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Currently the procedure to hold a peaceful assembly in Russia requires notifying the regulatory authorities of the time, venue, form, number of participants and other features of the event.

Notification procedure should not be turned de facto into a restrictive measure aimed at prohibition of peaceful assembly under the pretext of not reaching consent between the regulatory authorities and the organizers about the time, place, form, and number of participants of the event.

The restrictive interpretation of the notification procedure leads to violations of the right to the freedom of assembly. The following several practices should be changed to fulfill the country’s commitment to securing rights and freedoms, in the sphere of freedom of assembly.

1. **Problem:** Ordinary participants of peaceful assemblies are detained by the police in cases when the assembly does not receive approval of the regulatory authorities.

For instance, on 31st of each month (which has 31 days) throughout Russia activists hold peaceful assemblies with the demand to respect Article 31 of the Constitution (right to the freedom of assembly). Organizers always notify the authorities in due time, but in two years of holding these events, its holding was approved in Moscow by the authorities only once.

Ordinary participants are detained on regular basis. For example, on May 31, 2010, hundreds of participants of peaceful assembly were detained throughout Russia, with 170 people detained in Moscow and around 80 detained in St. Petersburg alone.

Other assemblies are treated in a similar way: e.g. Den’ Gneva (‘Day of Anger’) – events in support of social rights and services; Monstratsia (‘Monstration’) – artistic performances in the form of rallies, using visual aids to communicate with the public and express their viewpoint; opposition rallies; ‘Sinie vederki’ (‘Blue Buckets’) – drivers protesting the privilege of public officials to break the rules of traffic movement without penalty, which the officials do by switching on special blue signals.

Participants of many peaceful assemblies, and sometimes even bystanders, are detained and charged with administrative penalties such as fines and arrests.

Recommendation: Ordinary participants of peaceful assemblies should not be detained even in cases when regulatory authorities and organizers do not reach agreement about the time, place and manner of the event.

Recommendation: Lack of approval of the regulatory authorities regarding the time and place of the event should not be a reason for the dispersal of the peaceful assembly.

2. **Problem:** The law obliges the organizers of peaceful assembly to carry responsibility for notifying the authorities and obtaining their consent. Using this norm, ordinary participants attempted to challenge in court their detention and penalties, relying in their defense on lack of prior knowledge about the consent of the authorities. However, the judges often extend the responsibility of establishing the consent of the authorities to ordinary participants.

Recommendation: Ordinary participants should not be burdened with the obligation to establish the consent of regulatory authorities about the holding of the peaceful assembly, and should not be subject to sanction for participating in such peaceful assemblies.

3. **Problem:** Organizers of peaceful assemblies are subjected to disproportionate penalties for holding the events without consent of the authorities.

Many opposition leaders and organizers of the peaceful assemblies are detained even before reaching the place of the assembly, sometimes near their houses.

Detention of activists is done with excessive use of force: for example, on August 12, 2010, after the brutal dispersal of a peaceful assembly and detention of the activists, the known human rights defender Lev Ponomarev (Movement “For Human Rights”) had to be hospitalized. Ludmila Alexeeva, a known human rights defender, chairperson of Moscow Helsinki Group, and one of the organizers of “Strategy 31”, was subject to a harsh detention on December 31, 2009,

Another example is Sergei Udaltsov (leader of the Levyy Front, “Left Front”, and the organizer of the monthly ‘Den’ Gneva’ assemblies) who is detained brutally virtually at each “Den’ Gneva”. He is most often penalized with administrative arrest, ranging from two to fifteen days.

Recommendation: Any sanctions for organizers, who did not reach agreement with regulatory authorities about the time, place and manner of the event, should be proportionate.

Recommendation: Applying a penalty of an administrative arrest for several days (from two to fifteen) for holding a peaceful assembly should be considered a disproportionate restriction on freedom of peaceful assembly.

4. **Problem:** Even when political opposition leaders are only attending the peaceful assembly instead of organizing it, they receive the highest penalty available for this.

Illustrative example is one of the opposition leaders Boris Nemtsov who was subject to an administrative arrest for fifteen days after attending the peaceful assembly “Strategy 31” on December 31, 2010. Other arrested activists at this date who were subject to administrative arrest included Ilyia Yashin (Solidarnost’) and Konstantin Kosyakin (Left Front).

The authorities charge the leaders of political opposition not just with holding a peaceful assembly, but also with disobeying the police officers, in order to make the penalty harsher and to subject the activists to administrative arrest instead of only fines.

Recommendation: Political opposition should not receive harsher penalties for holding 'unauthorized' peaceful assemblies.

5. **Problem:**

When political opposition and youth movements notify of the upcoming events, regulatory authorities always suggest changing the place of peaceful assembly to the worst venues: distant and less public. Such venues make it impossible to address the audience which the organizers and participants want to reach with their message. The usual pretext for such suggestions is that the participants of the peaceful assembly will prevent the normal flow of car traffic and pedestrians. But even very small oppositional events (3-5 people) never receive the approval to hold their peaceful assemblies in the center and near official and public buildings. However, this rule does not apply to pro-Kremlin movements.

Recommendation: The procedure of notifying the regulatory authorities on the time and place of the assembly and obtaining their consent should not be used as a tool to prevent protest and critical expression at the peaceful assembly.

Recommendation: Peaceful assemblies should be allowed to be held in front of their intended audience and with maximum publicity. They have as much right to use the public venues as everyone else.

Recommendation: Regulatory authorities should operate with the presumption for holding the peaceful assembly, not aiming to restrict it. The regulation of time, place, size and manner of the assembly should not be based on the content of its message, if it has a peaceful nature and does not call for violence and hatred.

6. **Problem:** Despite the ruling of the European Court of Human Rights on the case of Alexeev v. Russia in 2010, which recognized the ban of gay pride assemblies in Moscow in previous years unlawful, on May 28, 2011 the assembly was banned again and the participants were harshly treated by both the opponents and the police. Moreover, the police failed to detain the opponents of the assembly who were calling for violent actions, and forcefully detained any supporters who tried to join the assembly peacefully.

Recommendation: Sensibilities of the opponents of the assembly or of the alleged majority should not be a sufficient reason for banning a peaceful assembly or dispersing it.

Recommendation: Police should protect the participants of the peaceful assembly from violent attacks.

Recommendation: Police should not treat the participants of the peaceful assembly on the basis of the message of the assembly and personal expression of its participants.