



Restoration of basic freedoms

Olga Khvostunova

*PhD student at Stony Brook University's
Political Science Department*



OVD-Info Data Department



Introduction

By 2022, the Russian Federation has signed and ratified dozens of international human rights treaties, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the European Convention on the Protection of Human Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Yet, over the last two decades, Russian authorities' implementation of many of these treaties' provisions has been at best flawed and at worst, they were willfully ignored or grossly violated.

In the last five years, abuses against basic rights and freedoms in violation of the country's own Constitution have grown exponentially. In 2018, Russia emerged as the leading country in terms of the number of complaints filed to the European Court of Human Rights. The ECtHR has often found Russia guilty of violating the following articles of the European Convention on Human Rights:

- right to life and prohibition of torture
- right to the security of person and respect for private and family life
- freedom of expression
- freedom of assembly and association
- freedom of thought, conscience and religion
- prohibition of discrimination.

Russia under Vladimir Putin has emerged as one of the most egregious human rights abusers in recent years, even though its constitution, undermined as it was by the 2020 amendments, still provides for ample protection for basic human rights. The key problem is that this protection has increasingly become a declaration on paper in the absence of real, working implementation and watchdog mechanisms. The key problem is the consolidation of all political power in the hands of the president and the lack of independent legislative

and judiciary. Two related problems are the silenced independent media and intimidated civil society. Finally, the history of rights protection in Russia shows that, with a few exceptions, the public never fought for their rights, especially for political rights and civil liberties. They were often simply handed down to it from above.

Based on the recent opinion polls, Russians value personal freedoms the most alongside rights to social security — the attitudes that are likely the result of the Soviet system structure, which was, to an extent, inherited by the current regime (see Table). Rights to participation in social and political life as well as freedom of assembly are at the bottom of the list. Yet, it is noteworthy that the right to fair trial and freedom of speech are at the top, with the value for the latter showing significant progress. In 2017, only 34 percent of the respondents said that freedom of speech was most important; in 2021, 61 percent who said so. These are also the two rights that the respondents noted as most often violated in 2021.

Going forward, democratic reformers will need to reckon with these problems to make sure that rights and freedoms are not simply handed down from above again, but upon securing genuine separation of powers, they should actively engage independent media and civil society organizations to educate the public about their rights and serve as watchdogs and exert pressure on authorities to enforce adherence to and protection of these rights.

Rights and freedoms that Russians consider most important (2017-2021)

Which rights and freedoms are most important?				
	2017	2018	2019	2021*
right to life, freedom, inviolability of person	72	76	78	75
right to medical aid	70	65	70	62
right to fair trial	50	53	64	62
freedom of speech	34	42	58	61
inviolability of property, housing	46	49	57	53
right to social protection, dignified standard of living	57	53	62	52
right to work, good conditions, and fair pay	56	53	58	51
right to rest and leisure	39	40	52	50
right to free education, equal access to education	59	57	59	49
right to private property	40	38	50	46
freedom of movement and residence	29	33	42	44
freedom from violence, humiliation, and arbitrariness	38	38	45	44

right to access information	25	28	39	39
right to create a family and equality in marriage	28	35	43	38
freedom of belief, freedom of conscience	22	28	40	36
right to participate in social and political life	16	21	30	26
freedom of peaceful assembly (marches, demonstrations) and association	13	21	28	26
undecided	3	4	1	2

Source: [Levada Center](#)

Human rights in Russia: The current state of affairs

Since the Russian government launched an unjustified aggressive war in Ukraine, the situation with human rights and basic freedoms in Russia has been deteriorating. According to the Freedom House’s 2023 Freedom in the World report, Russia, which has been rated “not free” since 2004, dropped further in the “global freedom score,” finding itself alongside countries, like the Republic of Congo and Chad.

Specifically, Freedom House’s analysis shows that in the category of political rights, Russia scored zero points for electoral process (with no fair and free elections and no fair electoral laws) and only a few points for political pluralism (with very limited opportunities to organize political parties or other competitive political groups) and participation (with complete prohibition of political opposition) as well as in the functioning of the government (with no real representation and very little transparency). Indeed, while Russia’s political system envisions a strong presidency, the current president’s powers are *de facto* largely unlimited: he enjoys “loyalist security forces, a subservient judiciary, a controlled media environment, and a legislature consisting of a ruling party and pliable opposition factions.”

In the category of civil liberties, Russia scored zero points in freedom of expression and belief (with no independent media, no academic freedom, and very narrow opportunities to freely express personal views on political or other sensitive subjects as well as freely practice religious beliefs). There is no freedom of assembly and no freedom for NGOs, especially human rights organizations, to do their work. In terms of the rule of law, there is no protection

from the illegitimate use of physical force, and no equal policy application under the law.

The judiciary is deemed almost entirely dependent and there is almost no due process in civil and criminal matters. The score is slightly better in terms of personal autonomy and individual rights, but only if compared to previous categories.

Following the February 2022 invasion in Ukraine, Russia was expelled from the Council of Europe, which allowed Russian authorities to stop pretending that they adhere to European laws, principles, and values. In September 2022, Russia ceased to be a party to the European Convention on Human Rights, Russian petitions to the European Court of Human Rights were suspended, although the Court consequently decided to proceed with reviewing the admitted cases.

A break with the ECtHR was a logical continuation of the Kremlin's policies in recent years. As part of the 2020 constitutional reform, Russia had already adopted amendments that "decisions of interstate bodies" (e.g. ECtHR) shall not be "subject to enforcement in the Russian Federation" if they run counter to the Constitution.

In April 2022, the United Nations General Assembly's vote also suspended Russia from the UN Human Rights Council for gross and systematic violations of human rights. Previously, Libya was similarly suspended from UNHRC in 2011 for violent repression of protests by Muammar Gaddafi's regime. In October 2022, the UNHRC appointed a Special Rapporteur to investigate human rights abuses in Russia — an unprecedented move that for the first time in the Council's history targets one of the five permanent members of the Security Council.

Several investigations into Russia's human rights abuses were initiated in 2022 under the Moscow Mechanism (human dimension) of the Organization for Security and Cooperation (OSCE). In September 2022, an in-depth analysis of Russia's legislative and administrative practices was delivered based on decisions by the ECtHR, opinions by the Venice Commission, statements by the OSCE's autonomous institutions, reports, and testimonies by civil society, etc. Regarding the legislative changes in the realms of freedom of association, freedom of expression, and freedom of peaceful assembly, the report concluded that "Russian legislation is obsessed with restricting these rights more and more. [...] Russian legislation in this area is clearly incompatible with the rule of law. On the contrary, the multitude of detailed provisions gives the authorities wide discretionary powers and thus provides the basis for arbitrariness." Another report on human rights violations delivered at the end of December 2022 concluded that "with its internal clampdown on human rights and fundamental

freedoms, the Russian Federation has helped prepare the ground for its war of aggression against Ukraine.”

It should be noted that Russia’s war in Ukraine opened an entirely new dimension of human rights abuses, including violations of Russian citizens’ rights during mass conscription, the enlisting of convicts into private military companies, extrajudicial executions, detentions of those who refuse to participate in the war in illegal prisons, as well as violations of the rights of Ukrainian prisoners of war and civilians, including children. Another area concerns human rights, violations of humanitarian law, and war crimes, including willful killings, attacks on civilians, unlawful confinement, torture, rape, and forced transfers and deportations of children committed by Russia in Ukraine.

In the future, the results of the special rapporteurs’ work for the OSCE and the UNHRC could become the basis for reforming Russia into a state that respects the rule of law and where the fundamental human rights and civil liberties are applied indiscriminately.

2012-2022: a decade of human rights abuses

The human rights situation in Russia had been deteriorating before the full-fledged war in Ukraine. Freedom House estimates that Russia’s overall score with regards to political rights and civil freedoms has dropped by 11 points over the last decade — from the already low 27 down to 16 out of 100.

In 2012, Russia introduced limits on public assemblies, re-criminalized libel, expanded the definition of “treason” to criminalize involvement in international human rights advocacy, forced NGOs that receive foreign funding and engage in political activity (vaguely defined) to register as “foreign agents,” and imposed new restrictions on internet content.

In 2013, Russian parliament adopted new laws restricting LGBTI rights and freedom of expression and infringing on the right to privacy. In 2014, following the Ukraine crisis, annexation of Crimea and the war in Donbass, Russia imposed further harsh restrictions on media and independent groups. Bloggers with more than 3,000 daily visitors were required to register as mass media, custodial terms were introduced for extremist calls on the Internet, including re-posts on social media, “separatist” calls were criminalized, foreign ownership of Russian

media was severely restricted, and Russian Internet users were prohibited from storing personal data on foreign servers.

Year 2015 was marked by the introduction of a new law on “undesirable foreign organizations,” which authorized the extrajudicial banning of foreign or international groups that allegedly undermine Russia’s security, defense, or constitutional order.

A counterterrorism legislative package, known as the “Yarovaya Law” adopted in 2016, required that telecommunications and Internet companies retain copies of all contents of communications for six months, including text messages, voice, data, and images and disclose these data to authorities, on request and without a court order — in violation of privacy and other human rights.

In the runup to the 2018 presidential elections, Russian authorities clamped down on the freedom of assembly: in the first six months of 2017, the number of people that received administrative punishments for supposedly violating the country’s regulations on public gatherings was 2.5 times higher than that of the entire previous year. A leader of political opposition Alexei Navalny, who was killed by Putin regime, and his presidential campaign team were systematically harassed. The law on “undesirable organizations” was more frequently used in 2017, too. The extremist legislation was also more actively used to stifle dissent: the number of people imprisoned for extremist speech almost doubled. The media legislation was amended to allow the government to designate any media organization or information distributor of foreign origin as “foreign media performing the functions of a foreign agent.”

In its 2018 period report on human rights in Russia, the UN Human Rights Council already stated that the International Covenant on Civil and Political Rights was not being respected in the country

In 2019, negative trends in Russian only strengthened. The scope of the foreign agent law was expanded, allowing authorities to apply the “foreign agent” status to private persons, including bloggers and independent journalists. First criminal cases were initiated under the law on “undesirable organizations.” A group of new laws severely restricted freedom of speech, introducing bans on dissemination of “fake news” or expressing “blatant disrespect” for the state (it was later found out that the overwhelming majority of such charges involved alleged insults against Putin). The law on “sovereign Runet” envisaged the creation of a national domain system, providing the government with centralized control of the country’s internet traffic that would enhance its capacity to conduct fine-grain censorship of internet traffic.

2020 was marked by constitutional reform, with a number of discriminatory principles (e.g. definition of marriage as a union between a man and a woman, mention of “trust in God, transferred by ancestors,” repositioning the Russian language from a national language to “the language of the state-forming nation, being a part of multi-national union of equal nations of Russia”) finding further legal entrenchment in constitutional amendments. Also, using the COVID-19 pandemic as a pretext, all mass gatherings were also banned, and police interfered even with single-person protests, which did not require approval, referring to the social distancing and mandatory mask regime even when protesters wore masks.

It is clear that over the last decade, especially since Russia’s 2022 invasion of Ukraine, the country has degraded to the level of uncivilized countries in terms of rights and freedoms protection. But the war only accelerated the processes that had already been in place in the country. Major human rights abuses are complemented with adoptions of repressive, restrictive, and discriminatory laws, arbitrary application of law, and deterioration of the quality of justice in general.

Media reform and civil society engagement

Media reform should be one of the central pieces of the task on restoration of basic rights in Russia. A powerful propaganda machine is one of the pillars of the current regime. Dismantling this machine and democratizing the media space should be a priority for democratic reformers. This task, however, is impossible without a comprehensive reform of the political system and judiciary.

Freedom of speech

Media reform is inherently linked to restoration of freedom of speech — a basic right whose importance has significantly grown in Russian in recent years. Despite the fact that freedom of speech is formally guaranteed by the Constitution, protection of this right is not a subject of wide public discussion: the state has secured the right to define it for itself. Reformers should start with getting this right back and engage in discussions about the essence and meaning of free speech in Russia.

Freedom of speech cannot be absolute — it is limited by the modern person’s existence in the bounds of civilized society, whose members have rights and freedoms as well as responsibilities. There are limitations when it

comes to issues such as right to privacy, libel, obscene behavior, pornography, incitement of hatred, violence and overthrowing of the government, commercial information, and state secrets, national security, etc.

A classic criterion that defines the relationship between freedom and its limitations in democratic societies is the so-called “principle of harm” put forward by John Stuart Mill in his essay “On Liberty” (1859):

“That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.”

Freedom of speech exists within a country’s legal system. Thus, the expansive interpretation of freedom of speech in the United States is provided for by the country’s history and the specifics of the American political and legal systems and is therefore different from the more conservative approach practiced in European countries, not to mention developing countries and authoritarian regimes. **Developing the Russian definition of freedom of speech, reformers should thus account for legal, political, and social factors that influence the way freedom of speech is perceived by the Russian public.**

[Media reform experiences in other post-Soviet countries](#)

Effective media reform needs thorough preparation, which includes analyzing the mistakes of previous Russian transitions and experiences in other post-Soviet and authoritarian regimes, as well as reflecting on the existing structural problems in the Russian media system. Ideally, these processes should take place in an open discussion with the participation of independent experts and members of the media and civil society.

During the democratic transition of the 1990s, media reforms in the post-Soviet space typically followed two stages: first, censorship was formally abolished, and freedom of speech was pronounced, and second, the public space was opened up for members of society. The adoption of democratic legislation and regulation of the media sphere was the fulcrum of these media reforms. It was assumed that market mechanisms and “correct” laws would bring the media up to democratic standards.

However, it soon became clear that in most post-Soviet countries, including

Russia, media laws were “imitational”: legislation was often directly borrowed (sometimes simply by translation) from developed democracies, where it corresponded to national media systems. Such borrowing did not account for the specifics of post-Soviet political culture, the existing power structures and their relations with the media, a weak and passive civil society, or the historical context of each country. As analyses of these media reforms’ results show, they were most successful when the reform’s agenda and plan were developed with the participation of civil society members, journalists, and researchers (e.g., Croatia in the late 1990s). When media reform was handed down “from above,” its results were always worse. Reformers should keep these mistakes in mind.

Reformers might be interested in Poland’s experience, where, similarly to Russia, a dual (state corporatist) media model has been identified by media scholars. They can also consider best practices of media policy implementation in Estonia, which holds the 15th place in the 2020 World Press Freedom Index by Reporters Without Borders. This is higher than all other post-Soviet countries and some developed democracies, such as the U.S. and the U.K. Important lessons can be learned from the history of German media regulation after 1945, as well as following the reunification of the Federal German Republic and the German Democratic Republic.

Preliminary tasks

Numerous analyses of the Russian media system identify the following problems:

- a monocentric state-controlled media model;
- repressive legislation and regulation;
- a powerful propaganda apparatus;
- a scarcity of high-quality independent journalism;
- excessive commercialization and corporatization;
- a low level of professionalism and journalistic ethics;
- the public’s low levels of media literacy and trust in the media.

A media reform plan that provides solutions for all of these problems can be used as a blueprint. **In each case, the following objectives should be seen as priorities: liberalization of repressive legislation and regulation of the media; dismantlement of the propaganda apparatus created to promote the current regime’s interests; and liberalization of the monocentric mass media model** (e.g., through the privatization of the state’s major media assets). Other

problems of the Russian media system can be addressed in the long-term if the initial democratization stages are successfully implemented.

To start off, reformers must create a task force, which should include media scholars, independent journalists, members of civil society and groups that protect journalists' rights, media reform experts, as well as media owners. Ideally, the reform should be based on a wide approach that aims to transform the entire media system and not just the pertinent media law, but, more realistically, reformers could use a modular approach, one based on the most optimal components of the reform that can be implemented in the present moment.

Some of the suggested first steps for the task force include:

- answer the conceptual question “What is the Russian understanding of freedom of speech?” and formulate a desired model for a future media system;
- conduct an inventory of assets and operating parameters of the Russian media system (e.g., national and regional media, ownership system, laws and regulations, professional unions, etc.);
- pay special attention to the independent media segment; its representatives should be involved in the reform planning discussions, and their support must be enlisted in the event of the opening of the political system;
- formulate the tasks that need to be completed at each stage of the reform.

When choosing the new media model, reformers should also review the mistakes made during earlier attempts at transition — attempts to borrow or imitate Western models or to impose media reform on the public “from above.” The optimal solution would be reaching a consensus decision on the desired media model over the course of open discussions involving all the members of the task force. Special attention should be paid to such factors as the government's influence on media development (e.g., through subsidies), media policy, laws and regulations (in particular, to prevent concentration of media assets), as well as the media's dual role as a democratic institution and as a business. Discussion of the future media model must be directly linked to the development of political reform, including choosing the best-fitting political model for Russia.

Research on media reform in other countries shows that media activists campaigning for the protection of freedom of speech play an important part in its successful implementation. Educating and informing the public about its rights, these activists bring more people into the discussion, facilitating the development of civic consciousness and laying the groundwork for future public

support of the reform.

To implement the first steps of transition, reformers need to create a public commission on media reform (potentially modeled after the task force), which will face a number of crucial questions concerning the scale and radicality of the reform at this stage and will need to develop clear legal and economic mechanisms for the demonopolization and deconcentration of the media system, closure or suspension of propaganda outlets, firing of odious media figures, etc. The transparency and universality of these mechanisms will facilitate public acceptance of the reform.

Here the reformers can learn from the experience of the United States, where the public Commission on Freedom of the Press (also known as the Hutchins Commission) was created in 1947 to review the state of U.S. media. In its final report, titled “A Free and Responsible Press,” the commission offered the following duties the media must perform in order to be considered free and responsible:

- offer a truthful, comprehensive account of the day’s events in a context which gives them meaning (be accurate and not lie);
- serve as a forum for the exchange of comment and criticism;
- offer a representative picture of constituent groups in society (no stereotyping);
- present and clarify the goals and values of the society;
- give every member of the society full access to information the press supplies (to serve the public’s right to know).

The commission also emphasized the media’s role as a political institution — to serve as a “watchdog” over the state, and to inform and educate citizens in a way that makes them capable of self-governance. Today, one may add to the list the media’s responsibilities to guarantee political pluralism and the inclusivity of public discourse.

First steps

1. End the persecution of journalists based on their professional activity

Reformers must end the illegal prosecution of journalists, review and close criminal and administrative cases initiated against them, release those arrested or serving prison terms, and offer due compensation to the victims of repressive law enforcement.

2. Repeal repressive media laws and regulations

Over the past two decades, over 20 federal repressive laws have been introduced to Russian media legislation, which have had a detrimental effect on the work of the media overall, but especially on independent journalists. These laws should be repealed.

3. Dismantle the propaganda apparatus

The dismantling of the existing propaganda apparatus and disinformation system built by the current regime is a mandatory step of media reform; television networks and publishers that were instrumental in furthering the regime's interests and manipulating public opinion must be suspended or shut down.

Below is a preliminary list of state agencies whose powers should be amended with regards to restoration of the freedom of information.

a. Government Agencies

Here, reformers should aim to decrease the state's involvement in the regulation of media work and the media market at large, as well as curtail the control and oversight functions of various agencies. Below are the main government bodies that currently formulate and regulate Russian information policy, whose work should be substantially revised (e.g., administration change, closure, profound reform).

Presidential administration is responsible for the state information policy. It is also shared by the Presidential Domestic Policy Directorate; the Presidential Directorate for Public Relations and Communications; the Presidential Directorate for Social Projects; and the Presidential Directorate for the Development of Information and Communication Technology and Communication Infrastructure.

Mintsifra (the Ministry of Digital Development, Communications, and Mass Communications) is responsible for the state policy on and normative and legal regulation of information technologies, electronic and mail communications, mass communications and media, including electronic media (internet, TV, and radio communications, new technologies), press, publishing, and printing activity, as well as personal data processing.

Roskomnadzor (Federal Service for Supervision of Communications, Information Technology, and Mass Media) is responsible for control and oversight of state policy implementation in the aforementioned areas. In particular, it is responsible for licensing mass media, radio frequencies (along with the Defense Ministry and the Federal Protective Service), regulating the internet, etc.

State Duma contributes to regulation through its Committee on Information Policy, Information Technology and Communications and Commission on the Investigation of Foreign Interference in Russia's Internal Affairs.

Federation Council contributes to regulation through its Interim Commission on Information Policy and Cooperation with the Media, Interim Commission for Legislative Regulation of Cybersecurity and Digital Technologies, and Interim Commission for the Protection of State Sovereignty and Prevention of Interference in Russia's Internal Affairs.

b. Media Assets

Considering the long traditions of the Russian government's strong control over the media system, growing media etatization (state interference), and the ruling regime's efforts in building a powerful propaganda machine, this part of the reform is fraught with many challenges and requires a complex approach. Reformers should pay special attention to the inventory of Russian media assets at the preliminary stage and identify those that should or should not be reformed.

- **State-controlled assets** created exclusively for propaganda purposes, which must be either suspended or completely shut down (e.g., the Patriot Media Group, RT network, and Russia's Public Television).
- **National state-controlled assets** that could undergo substantial reform (e.g., Channel One and VGTRK — the All-Russia State Television and Radio Broadcasting Company); as a first step, their propaganda shows should be shut down and editorial policies and practices of the news programs reformed.
- **Assets that are formally private** but are in fact controlled by the state and/or concentrated within large media holdings (e.g., Gazprom Media, the National Media Group). These can be disbanded, relicensed, and resold to independent companies through properly organized bidding.
- **Quality media assets** that are formally private but loyal to the state. These can be potentially recovered in the event of the opening of the political system and a subsequent change in ownership and top management (e.g., Kommersant, Vedomosti, RBC).
- **Mass media assets** that are formally private but loyal to the state and have a widely recognizable brand, lengthy history, large audience, and vast regional network (e.g., Komsomolskaya Pravda, Moskovsky Komsomolets). Reformers can attempt to involve them in a constructive dialogue.

4. Engage the surviving independent media

Over the course of the reform, a number of prominent Russian media outlets might be closed, suspended, or subjected to significant reformatting. The gaps, especially in television broadcasting, can be bridged by engaging the resources of independent media projects (journalists, editors, producers, media managers). **Delivering objective information to the public about the implementation of media reform (and what is to come) will be key to its success.** Therefore, as noted earlier, at the preliminary stage reformers should think this process through and develop mechanisms for tentative or long-term recruitment of independent professionals without compromising their status.

At this stage, reformers can also support independent outlets (through subsidies or tax benefits) that have proved their competence, professionalism, and commitment to the ethical standards of journalism under the conditions of Russian authoritarianism. Here reformers might tap the experiences of Scandinavian countries (Sweden, Denmark, Finland, Norway, Iceland), which traditionally rank high in press freedom indices. They have developed state mechanisms to support the media and secure its status as the “fourth estate.” For example, Sweden has had a system of media subsidies since the 1960s, allowing for lower entry barriers to circulation and distribution systems, implementing regular technological updates, developing regional journalism, and promoting diversity and pluralism within the media.

Engaging civil society

A return to basic freedoms is impossible without engaging Russian civil society into the transition process. A “strong civil society” is the sphere of uncoerced human association between the individual and the state and is one of the cornerstones of democracy, “good governance,” pluralism, and the achievement of important social and economic goals. Civil society is needed to facilitate social cohesion and develop common values. Modern states are too complex to be based upon the state and the market only. Civil society offers a form of citizens’ participation in governing or representing their interests outside political structures. The values of human dignity and equality that undergird fundamental human rights and freedoms can also be facilitated by civil society, which often encourages innovation and transformation.

It is often argued that civil society can only exist in the liberal Western environment: a chess club in Russia, while being a human association, would not constitute a civil society organization. Yet, **Russian civil society, despite being described as weak and passive, has a powerful potential for engagement, especially on social issues.**

One of the mistakes of the 1990s reforms in post-Communist countries was direct exporting of the civil society practices outside the Western political and economic settings, which had often resulted in mimicry and ineffectiveness. Another explanation is that those civil societies were oppositional in nature: following the initial revolutionary spark, activists left the streets and their civic organizations, while societies remained largely passive and depoliticized.

However, over the last 20 years, Russian civil society has made significant progress. Formally, there are over 200,000 registered civil society organizations in Russia today, although exact statistics are unknown, since this number includes state corporations that have nonprofit status in Russia, thus distorting data. Still, this is a significant number that should not be ignored.

Russian civil society: constraints and potential

The civil society developed both regardless of the state but also with its help. In the late 1990s and early 2000s, the state paid little attention to the nonprofit sector: civil society organizations (CSOs) developed randomly and were mainly supported by foreign funds. Most of the work was done through their enthusiasm and volunteer work.

But with the advent of the so-called “color revolutions” in various countries, CSOs suddenly found themselves under close surveillance by the state, since many of them participated in the revolutionary events. In Russia, authorities decided to take the nonprofit sector under control and tightened regulation. They started to create and champion loyal nonprofits, e.g. so-called GONGOs (government-organized NGOs) to work closely with the state and take up some of its social functions. As a result, many CSOs became largely dependent on the state. Whereas there used to be numerous domestic foundations that distributed budgetary funds for nonprofits, since 2017, all of them were merged into a single Presidential Grants Foundation, which has emerged as the main source of funding for the nonprofits’ social projects.

The authorities also purposefully divided CSOs into either “bad” (opposing the state) or “good” (loyal to the state) category. The latter are the CSOs that provide social services useful to the state, working in the politically benign areas, such as sports, education, and culture. The former are usually engaged in advocacy, such as human rights or pro-democracy organizations, and are often seen as acting under foreign influence. This division is further spurred by the propaganda media and the introduction of marginalizing and stigmatizing laws, e.g. on “undesirable” organizations or on “foreign agents.”

Still, despite significant pressures from the state, Russian civil society

also saw a number of positive trends. Over the last 20 years, philanthropy and charities have flourished in Russia, private donations have skyrocketed, and fundraising has become ubiquitous. Popularity of volunteering is another significant development, which was originally encouraged by the state which saw both volunteers and charities as additional resources for social projects that could be implemented without zero cost for the state budget. The nonprofit sector has also grown more professionally, boosted using new information technologies, which allowed for creation of various network communities and structures, joint activities, and collaborations, including international experience. Self-organization within the nonprofit sector has also increased, and there is a growing interest in social entrepreneurship and social investment. Expansion of informal civic activities often involving young people is yet another prominent trait of Russian civil society. These activities include not only protests, but also proactive self-organization to solve common problems.

In other words, reformers should not discount Russian civil society as weak and passive but rather tap its potential and let it develop with full force. Associations, non-government organizations, charities, and other civic initiative groups play an important role in exerting pressure on state power, serving as safeguards of basic freedom and democratic processes. They also provide **opportunities and means for ordinary people to become involved in the protection of human rights, advocacy, and eventually political participation.**

First steps

At the early stages of transition, reformers can follow a blueprint of restoration of basic freedom similar to the one outlined above with regards to media reform.

1. End the persecution of civil society activists and organizations

This includes ending their illegal prosecution, reviewing and closing criminal and administrative cases against them, releasing those arrested or serving prison terms, and duly compensating the victims of repressive law enforcement.

2. Repeal repressive laws and regulations that regulate the nonprofit sector

First and foremost, reformers should repeal the laws on “foreign agents” and “undesirable” organizations. As of the end of March 2023, there were 565 “foreign agents” of various types and 77 “undesirable” organizations in Russia’s Ministry of Justice’s respective blacklists. These lists should be eliminated, and reputations of the blacklisted individuals and organizations officially restored.

3. Bring back exiles and re-engage with international civil society groups

Reformers’ work on restoring basic freedoms will benefit from the experience

of the human rights and civil society organizations that were forced into exile to be able to continue their operations. Restoration of the prominent human rights organizations that were forcefully and illegally shut down (e.g. Memorial, Moscow Helsinki Group) is another crucial task. Re-engaging with international and foreign civil society groups will also be beneficial.

As a guiding principle, reformers should remember that civil society is a sphere that exists apart from the state. It is an area of human life where people come together and form groups, pursue common interests, communicate about important issues, and take action to achieve their goals and solve common problems. If these associations are controlled or simply tolerated by the state by default and not by design, there is no guarantee that the state would not interfere. Therefore, the state needs to be bound by rule of law to not interfere with the civil society. And creating legal and practical mechanisms for defining and safeguarding these boundaries is a task for further stages of the transition reforms.

Decisions on freedom of assembly

The war in Ukraine has had a negative impact on freedom of assembly in Russia. Mass protests against the invasion lack coordination, and people who go out with solitary anti-war pickets are regularly detained. Detentions and administrative persecution of participants of peaceful protest actions in Russia number in the thousands: since the beginning of the full-scale invasion of Ukraine, the security forces have made more than 19,000 arrests for their anti-war position. Courts impose fines totaling tens of millions of rubles annually, government agencies dismiss employees who protest, and universities warn students against participating in uncoordinated actions and threaten expulsions. In 2023, at least 74 people criminal cases were initiated against Russians detained at anti-war rallies and protests against mobilization.

Having worked with the issue of restriction of freedom of assembly in Russia for many years, we are convinced that improvements are impossible without corresponding changes in many other areas, such as improving the overall quality of regulatory regulation, guarantees of independent and fair trial, accountability and transparency of government actions, and the responsibility of officials for decisions taken. But no less important is the task of articulating specific solutions. For example, the practice of arbitrarily outlawing public events or an imbalance of responsibility that leads to the suppression of people's desire to exercise the right to freedom of assembly is a composite of many phenomena.

In the process of reforming the situation with freedom of assembly, the

following five key issues will need to be resolved:

1. The ban on spontaneous gatherings and the problem of coordination

Russian legislation does not provide for the legal possibility of holding a spontaneous gathering. Any public event must be coordinated with the authorities in advance. The deadlines for submitting a notification are strictly regulated by law, and the broad powers of the authorities to control the location and timing of actions in practice lead to their ability to prevent any undesirable events from taking place. The “uncoordinated” status of the meeting leads to a number of negative consequences – from the forceful dispersion of the event and the persecution of its participants and alleged organizers, to a ban on the dissemination of information about such actions. The steps necessary to reform the coordination system are discussed in detail in the report of the Memorial Human Rights Center and OVD-Info in the context of the execution of the ECHR ruling in the case “Lashmankin and Others v. Russia”. The main points are:

- Russian authorities and courts should allow uncoordinated but peaceful public events. Restrictive rules for mass public events should not apply to small-scale actions. Solitary pickets should not be subject to restrictions imposed for mass public events (for more information, see the report of the Department of Internal Affairs-Info “Single Pickets: Laws and what should be changed in them”).
- The deadlines for submitting a notification for a public event should be extended, and the complex variability of deadlines for submitting a notification for different forms of public events should be eliminated. Sports, cultural and other mass events organized by the authorities should not be prioritized over other gatherings, including the timing of notification.

2. Restrictions during meetings

Police officers and representatives of other law enforcement agencies restrict the rights of participants in protest actions at both uncoordinated and coordinated events. Uncoordinated actions often record mass detentions, unjustified use of force against protesters and passers-by, as well as police blocking streets, disabling or restricting mobile Internet traffic at the meeting place.

To minimize these problems, the following measures should be taken:

- Detention as a preventive measure should be used only in extreme cases to prevent or suppress harm when other means do not allow achieving a result.

Every case of detention at a public event must be justified, and participation in a peaceful assembly that is not coordinated with the authorities should not be a reason for detention.

- Law enforcement officials who obstruct the exercise of the right to freedom of assembly must be held accountable.
- Restrictions against signage should only apply to exceptional cases, for example, related to incitement to hatred or real calls for violence.
- The government must stop harassment and intimidation of children and their parents for expressing anti-war views. All penalties on parents in connection with the exercise by their children of the right to freedom of assembly, as well as other rights should be abolished. Measures should be developed to support the exercise of the right to freedom of assembly by representatives of various vulnerable groups.
- The authorities should publicly disclose the reasons and the need to suppress public events, block the movement of processions, and use special means.
- The government must ensure the openness and transparency of the judicial process, including in emergency situations (for example, by introducing video broadcasts of meetings). The courts should report on the cases and reasons for the non-admission of journalists and listeners, as well as to publish all judicial acts issued by the courts and not falling under the restrictions of the law (in certain criminal cases).
- The rule-making process should also be transparent. Draft regulations justifying the need for their adoption should be published in advance. It is also necessary to ensure the prompt publication of broadcasts and transcripts of the discussion of amendments not only at the plenary sessions of the State Duma, but also those of the relevant committees of the Federation Council, as well as those held at regional legislative bodies. A full list of regulatory documents governing public events should be published in one place and kept up-to-date in the public domain.

3. Collection of personal data and their use against protesters

In the context of rapid digitalization, the problem of unrestricted government collection and storage of data on protest participants is becoming more acute, and harassment based on this information is becoming more widespread. To resolve the problem, we offer the following recommendations:

- Legally restrict the use of tracking, video surveillance, facial recognition and

social media monitoring tools.

- Prohibit the use of facial recognition systems in order to restrict the exercise of political rights.
- Face recognition systems should not be used in proceedings on administrative offenses and should be used only in cases of nonviolent crimes, since the negative consequences of interference with privacy in this case will be higher than the public danger that such crimes and offenses imply. The results of the application of such measures should be considered inadmissible evidence in cases of prosecution in connection with the actions.
- Repeal the provisions of the law on mandatory genomic registration and fingerprinting of persons subjected to administrative arrest, as well as limit the use of these measures against people involved in criminal cases of nonviolent crimes.
- Legislatively provide guarantees regarding the storage of personal data in various databases of the state: provide grounds and restrictions on access to such data, the duration of their storage and destruction. To create an effective system of control over the receipt, use and storage of information about private life by public authorities, to prevent “leaks” of information and abuse of authority.

4. Penalties for Protest Participation

Two articles of the Code of Administrative Offences are applied to participants and alleged organizers of peaceful uncoordinated actions en-mass: on violation of the procedure for holding a public event (20.2 of the Administrative Code) and on holding a “mass simultaneous stay that caused a violation of public order” (20.2.2 of the Administrative Code). Both articles provide penalties in the form of forced labor, a fine or arrest. For repeated violations under these articles, a fine of 150 to 300,000 rubles could be levied, as well as between 40 to 200 hours of forced labor, and up to 30 days of arrest.

To solve these problems, we propose the following measures:

- Repeal the articles of the law on repeated violations of the law on public events (Article 212.1 of the Criminal Code, part 8 of Article 20.2 of the Administrative Code). The repetition of any such violation does not make it more dangerous. Severe penalties for repeated violations, up to imprisonment, create a “chilling effect” of the exercise of freedom of assembly: people are afraid to use their legitimate right.
- Repeal articles that actually introduced military censorship (primarily articles

20.3.3 Administrative Code of the Russian Federation, 280.3, 207.3 OF the Criminal Code of the Russian Federation).

- Narrow down and define more clearly the concepts used in laws restricting freedom of assembly and expression; eliminate duplication of various offenses and crimes. Eliminate liability for the “uncoordinated” status of a public event, including for organizing a public event without notification, participating in such an event or involving minors in it.
- Reduce penalty and eliminate minimum penalty limit established by law in all paragraphs of Articles 20.2 and 20.2.2 of the Administrative Code (the Constitutional Court of the Russian Federation indicated the need to abolish the lower limit of punishment in a decision dated February 14, 2013).

5. Discriminatory approach towards assemblies

Stricter requirements are imposed on public events than on mass events (sports, entertainment, etc.), and violations in the “protest” context are fraught with more severe penalties. To address this issue, we propose the following measures:

- Eliminate discriminatory treatment of persons who exercise their right to freedom of assembly compared to persons with other (commercial) interests. When determining the venue of meetings, the interests of not only tourists and passers-by, but also people who want to collectively express their opinions should be taken into account;
- To stop using epidemiological risks and other crisis situations as an unconditional basis for restricting freedom of assembly. International bodies, including health authorities, should develop clear guidelines and best practices on how to exercise freedom of assembly in one form or another in specific crisis conditions.

Recent years have clearly demonstrated that the human rights situation in one country is linked to international security. Unleashing an aggressive war seems to be a slightly simpler task under the conditions of pervasive censorship and suppression of civil society institutions, restrictions on the rights and freedoms of citizens. In this regard, international solidarity and international dialogue are required to mitigate threats to the international security.

The ongoing war and increasing repression occupy much of the attention of those who think about human rights. But even after February 2022, we continue witnessing many instances of Russian citizens exercising their right to peaceful assembly, we see that this is really a key right, which in practice is needed by a large number of very different people.

Conclusion: key ideas

Regardless of the type of power transfer that awaits Russia, the first order tasks for the transition and restoration of basic freedoms should include:

Ceasing the persecution of human rights defenders, journalists, civic and political activists, opposition politicians, and private individuals for exercising their basic rights. All political prisoners must be released.

Repealing repressive laws and regulations (such as the war censorship laws) that violate basic human rights and revising other restrictive, abusive, and discriminatory legislations that encroach on fundamental rights and freedoms.

Dismantling the propaganda apparatus and engaging the independent media's resources to open up the information space and re-introduce freedom of speech and expression.

Re-affirming Russia's obligations under international human rights treaties and realigning its domestic legislation to protect individuals and groups against human rights abuses.

It should be noted that these tasks will be ineffective without comprehensive reforms of the political system and judiciary that need to secure a genuine separation of powers (independent legislative and judiciary) and without engagement and stimulation of the civil society.

Another crucial task of this process is to ensure exhaustive and detailed investigations of the war crimes and human rights abuses related to Russia's war in Ukraine. Without documenting, reckoning with, and paying for these crimes, no future democratic transition would be possible for Russia. The results of the investigations conducted by the special rapporteurs appointed by the UN Human Rights Council and the OSCE could serve as an important building block for reforming Russia into a state based on the rule of law and respect for fundamental human rights and freedoms.

International human rights agreements and their status in the Russian Federation

International Bill of Human Rights	Signature	Ratification	Accession	Entry into Force
International Covenant on Economic, Social and Cultural Rights	18 Mar 1968	16 Oct 1973		
International Covenant on Civil and Political Rights	18 Mar 1968	16 Oct 1973		
Optional Protocol to the International Covenant on Civil and Political Rights			1 Oct 1991	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	not signed			
Prevention of Discrimination on the Basis of Race, Religion, or Belief; and Protection of Minorities	Signature	Ratification	Accession	Entry into Force
International Convention on the Elimination of All Forms of Racial Discrimination	7 Mar 1966	4 Feb 1969		
Women's Human Rights	Signature	Ratification	Accession	Entry into Force
Convention on the Elimination of All Forms of Discrimination against Women	17 Jul 1980			
Optional Protocol to the Convention on the Elimination of Discrimination against Women	8 May 2001			
United Nations Convention against Transnational Organized Crime	12 Dec 2000			
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime Preamble, supplementing the United Nations Convention against Transnational Organized Crime	12 Dec 2000			
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	12 Dec 2000			
Slavery and Slavery-Like Practices	Signature	Ratification	Accession	Entry into Force
Slavery Convention	not signed			
Protocol amending the Slavery Convention	not signed			
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	7 Sept 1956	12 Apr 1957		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others			11 Aug 1954	
Protection from Torture, Ill-Treatment and Disappearance	Signature	Ratification	Accession	Entry into Force
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28 Feb 1996	5 May 1998		1 Sep 1998

Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28 Feb 1996	5 May 1998		1 Mar 2002
Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	28 Feb 1996	5 May 1998		1 Mar 2002
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	10 Dec 1985	3 Mar 1987		
Optional Protocol of the Convention against Torture				
Convention for the Protection of All Persons from Enforced Disappearance				
Interstate communication procedure under the International Convention for the Protection of All Persons from Enforced Disappearance				
Rights of the Child	Signature	Ratification	Accession	Entry into Force
Convention on the Rights of the Child	26 Jan 1990	16 Aug 1990		
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts	15 Feb 2001	24 Sep 2008		
Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography	26 Sep 2012	24 Sep 2013		
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour		25 Mar 2003		
Freedom of Association	Signature	Ratification	Accession	Entry into Force
Freedom of Association and Protection of the Right to Organise Convention		10 Aug 1956		
Right to Organise and Collective Bargaining Convention		10 Aug 1956		
Employment and Forced Labour	Signature	Ratification	Accession	Entry into Force
Convention concerning Forced or Compulsory Labor		23 Jun 1956		
Equal Remuneration Convention		30 Apr 1956		
Abolition of Forced Labor Convention		2 Jul 1998		
Discrimination (Employment and Occupation) Convention		4 May 1961		
Employment Policy Convention		22 Sep 1967		
Convention concerning Occupational Safety and Health and the Working Environment		2 Jul 1998		
Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	not signed			

Convention on the Rights of Persons with Disabilities	24 Sep 2008	25 Sep 2008		
Education	Signature	Ratification	Accession	Entry into Force
Convention against Discrimination in Education		Ratified		
Refugees and Asylum	Signature	Ratification	Accession	Entry into Force
Convention relating to the Status of Refugees			2 Feb 1993	
Protocol Relating to the Status of Refugees			2 Feb 1993	
Nationality, Statelessness, and the Rights of Aliens	Signature	Ratification	Accession	Entry into Force
Convention on the Reduction of Statelessness	not signed			
Convention relating to the Status of Stateless Persons	not signed			
War Crimes and Crimes Against Humanity, Genocide, and Terrorism	Signature	Ratification	Accession	Entry into Force
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity	6 Jan 1969	22 Apr 1969		
Convention on the Prevention and Punishment of the Crime of Genocide	16 Dec 1949	3 May 1954		
Rome Statute of the International Criminal Court	13 Sep 2000			
Law of Armed Conflict	Signature	Ratification	Accession	Entry into Force
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	12 Dec 1949	10 May 1954		
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	12 Dec 1949	10 May 1954		
Geneva Convention relative to the Treatment of Prisoners of War	12 Dec 1949	10 May 1954		
Geneva Convention relative to the Protection of Civilian Persons in Time of War	12 Dec 1949	10 May 1954		
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I)	12 Dec 1977	29 Sep 1989		
Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims on Non-International Armed Conflicts (Protocol II)	12 Dec 1977	29 Sep 1989		
Terrorism and Human Rights	Signature	Ratification	Accession	Entry into Force
International Convention Against the Taking of Hostages			11 Jun 1987	
International Convention for the Suppression of Terrorist Bombing		8 May 2001		
International Convention for the Suppression of the Financing of Terrorism	27 Nov 2002			

International Convention for the Suppression of Unlawful Seizure of Aircraft	24 Sept 1971			
International Convention on the Prevention and Punishment of Crimes Against International Protected Persons		15 Jan 1976		
U.N. Activities and Employees	Signature	Ratification	Accession	Entry into Force
Convention on the Privileges and Immunities of the United Nations			22 Sep 1953	
Convention on the Safety of United Nations and Associated Personnel	26 Sep 1995	25 Jun 2001		
European Regional Conventions	Signature	Ratification	Accession	Entry into Force
[European] Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No.2 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No.3 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No.4 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No.5 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No.6 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	16 Apr 1997			
Protocol No.7 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		1 Aug 1998
Protocol No. 8 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		5 May 1998
Protocol No. 9 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28 Feb 1996	5 May 1998		1 Sep 1998
Protocol No. 10 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	28 Feb 1996	5 May 1998		
Protocol No. 11 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	28 Feb 1996	5 May 1998		1 Nov 1998
Protocol No. 12 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms	4 Nov 2000			
Protocol No. 13 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms				
Protocol No. 14 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	signed			
Protocol No. 15 to the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms*	signed			
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28 Feb 1996	5 May 1998		1 Sep 1998

Protocol No. 1 to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment	28 Feb 1996	5 May 1998		1 Mar 2002
Protocol No. 2 to the European Convention for the Prevention of Torture and inhuman or Degrading Treatment of Punishment	28 Feb 1996	5 May 1998		1 Mar 2002
Cultural Rights	Signature	Ratification	Accession	Entry into Force
CESCR - International Covenant on Economic, Social and Cultural Rights	18 Mar 1968	16 Oct 1973		

* *Denounced by the Federal Law [No. 43-FZ](#) of February 28, 2023 “On the termination of international treaties of the Council of Europe with respect to the Russian Federation.”*

Source: The United Nations Treaty Bodies [database](#), University of Minnesota, [Human Rights Library](#).