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## Table Illustrating Legislative Crackdown on Rights and Freedoms of the Civil Society in Russia since 2012 (Addendum)

# LAWS RESTRICTING FREEDOM OF EXPRESSION, ASSEMBLY AND ASSOCIATION

Date/N°/Title	What is the law about ?	What are the law's essential provisions?	What problems does the law create?	Comments/Examples
<b>03.08.2018 N 335-FZ</b>  On amending Federal Law of 22.08.1996 N 126-FZ 'On the state support of cinematography of the Russian Federation' <a href="http://docs.cntd.ru/document/9028629">http://docs.cntd.ru/document/9028629</a>	The law amends the procedure for film distribution for cinemas and during film festivals.	<p>The amendment bans unlicensed film screenings at film festivals, unless the festival has a competitive programme and a jury.</p> <p>Festivals with a competitive programme and a jury must be listed in a special register.</p> <p>The Russian government will determine the order and criteria for inclusion of festivals into the register.</p>	The law jeopardizes the existence of independent movie distributors and international film festivals in Russia, and will result in harsh censorship and the establishment of complete control over the cinema by State authorities. The regulation likely aims to target politically undesirable films.	The law comes into force in November, yet its effects could already be felt by previous and recent politically motivated restrictions on films like Katyn, Death of Stalin, and Ukrainian films such as Artdochest.
<b>Draft Law No. 464757-7</b>  On amending Article 284 of the Criminal Code of the Russian Federation : 'Restriction or refusal to carry out ordinary business operations or transactions for purposes of assisting in the implementation of measures of restrictive character imposed by a foreign state, a union of foreign states or an international organization.' <a href="http://sozd.parliament.gov.ru/bill/464757-7">http://sozd.parliament.gov.ru/bill/464757-7</a>	The law would criminalize actions of individuals that led or could lead to the implementation of foreign sanctions against Russia, Russian legal entities or individual Russians.	<p>The Law would contain two essential provisions :</p> <ul style="list-style-type: none"> <li>• Actions (or inaction) by any individual aimed at compliance with foreign sanctions shall be punished by imprisonment of up to four years, if they result in the prevention or restriction of the ordinary business operations/transactions of Russian individual or legal persons.</li> <li>• Deliberate actions performed by a Russian citizen which facilitate the introduction of foreign sanctions against individual Russians or public entities, including by providing recommendations and conveying information, shall be punished by imprisonment of up to three years.</li> </ul>	Given the vague formulation of the law, particularly the terms 'actions, facilitating the imposition...of restrictive measures' and 'conveying information which ... could lead to the imposition of restrictive measures', the law's enforcement would be subject to wide discretion of the executing authorities. The subjective and arbitrary determination of which actions or information would fall within the ambit of the law could create risks of unjustified criminal investigations against Russian or foreign investigative journalists, activists, or human rights defenders who disseminate any information concerning the unlawful actions of Russian officials, entities and entrepreneurs.	The Draft Bill had a first reading in the State Duma on 14 May 2018, and is currently under consideration. The second reading of the amended Bill is anticipated in the fall of 2018.
<b>Draft Law No. 18/00082749</b>  On amending Federal Law N 272 FZ of 28.12.2012 'On measures on persons involved in violations of fundamental rights and freedoms, rights and freedoms of citizens of the Russian Federation' <a href="http://regulation.gov.ru/projects#npa=82749">http://regulation.gov.ru/projects#npa=82749</a>	The law would facilitate the implementation of the provisions of the so-called 'Law of Scoundrels', also known as the 'Dima Yakovlev law', which, among others, prohibits NGOs engaged in 'political activities' from receiving any financial support from private citizens located in the United States and adoption of Russian children by US citizens.	<p>The new Law would provide for the suspension of activities of local NGOs receiving any financial assistance from the US, as opposed to grants only in the law's previous iteration. It also adds to the actions that 'threaten the interests of Russian Federation' those that threaten 'the foundations of the constitutional order of the Russian Federation, the country's defense capability or national security.'</p> <p>The draft Law specifies the procedure for the suspension of activities of NGOs and their reinstatement.</p>	<p>If adopted, the law could potentially expand the number of suspended Russian NGOs to include those that receive not only grants, but also loans or payment for services from US organisations or individuals.</p> <p>The Law would create a special register of organisations that violate the 'Law of Scoundrels,' adding to the stigma of being declared a 'Foreign Agent' pursuant to another legislation – the 2012 law regulating the receipt of assets from foreign sources by Russian organisations for 'political activities.'</p> <p>The Law therefore threatens freedom of association, particularly that of Russia's civil society.</p>	The draft law is undergoing expert evaluation within the Ministry of Justice, where it is authored.

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<b>Draft Law No. 223849-7</b>  On amending Article 10 of the Federal Law N 149-FZ of 26.7.2006 'On Information, Information Technologies and Information Protection, (as amended by Law N 374-FZ of 06.07.2016 'On the introduction of Amendments to Federal Law On the Counteraction of Terrorism and to Certain Legislative Acts of the Russian Federation with regards to Establishing Additional Measures Designed to Counteract Terrorism and Promote Public Safety)  <a href="http://sozd.parliament.gov.ru/bill/223849-7">http://sozd.parliament.gov.ru/bill/223849-7</a>	The law would oblige owners of social networks (foreign or Russian entities) with over 2 million Russian users to remove inaccurate or illegal information published by users at the request of users, as well as to report these requests to the government.	According to the draft law, social networks are required, upon request of a user, to restrict an access or to delete the information 'which is clearly aimed at war propaganda, incitement to national, racial or religious hatred or enmity.' The information must be also removed if it is unreliable or discredits the honor and dignity of another person.  All social networks and messengers with the audience exceeding two million Russian users will be obliged 'to create a representative office on the Russian territory.'	The law could generate arbitrary censorship and have a chilling effect on free speech, since companies would prefer to remove ambiguous posts in order not to pay fines, as the non-compatibility with the law will be sanctioned by a fee of up to 30 to 50 million rubles for legal entities.  The law's enforcement could also lead to violation of the right to privacy, as IP addresses and holders of accounts of social network users would be revealed to the authorities, as well as lay the ground for individual prosecutions based on lists of demands provided to the government.	The draft law is currently under consideration of the State Duma.
<b>Draft Law No. 558345-7</b>  On amending Article 282 of the Russian Criminal Code ('Incitement of Hatred or Enmity, as Well as Abasement of Human Dignity').  <a href="http://sozd.parliament.gov.ru/bill/558345-7">http://sozd.parliament.gov.ru/bill/558345-7</a>	The law would soften the punishment to Article 282 (which was last amended by Law N 179-FZ of 20.06.2014 by adding 'internet' as the means by which actions aimed at 'incitement of hatred or enmity...' could be carried out.)	Article 282 allows prosecution of individuals for incitement to hatred or enmity while using the internet.	Over one hundred million Russians use the internet, and due to the law's vague formulation, including of such terms as 'actions', virtually all social network users are at risk of prosecution for 'likes' and reposts. Although the draft law softens punishment for a first time violator, the law imposes criminal punishment for a repeat offender and leaves intact the law's basic original formulation.	According to the official statistics of the Supreme Court of Russian Federation, Russian courts delivered 571 sentences in 2017 and 502 in 2016 under the Article 282.  Maxim Shulgin, the Left Bloc activist from Tomsk, was charged with violating Russian Criminal Code Article 282 for posting songs that "incited hatred towards a particular social group, i.e., law enforcement officers" on his vk.com social network page.  Lawyer Roman Ozhmegov, who is defending three individuals accused of violation of Article 282 for reposts on social networks, has been charged with using force against law enforcement officials in retaliation for his legal work.

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