

















Information on the Russian Federation for the 134th session of the UN Human Rights Committee

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ANNEX I

INTRODUCTION

This report is submitted to the UN Human Rights Committee ("Committee") by a coalition of civil society organizations in the Russian Federation in response to the Committee's call for information regarding its 134th session. This report is presented in the form of responses to the paragraphs of the Committee's List of issues (hereinafter "LOI") in relation to the eighth periodic report of the Russian Federation.

The following organizations contributed to this report:

OVD-Info, a leading Russian human rights project on freedom of assembly and political persecution.¹

Human Rights Center "Memorial", a Russian NGO that focuses on protecting human rights, especially in conflict zones in and around modern Russia since 1992.²

SOVA Center for Information and Analysis was founded in 2002 and is focused on xenophobia, nationalism, freedom of religion and anti-extremism law and policies in Russia.³

HR NGO Citizens' Watch, a human rights NGO initiated in 1992 by a group of Russian human rights activists, lawyers, journalists, and deputies to the Russian Parliament and the St. Petersburg City Council. The goals were to assist in establishing parliamentary and civic control over police, security service, and armed forces and help prevent violations of constitutional rights by these governmental agencies.⁴

Russia Behind Bars Foundation (Charitable Foundation for Assistance to Convicted Persons and Their Families), a non-governmental organization established in 2011. It offers legal, humanitarian and psychological assistance to victims of human rights violations in the Russian criminal justice and penitentiary system.⁵

Public Verdict Foundation was founded in 2004 with the mission to nurture zero-tolerance to any forms of illegal violence and introduce civil oversight as the key instrument to achieve that goal. To manifest this role, PVF provides legal assistance to victims of power abuse and civil activists, offers them psychological rehabilitation to reintegrate into society, considers information support to cases as part of the defense strategy, has a professional research and analytical division, which puts the foundation into a unique position qualified to draw proposals for systemic changes.⁶

Charitable Foundation "Sphere", a human rights organization which conducts advocacy programs and supports smaller initiatives to bring about systemic changes for the Russian LGBTQ+ community.⁷

Mass Media Defence Centre, a Voronezh-based media freedom NGO, promoting freedom of expression since 1996. MMDC is providing legal assistance and court defense on domestic and international levels to Russian media, journalists, bloggers. MMDC was designated as a foreign agent NGO in 2015, challenging this decision of Russian authorities in the European Court of Human rights.⁸

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¹ https://ovdinfo.org/

² https://memohrc.org/en

³ https://www.sova-center.ru/

⁴ https://citwatch.org/

⁵ https://zekovnet.ru/about/about-us/

⁶ http://en.publicverdict.org/

⁷ http://www.lgbtnet.org/

⁸ www.mmdc.ru

Hate speech and racial profiling — Paragraph 5 of the LOI

Hate speech

- 1. The Russian Federation announced the existence in the Criminal Code (hereinafter "CC") of an article on incitement to hatred and the reform of this article carried out in 2018.
- 2. Indeed, Article 282 of the CC, as well as Article 20.3.1 of the Code of Administrative Offenses (hereinafter "CAO"), which has been in force since 2019, have been used to counter incitement to hatred and, more broadly, hate speech. At the same time, the use of Article 282 of the CC went down significantly (11 guilty verdicts in the first half of 2021, according to the Supreme Court), but the use of Article 20.3.1 of the CAO has been rapidly expanding (461 decisions over the first half of 2021, according to the same data).
- 3. According to the data collected by SOVA Center, ¹⁰ the number of people convicted of violent hate crimes also increased dramatically in 2021 we know of 33 convicted offenders compared to less than ten in 2019 and 2020. We welcome this trend.
- 4. However, it should be noted that some of those punished under Article 20.3.1 of the CAO faced responsibility not for inciting racial, ethnic, religious and similar hatred, but for their hostile statements against officials, the police, etc. who were legally treated as protected social groups. The government officials and other similar groups should not be regarded as legitimately in need of protection against public manifestations of hostility unless these manifestations are associated with calls for violence. We know of at least fifteen such decisions in January–September 2021 alone.¹¹

Racial profiling

- 5. The Committee once again expressed concern (CCPR/C/RUS/CO/7, para. 9) "about reports of racial profiling by law enforcement officers targeting Roma, persons originating from the Caucasus, Central Asia and Africa, who appear to be disproportionately affected by frequent identity checks, confiscation of identity documents, extortion of bribes, harassment, arrests, detentions, physical violence and verbal abuse."
- 6. Russian police practice racial profiling. Officially, it is disguised as "preventive measures" against violations of migration legislation. In practice, police officers stop and check identity papers of persons relying solely on their "Asian appearance". Statements of human rights activists and court practice evidence this. Alexander Kim is a human rights activist who records how the Moscow police check people based on their "Asian appearance" and publishes video recordings of such checks. In the contraction of the profile of of the pr
- 7. Monitoring of court practice shows that racial profiling is not limited to Moscow police. We identified at least 53 published court decisions (see Annex 1) taken in 20 regions¹⁵ during 2016–2021 proving the existence of racial profiling in Russia. All of these decisions are taken under part 1, Article 19.3 of the CAO on non-compliance with the lawful order of a police officer. In these decisions, police officers were patrolling streets or implementing operations like "illegal migrant", spotted a person of "Asian" or "Caucasian" appearance, approached them, asked for identity papers and verification of the legality of their stay in Russia. The only reason for these checks is "Asian appearance". The information on the nationality of the defendants is usually deleted, at least some of the defendants come from Kyrgyzstan, Tajikistan, Uzbekistan and Dagestan. Women are less likely to be stopped on the street: 48 defendants are men and only 5 are women. The most popular punishment for this offense is administrative arrest (applied in 29

⁹ http://www.cdep.ru/index.php?id=79

¹⁰ https://www.sova-center.ru/en/database/

¹¹ https://www.sova-center.ru/en/misuse/reports-analyses/2021/11/d45310/

¹² https://77.xn--b1aew.xn--p1ai/news/item/26659764; https://78.xn--b1aew.xn--p1ai/news/item/27328374

¹³ https://www.hrw.org/ru/news/2019/08/12/332886

¹⁴ https://www.youtube.com/watch?v=zYANy2e3ldw&ab_channel=AlexanderKim.

¹⁵ Chelyabinsk region, the Khanty-Mansiysk Autonomous Region, Kaluga region, Krasnodar region, Nizhny Novgorod Region, Moscow, Moscow oblast, St. Petersburg, Samara Region, Sverdlovskaya oblast, Tver region, Tyva Republic, Tomsk region, Tula region, Primorsky Krai, the Republic of Sakha (Yakutia), Republic of Tatarstan, Ryazan Oblast, Voronezh region, Vologodskaya Oblast.

decisions), 20 persons were fined, and in 4 cases, the proceedings were canceled owing to a lack of evidence. The average arrest length is six days; the average fine amount is 1 000 RUB (13 USD).

Racial profiling and artificial intelligence

- 8. Since 2011, facial recognition technology has been used in Moscow. 16 It was used to fine people for violation of lockdown during the COVID-19 pandemic, 17 to arrest wanted people 18 and to persecute participants in public assemblies. 19 There are plans to expand its application to other regions. 20 Human rights defenders attempted to challenge the legality of using this system in courts. 21 The use of this technology shows that prior to introducing it, Russia did not assess its impact and potential to lead to misidentification as a result of unrepresentative data sets, did not introduce any independent oversight over its use. The lack of safeguards is likely to result in using facial recognition technology in racial profiling.
- 9. Moreover, Russia plans to introduce algorithmic profiling systems. The Strategy of the development of the penitentiary system until 2030 plans to use such systems to control released persons and people who are under measures of constraint not related to the deprivation of liberty.²² There is little hope that the system's design will be transparent, its use will be monitored and assessed independently, therefore, the algorithmic profiling systems are likely to reproduce racial bias.

Ouestions to the Russian Federation:

- 10. In reply to the issues raised in paragraph 5 of the LOI, Russia referred to Article 282 of the CC intended to combat racial profiling. We ask Russia to provide judicial practice, where police officials were held responsible for racial profiling under Article 282.
- 11. We ask Russia to provide information on what safeguards, guidelines, training exist to avoid racial profiling during the implementation of such police operations as "illegal migrant".
- 12. We ask Russia to provide information on what safeguards are adopted to ensure that the use of facial recognition technology in law enforcement will not lead to misidentification. Which steps are taken to ensure that the design, deployment and implementation of artificial intelligence tools in the law enforcement comply with Articles 2, 9, 12, 17 and 26 of the ICCPR?
- 13. When will Russia regularly report hate crimes and related court sentences?
- 14. When will Russia ensure that the authorities do not feature in cases on incitement to hatred (Article 20.3.1 of the CAO and Article 282 of the CC) as social groups in need of protection from hate?

LGBTQ rights — Paragraph 6 of the LOI

LGBTQ persecution in the North Caucasus

- 15. The first wave of mass abduction, detention and torture of LGBTQ in Chechnya by law enforcement based on sexual identity broke out in 2017. Since then, Russian human rights defenders have assisted more than 170 people to find sanctuary away from the North Caucasus.
- 16. Most of the Chechen survivors did not have a chance to report the ordeals: the Russian investigative system identifies Chechen investigators responsible for examining crimes that happen in Chechnya. Police intimidate survivors and report zero complaints from LGBTQ to the Federal authorities.
- 17. In 2020, Salman Mukaev filed a report to the Investigative Committee, where he stated that police officers tortured and beat him up, forcing Salman to collaborate. The task was to trap and blackmail homosexuals in the region. Once Salman escaped Chechnya, he was declared wanted upon the fabricated case.
- 18. Law enforcement officers typically use fake convictions to prevent leaks, which shed light on facts of LGBTQ persecution, and to speculate on survivors' rights and freedoms. Two other LGBTQ survivors –

¹⁶ https://runet.report/static/core/doc/Facial recognition.pdf

¹⁷ https://www.kommersant.ru/doc/4292367

¹⁸ https://www.mos.ru/mayor/themes/10299/7960050/?utm_source=search&utm_term=serp

¹⁹ https://ovdinfo.org/reports/how-authorities-use-cameras-and-facial-recognition-against-protesters#2

²⁰ https://www.rbc.ru/newspaper/2021/05/24/60aa28f19a794721e6bcaa1c

²¹ https://www.interfax.ru/moscow/713779

²² http://publication.pravo.gov.ru/Document/View/0001202105050004?rangeSize=1

- Saleh and Ismail Magomadov (both kidnapped and tortured by Chechen police) face fake charges for affiliation with an armed group as a result of brothers' attempt to escape from illegal persecution.
- 19. The Investigative Committee received reports on abduction and torture, filed by the victims, and the reports on facts of extrajudicial killing filed on behalf of the witness of the crime but failed to investigate the matter. Perpetrators continue haunting down LGBTQ from the North Caucasus and NGOs, which provide help to them.
- 20. Chechen police kidnapped Ibragim Selimkhanov from a Moscow shelter, drove him to Chechnya, and interrogated the group that assisted him. Selimkhanov reported the abduction and filed a complaint against the police, which refused to open the case. This evoked nothing but Chechen police to break into his parents' apartment in Grozny, threaten them and demand to disclose Ibragim's location.
- 21. We continue receiving reports from Caucasian lesbian and bisexual women (25 hits in 2021), who ask to help them hide from oppression that comes out from their families. Women complain about honor killing threats and violence that they face when someone learns about their sexual identity. Chechen society dictates that suspicion-based allegations are enough to judge the woman and stigmatize her family as disgraceful. Obeying to social demands, their relatives lock down, abuse and subject queer women to conversion therapies.

Violence and access to justice

- 22. Russian authorities do not record statistics on violence against LGBTQ, nor do they prioritize training police or other public institutions and servants focusing on LGBTQ specificity. The lack of a systemic approach to combat sexual orientation-based discrimination decreases the efficiency potential of any legislation. By contrast, the LGBTQ agenda has conventionally been taken as opposing national values and promoted as one. Russian media portray LGBTQ characters in a degrading manner and mock trends on tolerance. Public authorities express solidarity with such mockery.²³
- 23. Hate gives rise to violence. According to the Russian LGBT Network statistics, the hate crime rate against LGBTQ has remained the same since 2014 (16%–20%). Only 40% of the victims approach the police, half of the reports are rejected instantly or during the preliminary check.
- 24. In 2021, a homosexual person was attacked in the city center. The assault was premeditated. The survivor documented traumas and reported the case to the police. Two weeks later, he learned that the case was not initiated and that the investigation was not carried out. He appealed to a prosecutor, who neither established violations.
- 25. A bisexual woman recounted how a passerby aimed a gun at her after asking about her identity. She filed a complaint with a court regarding police failure to act on her part.
- 26. There are no attempts to influence the situation with violence against LGBTQ on the national level as authorities do not monitor and identify it as a tangible problem.

Discrimination of LGBTQ

- 27. Commenting on the issue of LGBTQ discrimination, the Russian Government emphasized the law banning homosexual propaganda as a means to ensure children's intellectual, moral and psychological safety. LGBTQ initiatives perform to create a safe space for community members and advocate for equal access to rights and freedoms for all regardless of sexual identity. These activities do not pursue harm, though NGOs, activists speaking out in support of diversity and zero discrimination face persecution under this law, as well as other community members often become discriminated against in labor, education, housing, etc.
- 28. Maxim Drozhzhin was not allowed to take classes in the University folk choir because of his homosexuality. He applied to the University's ethics committee, but the administration rejected his complaint and forwarded it to the police. University leadership neither took any measures nor stated a clear position on zero tolerance to discrimination.
- 29. Heterosexual cis-gender and queer groups eventually enjoy different access to fundamental rights due to this law, as it draws a line between these groups, giving preference to one of them. This policy brings its aftermath it encourages social division, incites perpetrators to blackmail LGBTQ, speculating on their secondary role, and affects the proliferation of hatred and violence. Youth is among those who suffer from

²³ https://twitter.com/mid rf/status/1474763289267683329

- bullying based on distorted perceptions of LGBTQ. The vulnerability of LGBTQ youth rises as the law limits service providers to support them in crises.
- 30. The law banning so-called homosexual propaganda should be repealed, as it fights against the very concept of equality and significantly affects the lives of LGBTQ, including youth. Its content is misleading, as it states that a core threat comes from LGBTQ people rather than helps protect children.
- 31. Yulia Tsvetkova's case has been under consideration for three years. On January 18, 2022, the court designated the Center for Sociocultural Research to conduct another examination on her drawings for pornography the same experts who conducted a survey, which built the grounds for Center Memorial shutdown.
- 32. Following the quote given by Russia to the Committee, which reads that by defining marriage as the union between a man and a woman, Russia preserves and develops the human race, we identify an ambition of state interest prevailing over human rights and testify to a serious gap in understanding of human rights in the family. Within the Parliament's hearing and discussion of means to impact the demographic situation in the country, Russian authorities suggested introducing a draft law that would enhance liability for homosexual propaganda.

LGBTQ right to peaceful assembly

- 33. During the COVID-era, authorities continue inflicting disproportionate bans on LGBTQ events, police carry out raids at LGBTQ parties, shut film festivals, one-person marches and performances referring to the sanitary law even when related regulations are followed properly.
- 34. In Rostov, police broke into the club, forced visitors to face the wall with their hands up, abused and interrogated 200 people, asking if they knew that the party was LGBTQ-focused. Law enforcement named lockdown restrictions as an official reason for the raid.
- 35. Law enforcement officers put pressure and threaten those involved in LGBTQ event organizing. Unofficial bans make it impossible to appeal against later. Despite the efforts to comply with all relevant rules and regulations, authorities find reasons to prevent LGBTQ gatherings.
- 36. In August 2021, a sports event organized by the LGBTQ group in Nizhny Novgorod was canceled after police identified the venue rented to provide space for festival workshops, sports game competitions and workouts.

Counter-extremism — Paragraphs 14 and 18 of the LOI

Counter-extremism

- 37. Russia did not revise the Federal Law on Combating Extremist Activity in 2020–21 to clarify its wording. The regulations regarding the Federal List of Extremist Materials also have not changed.
- 38. However, on December 30, 2021, a law was signed that expands the list of reasons for extrajudicial blocking of access to websites on the Internet. This list has previously drawn criticism since it included, among other items, information about public events held without permits from local authorities and even hyperlinks to such information. Now extrajudicial blocking of a website is also possible for "substantiating or justifying extremism" (not defined anywhere in the legislation), for the presence of materials from organizations banned as extremist, or even for hyperlinks to such materials.
- 39. Positive changes (not mentioned in the answers provided by Russia) include:
 - change in Article 282.1 of the CC that covers calls for separatism, by analogy with the changes made earlier with Article 282 of the CC (as stated in Russia's responses);
 - decreasing number of annually banned "extremist materials" in the last few years.
- 40. However, significant negative changes were made to Article 354.1 of the CC ("Justification of Nazism"). The amendment, signed in April 2021, strengthened criminal liability for publishing on the Internet the information covered under Article 354.1 of the CC and introduced criminal penalties for "insulting the memory" of veterans and slander against them²⁴. The amendments increase the likelihood of the already poorly formulated Article 354.1 of the CC being used to impose unjustified restrictions on freedom of speech since it now includes a notion of "abasement of honor and dignity" the concept used by Article

²⁴ Federal law of April 5, 2021, N 59-FZ, http://ips.pravo.gov.ru:8080/default.aspx?pn=0001202104050005

- 5.61 of the CAO that allows for a broad interpretation as well as the vague term "insult against the memory."
- 41. The negative law enforcement trends noted in our 2020 submission have persisted. Of particular concern is the increase in the number of offenders convicted under the CC and the CAO articles that cover public statements qualified as extremist or terrorist, or similar to these.
- 42. A number of people convicted under the CC articles (based on the Supreme Court data, principal charge only):

Article	Brief description of the offense	2019	2020	The first half of 2021
205.2	Incitement to terrorism or justification of terrorism	103	147	77
280	Incitement to extremism	117	147	110
280.1	Incitement to separatism	2	3	0
282	Incitement of hatred	19	12	11
148 (part.1 and 2)	Insulting the feelings of believers	2	1	8
354.1	Justifying Nazism, slandering the USSR, insulting veterans, etc	1	8	6
	TOTAL	244	318	212

43. A number of people convicted under the articles of the CAO (based on the Supreme Court data):

Article	Brief description of the offense	2019	2020	The first
				half of 2021
20.3	Demonstration of Nazi and extremist symbols	2388	2279	1704
20.3.1	Incitement of hatred (if first time)	383	757	461
20.29	Mass distribution of prohibited materials	1591	1826	764
	TOTAL	4362	4862	2929

- 44. This trend of increasingly severe sanctions for speech, especially in 2021, cannot be sufficiently explained by the radicalization of any political and ideological movements.
- 45. We cannot confidently judge what percentage of these court decisions should be considered a clearly inappropriate restriction of freedom of speech since our information is incomplete, but, based on the available data and the SOVA Center estimates, their share at least doubled in 2020-2021 compared to 2018-2019.25
- 46. Answering questions on Articles 148 and 354.1 of the CC, the Government (answers, paragraphs 82–86 and 87-89) provides statistical data for prior years and several examples. However, as shown in the table above, the use of these articles has sharply increased, specifically in 2020–2021.
- 47. Even some of the examples the Russian Federation indicates in its answers demonstrate the obvious triviality of the misconduct that triggered the criminal prosecution (for example, paragraph 84). The number of clearly minor misdemeanors inappropriately qualified as criminal offenses under these two articles increased dramatically in 2020–2021.26
- The answers provided by the Government regarding the ban against Jehovah's Witnesses (paragraphs 107-112) are unsatisfactory. Objections against Jehovah's Witnesses, such as their ban on blood transfusions, door-to-door preaching, soliciting money and so on, have nothing to do with anti-extremism legislation, while the total ban on all Jehovah's Witnesses organizations in 2017 was based on this legislation exclusively. The decision was essentially based on the fact that many Jehovah's Witnesses publications had been banned for asserting their religious superiority (which is part of the legal definition of extremist activity) running contrary to Article 18 of the ICCPR.

²⁵ SOVA Center's open database.

²⁶ https://www.sova-center.ru/en/misuse/reports-analyses/2021/11/d45310/

- 49. Verdicts against Jehovah's Witnesses for continuing the activities of their banned organizations (Article 282.2) and for "financial support for the activities of an extremist organization" (Article 282.3) are rapidly growing in number. SOVA Center has information on 18 convicted Jehovah's Witnesses in 2019, 46 in 2020, and 110 in 2021. Their terms of imprisonment could be as long as eight years. By the end of 2021, 14 people were serving prison sentences in penal colonies, 14 others were under arrest pending appeal or transfer to a colony, and additional 51 persons were under arrest awaiting trial. In total, about 600 believers were or remain under investigation.
- 50. In October 2021, the Supreme Court ruled that actions of former members of banned religious associations "not related to continuing or resuming the activities of an extremist organization but solely in exercise of their right to freedom of conscience and freedom of religion, including through individual or joint religious worship, conducting services or other religious rites and ceremonies" do not, in and of themselves, constitute a crime In November–December 2021, one Jehovah's Witness was acquitted (for the first time), but 20 people were found guilty in the same time period.
- 51. Muslims also continue to face sanctions for participating in the inappropriately banned religious associations Nurcular (i.e., people who read books by Said Nursi) and Tablighi Jamaat.

Ouestions to the Russian Federation:

- 52. Does Russia plan to narrow and clarify the definition of extremism so that this concept refers only to actions in some way related to the use of violence? Is Russia going to clarify the vague language of Article 354.1 of the CC?
- 53. What steps are contemplated to prevent criminal prosecution for public speech that does not constitute any substantial threat to society even if it can be interpreted under Articles 148, 205.2, 280, 282, 354.1 of the CC?
- 54. Will Russia stop banning books and other information materials as extremist?
- 55. Does Russia plan to initiate the revision of the courts' decisions to ban the Jehovah's Witnesses' organizations due to the lack of evidence of their adherents practicing incitement to hatred or calls to extremism since the ban came into force?

Regulation of speech — Paragraph 15 of the LOI

- 56. We note that the practice of applying so-called "fake news" legislation allows authorities to arbitrarily restrict the rights of citizens to freedom of expression and access to information.
- 57. The procedure for extrajudicial blocking at the request of the General Prosecutor's Office is non-transparent and does not involve verification of data for reliability with the participation of the disseminator of information. The website owner and authors of the content cannot provide evidence of the accuracy of the information at the stage of resolving the issue of blocking. The ECtHR critically assessed the extrajudicial blocking procedure as violating Russia's international obligations, but so far, the legislation in this area has not been changed.²⁷
- 58. Fake news laws were used not only to address misinformation, which could harm public order, but also to silence investigative journalism. When it comes to investigative journalism, media outlets do not have the right to disclose the confidentiality of their sources. As a result, the Prosecutor General's Office has repeatedly recognized socially significant journalistic investigations as fakes (for example, Novaya Gazeta was forced to repeatedly remove its publications in 2020–2021 under the threat of blocking the entire website).
- 59. After the introduction of punishment for the dissemination of fake news,²⁸ such legislation has been actively implemented. In March–June 2020, 10 times more administrative cases were initiated than in the previous year (157 cases). 1.4 million RUB (18 039 USD) in fines were collected.²⁹ During the first two months of the operation of Article 207.1 of the CC (April–May 2020), criminal cases were opened under it

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²⁷ Case of OOO Flavus and Others v. Russia, https://hudoc.echr.coe.int/rus?i=001-203178

²⁸ Article 13.15 of the CAO, Article 15.3 of the Federal Law N 149-FZ "On Information, Information Technologies and Dissemination of Information" (hereinafter "149-FZ") in March 2019 and further the introduction of criminal liability up to real imprisonment under Articles 207.1 and 207.2 of the CC.

²⁹ https://agora.legal/fs/a delo2doc/190 file 2.pdf

"more often than every two days, including weekends and holidays". Activists, politicians and journalists became defendants in criminal cases. In 2020, according to the data provided by the Supreme Court, five people were convicted for disseminating misinformation about the pandemic, on including journalist Alexander Pichugin from Nizhny Novgorod, whose case was included in the One Free Press Coalition's list of the most significant cases against freedom of speech in November 2020 of the year. This provision on criminal liability for fakes has become a convenient tool for reprisals against public critics of the authorities during the pandemic.

- 60. It should also be noted that not only media editorial offices and journalists are punished under this legislation, but also ordinary citizens who publish public interest content on social media, including medical professionals (especially about problems related to the COVID-19 pandemic).
- 61. All of the above makes it possible to argue that the "fake news legislation" became a tool of censorship, as did the legislation on "disrespect for the authorities". This regulation, adopted in March 2019, introduced amendments to the CAO³³ and 149-FZ, including a new Article 15.1.1. In the current case law, harsh statements regarding the actions of the police or the decisions of judges are considered "disrespect to authorities". The violation of this rule involves content blocking and administrative punishment.
- 62. Every state provides legal protection for individual reputations against targeted and unjustified attacks. Russia already has a legal rule for this, in Article 5.61 of the CAO, a breach of which leads to a small fine. However, the restrictions enshrined in the disrespect for authority law are the harshest and broadest of all Russian restrictions relating to criticism. They are based on vague notions, such as "blatant disrespect for human dignity and public morals", protect a range of institutions related to state power and attributes in general, and provide the authorities with an easy, extrajudicial means to block access to content. Moreover, although the president is not explicitly listed in this law, criticism expressed online towards President Putin was a subject of 78% of administrative cases under this provision.³⁴
- 63. Despite the statement of Russia that "the guarantee of the rights of site owners is the procedure for unblocking the Internet page provided for by law ... after the removal of prohibited information (paragraph 95 in the replies of Russia to LOI), we observe a non-compliance with this guarantee. Thus, the Prosecutor General's Office and Russian Media Regulator (hereinafter "Roskomnadzor", "RKN") do not always accurately indicate the content recognized as illegal (the blocking of the OVD-Info website in 2021). In some cases, it is possible to find out the exact reason for the blocking only after going to court. All this time, the site remains blocked, which violates the rights of its owner. In many cases, even in court, the authorities do not disclose the specific publication that caused the blocking, making it impossible for the site owner to remove it.
- 64. The ECtHR issued several rulings, establishing a violation of international standards by Russian legislation on blocking. As of January 2022, Kasparov.ru, Grani.ru and EJ.ru, as many other online resources, remain inaccessible, despite the ECtHR decision.³⁵
- 65. As of August 2021, the list of prohibited websites counted 487,883 websites blocked by state authorities on various grounds. In 2018, 426,000 disruptions of web resources were registered, which were caused by attempts of the Russian authorities to restrict Telegram Messenger by blocking the IP addresses of the major cloud service providers. In 2021, many independent media, including investigative journalism projects, were blocked with no prior court decision. On July 15, 2021, the Russian Prosecutor General's Office had declared the publisher of the Proekt investigative media, the American-registered company Project Media, Inc. "undesirable". On July 28, 2021, the Roskomnadzor blocked 49 websites of nearly every project linked to jailed opposition leader Alexey Navalny and his associates. On July 30, 2021,

³⁰ https://www.interfax.ru/russia/762270

³¹ https://mmdc.ru/news-div/sud-ostavil-v-sile-prigovor-nizhegorodskomu-zhurnalistu-osuzhdennomu-za-fejk-nyus/

³² https://www.onefreepresscoalition.com/list

³³ https://www.consultant.ru/document/cons doc LAW 320403/#dst100011

³⁴ https://meduza.io/static/0001/Agora_Report_Disrespect_For_The_President.pdf

³⁵ https://roskomsvoboda.org/post/rf-ignorit-espch-po-razblokirovke/

³⁶ https://reestr.rublacklist.net.

³⁷ https://2019.runet.report/assets/files/Internet_Freedom_2019._The_Fortress_ENG.pdf

³⁸https://meduza.io/en/cards/the-russian-authorities-blocked-dozens-of-sites-linked-to-alexey-navalny-so-why-is-the-smart-vote-website-still-up.

Dossier Center, an independent investigative outlet funded by exiled Kremlin opponent Mikhail Khodorkovsky, was also blocked.³⁹ On August 4, 2021, the websites of MBKh Media, Open Media, and Open Rights were blocked. All three outlets announced they would shutter after the RKN said the orders came from the prosecutor's office. RKN stated that the outlets also belong to Khodorkovsky's media network.⁴⁰

- 66. So-called "sovereign Runet" legislation made it possible in recent years for the state to block at its discretion a number of foreign services and resources (for example, VPN services, the social network LinkedIn) or slow down their work (Twitter). In February 2021, Roskomnadzor slowed down Twitter, accusing the US social media company of failing to remove 3,000 posts relating to suicide, drugs and pornography. That was the first massive application of the sovereign internet law. On May 17, 2021, Roskomnadzor stated that Twitter complied with RKN demands by deleting 91 percent of "prohibited content". Therefore, RKN partly lifted restrictions keeping throttling the social network's traffic only on mobile devices, not on PCs. ⁴²
- 67. Requirements to transfer servers to the territory of Russia, to install Russian software and open legal entities in Russia raise concerns about maintaining the confidentiality of user information and freedom of expression. Many services have already been fined millions of rubles for non-compliance with the requirements of the law. 43 44 The Government's harsh policy of controlling content on the Internet, putting pressure on IT companies (social networks), blocking resources and holding citizens accountable for speaking online causes self-censorship and entails massive violations of citizens' rights to freedom of expression and freedom to disseminate information.

Peaceful assembly — Paragraph 19 of the LOI

- 68. The right to peaceful assembly is proclaimed but not respected, protected or fulfilled. Due to coronavirus restrictions, assemblies are banned in many regions. Even solitary demonstrations are banned in Moscow and Saint Petersburg, while all other types of mass events and state-organized assemblies are allowed. Additionally, since the state has wide discretion and a final say in changing the time and venue, or canceling a notified assembly altogether without consulting the organizers, the notification regime *de facto* requires state approval of assemblies. Finally, contrary to the general measures following from Lashmankin and Others v. Russia⁴⁵ and indicated in Popova v. Russia,⁴⁶ spontaneous assemblies still do not have legal recognition and, therefore, protection.
- 69. The state shows no tolerance to peaceful, including non-disruptive, assemblies and their participants. The state refers to their illegality as grounds sufficient for a violent dispersal, even if prior notification would have served no purpose (such as with pickets of two people or several solitary pickets held at different times). The state's assertion that penalties are only applicable if the national law is violated should be rejected since the law itself and its enforcement practice are not compliant with Article 21 of the ICCPR.
- 70. The European Court of Human Rights (hereinafter "ECtHR") has found violations of the right to peaceful assembly on account of the authorities' failure to ensure the peaceful conduct of the assembly at Bolotnaya Square. It established that the unrest in the Bolotnaya square case was provoked by the police interference with the assembly, which did not lose its peaceful character and protection under the right to freedom of assembly.⁴⁷ The state is exaggerating the extent of the riots: despite the fact that a single Molotov cocktail

³⁹ https://meduza.io/en/news/2021/07/30/russia-blocks-website-for-khodorkovsky-s-dossier-center.

⁴⁰ https://www.hrw.org/news/2021/08/05/russia-expands-onslaught-critics.

⁴¹ https://www.bbc.com/news/world-europe-56344304

⁴² https://www.vtimes.io/2021/05/17/roskomnadzor-reshil-ne-blokirovat-twitter-a5052

⁴³ https://www.themoscowtimes.com/2020/02/13/russia-fines-twitter-and-facebook-63000-each-over-data-law-

⁴⁴ https://www.dw.com/en/russian-court-fines-google-facebook-over-banned-content/a-60250551

⁴⁵ https://hudoc.exec.coe.int/eng?i=004-47097

⁴⁶ https://juris.ohchr.org/Search/Details/2482

⁴⁷ https://hudoc.echr.coe.int/eng?i=001-159762

- was thrown⁴⁸ (no charges were eventually brought under this head), sporadic acts of violence do not justify a disproportionate response.
- 71. For instance, Yaroslav Belousov received a 27 months prison sentence: 9 months for throwing a lemon at the police and partly concurrent 21 months for attending an authorized public assembly and chanting anti-government slogans. The ECtHR established a violation of the right to peaceful assembly in his case⁴⁹ and those of other participants (Nepomnyashchikh, Barabanov, Polikhovich, and others).⁵⁰
- 72. Despite their attempts to stop the violence that erupted after a violent dispersal by the national guard, leaders of the March 27, 2019, rally in Magas were baselessly convicted for organizing the use of violence against officials, organizing and participating in an extremist community, creating a public association inducing individuals to commit unlawful acts. They received from 7,5 to 9 years imprisonment. Memorial Human Rights Center considers them political prisoners.⁵¹
- 73. Similarly, the authorities regarded a spontaneous unnotified assembly on July 27, 2019, as illegal, although the organizers were time-barred from such notification, and that the authorities were aware of it beforehand. The authorities cracked down on participants with unmotivated violence. Although sporadic violent acts took place in response, they were a reaction to cruel beatings by the riot police that qualify as torture. The punishments for participants were disproportionate. Kirill Zhukov received a 2,5-year prison term for trying to lift an officer's face shield; others were convicted for pulling officers that were repeatedly beating participants lying on the ground with police batons. No charges of mass riots held up in court.
- 74. The Government rejected the notification to hold an August 3, 2019 rally and detained more than 1,000 peaceful participants.⁵²
- 75. In a similar vein, the authorities detained more than 17,600 people for mere participation in January 23, 31 and February 2, 2021 rallies.⁵³ More than 170 criminal cases were opened in connection with these rallies.⁵⁴
- 76. Contrary to the Government's assertion, most often, it is the police who pressure participants in assemblies, obstruct and disrupt the events. Challenging law enforcement actions is ineffective. For instance, the police restrained Konstantin Konovalov, who was jogging alone near the planned venue of the upcoming July 27, 2019 rally. The police broke his leg after he had already been immobilized, which was captured on photo, and denied him medical assistance. The Investigative Committee refused even to consider his complaint, let alone investigate the police actions; the courts upheld the inaction. ⁵⁵ Konovalov was prosecuted for allegedly participating in the rally based on falsified police statements.
- 77. On August 10, 2019, a masked police officer punched Darya Sosnovskaya, detained for participation in a walk-around in the chest. The law enforcement refused to investigate, and courts upheld the decisions.⁵⁶ The police are allowed to use excessive and unnecessary force towards protesters with impunity.
- 78. The Government's response regarding heavy financial fines and administrative detention solely for participation in protests is misleading. They refer to Article 5.38 of the CAO, while protesters are generally prosecuted under Articles 19.3 (disobeying police orders), 20.2 (violation of assembly rules), 20.2.2 (mass presence), as well as for violating coronavirus rules banning any, including solitary, assemblies.
- 79. According to the latest judicial data, only in the first half of 2021, 14 069 people were prosecuted under Article 20.2 of the CAO. 11 426 fines totaled 148 860 629 RUB (1 919 878 USD), 642 compulsory labor orders and 1 994 administrative arrests were imposed.⁵⁷ According to the judgments published on the

https://ovdinfo.org/documents/2012/05/14/otchet-upolnomochennogo-po-pravam-cheloveka-o-nablyudenii-za-publichnymi; https://www.hrw.org/ru/news/2012/05/10/246235.

⁴⁸ Ibid.; See also:

⁴⁹ https://hudoc.echr.coe.int/eng?i=001-166937

⁵⁰ https://hudoc.echr.coe.int/eng?i=001-210255, https://hudoc.echr.coe.int/eng?i=001-180501,

https://hudoc.echr.coe.int/eng?i=001-180503

⁵¹ https://memohrc.org/ru/special-projects/delo-ingushskoy-oppozicii

⁵² https://reports.ovdinfo.org/mgd-2019_eng#4-5

⁵³ https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=36154

⁵⁴ https://data.ovdinfo.org/palace-case

⁵⁵ https://mos-gorsud.ru/mgs/services/cases/appeal-criminal/details/684b7e4b-e39a-4680-95c9-a6881c5d6632

⁵⁶ https://mos-gorsud.ru/mgs/services/cases/appeal-criminal/details/4c200287-751b-43e5-972e-99cab3c2da71

⁵⁷ http://www.cdep.ru/index.php?id=79

Moscow courts' website, the average arrest duration is about ten days (the share of arrests in Moscow is 21%). Further 2 198 people were prosecuted for organizing or participating in a mass presence, including 488 arrests. The following figures by the Supreme Court's Judicial Department illustrate the main trends in the application of Article 20.2 of the CAO:

	guilty judgements	average fine	share of arrests
2017	3 849	12 946	4%
2018	3 412	17 247	13%
2019	4 045	16 218	6%
2020	2 454	16 260	9%
the first	14 069	13 028	14%
half of 2021			

- 80. Among many others, Matvey Aleksandrov was fined 300 000 RUB (3 869 USD) for staging a June 5, 2020, solitary picket,⁵⁸ and Sergei Mitrokhin for being present at the January 23, 2021 rally based on facial recognition.⁵⁹ A fine in the same amount was imposed on Ksenia Fadeeva for ordering leaflets with a link to a website with information about the upcoming April 21, 2021 assembly,⁶⁰ and on Natalia Petrimova for posting an Instagram story announcing the January 31, 2021 assembly.⁶¹
- 81. Sergei Stepanov received a 30-day arrest solely for participating in a 50-person picket,⁶² Evgenii Goncharov⁶³ and Andrei Us⁶⁴ for solitary pickets on the Red Square, Irina Norman for posting the date and place of an upcoming rally.⁶⁵ Dozens of 30-day arrests have been imposed in recent years for the similar peaceful exercise of assembly rights.
- 82. Another trend is the use of civil actions brought against alleged "organizers" of rallies for police overtime, loss of income or damages by state or private enterprises. For instance, Bogdan Litvin and Denis Mikhailov were ordered to pay 7,3 million RUB (94 151 USD) for grass and flowers stomped on by protesters. Lubov Sobol and Georgy Alburov 4,6 million RUB (59 328 USD) for police overtime in just one of a dozen lawsuits. Such actions as posting calls to join an assembly online (Artem Yaumbayev) or leading the march and shouting "Forward!" (Oleg Shamburov) qualify as "organizing" an assembly.

Additional issues

83. Facial recognition technologies have been used to find and prosecute participants in peaceful assemblies. Their use is arbitrary and not based on law.

84. The authorities and state-controlled media are marginalizing and discrediting assemblies and protest. In particular, the state's Strategy on Countering Extremism defines as the most dangerous manifestations of extremism "... uncoordinated public assemblies (including protest actions), mass riots; terror acts".

⁵⁸ https://mos-gorsud.ru/rs/presnenskij/services/cases/admin/details/0fb503cf-a5d0-485a-b833-a0cd52972d61

⁵⁹ https://dailystorm.ru/news/hotyat-ustroit-pokazatelnyy-process-mitrohina-oshtrafovali-na-300-tysyach-za-ak ciyu-23-yanvarya

⁶⁰ https://sovetsky--tms.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=489335 02&case_uid=b87d2a80-9b33-40a4-b273-b97b1473bf31&delo_id=1500001

⁶² https://sud23--tmb.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=76093764 &case_uid=6f1920d8-042b-4977-bc50-1b167d8f10c2&delo_id=1500001

⁶³ https://mos-gorsud.ru/rs/tverskoj/services/cases/admin/details/2a6c2ce0-8891-11eb-ab4a-b31175ea59b9

⁶⁴ https://mos-gorsud.ru/rs/tverskoj/services/cases/admin/details/a3923d40-92b8-11eb-98fb-75cd3d3bd2ed

⁶⁵ https://verhisetsky--svd.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=1714 46743&case_uid=f20218f2-bd26-4086-a2d0-13fc4e1e6353&delo_id=1500001

⁶⁶ https://frn--spb.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=420617821&case_uid=5a1cb189-e350-4548-8dc1-7bc38e72d3ff&delo_id=1540005

⁶⁷ https://mos-gorsud.ru/rs/simonovskij/services/cases/civil/details/c2c716c5-4678-40b3-8de3-f8cfe37a2ec3

They were ordered to pay 1,4 million RUB (18 060 USD) for police overtime. https://centr--chel.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=317684693&d elo id=1540005&new=0&text number=1

85. Assembly laws and other laws applicable to assemblies do not meet the "quality of law" requirements and are applied unpredictably.

Questions to the Russian Federation:

- 86. The Government refers to the fact that prosecution of peaceful protesters is based on the law. The ICCPR requires an assessment of proportionality in each case. Is proportionality assessed on a case-by-case basis in concrete, not abstract terms?
- 87. Is the total ban on public events, including solo demonstrations, necessary in a democratic society, considering the fact that other mass gatherings, such as sports events, were allowed? Does it indicate an abuse of power that the authorities exempted their own political events from the ban?

Freedom of association — Paragraph 20 of the LOI

Foreign Agents

NGOs

- 88. As of January 31, 2022, the register of non-profit organizations (hereinafter "NGOs") operating as a foreign agent contained 73 organizations⁶⁹ (219 organizations have been in the register during the whole period of the law's existence). Of 99 NGOs were forced to self-dissolve or reorganize after being recognized as such. The Ministry of Justice of Russia removed 46 NGOs from the list due to the lack (or discontinuation) of foreign funding and other formal grounds. Not a single organization was able to challenge the status of a foreign agent in court on substantial grounds.
- 89. The legislation on "foreign agents" was amended several times during the last two years, introducing new discriminative restrictions on the freedom of association.⁷¹ The definition of "foreign funding" was expanded to include receiving funding from Russian citizens and legal entities receiving foreign funding or acting as intermediaries in obtaining such funds.⁷² The definition of "political activity" was expanded as well, covering almost all spheres of public life.⁷³ Furthermore, in practice, even for-profit organizations may be considered foreign agents, as happened with "Utopia".⁷⁴
- 90. Since 2020, NGOs "foreign agents" may not be providers of public benefit services. ⁷⁵ Since 2021, such organizations must inform the Ministry of Justice in advance about planned programs and events and report upon completion. ⁷⁶ The Ministry of Justice can decide to ban a program or event. ⁷⁷ In case of non-execution of the decision, the Ministry of Justice may demand the organization's dissolution.
- 91. Once every six months, NGOs with a foreign agent status submit a report on their activities, the governing bodies' composition, and the list of employees. Quarterly they submit documents on the purposes of spending money and using other property, including those received from foreign sources. Annually they provide an auditor's report. Moreover, founders, members, participants and leaders of such NGOs should indicate their status in their publications and documents to state and municipal authorities. ⁷⁹
- 92. For non-compliance with "foreign agent" obligations, organizations and their employees are subject to administrative and criminal liability. According to the statistics of the Supreme Court, in 2017–2021, the courts of the first instance considered 229 cases against NGOs for non-inclusion in the register or violation of labeling rules and issued 158 indictments, imposing fines in the total amount of 36 245 500 RUB (467).

⁶⁹ http://unro.minjust.ru/NKOForeignAgent.aspx

⁷⁰ https://ovdinfo.org/ino/foreign-agents

⁷¹ https://ovdinfo.org/ino/sozdano-i-ili-rasprostraneno#7

⁷² Federal Law "On Non-Commercial Organizations" N 7-FZ (hereinafter "7-FZ"), Article 2 (6).

⁷³ Ibid.

⁷⁴ https://cherta.media/story/protokol-za-utopiu/

⁷⁵ 7-FZ, Article 2 (2.2).

⁷⁶ Ibid, Article 32 (4).

⁷⁷ Ibid, Article 32 (12).

⁷⁸ Ibid, Article 32 (3).

⁷⁹ Ibid, Article 24 (1).

⁸⁰ CAO, Article 19.34 (1, 2, 3), Article 19.7.5-2. CC, Article 330.1 (1).

⁸¹ This statistic covers only the cases under Article 19.34 of CAO.

- 617 USD). 82 The average fine increased from 190 000 RUB (2 452 USD) in 2017 to 350 000 RUB (4 518 USD) in 2021. The insignificant number of fines were challenged and overturned, but mostly on procedural grounds.
- 93. Violation of "foreign agents" regulation can lead to the forceful dissolution of an NGO. On December 28, 2021, the Supreme Court dissolved the "International Memorial". The next day the Moscow City Court dissolved the "Human Rights Center Memorial". The courts motivated these decisions by the fact that the organizations violated labeling rules. In 2020, the Ministry of Justice attempted to dissolve "Man and Law" due to a violation of labeling rules and other formal requirements. In 2019, "For Human Rights" was dissolved for the same reasons. In 2020, the Ministry of Justice attempted to dissolve "Man and Law" due to a violation of labeling rules and other formal requirements. In 2019, "For Human Rights" was dissolved for the same reasons.
- 94. "Anti-Corruption Foundation" not only remained in the registry of foreign agents, 86 but was also recognized as an extremist organization. 87 Several criminal cases were initiated against participants of the organization. 88

Public associations

- 95. Since 2021, public associations not registered as legal entities may also be recognized as foreign agents. ⁸⁹ For instance, in September 2021, OVD-Info was recognized as such due to its human rights activities and cooperation with international organizations, including the Council of Europe. ⁹⁰
- 96. Reporting and labeling requirements for them are similar to those established for NGOs. Such foreign agents are also subject to administrative and criminal liability. As of January 31, 2022, the register of "foreign agent" public associations contained six associations. No association has ever been excluded from this registry.
- 97. Another way of restricting the rights of associations was the blocking of their websites, including the websites of OVD-Info⁹³ and "Team 29". OVD-Info's website was blocked due to a claim by the prosecutors that information published about prosecution for participation in assemblies and the legal analysis of the restrictions through the prism of international human rights standards⁹⁵ confirms that the project is aimed at extremism and terrorism propaganda. The court also ruled to remove the project's accounts from social networks. Meanwhile, on December 30, 2021, an act that allows blocking information "containing the justification of extremist and terrorist activities" without court hearings entered into force.

⁸² https://ovdinfo.org/ino/sozdano-i-ili-rasprostraneno#8 and http://www.edep.ru/index.php?id=79

⁸³ https://www.coe.int/ru/web/commissioner/-/the-liquidation-of-memorial-ngos-is-a-harsh-blow-to-human-righ ts-protection-in-russia

https://www.memo.ru/ru-ru/memorial/departments/intermemorial/news/667

https://ovd.news/story/presledovanie-mezhdunarodnogo-memoriala-i-pc-memorial-po-zakonu-ob-inoagentah https://www.bbc.com/russian/news-59815965

⁸⁴ https://ovdinfo.org/express-news/2020/07/06/verhovnyy-sud-mariy-el-ne-udovletvoril-isk-minyusta-o-likvid acii-organizacii

⁸⁵ https://www.interfax.ru/russia/682688

⁸⁶ http://unro.minjust.ru/NKOForeignAgent.aspx

⁸⁷ https://www.rbc.ru/society/04/08/2021/610a42469a7947b63307c5cf

⁸⁸ https://www.znak.com/2022-01-14/leonida_volkova_i_ivana_zhdanova_vnesli_v_spisok_terroristov_i_ekstr

⁸⁹ Federal Law "On Public Associations" N 82-FZ (hereinafter "82-FZ"), Article 29.1.

 $^{^{90}} https://www.einnetwork.org/ein-voices/2022/1/28/implementation-campaign-in-russia-is-going-on-despite-per secution$

⁹¹ CAO, Article 19.7.5-3. CC, Article 330.1 (1).

⁹² https://minjust.gov.ru/ru/pages/reestr-nezaregistrirovannyh-obshestvennyh-obedinenij-vypolnyayushih-funkc ii-inostrannogo-agenta/

⁹³ https://ovdinfo.org/articles/2021/12/31/za-chto-zablokirovali-sayt-ovd-info-analiz-resheniya-suda

⁹⁴ https://www.bbc.com/russian/news-57881681

⁹⁵ https://ovdinfo.org/articles/2022/01/31/ovd-infos-position-mass-persecution-connection-protest-rallies-januar v-23-2021

⁹⁶ https://luhovitsy--mo.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=doc&number=3374499 01&delo_id=1540005&new=0&text_number=1

⁹⁷ https://www.dw.com/ru/putin-podpisal-zakon-o-vnesudebnoj-blokirovke-sajtov/a-60299795

Individuals

- 98. As of January 31, 2022, the registry of foreign agents media contained 75 persons (and 40 organizations), including human rights lawyers and activists. 98 No one has ever been excluded from this registry. Reporting and labeling requirements are similar to those established for NGOs. Such persons are obliged to create a legal entity, which should be included in the registry. They are also subject to administrative and criminal liability. 99
- 99. Furthermore, individuals engaged in political activities or collecting information in the military field may be classified as foreign agents regardless of their citizenship. Similar reporting and labeling requirements apply to them as well. Such persons cannot hold a position in state bodies and local self-government bodies. They are subject to administrative and criminal liability. Notwithstanding that the registry of foreign agent individuals is currently empty, the example of the media registry shows that it is temporary.
- 100. Dissemination of information about such persons, "foreign agent" media (including individuals), public associations and NGOs in the media and the Internet without indicating their status entails administrative liability. ¹⁰³ In 2021, 920 protocols of administrative offenses were drawn up for the lack of labeling. ¹⁰⁴ Most protocols were brought against Radio Free Europe/Radio Liberty, and a few against "foreign agent media" individuals.
- 101. In 2021, two new concepts were introduced into the electoral legislation: "a candidate who is an individual operating as a foreign agent" and "a candidate affiliated with a foreign agent". Additionally, NGOs and public associations operating as foreign agents and legal entities included in the registry of foreign agents media are prohibited from campaigning for or against the nomination of candidates or otherwise participating in election campaigns and referendums. 106

Undesirable organizations

- 102. As of January 31, 2022, the registry of undesirable foreign organizations and international NGOs consisted of 49 organizations.¹⁰⁷ From 2021, foreign organizations and international NGOs campaigning for or against the nomination of candidates or otherwise participating in election campaigns and referendums may be recognized as undesirable.¹⁰⁸ Moreover, organizations may be recognized as such if they provide intermediary services by carrying out transactions with funds or other property belonging to undesirable organizations.¹⁰⁹ Russian citizens are prohibited from participating in the activities of such organizations even outside of Russia.¹¹⁰ Penalties for violating the law on undesirable organizations have been expanded and toughened.¹¹¹
- 103. In 2019–2021, the courts of about 20 constituent entities of Russia considered dozens of cases under Article 20.33 of the CAO, a vast majority of them related to the "Open Russia". The Moscow Magistrates Courts' database lists 378 cases under Article 20.33 throughout the application of this provision. 113

⁹⁸ https://minjust.gov.ru/ru/documents/7755/

⁹⁹ CAO, Article 19.34.1. CC, Article 330.1 (2).

¹⁰⁰ Federal Law "On measures of influence on persons involved in violations of fundamental human rights and freedoms, rights and freedoms of citizens of the Russian Federation" N 272-FZ (hereinafter "272-FZ"), Article 2.1

¹⁰¹ Ibid, Article 2.1 (8).

¹⁰²CAO, Article 19.7.5-4. CC, Article 330.1 (3).

¹⁰³ CAO, Article 13.15.

¹⁰⁴ https://ria.ru/20211129/roskomnadzor-1761320306.html

¹⁰⁵ Federal Law "On Basic Guarantees of Electoral Rights and the Right to Participate in a Referendum of Citizens of the Russian Federation" N 67-FZ (hereinafter "67-FZ"), Article 2 (35.1, 35.2).

¹⁰⁶ Ibid, Article 3 (6).

¹⁰⁷ https://minjust.gov.ru/ru/documents/7756/

¹⁰⁸ 272-FZ, Article 3.1 (1).

¹⁰⁹ Ibid.

¹¹⁰ Ibid, Article 3.1 (3(6)).

¹¹¹ CAO, Article 20.33. CC, Article 284.1.

¹¹² https://ovdinfo.org/codex/2033-koap

¹¹³https://mos-sud.ru/search?caseDateFrom=&caseDateTo=&caseFinalDateFrom=&caseFinalDateTo=&caseLegalForceDateFrom=&caseLegalForceDateTo=&caseNumber=&codex=20.33&documentStatus=&documentTe

Additionally, in 2019–2021, 8 criminal cases were initiated against activists of the "Open Russia", three guilty verdicts were delivered, including against Anastasia Shevchenko.¹¹⁴ Moreover, "Team 29" had to self-dissolve under pain of criminal liability, as authorities associated it with "Společnost Svobody Informace".¹¹⁵

104. Consequently, despite public demand¹¹⁶ to repeal or revise the relevant laws to comply with Russia's human rights obligations, these legal acts were amended only to introduce more intrusive and discriminatory measures against associations and individuals.

Ouestions to the Russian Federation:

- 105. Will the law on foreign agents be amended to ensure that the definition of political activity does not cover the references to international human rights procedures?
- 106. Considering the significant role of the ECtHR in the promotion and protection of human rights and its cooperation with UN mechanisms, as well as the similarity of guarantees to the freedom of association provided by the ECHR and the ICCPR, we are concerned about Russia's hesitation to comply with interim measures issued by the ECtHR under Rule 39 in relation to Human Rights Center Memorial. We request information on when and how exactly Russia will comply with these interim measures.
- 107. The obligation of NGOs foreign agents to inform the Ministry of Justice about all their programs and events in advance threatened with dissolution violates Article 22 of the ICCPR. Excessive reporting and labeling requirements for associations and related individuals operating as foreign agents, under penalty of administrative or criminal liability and possible dissolution (for associations) for failure to comply with these formal requirements are not consistent with Article 22 of the ICCPR. Will Russia repeal or amend the relevant provisions to comply with its obligations under the ICCPR? If yes, when and how exactly.

COVID-19 measures in detention facilities — Paragraph 25 of the LOI

Measures taken to prevent the spread of COVID-19 among those who are in detention facilities

108. The Russian Federation reports "comprehensive preventive and curative measures" to address the spread of COVID-19 in institutions of the penal system (paragraph 201 of Russia's replies to the LOI). However, such measures fall far short of the recommendations issued by the World Health Organization, and the COVID-19 pandemic is often used by authorities to limit prisoners' rights. The most problematic aspects of these measures will be discussed in further detail below.

xt=&documentType=&judge=&participant=&processType=&publishingState=&uid=&year=&formType=fullForm&page=26

https://mos-sud.ru/search?caseDateFrom=&caseDateTo=&caseFinalDateFrom=&caseFinalDateTo=&caseLegalForceDateFrom=&caseLegalForceDateTo=&caseNumber=&codex=20.33&documentStatus=&documentText=&documentType=&judge=&participant=&processType=&publishingState=&uid=&year=&formType=fullForm&page=26

¹¹⁴ https://www.bbc.com/russian/news-58162862

¹¹⁵ https://www.bbc.com/russian/news-57881681

¹¹⁶https://www.dw.com/ru/v-gosdumu-peredanyi-260-tyisyach-podpisey-za-otmenu-zakona-ob-inoagentah/a-60 063079;

https://www.change.org/p/%D0%B3%D0%BE%D1%81%D1%83%D0%B4%D0%B0%D1%80%D1%81%D1%82%D0%B2%D0%B5%D0%BD%D0%BD%D0%B0%D1%8F-%D0%B4%D1%83%D0%BC%D0%B0-%D0%BC%D1%88-%D1%82%D1%80%D0%B5%D0%B1%D1%83%D0%B5%D0%BC-%D0%BE%D1%82%D0%BC%D0%B5%D0%BD%D1%88-%D0%B7%D0%B0%D0%BA%D0%BE%D0%BD%D0%BE%D0%B2-%D0%BE%D0%B1-%D0%B8%D0%BD%D0%BE%D0%B0%D0%B3%D0%B5%D0%BD%D1%82%D0%B0%D1%85;

https://www.dw.com/ru/v-gosdume-predlozhili-smjagchit-zakon-ob-inoagentah/a-60076359

Inaccessibility of personal protective equipment to people in prisons and other places of detention

109. Official statements by the authorities about the availability of personal protective equipment, products for hygienic hand disinfection, and the use of air disinfection systems often do not correspond to reality. In practice, according to the reports of prisoners and their relatives collected by the Russia Behind Bars Foundation, the means of disinfection and personal protection are available only to the staff of penal institutions, while prisoners do not have access to them. As for the air disinfection devices, they are only available at the expense of relatives or prisoners themselves.

Lack of reliable morbidity, mortality and vaccination data

- 110. The Federal Penal Service (hereinafter "FPS") does not maintain or publish information on confirmed cases of COVID-19 and deaths among prisoners and staff, as well as vaccination rates. For instance, there are still no up-to-date and reliable data on the number of cases, recoveries and deaths from COVID-19 in detention settings:
 - on June 25, 2020, it was reported that 766 prisoners had been diagnosed with COVID-19; 292 of them recovered; no deaths among prisoners had been registered; 117
 - on October 1, 2020, it was reported that 1465 prisoners had been diagnosed with COVID-19; 1,369 of them recovered; 1 person died at the age of 64;¹¹⁸
 - on March 12, 2021, it was reported that "fewer than 4,000" prisoners (suspects, defendants, convicted persons) were infected with coronavirus in 2020. 119
- 111. Concerning vaccination, regional FPS departments provide statistics, which in fact is very irregular and non-uniform, for example:
 - Sverdlovsk region as of January 11, 2022, –95% of employees and contract workers, 73% of inmates; 120
 - Novosibirsk region as of January 27, 2022, 14,209 people in total; ¹²¹
 - Volgograd region as of August 10, 2021, -2,500 convicts and 2,900 prison officers. 122
- 112. Such unsystematic and sporadic data do not allow for the tracking of morbidity trends and drawing conclusions about the effectiveness of measures taken by the state to combat coronavirus infection in detention settings.

Violations of the right to respect for private and family life

- 113. During outbreaks of COVID-19, in certain places of detention, temporary bans on family visits have been introduced. The key problem is that a visit that is supposed to happen when restrictions are in place is not postponed but is canceled instead. Prisoners need to wait several months for the next visit, which also may not happen due to newly imposed restrictions. As a result, many prisoners have not seen their families since the beginning of the pandemic.
- 114. In addition, many relatives encounter problems getting into prisons that are not officially quarantined. In the absence of any legal grounds, some administrations of penal facilities impose arbitrary local restrictions. For example, in addition to a negative PCR test, they require relatives to provide other medical documents (information on vaccination, a certificate on absence of contact with infectious diseases, chest X-ray results, information on immunity to COVID-19, etc.). As a result, visiting a prisoner, especially if they are sent to remote regions, is virtually impossible due to the complexity and cost of obtaining all the documents in the required time, as well as their limited validity.
- 115. Some institutions of the FPS offer video calls as an alternative to visits, but they cannot be considered a proper substitute. The cost of the special ZonaTelecom card is 300 RUB (4 USD), and 7 rubles are charged per minute. With salaries of 200–300 rubles per month, video communication is inaccessible to a large number of prisoners. At the same time, the communication itself takes place via a small screen no bigger than a postal envelope, which also cannot replace a family visit. 124

¹¹⁷ https://tass.ru/interviews/8808255

https://rg.ru/2020/10/01/bolee-13-tysiachi-rossijskih-zakliuchennyh-vylechilis-ot-covid-19.html

¹¹⁹ https://www.interfax.ru/russia/755691

¹²⁰ https://66.fsin.gov.ru/news/detail.php?ELEMENT_ID=606352

¹²¹ https://54.fsin.gov.ru/news/detail.php?ELEMENT_ID=540168

https://34.fsin.gov.ru/news/detail.php?ELEMENT_ID=582904

¹²³ https://www.zonatelecom.ru/services/calls/video-date

¹²⁴ https://34.fsin.gov.ru/news/detail.php?ELEMENT_ID=536308

Violations of the right to legal aid

- 116. Since the beginning of the pandemic, almost everywhere, confidential communication and the transfer of documents between lawyers and their clients is breached, as consultations with lawyers take place in rooms for short-term family visits. 125 Other people may be present in such rooms, and the administration taps the communication.
- 117. The Russian Ministry of Justice has drafted amendments to the Penal Code, introducing the concept of a "special conditions regime". ¹²⁶ The amendments propose, *inter alia*, that prison administrations be allowed to ban visits by persons providing legal assistance (lawyers, representatives in the proceedings before the ECtHR, and notaries). The Ministry of Justice is currently finalizing the draft law.

Ouestions to the Russian Federation:

- 118. How does the Government ensure that administrations of prisons and other places of detention do not arbitrarily and unlawfully interfere with the family life of prisoners according to Article 17 § 1 of the ICCPR?
- 119. How does the Government ensure the administrations of prisons and other places of detention do not arbitrarily and unlawfully interfere with the right to legal assistance according to Article 14 § 3 (d) of the ICCPR?

¹²⁵ https://advstreet.ru/news/advokat-pozhalovalsya-palate-na-otsutstvie-konfidentsialnosti-v-sizo/

¹²⁶https://regulation.gov.ru/projects?fbclid=IwAR27GMThvYPiPOZlQD94SiAKkABVoVSoFsK4_eUzLXHd9SxXpkYwo59eXg8#npa=121897

ANNEX I

List of judicial decisions on racial profiling

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- 2. https://mos-gorsud.ru/mgs/services/cases/review-not-yet/details/5e775fd0-b7b4-11eb-b64d-ad9faa356563
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- 6. https://mos-gorsud.ru/rs/preobrazhenskij/services/cases/admin/details/a61fd103-85f9-43b5-b754-73ac1b470d8d
 - 7. https://mos-gorsud.ru/rs/lyublinskij/services/cases/admin/details/fc2e48c0-0fe2-11ec-9bbd-03519859c601
 - 8. https://mos-gorsud.ru/rs/lyublinskij/services/cases/admin/details/c0c9cce0-38a6-11ec-9ae3-5da6ebe32157
- 9. https://mos-gorsud.ru/rs/lyublinskij/services/cases/admin/details/0c67dcf0-38a7-11ec-9ae3-5da6ebe32157
- 10. https://mos-gorsud.ru/rs/lyublinskij/services/cases/admin/details/3dcf4350-38a7-11ec-9ae3-5da6ebe32157
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