



## EUROPEAN UNION

### **OSCE Permanent Council No. 1239 Vienna, 5 September 2019**

### **EU Statement on the Right to Freedom of Peaceful Assembly in the Russian Federation**

Throughout July and August, peaceful demonstrations were held in Moscow and many other Russian cities to protest decisions to block a number of potential candidates from standing in September's regional elections, notably the Moscow City Duma election.

We were alarmed by widespread reports of excessive use of force by law enforcement against those exercising their human and fundamental right to freedom of peaceful assembly and the large number of detentions during these demonstrations. Independent monitors, such as OVD-Info, reported that 1,373 protesters were detained in Moscow on 27 July and over 1,000 protesters were again detained on 3 August. We are concerned by the pre-emptive detention of a number of individuals in advance of the demonstrations. We are also aware that a number of people were detained who were not involved in the protests, or were independent observers to the demonstrations, and those detained included a number of minors. We closely follow the ongoing politically motivated trials of the detained protesters and are deeply concerned about the judgements issued so far.

The EU calls on a thorough investigation of the reported abuse of force by the law enforcement authorities during the July and August demonstrations. We are disturbed by the pressure put on parents who participated in the demonstrations, who were threatened by prosecutors of losing their parental rights. The circumstances under which journalist Ilia Azarov was detained on 2 September, forcing him to leave his 2 year-old daughter alone at home, should be investigated in detail.

As reported by the Representative on Freedom of the Media in his statement of 29 July, at least 15 journalists were assaulted, detained or had their equipment damaged by police while covering the demonstration in Moscow on 27 July. Fourteen journalists were also detained on 3 August.

We are also concerned that a number of opposition figures, who were prevented from participating in the elections, have been detained numerous times, for example: Yulia Galyamina, Dmitry Gudkov and Ilya Yashin. Mr Yashin has been detained five times since the protests began in July.

Several opposition candidates collected enough signatures in their local districts to meet requirements for local election registration. Nevertheless, they were disqualified from registering based on claims by the election authorities that a proportion of signatures were inauthentic. Moreover, the process of collecting signatures by opposition candidates appears to have been deliberately disrupted on several occasions.

We share the concerns of the Commissioner for Human Rights of the Council of Europe, Dunja Mijatovic, who wrote to the Minister of Interior of the Russian Federation following the demonstrations on 27 July.

Freedom of peaceful assembly is at the heart of the OSCE's commitments, and is a prerequisite for democracy. In Copenhagen in 1990, participating States agreed that "everyone will have the right of peaceful assembly and demonstration. Any restrictions which may be placed on the exercise of these rights will be prescribed by law and consistent with international standards."

The OSCE Guidelines on Freedom of Peaceful Assembly, and the Human Rights Handbook on Policing Assemblies, are clear that, as a human right and fundamental freedom, freedom of peaceful assembly should, insofar as possible, be enjoyed without regulation.

In addition to the presumption in favour of holding assemblies, there is a positive obligation on the authorities to facilitate and protect peaceful assemblies.

We call on the Russian Federation to uphold its commitments on peaceful assembly and ensure that all persons are able to exercise this fundamental freedom, as well as the related freedoms of association, and of opinion and expression, as well as the commitments on media freedom, particularly in light of the forthcoming elections this month.

The Candidate Countries REPUBLIC of NORTH MACEDONIA\*, MONTENEGRO\* and ALBANIA\*, the Country of the Stabilisation and Association Process and Potential Candidate BOSNIA and HERZEGOVINA, and the EFTA countries ICELAND and NORWAY, members of the European Economic Area, as well as UKRAINE and GEORGIA align themselves with this statement.

\* Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.