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Legislative restrictions of freedom of assembly at the end of 2020

Текст доклада на русском: [Законодательные ограничения свободы собраний под конец 2020 года](#)

On December 23, 2020, several laws at once **were passed** by the State Duma, all aimed at a serious restriction of civil rights and freedoms. Here is just a small list of what people's representatives have prepared for the New Year for Russians: the passed laws allow to recognize individuals as foreign agents, to impose sentences in the form of imprisonment in libel cases, expand the practice of blocking and restricting information on the Internet, and also oblige a wider range of people to undergo state genomic registration.

Among the bills that have been passed or are still being discussed by the State Duma are those that will significantly restrict assemblies and solo pickets, complicate the work of journalists during protests, make it possible to bring the participants of peaceful assemblies to criminal charges, and oblige social networks to block information about unauthorized protests.

THE MAIN CONTENT OF CHANGES

Below we will talk about eight bills, six of which have already been passed by the State Duma deputies and adopted by the Federation Council, as well as signed by the President, and the other two have successfully passed the first reading. Meanwhile, many of the bills are being considered by the Russian parliament at a high **speed**: in a month or even faster. Six bills were proposed by deputy Dmitry Vyatkin (the so-called «the Vyatkin Package»). This draft legislation provides for changes in the Federal Law on Rallies (hereinafter referred to as the FL on Rallies), in the Code of Administrative Offences (hereinafter referred to as the CAO), as well as in the Criminal Code. The other two bills were authored by several deputies and senators and amend a number of laws. They impose an obligation on social network owners to block information about unauthorized public events and introduce administrative liability for the violation of this requirement.

Changes to the Federal Law on rallies from «the Vyatkin Package»

The bills were submitted to the State Duma on November 17, 2020, passed first reading on December 9, 2020, second on December 22, 2020, third on December 23, 2020, adopted by the Federation Council on December 25, 2020, signed by the President on December 30. The laws take effect on January 10, 2021.

- Foreign and anonymous funding of public events is completely prohibited. It is required to provide additional financial statements indicating the organizer's bank account details when submitting a notice regarding a rally with more than 500 participants. It is also obligatory to provide passport details when transferring money to organize such a rally.
- The organizer of the rally is obliged either to agree with an alternative place and time for the rally proposed by the authorities or to abandon it altogether.
- The period within which the authorities must respond to the notification regarding a public event is extended.
- Additional territorial bans are being introduced on holding rallies near buildings occupied by «emergency response services», which include the police and the FSB. Moreover, a complete list of such services is established not by law, but by a government order.
- A uniform «press badge» approved by the relevant department is being introduced, which must be worn during a public event, while wearing masks during a public event is prohibited for journalists.
- Agitation for participation in a public event is limited.
- The courts are given discretion to recognize a picket line or rotating solo demonstrations as an unauthorized public event after the fact.

Changes to the CAO from «the Vyatkin Package»

The bills were submitted to the State Duma on November 23, 2020, considered in the first reading on December 24, 2020, amendments for the second reading are to be proposed until January 22, 2021.

- The introduction of liability for journalists for the illegitimate wearing of the press badge during rallies creates grounds to prosecute journalists under Article 212.1 of the Criminal Code in case of repeated violations.
- The introduction of liability for rallies' organizers and donors who have violated the regulations regarding the prohibition on foreign and anonymous funding of rallies.
- Harder punishment under the articles on the defiance of a police officer's legitimate order and on the violation of rules for holding a public event (articles 19.3 and 20.2 of the CAO).

Changes to the Criminal Code from «the Vyatkin Package»

The bills were submitted to the State Duma on December 14, 2020, passed first reading on December 22, 2020, and, due to the lack of amendments, adopted immediately during second reading on December 23, 2020, adopted by the Federation Council on December 25, 2020, signed by the President on December 30. The laws take effect on January 10, 2021.

- Amendments to Article 267 of the Criminal Code were made (Putting out of Commission Transport Vehicles or Communications), which provide for liability for «deliberate blocking of transport communications, transport infrastructure facilities or hindering the movement of vehicles and pedestrians on communication lines, street and road network, **if these acts created a threat** to the life, health and safety of citizens, or a **threat** of destruction or damage to property of natural and (or) legal persons». That is, criminal liability is now possible even for formal violations without the occurrence of negative consequences. We wrote about it in more detail [earlier](#).
- Article 213 of the Criminal Code («Hooliganism») was amended, which now provides for the application of this article in the case of a gross violation of public order «with the use or threat of violence against citizens». The fear is that «threat of violence» is a very broad term, and it is not clear what it will mean in practice. In addition, the second part of this article will also extend to the actions of a «group of persons». Prior to the amendments, the law referred only to a group of persons by previous concert and an organized group, which implied the initial orientation of those charged under the article towards the commission of unlawful acts. Now it may well apply to any group of citizens, not united by an unlawful purpose, but violating public order.

Changes related to the blocking of information about protests on social networks

The bill on the obligation to monitor social networks was originally introduced on July 12, 2017 and passed its first reading on April 12, 2018, an amendment to block information about assemblies was introduced by the second reading on December 22, 2020, and the bill passed its third

reading on December 23, 2020, adopted by the Federation Council on December 25, 2020, signed by the President on December 30. The law takes effect on February 1, 2021.

The bill on administrative liability for failure to comply with the rules for blocking information on social networks was submitted to the State Duma on July 16, 2020, passed first reading on October 13, 2020, second reading on December 22, 2020, and third reading on December 23, 2020, adopted by the Federation Council on December 25, 2020, signed by the President on December 30. The law takes effect on January 10, 2021.

- The Federal Law «On Information, Informational Technologies and the Protection of Information» introduces the obligation for owners of social networks to monitor and restrict access to «information containing calls for mass disorder, extremist activities, participation in mass (public) events held in violation of the established order».
- The CAO introduces liability for the failure of the owner of a social network to monitor and block information.

Lawyers and analysts of OVD-Info and Moscow Helsinki Group prepared an analysis of the bills on amendments to the Federal Law on Rallies and the CAO from «the Vyatkin Package», which details the legal problems and contradictions inherent in the bills and how their adoption would affect the international obligations of the Russian Federation. The analysis was prepared immediately after the draft legislation was submitted to the State Duma, and therefore it does not reflect some of the amendments proposed by deputies already in the second reading. The most significant change among these amendments is that financial reporting requirements for organizers of protests in the final version of the bill do not apply to all public events, but only to those with over 500 participants. Nevertheless,

the main points of the analysis have not lost their relevance.

Read the [analysis](#) and [detailed analysis](#) of the bills in Russian.

Read the [analysis](#) and [detailed analysis](#) of the bills in English.

TIMELINE OF THE EVENTS

Below are the key dates of how the bills were passed. For the reader's convenience, the following designations are used:

- Symbol «A» denotes events related to the introduction of mandatory blocking of information on unauthorized protests in social networks
- Symbol «B» designates events connected with the amendments to the Federal Law on Rallies from «the Vyatkin Package»
- Symbol «C» represents events connected with amendments to the Criminal Code from «the Vyatkin Package»
- Symbol «D» denotes events related to changes in the CAO from «the Vyatkin Package».

July 12, 2017 (A) — A bill was introduced in the State Duma to impose a duty on distributors of information on the Internet to remove information whose dissemination is a crime or an offence. The bill was initially introduced by deputies Sergei Boyarsky and Andrei Alshevskikh, then a number of other deputies and senators joined the initiative. In April 2018, an updated text of the bill appeared, mentioning social media.

April 12, 2018 (A) — bill on social media owners to block information passed first reading.

July 16, 2020 (A) — bill on administrative liability for violations of social media blocking requirements was introduced.

October 13, 2020 (A) — bill on administrative liability for violations of requirements to block information on social networks passed first reading.

November 17, 2020 (B) — Dmitry Vyatkin introduced two bills to amend the Federal Law on rallies to ban foreign and anonymous funding, as well as to increase the complexity of approval procedures, journalists' duties, introduce new territorial bans, etc.

November 23, 2020 (D) — Dmitry Vyatkin submitted two bills on amendments to the CAO, specifically on introducing new administrative liability for organizers and participants of protests and journalists covering such assemblies, as well as increasing an already existing administrative liability for violations during public events.

December 9, 2020 (B) — two Dmitry Vyatkin's bills on amendments to the Federal Law on Rallies passed first reading.

December 14, 2020 © — Dmitry Vyatkin submitted two bills on amendments to articles 213 and 267 of the Criminal Code. Subsequently, the one concerning amendments to article 267 received a negative review from the Supreme Court of the Russian Federation.

December 18, 2020 (A) — a bill on liability for violating the requirements for information blocking on social networks was submitted for the second reading. Deputy Dmitry Vyatkin proposed an amendment that clarifies the connection between administrative liability for the violation of an established procedure for holding a public event and criminal liability (in paragraph 1 of article 20.2.3 after the

words «territory (facility))», adding words «if that action (inaction) does not constitute a criminal offence»).

December 21, 2020 (A) — the relevant State Duma committee recommended the adoption of deputy Sergey Boyarsky's amendment to the bill on blocking information on social media that would oblige social media owners to monitor for «information containing calls for mass disorder, extremist activities, participation in mass (public) events held in violation of the established order». A social media owner must «immediately restrict access» to such information after detecting it.

December 22, 2020 (A, B, C)

— The bill on blocking information on social media passed second reading, along with Sergey Boyarsky's amendment (on blocking «calls» for participating in unauthorized public events).

— The bill on liability for violations of the requirement to block information on social media passed second reading, along with Dmitry Vyatkin's amendment.

— Two Dmitry Vyatkin's bills on amendments to the Federal Law on Rallies passed second reading. Their original wording was modified: rules on reporting funding and fundraising for holding a rally were proposed to apply not to all assemblies but only those that gather more than 500 people. Several proposals mitigating the regulation were declined. We have covered this topic [in detail](#).

— Dmitry Vyatkin's bills on amendments to articles 213 and 267 of the Criminal Code passed first reading.

December 23, 2020 (A, B, C)

— Dmitry Vyatkin's bills on amendments to the Federal Law on Rallies passed third reading.

— Dmitry Vyatkin's bills on amendments to the Criminal Code on blocking transport systems and disorderly conduct were adopted during second reading without further consideration as there were no further amendments to these

bills.

— The bill on blocking information on public events on social media was adopted.

— The bill on liability for violating the demands for blocking information on social media was adopted.

December 24, 2020 (D) — the bill from «the Vyatkin Package» on amendments to the CAO passed first reading, amendments are to be proposed until January 22, 2021.

December 25, 2020 (A, B, C) — the bills from «the Vyatkin Package» on amendments to the Federal Law on Rallies and the Criminal Code, as well as the bills on mandatory blocking of information on unauthorized protests on social networks were adopted by the Federation Council (the upper chamber of the Russian parliament).

December 30, 2020 (A, B, C) — the bills from «the Vyatkin Package» on amendments to the Federal Law on Rallies and the Criminal Code, as well as the bills on mandatory blocking of information on unauthorized protests on social networks were signed by the President. Amendments to the Federal Law «On Information, Informational Technologies and the Protection of Information» take effect on February 1, 2021, others new laws take effect on January 10, 2021.

BASIC DATA ON THE BILLS (TABLE)

You can read the table in Russian at the [link](#)

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