impunity for abuses committed while dispersing peaceful demonstrations remain major areas of concern.
- 5.3** According to Federal Law 54-FZ, only Russian citizens are allowed to organise public events.⁶⁶ Persons declared incapable, convicted or imprisoned by a court, those who have not been expunged of committing a crime against constitutional order, national security or public safety, or who have received administrative penalties, are also banned from organising public assemblies. Organisers are obliged to notify local authorities about their wish to conduct a peaceful assembly. Local authorities are empowered to refuse acknowledgement and offer an alternative venue. This in effect gives local authorities the power to authorise (or deny authorisation) rather than

⁶³ The Moscow Times, 4 September 2017, "Van With Explosives Crashes Into Cinema to Protest Tsar Biopic", <https://goo.gl/Z699gM>; Reuters, 5 September 2017, "Religious hardliners try to stop movie about Russian tsar's romance", <https://goo.gl/5rxdVm>.

⁶⁴ Radio Svoboda, 11 September 2017, "От запрета "Тангейзера" до поджога "Матильды", <https://www.svoboda.org/a/28724398.html>.

⁶⁵ Weekend, 11 September 2017, "'Тверьгосфильмофонд' не будет закупать фильм "Матильда" для проката в Твери и области", <https://goo.gl/dUFybZ>; Novaya Gazeta, 12 September 2017, "Крупнейшая сеть кинотеатров в России отказалась от показа «Матильды» из-за возможной угрозы зрителям", <https://goo.gl/kt5kHo>.

⁶⁶ Federal Law 54-FZ, On gatherings, meetings, demonstrations, rallies and picketing 19 June 2004, Art. 5.

simply receive notification. Federal Law 54-FZ also establishes numerous time and place restrictions.⁶⁷

- 5.4** Amendments to the Code on Administrative Proceedings introduced in 2012 increased penalties for violating rules on organising and participating in protests. Fine limits for breaching conditions on holding public assemblies were increased by 150 times for individuals and 300 times for organisations.⁶⁸ Ilgar Dildin was jailed for three years in December 2015 for taking part in a peaceful demonstration that was deemed illegal.⁶⁹ In 2016, a new law enforcement structure – the National Guard – was created, with the authority to suppress any mass action as mandated by Federal Law 227-FZ.⁷⁰
- 5.5** In 2012 the State Duma changed the Federal Law on gatherings, meetings, demonstrations, rallies and picketing and empowered executive organs to allocate “specially designated areas” where people can hold assemblies.⁷¹ In St Petersburg, for instance, the Governor allocated the Field of Mars for holding peaceful assemblies.⁷² In September 2017, however, this area was excluded due to, in the Governor’s words, “abuse of the right to peaceful assembly”.⁷³
- 5.6** In December 2012 the Moscow City Council banned “single-person pickets” and the use of vehicles in demonstrations, including the act of driving within the city centre while displaying political or protest symbols.⁷⁴ This legislation was enacted as a response to increasingly popular tactics being used to bypass restrictions on large-scale rallies, and is particularly subject to arbitrary and selective interpretation.⁷⁵ In

⁶⁷ Forbidden locations include territories adjacent to hazardous production facilities; elevated roads, long distance railway lines and oil, gas and product pipelines; territories adjacent to residences of the President of the Russian Federation, courts, and correctional institutions; and borderlands, unless a special permit from the authorized border control body is obtained. Laws also establish that no demonstration can continue after 10 pm, among other restrictions.

⁶⁸ Code on Administrative Proceedings of the Russian Federation, 30 December 2010, Article 20.2, <https://goo.gl/YDxGax>.

⁶⁹ Meduza, 22 February 2017, “Russia’s Supreme Court sets Ildar Dadin free. The political prisoner has had his sentence overturned”, <https://goo.gl/wXWWTg>.

⁷⁰ In addition, Federal Law 107-FZ on Amendments to Certain Legislative Acts of the Russian Federation Related to Improvement of Legislation on Public Events entered into force in June 2017. The law is aimed at preventing rallies and meetings convened by opposition deputies. From now on, all restrictions on rallies also apply to representatives’ meetings with voters.

⁷¹ Federal Law 54-FZ On gatherings, meetings, demonstrations, rallies and picketing, 19 June 2004, Art. 8, <https://goo.gl/5LeKuV>.

⁷² BBC, 26 December 2012, “В Петербурге “Гайд-парк” разбили на Марсовом поле”, <https://goo.gl/AH8cNF>.

⁷³ RBC.ru, 8 September 2017, “Полтавченко объяснил, почему на Марсовом поле нельзя проводить митинги”, <https://goo.gl/inzkju>.

⁷⁴ Law of Moscow, On provision of conditions for realization of the right of citizens of the Russian Federation to holding of meetings, demonstrations, processions and pickets in Moscow, 4 April 2007, <http://docs.cntd.ru/document/3672018>.

⁷⁵ Freedom House, 27 December 2012, “Freedom House Condemns New Restrictions on Freedom of Assembly in Moscow”, <http://goo.gl/zqKGkt>.

early August 2017, as four people were detained in single-person pickets in support of Uzbek journalist Ali Feruz, who was fighting deportation.⁷⁶

- 5.7** Alleged violations of the procedures for holding demonstrations are currently the main cause for the detention of protesters. On several occasions the enforcement of the afore-mentioned laws has led to the arrest of pro-democracy activists or members of watchdog CSOs merely for reading the Russian Constitution out loud in public squares.⁷⁷ Another example of this abuse was observed in September 2016, when the police arrested two protestors in a picket for mocking Prime Minister Dmitri Medvedev.⁷⁸
- 5.8** The Government of Russia has applied a strategy of selectively authorising protests. Pro-democracy activists, government critics and opposition leaders have consistently been denied permission to demonstrate. Particularly noteworthy is the case of Alexei Navalny, an activist and politician who gained prominence as a critic of high-level corruption under the Putin administration. Mr. Navalny and his supporters have repeatedly been refused permission for street campaigning in various cities under a variety of pretences.⁷⁹ Fines were imposed on Mr. Navalny and the head of his campaign for various reasons.⁸⁰ In March 2017 Mr. Navalny was handed a 15-day prison sentence for his involvement in protests; three months later, in June 2017, he was pre-emptively detained before a protest and sentenced to 30 days in jail.⁸¹ Government supporters also resorted to various extra-legal and even violent means to hinder his campaign.⁸²
- 5.9** Law enforcement authorities have often used excessive force and mass arrests to disband peaceful demonstrations. Mass detentions were observed during the

⁷⁶ Open Democracy/OVD-INFO, 4 August 2017, "This week's challenges for Russian civil society: deportations, harassment, beatings", <http://goo.gl/Cn6A8x>.

⁷⁷ See, for instance, KHPG, 13 December 2016, "Many detained in Russia for reading aloud the Russian Constitution", <http://goo.gl/VzTCvT>; The Guardian, 13 May 2017, "Russia: activists detained in Red Square for reading out constitution, says monitor", <http://goo.gl/lfs5zH>.

⁷⁸ The Moscow Times, 7 September 2016, "Russian Police Arrest Protesters Mocking Medvedev", <http://goo.gl/Kh0mSL>.

⁷⁹ In Krasnoyarsk, for instance, campaigning was banned on the grounds of events celebrating the baptism of Rus, the cleaning of municipal fountains, the "July Heat" marathon, and the restoration of a clock tower. Cf. OVD-Info, 31 July 2017, "В Марий Эл и Красноярске власти не согласовывают агитационные кубы Алексея Навального", <http://goo.gl/fEBufZ>.

⁸⁰ OVD-Info, n/d, "Преследование участников предвыборной кампании Навального", <http://goo.gl/HPxoAD>.

⁸¹ Independent, 27 March 2017, "Russian opposition leader Alexei Navalny jailed for anti-government protest", <http://goo.gl/3yyfBC>; The Guardian, 12 June 2017, "Putin critic Alexei Navalny jailed after calling for Moscow protests", <http://goo.gl/gLW14L>.

⁸² For instance, internet access and electricity were cut off at Navalny's Anti-corruption Foundation's office right before the demonstration started in June 2017, and of the "Putin Brigades" attacked the Navalny campaign's headquarters in Krasnodar in late July 2017. Cf. RFERL, 12 June 2017, "Navalny Jailed, More Than 1,100 Detained At Protests In Russia", <http://goo.gl/dRNfz8>; RFERL, 3 August 2017, "Navalny Headquarters In Krasnodar Attacked By 'Putin's Brigades'", <http://goo.gl/Ef3Kir>.

unauthorised anti-corruption rallies held across Russia in March and June 2017. Numerous protesters were arrested on both occasions for allegedly violating legal provisions on the organisation of protests. On 12 June 2017, approximately 600 demonstrators were detained in Moscow and 500 in St Petersburg. Some of those arrested reportedly suffered mistreatment and torture while in detention.⁸³ Several protestors now face criminal charges for assaulting police officers during the demonstration.⁸⁴

5.10 LGBTI groups have been historically unable to exercise their right to the freedom of peaceful assembly, and have faced increasing restrictions over the past few years. In 2012, In 2015, the Moscow Gay Pride March was denied a permit for the 10th year in a row, and as in previous years, the police detained dozens of activists who attempted to stage an unauthorised rally.⁸⁵ LGBTI groups have also faced police repression and arbitrary arrests when demonstrating on various emblematic dates, such as May Day, and in many Russian cities.⁸⁶

5.11 Similarly, women's rights demonstrators who staged an impromptu march on 2017 International Women's Day in St Petersburg were met with police force, dispersed and arrested on the grounds that they had violated the procedures for holding an event.⁸⁷ In yet another expression of the ongoing clampdown on dissent, members of the feminist protest group Pussy Riot were arrested for protesting on several occasions over the past few years.⁸⁸

6. (F) Recommendations to the Government of Russia

CIVICUS and Citizens' Watch call on the Government of Russia to create and maintain, in law and in practice, an enabling environment for civil society, in accordance with the rights enshrined in the ICCPR, the UN Declaration on Human Rights Defenders and Human Rights Council resolutions 22/6, 27/5 and 27/31.

⁸³ BBC, 12 June 2017, "Russia protests: Hundreds detained at opposition rallies", <http://goo.gl/3AFNzi>; Open Democracy/OVD-Info, 23 June 2017, "Russian protesters face pepper spray and torture in detention", <http://goo.gl/PwrgHb>.

⁸⁴ See, for instance, Radio Svoboda, 6 September 2017, "Продлен арест Дмитрия Борисова, участника акции 26 марта", <https://www.svoboda.org/a/28720617.html>.

⁸⁵ BBC, 17 August 2012, "Gay parades banned in Moscow for 100 years", <http://goo.gl/HyK15z>; The Guardian, 25 May 2013, "Police arrest 30 at gay pride rally in Moscow", <http://goo.gl/8BCs9a>; Mashable, 31 May 2014, "In Photos: Moscow Gay-Pride Rallies Have Been Reduced to This", <http://goo.gl/hMH6Yu>; BBC, 30 May 2015, "Arrests at Moscow gay pride rally", <http://goo.gl/fjMwUm>.

⁸⁶ Independent, 1 May 2017, "Russian police round up LGBT activists demonstrating against persecution of gay men in Chechnya", <http://goo.gl/u9miOl>.

⁸⁷ FIDH, 17 March 2017, "Russia: judicial harassment of women arrested during peaceful demonstration on March 8", <http://goo.gl/8YFgJs>.

⁸⁸ The Guardian, 19 February 2014, "Pussy Riot attacked with whips by Cossack militia at Sochi Olympics", <http://goo.gl/dcKHa1>.

At a minimum, the following conditions should be guaranteed: the freedoms of association, expression and peaceful assembly, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made:

6.1 Regarding the freedom of association

- Take measures to foster a safe, respectful and enabling environment for civil society, including through removing legal and policy measures that unwarrantedly limit the right to association.
- Remove all undue restrictions on the ability of CSOs to receive funding, including from international sources, in line with the best practices articulated by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association.
- Bring laws regulating the activities of CSOs and the rules of participation in their activities into compliance with article 21 and 22 of ICCPR. Specifically:
 - Amend Federal Law 7-FZ on NCOs: the notion of “foreign agents” and all the associated restrictions on their activity should be reversed in order to guarantee all CSOs the right to exercise their activities. The persecution of CSOs for violations of foreign agents’ regulations and the imposition of significant fines should be abandoned.
 - Repeal Federal Law 272-FZ: citizens with dual US-Russian citizenship and CSOs receiving financing from the USA should not encounter any restrictions to exercise their freedom of association.
 - Revoke Federal law 129-FZ and eliminate the list of undesirable organisations, a label that produces a chilling effect on civil society.

6.2 Regarding the protection of human rights defenders

- Provide a safe and secure environment for civil society members, journalists and HRDs to carry out their work without fear or undue hindrance, obstruction or legal and administrative harassment.
- Conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation. In particular, clarify the circumstances surrounding the death of Nikolai Andruschenko, the March 2016 attacks in

Ingushetia and the attacks against Greenpeace volunteers in September 2016, and bring the perpetrators to justice.

- Initiate a consolidated process of repealing or amending laws and decrees that unwarrantedly restrict the legitimate work of HRDs in line with the UN Declaration on Human Rights Defenders.
- Revise the legislation on combating terrorism and its enforcement. Specifically, revoke Federal Law 135-FZ and end the “gay propaganda” prohibition in accordance with the UN Declaration on Human Rights Defenders.
- Revoke Federal law 436-FZ to ensure that LGBTI people can enjoy their rights without fear of persecution.
- Unconditionally and immediately release all HRDs, including journalists and bloggers detained for exercising their right to fundamental rights to the freedoms of expression, association and peaceful assembly, and review their cases to prevent further harassment.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs by adopting a specific law on the protection of HRDs in accordance with Resolution 27.31 of the Human Rights Council.
- Publicly condemn instances of harassment and intimidation of civil society activists and CSOs.

6.3 Regarding the freedom of expression, independence of the media and access to information

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics that the Government may find sensitive. Take adequate steps to lift restrictions on the freedom of expression and adopt a framework for the protection of journalists from persecution, intimidation and harassment. In particular, amend the Federal Law 2124-1 on Mass Media and eliminate the discriminatory treatment of foreign citizens wishing to found or direct a media company.

- Guarantee unfettered access for all people in Russia to domestic and foreign media information, both offline and online, including by removing restrictions on access to national and international news websites, social media outlets and CSO websites.
- Abandon attempts to create an analogue to the Great Firewall of China and revoke Federal Laws 374-FZ and 375-FZ.
- Develop an action plan to ensure that internet laws comply with the government's commitment to guarantee the freedom of expression and information, so as to ensure free access to electronic media, liberalise electronic media ownership rules and allow bloggers, journalists and other internet users to play a full and active role in promoting and protecting human rights.
- Amend Article 282 of the Criminal Code of the Russian Federation and Federal Law 114-FZ on Combatting Extremist Activity by providing a precise definition of extremism and extremist activities or abolish the provision on extremism, as the Criminal Code of the Russian Federation has enough possibilities for unlawful activities to be prosecuted while ensuring the effective realisation of all due process rights enshrined in the ICCPR.
- Reconsider the rules relating to the federal list of extremist materials and remove from it all texts that do not incite hatred, call for violence or in any other way pose danger to society.
- Abandon the practice of basing charges regarding extremist crimes on the opinions of experts; and organise regular training for the police and other law enforcement agencies in combatting extremism, including training in discerning extremist speech from other types of speech that may be shocking or disturbing but are still in compliance with the ICCPR.
- Refrain from censoring social and conventional media and ensure that freedom of expression is safeguarded in all forms, including the arts.
- Guarantee that investigations and court proceedings against cultural workers and art persons, including those against Kirill Serebrennikov, are held in accordance with fair trial requirements to ensure that the freedom of expression is not curtailed.
- Ensure that the Russian Orthodox Church is in fact separated from the Russian Government, as the Russian Constitution calls for, and take measures preventing religious fanatics from interfering with the freedom of expression of artists.

- Refrain from the excessive use of pre-trial restraint measures against cultural workers and art persons in economic criminal cases and avoid infringement of their right to professional activity.

6.4 Regarding the freedom of assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the right to freedoms of peaceful assembly and association in his 2012 annual report, which calls for the practice of simple notification of events being held rather than explicit permission being needed to assemble.
- Amend Federal Law 54-FZ to simplify notification procedures for assemblies and abandon the practice of local authorities refusing to acknowledge notification.
- Unconditionally and immediately release all demonstrators, journalists and HRDs detained for exercising their right to the freedom of peaceful assembly, and review their cases to prevent further harassment.
- Review and update existing human rights training for police and security forces with the assistance of independent CSOs, to foster more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Publically condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch formal investigations into such instances, and bring the perpetrators to justice.
- Provide recourse for judicial review and effective remedy, including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

6.5 Regarding access to UN Special Procedures mandate holders

- The Government should extend a standing invitation to all UN Special Procedure mandate holders and prioritise official visits by the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; and the Special

Rapporteur on the rights to freedom of peaceful assembly and of association.⁸⁹

6.6 Regarding State engagement with civil society

- Implement transparent and inclusive mechanisms of public consultations with CSOs on all issues mentioned above and enable the more effective involvement of civil society in the preparation of law and policy.
- Include CSOs in the UPR process before finalising and submitting the national report.
- Systematically consult with CSOs on the implementation of the UPR including by holding periodical comprehensive consultations with a diverse range of civil society actors.
- Incorporate the results of this UPR into its action plans for the promotion and protection of all human rights, taking into account the proposals of civil society and present a midterm evaluation report to the Human Rights Council on the implementation of the recommendations of this session.

⁸⁹ During Russia's examination under the 2nd UPR cycle, the government received 9 recommendations regarding cooperation with UN Special Procedures, including several explicit recommendations to extend standing invitations either to all mandate holders, or to specific ones, notably the Special Rapporteur on the situation of human rights defenders (cf. 140.65 through 140.71; all noted). Additionally, one recommendation was received on cooperation with a regional mechanism (cf. 140.164: "Intensify cooperation with the Council of Europe, in particular the Venice Commission, in properly implementing freedom of association and assembly"; supported).

