DGAP COMMENTARY

Protests in Russia: Supporting Systemic Change Prior to 2020's Elections

Marina Solntseva
Program Assistant, Robert Bosch
Center for Central and Eastern
Europe, Russia, and Central Asia

Russia postponed its national vote on constitutional changes to July 1, 2020. Due to restrictions on freedom of movement and assembly from COVID-19, mass protests are unlikely to result. Nevertheless, managing growing social discontent may well be the Kremlin's next big challenge as it prepares for September's regional and parliamentary elections. Given its upcoming EU presidency and Council of Europe chairmanship, Germany could make a positive difference in protecting human rights and EU values in Russia.

A wave of more than 12,000 recurring demonstrations in Moscow and other regions has made 2019 to 2020 the most intensive point of protest in Russia's recent history. Though the COVID-19 crisis coincidentally helped the Kremlin to lower the potential for protest, it could not make ongoing demonstrations disappear. Dissatisfaction among the Russian population is growing and posing a significant challenge to the Kremlin, especially due to the upcoming plebiscite on constitutional amendments on July 1 and

regional elections on September 13, 2020. While the protests are unlikely to bring about any systemic change, Germany and the EU could, however, certainly contribute to the improvement of the worsening human rights situation in Russia.

COVID-19 COULD NOT UNDERMINE THE TREND OF MASS PROTEST

As many European countries affected by the coronavirus crisis, Russia imposed a ban on holding public events during the pandemic; but it also constricted freedom of speech by adopting a national law to stop the spread of fake news on COVID-19. The ban on public events was adopted by regional authorities, and it differed from region to region. Some allowed a maximum of 50 participants, others allowed for up to 100 or 1,000 people to gather. While protests against upcoming constitutional amendments that enable President Vladimir Putin to remain in power longer were allowed in cities such as Perm, Chita, and Omsk even as late

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as the end of March, other places imposed a complete ban.

In Moscow and Saint Petersburg, the ban affected all protests regardless of their scope, including single-person pickets. These were the only type of protest that did not require the prior consent of the authorities. After prominent journalist and Moscow legislator Ilya Azar was jailed on May 28 after holding a solo picket despite Moscow Mayor Sergey Sobyanin's ban on public events, a series of peaceful single protests occurred all over Russia. The solo pickets held in solidarity with Azar ended in more arrests and attracted international attention. Council of Europe Human Rights Commissioner Dunja Mijatovic stated that "COVID-19 cannot be an excuse to clamp down on freedom of expression."

While the coronavirus lockdown gave authorities in Moscow and several other Russian regions the perfect opportunity to test new QR systems for the digital surveillance of freedom of movement, it also gave birth to new and creative forms of digital protest. For example, on Yandex Maps – the Russian alternative to Google Maps and the most detailed cartographic service in the country – users staged virtual protests against self-isolation by blocking virtual traffic or by dropping pins near local governmental buildings and writing messages with demands (see image).

When taken as a whole and compared to the rallies that took place from 2011 to 2013, the latest demonstrations indicate deeper changes in Russian society, particularly at the regional level. Even if taking to the streets does not bring about any overarching political change, protesters are developing the skills to organize themselves into groups and promote their own agenda by means of publicly expressing their discontent. Their progress is best proven by the release of journalist Ivan Golunov and political science student Egor Zhukov in 2019 in response to the public outcry that followed their arrests on fabricated charges. The joint "NO!" campaign against constitutional change, which is already supported by almost 300 regional and municipal deputies, is another issue that the Kremlin has to address.

A virtual protest on Yandex Maps in which users dropped pins near local governmental buildings and wrote demands such as, shown here, "Feed my kids and I stay home"
Source: Donnews.ru https://www.donnews.ru/V-Rostove-proshel-pervyy-v-istorii-goroda-virtualnyy-miting_106391

THE PROTESTS ARE STILL FRAGMENTED AND SMALL

By suppressing demonstrations and ignoring the underlying problems that incite them, the Russian government has only increased tensions and further politicized protest actions. Still, neither an All-Russian protest movement nor a single agenda item that could unite regional activities has emerged. In 2018, protests against increasing the retirement age had a chance of becoming a unifying element on the national level, but the protesters' aspirations vanished right after pension reform was adopted. Currently, wider protest agendas are diverse: there are, to cite only two prominent examples, protests against the isolation of the Russian internet and environmental actions against Moscow's waste disposal policies that affect other regions. Although protests in the capital in the summer of 2019 against the authorities' politically-motivated rejection of independent candidates from its City Duma election were attended by 22,000 to 60,000 people (according to different assessments) and continue today, these numbers still only represent a small percentage of the megapolis' population of twelve million. While these demonstrations provoked some sympathetic responses throughout Russia, the issues that caused them mostly remain a concern for Muscovites.

The geographic diversification of protests is, however, an interesting trend. While in the early 2010s Moscow and Saint Petersburg were the main centers of protest, there are now more protests in Russia's regions than in its capital. The agendas of these regional demonstrations also differ widely from their urban counterparts in that they are centered around socio-economic, regional, and local issues. Typical examples include defending a small park against the construction of a new church in Yekaterinburg, protesting a territorial dispute with Chechnya in Ingushetia, and demonstrating
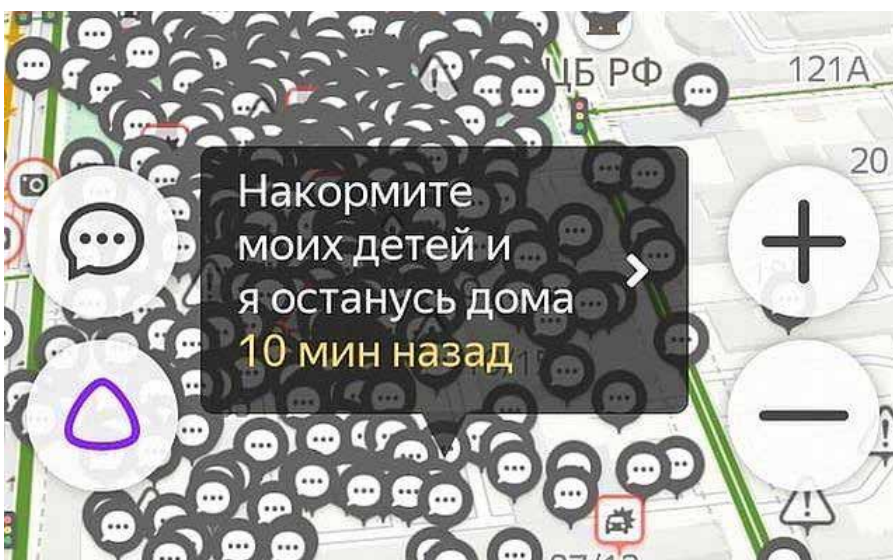
against the construction of a landfill near the village of Shies in the region of Arkhangelsk.

In terms of age groups, according to recent polls by the Levada Analytical Center, the majority of Russian youth remains apolitical despite an increase in the potential to protest among younger Russians. Moreover, their demands are mostly focused on particular hometown issues and not unified by any general youth agenda per se.

THE REGIME HAS THE POTENTIAL FOR NEARLY UNLIMITED SUPPRESSION

Meanwhile, the regime's methods of suppressing protests are well developed, coordinated, and function on different levels. Laws to limit assembly are in place and legal practice has been established to support them. In particular, the Russian state's control over freedom of assembly has become systemic and institutionalized in character. Pro-Kremlin mass media have supported these developments with propaganda that labels protests as uncoordinated, unauthorized, and illegal.
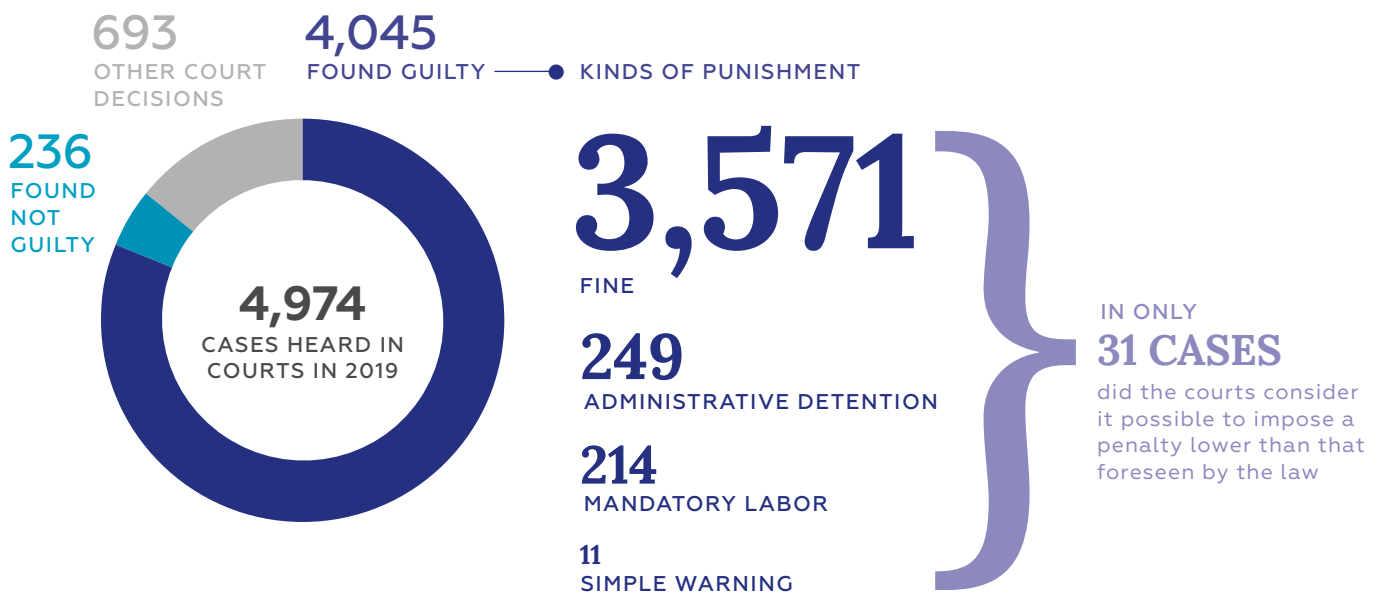
First, administrative obstacles – such as tough deadlines for applications – have been created for getting demonstrations authorized, effectively turning them into instruments for preventing protest. On June 4, 2020, the Russian Constitutional Court further limited organized protest with its decision that demonstrations, with few exceptions, should only take place in several designated places, the so-called Hyde Parks.

Second, during protests, all possible *siloviki* forces – that is, members of security police and other armed forces – are used to employ various forms of violence against the protesters.

Third, after the protests, those who attended can be placed in administrative detention or even criminally prosecuted. During the last eight years, legislation related to protests was gradually toughened up: penalties increased fivefold and involving underage protesters was penalized. Being found guilty of repeatedly participating in uncoordinated actions can result a prison term of up to eight years. A case in which one is found guilty of organizing multiple mass riots can result in a prison sentence of up to 15 years.

Driven by both institutional interest and bureaucratic inertia, institutions and ministries have increased the number of administrative and criminal cases brought against protesters, turning the judicial system into a means for further frightening protesters rather than protecting them. Mass detentions at protest actions are highly likely to result in administrative or criminal verdicts. According to the Judicial Department at the Supreme Court of the Russian Federation, 81 percent of all cases opened on administrative violations at demonstrations in 2019 ended with a sentence.

In addition, over the last five years, the Ministry of Internal Affairs and the Rosgvardia (an internal paramilitary force that reports directly to the president) allocated more than seven billion rubles for the purchase of special non-lethal riot-control equipment such as water cannons, stun guns, shockproof shields, and pepper sprays. This is about the same amount as the Moscow authorities intended to allocate to support people who lost their jobs because of COVID-19. So far, despite the low official tolerance for protests, this plethora of non-lethal

693 OTHER COURT DECISIONS

4,045 FOUND GUILTY ⎯⎯● KINDS OF PUNISHMENT

236 FOUND NOT GUILTY

4,974 CASES HEARD IN COURTS IN 2019

3,571 FINE

249 ADMINISTRATIVE DETENTION

214 MANDATORY LABOR

11 SIMPLE WARNING

IN ONLY **31 CASES** did the courts consider it possible to impose a penalty lower than that foreseen by the law

Source: Cases on administrative violations at the protest actions under 20.2 Article 20.4. of Russian Administrative Offence Code in 2019/Data by Judicial Department of the Supreme Court of the Russian Federation

weapons have only been used as deterrents. This does not mean, however, that the regime would not put them into actual use should it deem it necessary.

THE COUNCIL OF EUROPE NEEDS A NEW APPROACH TO ADDRESS WORSENING HUMAN RIGHTS

Currently, 24.5 percent of all applications submitted to the European Court of Human Rights (ECHR) come from Russia, putting the country in first place for human rights violations in Europe. Since 2015, however, the Russian Constitutional Court has been given the power to ban ECHR decisions if they contradict the Russian constitution. Moreover, one of the suggested constitutional amendments also implies the priority of Russia's national law over international treaties. Thus, if adopted, the new constitution would provide the Kremlin with an escape-way from its international obligations, including on human rights issues.

In the short term, the Russian political system is unlikely to change dramatically, and the country's worsening human rights situation is also unlikely to improve. Consequently, a new, targeted policy approach by the EU to address the issue of human rights violations is needed. Berlin could use its chairmanship of the Committee of Ministers of the Council of Europe from November 2020 through May 2021, as well as its upcoming EU presidency, as an opportunity to put this issue on the agenda. By doing so, Germany would promote fundamental European values by highlighting positive narratives in human rights and addressing human rights violations.