



# The use of new technologies in the context of peaceful protests

Contribution made by Human Rights House Foundation

Human Rights House Foundation (HRHF) protects, empowers and supports human rights defenders and their organisations. To accomplish this, HRHF brings organisations together in Human Rights Houses and unites the Houses in an international network.

Today, independent human rights organisations work together in 16 Human Rights Houses in 11 countries. The Houses are located in Eastern & Western Europe, the Caucasus, and the Balkans.

This questionnaire is a compilation of answers from our Network and covers five countries Armenia, Azerbaijan, Georgia, Ukraine, Russia. Few members organisations and individual HRDs from 6 human rights houses of our Network have participated.

## **1: Laws, policies and programmes, that have been developed to address the impact of new technologies, including information and communications technology, on human rights in the context of assemblies, including peaceful protests.**

- ***Ukraine:***

There are legislative restrictions on the work of the Russian social networks in Ukraine (Odnoklassniki, Vkontakte, [mail.ru](mailto:mail.ru), etc.), but it has more to do with the fight against the propaganda of the Russian Federation, rather than with peaceful assemblies.

- ***Russia:***

- 1. Federal Law No. 54-FZ “On Meetings, Rallies, Demonstrations, Marches, and Pickets” (the Law on Rallies), adopted in 2004, which defines a public event as an open, peaceful, accessible to everyone action carried out on the initiative of citizens of the Russian Federation, political parties, public and religious associations with the aim of free expression of opinions and making demands on issues pertaining domestic public life and foreign policy.
- 2. Changes in the Russian legislation regarding freedom of assembly adopted in June 2012 and July 2014:
  - Federal Law No. 65-FZ of 8 June 2012.
  - Federal Law No. 258-FZ of 21 July 2014 further tightened the regulation of freedom of assembly “On Amending Certain Legislative Acts of the Russian Federation Regarding the Improvement of the Legislation on Public Events” of 21 July 2014.
- New technologies in Russia have led to the introduction of the legislation on criminal liability for the dissemination of publications on the Internet that incite racial discrimination, contain racist insults, are degrade human dignity, and this is being used to initiate cases against potential protesters. Moreover, the so-called "Yarovaya package" has been adopted, which obliges the operators or providers to store all data on phone calls or correspondence. The Law on the “Sovereign Internet” is to enter into force on 1 November 2019. The implementation of the law will create a technical possibility for separating the Russian segment of the network

from the foreign one, as well as to block the Internet in certain regions. It will also ensure control over all users. As far as the context is concerned, holding meetings, in other words the clause from the “Criminal Code of the Russian Federation, Article 280. Public Calls for Extremist Activities,” means that those who are engaged in campaigning or criticism of the authorities can be prosecuted under this article.

- In addition to the Federal Law on Meetings, Rallies, Demonstrations, and Marches, the region has measures it can use to control the promotion of rights by using information and communication technologies: social networks are being monitored, and any statements, comments, and peaceful protest actions are being suppressed. There are no official normative legal acts that would allow the application of such measures; however, political measures to suppress effective human rights activities in the region are applied on a regular basis and this is not always done in a legal way. The application of the Criminal and Administrative Code makes any publication and any mass event risky, because the judicial practice foresees imprisonment of innocent citizens as a punishment.

## **2: How new technologies have facilitated the organisation of assemblies, including peaceful protests ?**

- ***Armenia, Azerbaijan, Georgia:***

In Armenia, Azerbaijan and Georgia social media, mostly Facebook, is routinely used to organise protest actions on variety of issues: Russian occupation, violence against women, disproportionate use of force by the law enforcement, prisoners' rights, non-violent revolutions, environmental and urban issues, women's rights. In fact, Facebook is the main platform for making a call for, then organising peaceful protests across the regions, and inviting people to join.

Here it will be made reference to the experience of Armenia with the so-called Velvet Revolution, in which social media (Facebook, mostly) played a crucial role. More interestingly, then the opposition leader and current Prime-Minister of Armenia Nikol Pashinyan used mostly, if not only, his Facebook account to organize the peaceful assemblies not only in the capital and in the entire country, but also in diaspora. Through his live streams he was informing his followers about his agenda for the day and was also sharing with the people important information. The role of the social media, meaning the Facebook, was important in these processes also because in Armenia most, if not all, TV companies and social media-outlets were owned by the family or close circles of the ousted regimes, so the social media was the only means of communication of the protestors and its organizers.

- ***Ukraine:***

In Ukraine, social networks are widely used in the context of organizing, mobilizing, and covering peaceful protest actions. These are first of all Facebook, Twitter, Google broadcasting.

- ***Russia:***

In a modern reality, the traditional forms of protest - rallies, strikes, pickets, manifestations - are being replaced by the more actively propagated so-called spectacular forms - flash mobs, happenings, performances, which are becoming more widespread in modern society. Today, in the context of an active growth of the role of information and communication technologies and social networks, as far as social interaction is concerned, a new type of protest activity is added to the spectacular forms of protest - a virtual one. It has been noted that the spread of modern forms of protest activity is more characteristic of the regions with high concentration of the population and a significant share of the young generation, who are actively using Internet resources.

Social networks have unprecedentedly increased the reach and coverage of the audience. They also have increased the speed at which information reaches the masses. The fact that any citizen has access to social networks means that, in principle, any individual can mobilize a certain number of people for a meeting or can cover a problem, help to mobilize people for meetings or protests. These are mostly Facebook and Instagram.

New technologies have facilitated the creation of groups in various social networks, depending on the age and social class of the participants.

### **3: The human rights challenges posed by interference with the availability and use of such technologies in the context of assemblies, including peaceful protests.**

- ***Armenia:***

During the Velvet Revolution, Facebook was almost the only means of communication for the protestors and its organizers. As for the interference with the availability and use of it, and such technologies in general, no such interference has taken place in large scale so far. The only issue was that from time to time social media, namely Facebook accounts of more active figures, i.e. most followed people (protestors) were being hacked, with the aim of eliminating them from the Facebook, even temporarily, so to inhibit them from departing information. However, these accounts were being very promptly recovered.

- ***Azerbaijan:***

Main challenges of social media networking and activism are prosecution of activists by police and executive bodies in region and Baku. There are regular cases that police summoned social media activists to police department due to their posts and comments, or events in Facebook.

- ***Georgia:***

The facts of interference into the use of new technologies in order to disrupt the realization of right to peaceful assemblies are not common in Georgia. The only issue reported was slowdown or absence of internet services during prolonged mass rally protests in Tbilisi against the Russian occupation, specifically in front of the Parliament on Rustaveli Avenue in summer 2019.

- ***Russia:***

The Russian authorities block mobile communication in the places of rallies and marches, which makes it difficult to communicate with human rights organizations, lawyers during the detentions.

### **4: The human rights challenges posed by the use of new technologies, including information and communications technology, in the context of assemblies, including peaceful protests**

- ***Azerbaijan:***

The state authorities in Azerbaijan persecute those who post politically sensitive posts on Facebook, including in relation to the protest actions. They do arrest individual for participation in protests organised through Facebook, chasing mostly political activists. The police film participants of public rallies and summon them for attending protests of opposition parties.

- ***Georgia:***

The State Security Service of Georgia, specifically its subordinate organ, operative-technical agency has a direct access to telephone and internet communications that creates high risks of illegal surveillance and abuse of power. Such access should be given to an independent body, giving direct access for obtaining such information without strict control guarantees creates risks of conducting it without clear grounds and abuse of power.

- ***Ukraine:***

Any attempts by the authorities to restrict the possibility of holding peaceful meetings pose a challenge. Not only the activities to prevent them from happening are important, but also the activities aimed at persecuting the organizers and participants after the protest actions, by for example identifying them and creating databases.

- ***Russia:***

What we already see in practice is that a total control, surveillance, and subsequent identification of the protest participants makes it possible to identify the protesters in a targeted way and then to cause them “inconvenience” in their studies and at work. For many, this element may be decisive in their decision not to join a protest. And in this regard, there is a risk that the number of participants, willing to openly express their civic position, will be decreasing, as there is a risk of losing one's job, of being expelled from the place of study, and of experiencing other problems with state institutions and in the family.

Another danger is the possible falsification of portraits and data editing in order to persecute the activists.

## **5: The impact on human rights of the use of new less-lethal weapons and ammunition technology in the context of assemblies, including peaceful protests**

- ***Armenia:***

The impact of the use of new less-lethal weapons and ammunition technologies have always been significant in Armenia in the context of assemblies, including peaceful protests. Previous governments have almost always made use of such new means to suppress the peaceful protest and assemblies, in general. The worst was in 2008, when during the peaceful protests following the Presidential elections, 10 peaceful protesters were killed by fire-arms and hundreds were injured by the so-called new less-lethal weapons and ammunition technologies. Such weapons (most rubber bullets) were largely used afterwards. In particular, during the so-called Electric Yerevan peaceful protests and during the Velvet Revolution, as well. After the Revolution, on 19 August 2019 a peaceful protest for an environmental cause has been forcefully suppressed and 6 people, including environmentalists, were arrested, however no such weapons or technology has been used.

- ***Georgia:***

One of the critical issues in Georgia is the lack of regulations when it comes to the sequence of use of less-lethal weapons. Georgian legislation does not specify the order by which such weapons should be used. According to the standards of OSCE ODIHR, the less damaging weapons should be used first. The recent June 20th actions showed that this principle was substantially violated as more damaging weapons - rubber bullets - were used before the water cannons. Those weapons were used disproportionately and without warning and resulted in severe injuries of dozens of people and several lost their eyes altogether. Also, the form and way of use of rubber bullets - from the close distance, targeting the upper body of protesters - violated the principles of use of less-lethal weapons.

- ***Ukraine:***

In Ukraine, the violations involving the use of special means by law enforcement during peaceful assemblies are deviations from the norms of their use (for example: striking with non-lethal weapons or shooting with non-lethal bullets at the prohibited parts of the body (head, neck, collarbone, etc.), the use of water cannons in cold weather ( below +5 C), etc.

- ***Russia:***

People are afraid of going to protests, because these types of weapons, even if they have a “non-lethal effect”, are traumatic, and it is not clear what effect they could have in the long run. It is difficult to identify what kind of weapon the authorities are using. The coercive authorities massively apply physical coercion: batons, kickings, arm twisting, and breaking bones. Sometimes they use tear gas.