



Submission of Information to the Special Procedures

Submitted to: Special Rapporteur on the rights to freedom of peaceful assembly and of association

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on the independence of judges and lawyers

Submitted by: **Human Rights Centre “Memorial”**
C/O Tatiana Glushkova
E-mail: glushkova@memohrc.org

OVD-Info
C/O Denis Shedov
E-mail: shedow@memohrc.org

Re: Voting on the amendments to the Constitution of the Russian Federation scheduled for 22 April 2020

Date: 19 March 2020

Submitting organisations

1. [Human Rights Centre «Memorial»](#) (HRC «Memorial») is a Moscow-based human rights NGO, founded in 1992. Currently, it is one of the oldest and strongest human rights NGOs in Russia. There are several programmes functioning within HRC «Memorial». The “Hot spots” programme is aimed at monitoring human rights situation in conflict and post-conflict zones, especially in the North Caucasus, and providing legal help to the victims of human rights violations. The programme “Support for Political Prisoners and Victims of Unlawful Criminal Prosecution” monitors politically motivated persecutions in Russia and compiles a list of political prisoners based on an understanding of the concept of political prisoner given by PACE resolution 1900 adopted in 2012. The programme “Migration and Law” provides legal help to migrants – mostly to asylum seekers and stateless persons. The programme “Human Rights Protection through International Mechanisms” provides legal help to those who were not able to find justice in Russian courts, that is brings cases to the European Court of Human Rights. The programme “Human Rights in Central Asia” monitors political persecution in Central Asia in close cooperation with human rights defenders from the countries of the region.
2. [OVD-Info](#) is an independent human rights media project aimed at monitoring cases of political persecution in Russia and providing legal assistance to victims of such persecution. OVD-Info was founded during mass protests of December 2011 as a volunteer project with the purpose of giving publicity to information on arrests of protests’ participants. Today OVD-Info operates a 24-hour federal hotline to collect information on all types of political persecution and coordinate legal assistance to its victims, provides legal education to activists and researches different types of political persecution in Russia.

Information regarding the upcoming voting on the amendments to the Constitution of the Russian Federation

The outbreak of COVID-19 forced the governments all over the world to undertake unprecedented measures to slow down the spread of the pandemic. The main idea of these measures is to urge people to practice social distancing which means reducing the opportunities for gathering. In many countries these measures are enforced with the use of emergency powers.

In Russia, on 10 March 2020, the mayor of Moscow banned mass gatherings with more than 5 000 participants.¹ On 13 March, Chief Sanitary Doctor of Russia in his Resolution no. 6 ruled that the heads of Russian regions should “restrict holding of mass events”.²

According to the information acquired by OVD-Info by 18 March 2020, 18:00 Moscow time, a total ban on all mass outdoor events, including public demonstrations, is imposed in Moscow,³ Moscow Region,⁴ Astrakhan Region,⁵ Belgorod Region,⁶ Republic of Buryatia,⁷ Republic of Chuvashia,⁸ and St. Petersburg.⁹ It remains unclear whether the ban is also applied to solo demonstrations — which are, according to Russian legislation, a form of public demonstration, but presume participation of one person only.

According to the media,¹⁰ by 19 March 2020, less restrictive measures limiting freedom of assembly have been imposed in all other regions.

At the same time, a constitutional reform is in progress in Russia. On 20 January 2020, Russian President Vladimir Putin introduced a bill on constitutional amendments to the State Duma¹¹ (the lower house of Parliament). Among other things, the amendments provide that:

- decisions of interstate bodies based on the provisions of international treaties to which Russia is a party, if such treaties are interpreted incompatibly with the Russian Constitution, are not subject to enforcement in Russia;

- the Federation Council (the upper house of Parliament), on the proposal of the President, will have the right to remove judges of the Constitutional and Supreme courts, courts of appeal and cassation, in case if they “commit an act defaming the honour and dignity of a judge”, as well as in other cases “indicating that the judge is incapable of exercising their powers”.

On 10 March, a new set of constitutional amendments was introduced to the State Duma. They provide, among other things, the reset of Vladimir Putin's previous presidential terms and allow him to seek re-election for two more 6-year terms after his current term expires in 2024. On 11 March, the amendments were adopted by the State Duma, the Federation Council and two-thirds of

¹ See: [https://www.mos.ru/upload/documents/docs/17-YMot10032020\(2\).pdf](https://www.mos.ru/upload/documents/docs/17-YMot10032020(2).pdf) (accessed on 18 March 2020).

² See: <http://publication.pravo.gov.ru/Document/View/0001202003170005?index=0&rangeSize=1> (accessed on 18 March 2020).

³ See: <https://www.mos.ru/upload/documents/docs/21-YM.pdf> (accessed on 18 March 2020).

⁴ See: <https://mosreg.ru/dokumenty/normotvorchestvo/prinyato-gubernatorom/postanovleniya/16-03-2020-22-21-13-postanovlenie-gubernatora-moskovskoy-oblasti-ot> (accessed on 18 March 2020).

⁵ See: <https://rg.ru/2020/03/17/reg-ufo/v-astrahani-dlia-zashchity-ot-koronavirusa-otmenili-vse-meropriiatiia.html> (accessed on 18 March 2020).

⁶ See: <https://belregion.ru/press/news/index.php?ID=39051> (accessed on 18 March 2020).

⁷ See: https://egov-buryatia.ru/press_center/news/detail.php?ID=60117 (accessed on 18 March 2020).

⁸ See: <http://www.cap.ru/doc/laws/2020/03/18/disposal-113-rg> (accessed on 18 March 2020).

⁹ See: <https://npa.gov.spb.ru/SpbGovSearch/Document/37545.html> (accessed on 18 March 2020).

¹⁰ See: <https://tass.ru/obschestvo/8027563> (accessed on 19 March 2020).

¹¹ See: <http://kremlin.ru/events/president/news/62617> (accessed on 18 March 2020).

regional parliaments¹². On 14 March, the law on constitutional amendments was signed by the President and officially published. On 16 March, the Constitutional Court concluded that the amendments correspond to Chapters 1, 2 and 9 of the Constitution.¹³ On 17 March, the President adopted a decree scheduling the “All-Russia vote” on the amendments for April 22.¹⁴ The amendments shall enter into force in case if more than a half of citizens who participate in the voting vote in favour of them.

The above amendments faced harsh and widespread criticism within Russia. Thus, on 11 March a group of human rights defenders, including the Chairperson of the Board of HRC “Memorial”, requested the Venice Commission of the Council of Europe to examine and assess the draft amendments to the Constitution and the procedure of their adoption.¹⁵ On 15 March 2020, more than 400 Russian lawyers, academics, journalists and writers published an open letter against the constitutional amendments calling on to “prevent constitutional crisis and anti-constitutional takeover”.¹⁶ By 18 March 2020, the open letter has been signed by more than 18 000 people.

However, public discussion on the issue is hampered both by the tightening quarantine measures and Russia’s restrictive legislation on freedom of assembly and freedom of expression.

Thus, the decision of Moscow authorities to ban gatherings with more than 5 000 participants was announced hours after opponents of the proposed amendments had announced plans for protest rallies in the city. On 12 and 13 March 2020 (that is before all rallies in Moscow had been banned) the Moscow authorities refused to approve two demonstration against constitutional amendments with 4 500 and 4 900 participants respectively due to the risk of coronavirus spread.¹⁷

No less than 66 people were arrested between 12 and 17 March in a number of cities across Russia including Moscow, St. Petersburg, Yekaterinburg, Nalchik, Ryazan, and Syktyvkar for peacefully protesting — or merely planning to attend a protest — against the proposed constitutional amendments.¹⁸ All the protests were held as solo demonstrations, which is the only form of street protest permitted without prior notification under Russia’s legislation.

¹² See: <http://duma.gov.ru/en/news/48039/> (accessed on 18 March 2020).

¹³ See: <http://doc.ksrf.ru/decision/KSRFDecision459904.pdf> (accessed on 18 March 2020).

¹⁴ See: <http://kremlin.ru/events/president/news/63003> (accessed on 18 March 2020).

¹⁵ See: <https://www.change.org/p/%D1%81%D0%BE%D0%B2%D0%B5%D1%82-%D0%B5%D0%B2%D1%80%D0%BE%D0%BF%D1%8B-%D0%B7%D0%B0%D0%BF%D1%80%D0%BE%D1%81%D0%B8%D1%82%D0%B5-%D1%81%D1%80%D0%BE%D1%87%D0%BD%D1%83%D1%8E-%D0%BF%D1%80%D0%B0%D0%B2%D0%BE%D0%B2%D1%83%D1%8E-%D1%8D%D0%BA%D1%81%D0%BF%D0%B5%D1%80%D1%82%D0%B8%D0%B7%D1%83-%D0%B8%D0%B7%D0%BC%D0%B5%D0%BD%D0%B5%D0%BD%D0%B8%D0%B9-%D0%B2-%D0%BA%D0%BE%D0%BD%D1%81%D1%82%D0%B8%D1%82%D1%83%D1%86%D0%B8%D1%8E-%D1%80%D0%BE%D1%81%D1%81%D0%B8%D0%B8> (accessed on 18 March 2020).

¹⁶ See: <https://echo.msk.ru/blog/echomsk/2606224-echo/> (accessed on 18 March 2020).

¹⁷ See: <https://ovdinfo.org/express-news/2020/03/13/meriya-moskvyy-iz-za-koronavirusa-ne-soglasovala-eschcho-odnimiting-protiv> (accessed on 18 March 2020).

¹⁸ See: <https://ovdinfo.org/news/2020/03/14/spisok-zaderzhannyh-na-piketnoy-ocheredi-u-zdaniya-fsb-v-moskve-14-marta-2020-goda>, <https://ovdinfo.org/express-news/2020/03/12/v-ekaterinburge-na-pikete-nod-zaderzhali-aktivista-s-plakatom-net-uzurpacii>, <https://ovdinfo.org/express-news/2020/03/17/sud-ekaterinburga-vernul-na-peresmotr-delo-zaderzhannogo-na-pikete-protiv>, <https://ovdinfo.org/express-news/2020/03/13/v-sankt-peterburge-zaderzhali-aktivistov-stoyavshih-v-piketah-protiv>, <https://ovdinfo.org/express-news/2020/03/13/v-moskve-zaderzhali-80-letnyuyu-uchastnicu-piketa>, <https://ovdinfo.org/express-news/2020/03/14/v-peterburge-zaderzhali-uchastnikov-odinochnyh-piketov-protiv-popravok-k>, <https://ovdinfo.org/express-news/2020/03/14/v-moskve-u-zdaniya-fsb-zaderzhali-uchastnikov-odinochnyh-piketov-protiv>, <https://ovdinfo.org/express-news/2020/03/15/v-peterburge-zaderzhali-uchastnikov-odinochnyh-piketov-protiv-izmeneniya>, <https://ovdinfo.org/express-news/2020/03/17/na-krasnoy-ploshchadi-policiya-zaderzhala-uchastnikov-piketa-protiv-popravok>, <https://ovdinfo.org/express-news/2020/03/17/v-ryazani-zaderzhali-uchastnika-odinochnogo-piketa-protiv-popravok-v>, <https://ovdinfo.org/express-news/2020/03/17/v-moskve-u-zdaniya-gosdumy-zaderzhali-koordinatora-levogo-fronta> (accessed on 18 March 2020).

A website net2020.ru which hosts a petition against the amendments as well as information and tips for those wishing to campaign for voting against them was blocked by the authorities on 12 March.¹⁹ The administrators received no communication from the authorities about the blocking. According to the information provided by the Federal Service for Supervision of Communications, Information Technology and Mass Media, the website was blocked by the order of the Taganskiy District Court of Moscow. However, according to the court's website, the suit was lodged on 11 March and the first hearing was scheduled for 26 March.²⁰

At the same time, according to the media,²¹ information videos commissioned at the order of the Central Electoral Commission of the Russian Federation and aimed at providing information of the voting on the constitutional amendments might be perceived as campaigning for voting in favour of the amendments.

In our opinion, the above information demonstrates that a meaningful large scale public discussion on the constitutional amendments is *de facto* impossible in nowadays Russia.

Thus, we urge the Special Rapporteurs:

- to encourage the Russian authorities to ensure that the restrictions imposed on fundamental rights and freedoms, including the measures aimed at regulating this pandemic, are proportionate, necessary and non-discriminatory;
- to request the Russian authorities to provide information on measures undertaken in order to provide equal opportunities for expressing all points of view regarding the constitutional amendments;
- to request the Russian authorities to provide information on the legal grounds for blocking of website net2020.ru, as well as on application of the proportionality test while adopting this decision;
- to request the Russian authorities to provide clarification on whether the bans of public demonstrations imposed in a number of Russian regions are also applicable to solo demonstrations;
- to recommend that the All-Russia voting on the constitutional amendments is postponed until the emergency measures related to the COVID-2019 outbreak are withdrawn, and that reasonable time for public discussion on the matter is provided;
- to recommend that equal access to state-sponsored media, including TV channels, is provided to speakers expressing all points of view regarding the constitutional amendments.

¹⁹ See: <https://ovdinfo.org/express-news/2020/03/12/roskomnadzor-ogranichil-dostup-k-saytu-kampanii-protiv-vneseniya-popravok-v> (accessed on 18 March 2020).

²⁰ See: <https://www.mos-gorsud.ru/rs/taganskiy/services/cases/civil/details/5199e84f-47dd-45f7-8f40-a1bd356d88b5?caseNumber=%D0%9C-0953/2020> (accessed on 18 March 2020).

²¹ See: <https://www.kommersant.ru/doc/4284409> (accessed on 18 March 2020).