

 **Information from the Russian Federation in connection with the request of the Special Rapporteur of the UN Human Rights Council on freedom of peaceful assembly and association of February 15, 2023.**

National legal framework and recommendations on the promotion and protection of human rights by law enforcement agencies during the security of peaceful protests and protection of human rights by law enforcement agencies during the security of peaceful protests

In accordance with article 31 of the Constitution of the Russian Federation, citizens of the Russian Federation have the right to assemble peacefully, without arms, to hold meetings, rallies and demonstrations, marches and picketing.

The right of citizens guaranteed by the Constitution of the Russian Federation to assemble peacefully, without arms, to hold meetings, rallies and demonstrations, marches and picketing is one of the fundamental and inalienable elements of the constitutional and legal status of the individual in the Russian Federation as a democratic State based on the rule of law with a republican form of government, which recognizes ideological diversity, political pluralism and multi-partyism as the foundations of its constitutional system, and which has a constitutional obligation to ensure State protection, including judicial protection, of human and civil rights and freedoms on the basis of the equality of all before the law and the courts (rulings of the Constitutional Court of the Russian Federation of 18 December 2008) and multiparty system, and which has a constitutional obligation to ensure state protection, including judicial protection, of human and civil rights and freedoms on the basis of equality of all before the law and the court (Decisions of the Constitutional Court of the Russian Federation No. 12-P of May 18, 2012, No. 4-P of February 14, 2013, No. 2-P of February 10, 2017, No. 24-P of June 18, 2019, No. 33-P of November 1, 2019).

In addition, the Constitutional Court of the Russian Federation in its ruling No. 27-P of June 4, 2020 noted that the response of public authorities to the preparation

and holding of assemblies, rallies, demonstrations, marches and picketing should be neutral and, regardless of the political views of their initiators and participants, aimed at ensuring the necessary conditions (both at the level of legislative regulation and in law enforcement activities) for the lawful exercise by citizens and their associations of the right to freedom of peaceful assembly, including the right to freedom of peaceful assembly, including the right to hold assemblies that do not exceed the limits of permissible restrictions on the rights and freedoms of citizens in a democratic state governed by the rule of law. and holding assemblies that do not exceed the limits of permissible restrictions on the rights and freedoms of citizens in a democratic state governed by the rule of law.

At the same time, legislative, organizational and other measures taken by public authorities in order to properly ensure the right to freedom of peaceful assembly must not result in to excessive state interference in the activities of organizers and participants in public events, involving unjustified restrictions on this right (Decision of the Constitutional Court of the Russian Federation No. 33-P of 1 November 2019).

Thus, in determining the procedure for the exercise by citizens and their associations of the right to freedom of peaceful assembly, the federal legislator has established in Federal Act No. 54-FZ of 19 June 2004 "On meetings, rallies, demonstrations, marches and pickets" (hereinafter Federal Act No. 54-FZ) the basic requirements for the organization and forms of a public event, the time and place of its holding, the rights and obligations of its organizers and participants, the executive authorities of the constituent entities of the Russian Federation and local self-government bodies, and their authorized representatives. and termination of a public event, and also established guarantees, including judicial guarantees, for the lawful exercise by citizens of the right to freedom of peaceful assembly.

At the same time, when assessing the legal regime for the organization and conduct of public events, it should be borne in mind that, in accordance with Federal Law No. 54-FZ, extensive competence with regard to the regulation of the rules for the organization and conduct of public events, including those concerning their permitted and prohibited places, is vested in the government authorities of the constituent entities of the Russian Federation.

The federal register of normative legal acts of the constituent entities of the Russian Federation contains 724 existing acts adopted by the State authorities of the constituent entities of the Russian Federation and aimed at ensuring the realization of the constitutional right of citizens of the Russian Federation to assemble peacefully, without arms, and to hold meetings, rallies, demonstrations, marches and pickets.

Laws of constituent entities of the Russian Federation adopted pursuant to Federal Law No. 54-FZ prescribe the following measures:

- defined places in which it is prohibited to hold meetings, rallies, marches, demonstrations in the respective territories in addition to places in which it is prohibited to hold public events (part 2 of Article 8 of Federal Law No. 54-FZ);

- defines the procedure for submitting a notification on holding a public event;

- The maximum number of persons participating in public events, notification of which in accordance with part 1.1 of article 8 of Federal Law No. 54-FZ is not required; and

part 1.1 of Article 8 of Federal Law No. 54-FZ is not required;

- established the procedure for the use of specially designated places for holding public events;

- the procedure for holding a public event at transportation infrastructure facilities has been established;

- provides for the specifics of ensuring the rights of citizens on territories that are historical and cultural monuments;

- established the minimum permissible distance between persons carrying out single pickets not united by a single idea and common organization;

- conditions of logistical and organizational support of public events are defined.

At the same time, as stated in paragraph 1 of the operative part of the Resolution of the Constitutional Court of the Russian Federation of November 1, 2019, No. 33-P, the imposition of a general ban on holding a public event in a particular place on all public events without exception, without taking into account whether a particular public event, based on its purpose and type (nature), the expected number of participants, the planned time (date) of its holding, as well as other circumstances, poses an actual threat to human and civil rights and freedoms, legality, law and order, to residential premises or objects of transport or social infrastructure, and without resolving the issue of the proportionality of the prohibition of its holding to the degree of such a threat, indicates its contradiction to the Constitution of the Russian Federation. If the ban is not proportionate to the degree of such a threat to residential premises or objects of transportation or social infrastructure, and without resolving the issue of proportionality of the prohibition of its holding, it is evidence of its contradiction to the Constitution of the Russian Federation.

Thus, the definition by the law of a constituent entity of the Russian Federation of places in which it is prohibited to hold meetings, rallies, marches and demonstrations should not lead to the fact that the restrictions established at the regional level of public authority regarding permissible places for the exercise of the right guaranteed by Article 31 of the Constitution of the Russian Federation do not supplement, but unreasonably expand the norms (prohibitions) provided for by Federal Law No. 54-FZ, acquiring in their legal parameters a comparable or, moreover, predominant significance with them.

On this basis, the introduction of such prohibitions implies that they should be aimed at determining specific places, dictated by objective needs arising from factual circumstances, which are fundamentally of a casual (substantive) nature and

cannot be normatively generalized (definition of the Constitutional Court of the Russian Federation of April 22, 2014, No. 976-O). Consequently, the imposition by paragraph 2.2 of Article 8 of the Federal Law on the subjects of the Russian Federation of the burden of additional establishment of places in which it is prohibited to hold meetings, rallies, marches and demonstrations does not mean that the Federal Law entrusts the subjects of the Russian Federation with the burden of additional establishment of places in which it is prohibited to hold assemblies, meetings, marches and demonstrations does not mean giving them the right to independently formally (abstractly) expand the list of such places established by the federal legislator.

In addition, the Ministry of Justice of Russia, in order to comply with the decisions of the Constitutional Court of the Russian Federation set forth in the rulings of November 1, 2019, No. 33-P and June 4, 2020, No. 27-P, which state that the designation by regional laws as places in which it is prohibited to hold meetings, rallies, marches and demonstrations, all territories located closer than a certain distance from the boundaries of the listed of the objects and buildings listed therein, constitutes the introduction into the legislation on public events of a type not based on the on public events not based on the normative criteria established by federal law, general (undifferentiated) prohibitions restricting the freedom of peaceful assembly, and therefore, contrary to the provisions of articles 31, 55 (part of the article) and 55 (part of the article) of the Law on Public Events. contrary to the provisions of articles 31, 55 (part 3), 71 (paragraphs "c", "m"), 72 (paragraph "b" of part 1) and 76 (part 2) of the Constitution of the Russian Federation, exceeds the constitutional limits of the legislative powers of the constituent entities of the Russian Federation, the territorial bodies of the Ministry of Justice of the Russian Federation were instructed to conduct a second legal examination of the legislative acts of the constituent entity of the Russian Federation concerned regulating legal relations in the area in question.

In order to ensure security and law and order at a public event, the organizer of the event is obliged to submit to the executive authority of a constituent entity of the

Russian Federation or a local government body a notification of the holding of the public event in accordance with the procedure established by article 7 of Federal Law No. 54-FZ.

The executive authority of a constituent entity of the Russian Federation or a local government authority shall refuse to approve the holding of a public event only in cases where the notification of its holding is submitted by a person who, in accordance with Federal Law No. 54-FZ, is not entitled to be the organizer of a public event, or if the notification specifies as the venue of the public event a place where, in accordance with the Law on Assemblies or a law of a constituent entity of the Russian Federation, the holding of a public event is prohibited.

In accordance with the requirements of part 5 of article 5 of Federal Law No. 54-FZ, the organizer of a public event has no right to hold a public event if notification of its holding has not been submitted in time or if a change in the place and (or) time of the public event has not been agreed with the executive authority of a constituent entity of the Russian Federation or a local government authority on their motivated proposal.

The need for such coordination is primarily due to ensuring the uninterrupted functioning of vital public utilities or transportation infrastructure, as well as the need to maintain public order, to ensure the safety of citizens (both participants in the public event and persons who may be present at the place of the event at a certain time) or other similar reasons. in the place where the event is to be held at a certain time) or other similar reasons.

In addition, the executive authority of a constituent entity of the Russian Federation or a local government body shall, depending on the form of the public event and the number of its participants, appoint its authorized representative to assist the organizer of the public event in holding the public event in question in accordance with the requirements of the Law on Assemblies, ensure, within its competence, that, together with the organizer of the public event and the authorized representative of the body of internal affairs of the Russian Federation to ensure, within its competence, together with the organizer of the public

event, public order and security of citizens during the public event, as well as to provide them with emergency medical assistance, if necessary.

Approval of a public event does not fall within the competence of the Ministry of Internal Affairs of Russia and territorial bodies of internal affairs.

Places where holding a public event is prohibited include:

- territories directly adjacent to hazardous production facilities and other facilities, the operation of which requires compliance with special safety rules;

- overpasses, railway lines and railroad right-of-way, oil, gas and product pipelines, high-voltage power lines;

- territories directly adjacent to the residences of the President of the Russian Federation, to buildings occupied by courts, emergency operational services, to territories and buildings of institutions executing punishment in the form of imprisonment;

- border zone, if there is no special permission from the authorized border authorities.

Places in which it is prohibited to hold meetings, rallies, marches and demonstrations include:

- buildings and territories of river, sea, railroad and automobile stations and stations, airports, sea and river ports and wharves;

- Buildings and territories of educational organizations, medical organizations, social protection organizations, children's and sports grounds; and and sports grounds;

- buildings of public authorities, as well as territories directly adjacent to such buildings, life support facilities, including those ensuring the functioning of electricity, heat, water supply networks, water supply and (or) water disposal networks, gas supply networks;

- religious premises, buildings and structures, as well as land plots on which such buildings and structures are located, including those belonging to religious organizations by right of ownership or provided to them on other property rights for the implementation of their statutory activities, places of pilgrimage, except for public

places where public worship services and other religious rites and ceremonies are held in accordance with paragraph 5 of Article 16 of Federal Law No. 125-FZ of September 26, 1997 "On Freedom of Conscience and Religious Organizations".

In order to protect human and civil rights and freedoms, to ensure legality, law and order and public safety, the law of a constituent entity of the Russian Federation shall additionally determine the places in which it is prohibited to hold meetings, rallies, marches and demonstrations, except for the performance of religious services, other religious rites and ceremonies in accordance with article 16 of Federal Law No. 125-FZ, if this is conditioned by the historical, cultural, other objective characteristics of the constituent entity of the Russian Federation. and ceremonies in accordance with article 16 of Federal Law No. 125-FZ, if this is due to historical, cultural or other objective peculiarities of a constituent entity of the Russian Federation, and may also determine other places in which the holding of the above public events is limited in terms of the time at which they may be held.

The procedure for holding a public event on the territories of sites that are historical and cultural monuments shall be determined by the executive authority of the relevant constituent entity of the Russian Federation, taking into account the peculiarities of such sites and the requirements of Federal Law No. 54-FZ taking into account the peculiarities of such sites and the requirements of Federal Law No. 54-FZ.

The procedure for holding a public event at transportation infrastructure facilities used for public transportation and not related to places where holding a public event is prohibited shall be determined by the law of a constituent entity of the Russian Federation, taking into account the requirements of Federal Law No. 54-FZ, as well as the requirements for ensuring transportation and road safety, as stipulated by federal laws and other regulatory legal acts.

The order of carrying out of a public event on the territory of the State historical-cultural museum-reserve "Moscow Kremlin", including the Red Square and Alexander Garden, is defined by the President of the Russian Federation.

The conditions of provision and use of premises for organization and holding of

a public event shall be determined by agreement between the owners (proprietors) of the respective premises and organizers of public events. and holding a public event shall be determined by agreement between the owners (proprietors) of the relevant premises and the organizers of public events.

These norms are consistent with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter, the Convention) that the exercise of freedom of expression may be subject to such restrictions or sanctions as are prescribed by law and are necessary in a democratic society for the prevention of disorder or crime (art. 10); the rights to assemble peacefully and to associate freely with others for the protection of one's interests shall not be subject to any restrictions except those which are in the interests of national security or public order; and the right to freedom of association with others for the protection of one's interests shall not be subject to any restrictions except those which are necessary in the interests of national security or public safety. in the interests of national security and public order (art. 11, para. 2).

Promotion and protection of human rights during the security of peaceful protests

National Guard troops carry out their activities on the basis of the principles of legality, respect for human and civil rights and freedoms.

The forces and means of bodies and subdivisions of the Ministry of Internal Affairs of the Russian Federation, Rosgvardia and other state bodies of the Russian Federation shall be involved in the performance of tasks in the course of measures to protect public order and ensure public safety in the territory of the Russian Federation. A temporary management body shall be established to manage the forces and means during the said activities.

National Guard troops of the Russian Federation may be involved in protecting public order and ensuring public safety during public events. For the fulfillment of this

task, forces and means from the national guard troops shall be allocated, which shall be transferred to the operational subordination of the responsible official of the internal affairs bodies of the Russian Federation.

The actions of law enforcement agencies in ensuring the safety of protests in crisis situations, for example, during a state of emergency, are determined by the requirements of the Federal Constitutional Law of May 30, 2001, No. 3-FKZ "On the State of Emergency", Federal Law of December 21, 1994, No. 68-FZ "On Protection of Population and Territories from Natural and Technogenic Emergencies".

In accordance with Article 14 of the Law on Assemblies an authorized representative of the internal affairs body is obliged to:

- provide assistance in holding a public event within their competence;
- to ensure, together with the organizer of the public event and an authorized representative of the executive authority of a constituent entity of the Russian Federation or a local government body, public order and safety of citizens, as well as compliance with the rule of law during its conduct.

Preventing and minimizing the use of force, de-escalating tensions and violence in protests

The practice of using Rosgvardia forces and means in cooperation with units of other state bodies of the Russian Federation is aimed at de-escalating tensions arising during protest manifestations. in cooperation with units of other state bodies of the Russian Federation is aimed at de-escalating tensions arising in the course of protest manifestations. In order to reduce potential tensions before and during rallies uncoordinated with local authorities, telecommunications networks are used to publish information about the illegality of upcoming rallies and the possible consequences for their participants. This practice helps to reduce the emotional tension of citizens.

The use of physical force and special means by servicemen (employees) of the Russian Federal Guard is regulated by Articles 19, 20 of Federal Law No. 226-FZ of July 3, 2016 "On the National Guard Troops of the Russian Federation".

Oversight of the legality of the use of physical force shall be carried out by the prosecutor's office of the Russian Federation.

In accordance with the requirements of the Law on National Guard Troops and Rosgvardia's regulatory legal acts, depending on the nature of the service and combat tasks performed by the troops to protect public order and ensure public safety, as well as in case of a complicated situation (if there is information about the threat of a complicated situation), servicemen (employees) are equipped with means of protection and active defense for service.

To perform service to ensure the security of public events, military personnel of special and operational military units may be additionally equipped with protective shock helmets, shock shields, individual dosimeters, hand-held metal detectors, respiratory and skin protection equipment. Special engineering service equipment, respiratory and skin protection equipment shall be issued to persons of troop outfits by decision of the commander.

In turn, the outfitting of employees of special police units of the Rosgvardia is defined by Decree of the Government of the Russian Federation No. 580 of May 15, 2018 "On uniforms, insignia and norms for the supply of clothing for persons serving in the National Guard troops of the Russian Federation and having special police ranks".

The use of firearms by servicemen (employees) of the Rosgvardia is defined in Article 21 of the Law on National Guard Troops. It is prohibited to use firearms against women with visible signs of pregnancy, persons with obvious signs of disability and minors.

and minors, except in the case of armed resistance or a group or other attack threatening the life or health of citizens or a serviceman (officer) of the national guard troops. A serviceman (officer) of the national guard troops also has no right to use weapons in large crowds of people, if its use may result in casualties, except in cases of use of weapons

for the purpose of preventing (suppressing) a terrorist act, releasing hostages, repelling a group or armed attack on important state facilities, special cargo, facilities on

communications protected by National Guard troops, and on the National Guard troops' own facilities.

At the same time, an employee of the National Guard troops has the right to use weapons without warning when repelling an attack using weapons, military and special equipment, vehicles, aircraft, sea or river vessels.

In accordance with the Law on National Guard Troops, when using physical force, special means, weapons, combat and special equipment, a serviceman (officer) of the National Guard Troops is obliged to act taking into account the situation, the nature and degree of danger of the actions of the persons against whom physical force, special means, weapons, combat and special equipment are used, and the nature and strength of their resistance. In doing so, a serviceman (officer) of the National Guard troops is obliged to strive to minimize any damage.

A serviceman (employee) of the National Guard troops is obliged to provide first aid to a citizen who has been injured, and to take measures to provide him with medical assistance as soon as possible.

On the basis of the Law on the National Guard Troops, when exercising their powers, an officer of the National Guard Troops is obliged to state his position, rank and surname, to present his official ID card at the request of a citizen, and then to inform the citizen of the reason and purpose of the application, and, if measures restricting his rights and freedoms are applied to the citizen, to explain to him the reason and grounds for applying such measures, as well as the citizen's rights and obligations arising therefrom.

In addition, in each case of detention, a serviceman (officer) of the National Guard troops is obliged to explain to the detained person the grounds for detention.

National Guard troops shall protect the rights, freedoms and legitimate interests of man and citizen regardless of sex, race, nationality, language, origin, property and official status, place of residence, attitude to religion, beliefs, and affiliation to public associations.

to public associations.

In accordance with article 12, paragraph 6, of Federal Act No. 3 of 7 February

2011 on the police (hereinafter Federal Act No. 3), the police are also responsible for ensuring, together with representatives of the executive authorities of the constituent entities of the Russian Federation, local authorities and organizers of meetings, rallies, demonstrations, marches and other public events, the safety of citizens and public order.

In order to ensure law and order and public safety during public and other mass events, the Ministry of Internal Affairs of Russia and territorial internal affairs agencies develop and implement a set of organizational and practical measures providing for:

- interaction with executive authorities and local self-government bodies, other law enforcement bodies, event organizers on the issues of ensuring the safety of citizens and public order at event venues;

- measures aimed at ensuring anti-terrorist security of event venues, in particular their inspection with the use of service dogs aimed at searching for and detecting explosives, explosive devices, weapons and ammunition;

- Operative-search and preventive measures aimed at preventing and suppressing possible unlawful actions, including extremist actions against the participants of the events;

- measures aimed at ensuring traffic safety on the territory adjacent to the venues of the events and routes for the organized movement of their participants.

The law enforcement segment of the Safe City hardware and software system is also being used to ensure the security of public and other mass events. At present, 550,123 video surveillance cameras are in operation to ensure law and order and the safety of citizens in 1,670 localities, including 218,596 cameras in places of mass attendance. 218,596 in places of mass attendance.

On the proposal of an executive authority of a constituent entity of the Russian Federation or a local government body, the head of the internal affairs body, in whose service the territory (premises) on which (in which) a public event is planned to be held is located, shall appoint an authorized representative of the internal affairs body in order to assist the organizer of the public event in ensuring public order and safety of

citizens. The appointment of the said representative shall be formalized by the order of the head of the internal affairs body.

An authorized representative of the internal affairs body shall have the right:

- to demand from the organizer of a public event an announcement on termination of admission of citizens to a public event and independently terminate admission of citizens to it in case of violation of the maximum occupancy rate of the territory (premises);

- demand from the organizer and participants of a public event to comply with the procedure for its organization and conduct;

- at the request of the organizer of a public event, to remove from the place of the public event citizens who do not comply with the lawful demands of the organizer of the public event, including the observance of the order of its organization and conduct.

An authorized representative of the internal affairs agency shall:

- provide assistance in holding a public event within their competence;

- to ensure, together with the organizer of the public event and an authorized representative of an executive authority of a constituent entity of the Russian Federation or a local government body to ensure public order and safety of citizens, as well as the observance of the rule of law during its conduct.

If during the holding of a public event through the fault of its participants a breach of law and order occurred which does not entail a threat to the life and health of its participants, an authorized representative of an executive authority of a constituent entity of the Russian Federation or a local government authority shall have the right to demand that the organizer of the public event, independently or jointly with an authorized representative of an internal affairs authority, eliminate the breach.

In case of failure to comply with the requirement to eliminate the said violation, the authorized representative of the executive authority of the constituent entity of the Russian Federation or local government shall have the right to suspend the public event for the time established by it for the elimination of the violation. Upon elimination of the violation, the public event may be continued by agreement between its organizer

and the relevant authorized representative.

If the violation has not been eliminated after the expiration of the time set by the authorized representative of the executive authority of the constituent entity of the Russian Federation or local government, the public event shall be terminated in accordance with the procedure provided for in Article 17 of Federal Law No. 54-FZ.

The grounds for the termination of a public event shall be:

- creation of a real threat to the life and health of citizens, as well as to the property of individuals and legal entities;

- committing unlawful actions by participants of a public event and deliberate violation by the organizer of a public event of the requirements of Federal Law No. 54-FZ concerning the procedure for holding a public event;

- Failure of the organizer of a public event to comply with the obligations stipulated in part 4 of article 5 of Federal Law No. 54-FZ.

In case of a decision to terminate a public event, an authorized representative of an executive authority of a constituent entity of the Russian Federation or a local government body:

- instructs the organizer of the public event to stop it, justifying the reason, and within 24 hours shall execute this instruction in writing and deliver it to the organizer of the public event;

- sets the time for the execution of the instruction to stop the public event;

- in case the organizer of the public event fails to comply with the instruction to stop the public event, shall address directly to the participants of the public event and set additional time for the implementation of the instruction to stop the public event.

In case of disregarding an instruction to stop a public event, police officers, servicemen and members of the national guard troops of the Russian Federation shall take the necessary measures to stop the public event, acting in accordance with the legislation of the Russian Federation. in accordance with the legislation of the Russian Federation.

The mentioned procedure of termination of a public event shall not be applied

in case of mass riots, pogroms, arson and in other cases requiring emergency actions. In these cases, the termination of a public event shall be carried out in accordance with the legislation of the Russian Federation.

Under article 17, paragraph 4, of Federal Law No. 54-FZ, failure to comply with the lawful demands of police officers, servicemen and members of the national guard of the Russian Federation or disobedience (resistance) to them by individual participants in a public event entails liability for those participants under the laws of the Russian Federation.

Violation of the procedure for organizing or holding a public event established by Federal Law No. 54-FZ entails administrative (Article 20.2 of the Code of the Russian Federation on Administrative Offences (hereinafter - CAO RF) and criminal (Article 212 of the Criminal Code of the Russian Federation (hereinafter - CC RF)) liability.

(Article 212 of the Criminal Code of the Russian Federation (hereinafter - the Criminal Code of the Russian Federation)) liability.

In accordance with the requirements of paragraphs 2 and 11 of part 1 of article 12 of Federal Law No. 3-FZ, the police are entrusted with the duties of immediate arrival at the place of committing an administrative offense, suppression of unlawful acts, including administrative offenses attributed to the jurisdiction of the police, documentation of the circumstances of committing an administrative offense, ensuring the safety of traces of an administrative offense.

In order to implement the duties assigned to the police, on the basis of paragraphs 1, 7, 8, 13 of part 1 of article 13 of Federal Law No. 3-FZ, the police have the right to demand from citizens and officials the cessation of unlawful actions, to address groups of citizens whose presence in public places is not related to public and mass events held on legal grounds, with a demand to stop unlawful actions.

In accordance with part 1 of article 27.1 of the CAO RF in order to suppress an administrative offense, to establish the identity of the offender, to draw up a protocol on an administrative offense when it is impossible to draw it up at the place of detection

of an administrative offense, to ensure timely and correct consideration of a case on an administrative offense and execution of the resolution adopted on the case, the authorized person has the right within his powers to apply measures to ensure the proceedings on a case on an administrative offense.

Delivery not only allows procedural consolidation of the fact of the offense committed, but at the same time it is a measure preventing the offense (Article 27.1 of the CAO RF). This approach is also confirmed by the European Court of Human Rights, which found it obvious that under certain circumstances the authorities may have legitimate grounds for applying such measures. For example, a person may be brought to a police station to stop apparently unlawful behavior if he or she refuses to obey a lawful order to stop such behavior, or on other grounds as contained in Article 5, paragraph 1, of the Convention (paragraph 177 of the judgment of the European Court of Human Rights of April 26, 2016, *Novikova and Others v. the Russian Federation* (complaints nos. 25501/07, 57569/11, 80153/12, 5790/13 and 35015/13)).

In the course of ensuring law enforcement and public safety at uncoordinated public events of a peaceful nature, the degree of risk posed by the persons participating in such events shall be assessed, and it shall be clarified whether there is an actual need to stop the public events in the relevant circumstances, and if there is no such need, detailed documentation of the actions of their organizers and participants shall be carried out with a subsequent (after the end of the events) decision on their administrative liability.

In order to ensure documentation and collection of evidence of lawfulness of actions of internal affairs officers and possible offenses on the part of participants of public events, reinforced investigation teams are created for the period of such events with the aim of promptly and qualitative documentation of violations of public order with the mandatory use of photo and video recording equipment.

In protocols on administrative offenses, on delivery

In the protocols of administrative offenses, on delivery and on administrative detention, the justified reason for the delivery and/or detention by the police of persons with unlawful behavior shall be indicated in detail, and attention shall be paid to the creation by the participants of uncoordinated public events of obstacles to the functioning of public institutions, pedestrian traffic, obstruction of the passage of public transport, ambulances and emergency services.

According to part 2 of article 27.2 of the Code of Administrative Offenses of the Russian Federation, offenders shall be taken to the internal affairs authorities as soon as possible, including when several persons are taken at the same time. In accordance with part 2 of article 27.2 of the CAO RF, offenders shall be brought to the internal affairs authorities as soon as possible, including in the case of simultaneous delivery of several persons.

When applying as a measure to ensure proceedings on a case on an administrative offense administrative detention by police officers shall take into account the presence of sufficient data indicating the existence of an event of an administrative offense (the fact of committing an offense), entailing the appointment of administrative detention, as well as this measure is applied in exceptional cases, if it is necessary to ensure the correct and timely consideration of a case on an administrative offense, the execution of a decision on the case

A police officer shall have the right to use physical force, special means and firearms personally or as part of a unit (group) in cases and in accordance with the procedure provided for by federal constitutional laws, Federal Law No. 3-FZ and other federal laws.

The list of special means, firearms, firearms and cartridges for them, and ammunition in service with the police shall be established by the Government of the Russian Federation. Special means, firearms and firearms cartridges, ammunition, which cause excessively severe injuries or serve as a source of unjustified risk shall not be allowed to be adopted for arming the police.

Internal affairs officers use special means of individual protection and means of coercive influence on offenders, which make it possible to maximize the safety of the

officers, to quickly and effectively suppress the active resistance of offenders and to take measures against them as provided for by law in order to protect the interests of the State and the life and health of citizens. and take the measures provided for by law to protect the interests of the State and the life and health of citizens.

Weapons and special means shall be used in exceptional cases and only after all other measures of preventive influence on the offender have been used and have not produced the necessary results.

In accordance with articles 18, 19, 20, 21 and 22 of Federal Law No. 3-FZ, the following rights are granted to police officers in order to fulfill their duties.

A police officer shall have the right to use physical force personally or as part of a unit (group), including combat fighting techniques, if non-violent methods do not ensure the fulfillment of the duties assigned to the police, in the following cases:

- to suppress crimes and administrative offenses;
- to deliver to the official premises of a territorial body or police unit, to the premises of a municipal body, to other official premises persons who have committed crimes and administrative offenses, and to detain these persons;
- to overcome resistance to the lawful demands of a police officer.

A police officer has the right to use physical force in all cases where Federal Law No. 3-FZ authorizes the use of special means or firearms.

use of special means A police officer has the right to use special means personally or as part of a unit (group) in the following cases:

- to repel an attack on a citizen or police officer;
- to suppress a crime or administrative offense;
- to suppress resistance to a police officer;
- to apprehend a person caught in the act of committing a crime and attempting to flee;
- to detain a person if that person is likely to offer armed resistance;
- to bring to the police, escort and protect detained persons, persons placed in

custody or subjected to administrative punishment in the form of administrative detention, as well as for the purpose of preventing an escape attempt, in the event that a person resists a police officer or causes harm to others or himself or herself;

- for the release of forcibly detained persons, seized buildings, premises, structures, vehicles and land plots;

- to suppress mass riots and other unlawful acts disrupting traffic, communications and organizations;

- to stop a vehicle whose driver has failed to comply with a police officer's request to stop;

- to identify persons who commit or have committed crimes or administrative offenses;

- to protect protected objects, block the movement of groups of citizens committing unlawful acts.

Special means are applied subject to the following limitations:

- it is not allowed to strike a person with a special stick on the head, neck, clavicular region, abdomen, genitals, in the area of heart projection;

- It is not allowed to use water cannons at air temperature below zero degrees Celsius;

- it is not allowed to use means of compulsory transportation stop in respect of vehicles intended for passenger transportation (if there are passengers), vehicles belonging to diplomatic missions and consular offices of foreign states, as well as in respect of motorcycles, sidecars, scooters and mopeds; on mountain roads or road sections with limited visibility; at railway crossings, bridges, overpasses, overpasses and tunnels; at tunnels; at railway crossings and on road sections with limited visibility. on mountain roads or road sections with limited visibility; at railroad crossings, bridges, overpasses, overpasses, overpasses, tunnels;

- installation of special coloring means at the object shall be carried out with the consent of the owner of the object or a person authorized by him, and a police officer shall take measures to prevent the use of the said means against accidental persons.

The use of water cannons and armored vehicles shall be carried out by decision of the head of the territorial body of internal affairs with subsequent notification of the prosecutor within 24 hours.

Other restrictions related to the use of special means by a police officer may be established by the federal executive body in the sphere of internal affairs.

To use firearms, a police officer has the right to use firearms personally or as part of a unit (group) in the following cases:

- to protect another person or oneself from encroachment, if such encroachment involves violence dangerous to life or health;
- to suppress an attempt to take possession of firearms, police vehicles, special and military equipment, which are in service (support) of the police;
- to free the hostages;
- to apprehend a person caught in the act of committing a grave or especially grave crime against life, health or property and attempting to flee, if it is impossible to apprehend the person by other means;
- to apprehend a person resisting armed resistance, as well as a person who refuses to comply with a legal requirement to surrender weapons, ammunition, explosives, explosive devices, poisonous or radioactive substances in their possession;
- to repel a group or armed attack on buildings, premises, facilities and other objects of state and municipal bodies, public associations, organizations and citizens;
- to prevent the escape from places of detention of persons suspected or accused of committing a crime or escape from under escort of persons detained on suspicion of committing a crime, persons subject to a preventive measure in the form of remand in custody, persons sentenced to imprisonment, as well as to prevent an attempt to forcibly release these persons.

Before using physical force, special means or firearms, a police officer shall be obliged to inform the persons against whom the use of physical force, special means or firearms is expected that he is a police officer, warn them of his intention and provide them with an opportunity and time to fulfill the lawful demands of the police officer.

In case of use of physical force, special means or firearms within a unit (group), the said warning shall be given by one of the police officers of the unit (group).

Police officers shall have the right not to warn of their intention to use physical force, special means or firearms, if the delay in their use creates a direct threat to the life and health of citizens or police officers or may entail other grave consequences. and health of citizens or police officers or may entail other grave consequences.

When using physical force, special means or firearms, they shall act taking into account the situation, the nature and degree of danger of the actions of persons against whom physical force, special means or firearms are used, the nature and strength of their resistance. In doing so, police officers shall strive to minimize any damage.

Servicemen (employees) of the National Guard troops bear disciplinary responsibility for misconduct.

Exceeding the authority by a serviceman (employee) of the National Guard troops in the use of physical force, special means, weapons, combat and special equipment shall entail liability established by the criminal legislation of the Russian Federation.

Exceeding the authority of a police officer in the use of physical force, special means or firearms shall entail liability established by the legislation of the Russian Federation.

Accountability and operational review

The practice of applying the legislation of foreign countries in the area of administrative and criminal proceedings in order to develop legal, organizational and other measures to improve the effectiveness of law enforcement in the activities of the internal affairs agencies of the Russian Federation.

Within the limits of its competence, the Ministry of Internal Affairs of the Russian Federation implements a set of organizational and managerial measures aimed at strict compliance by internal affairs officers with the Constitution of the Russian Federation, the universally recognized principles and norms of international law, and

the norms of criminal, criminal procedural and administrative legislation of the Russian Federation. Federation. and administrative legislation of the Russian Federation.

Issues of compliance with the rule of law in the activities of employees of territorial bodies of the Ministry of Internal Affairs of the Russian Federation are regularly considered at operational meetings of the concerned subdivisions of the central apparatus of the Ministry of Internal Affairs of the Russian Federation, the ministries of internal affairs in the republics, and the main directorates and offices of the Ministry of Internal Affairs of the Russian Federation in other constituent entities of the Russian Federation.

As part of training sessions with internal affairs officers, the requirements of the legislation of the Russian Federation on meetings, rallies, demonstrations, marches and pickets, as well as those related to the detention and transportation to internal affairs bodies of persons who have committed crimes and administrative offenses, are studied. and administrative offenses. Particular attention is drawn to the need to properly document the use of physical force and special means in accordance with the requirements of Federal Law No. 3-FZ.

In order to improve the activities of internal affairs officers to ensure the protection of public order and the protection of citizens' legal rights and freedoms during public events, the Ministry of Internal Affairs of Russia regularly prepares and sends to its territorial bodies relevant reviews of the following The Ministry of Internal Affairs of the Russian Federation regularly prepares and sends to its territorial bodies relevant reviews and methodological recommendations and clarifications on changes in the legislation of the Russian Federation on meetings, rallies, demonstrations, marches and picketing, as well as on changes in the legislation of the Russian Federation on assemblies, rallies, demonstrations, marches and picketing. and picketing, as well as those related to the detention and transportation to the internal affairs authorities of persons who have committed crimes and administrative offenses.

As part of the information support for the activities of the Ministry of Internal

Affairs of the Russian Federation

The media and news portals on the Internet cover violations committed by organizers and participants in both authorized and unsanctioned public events in order to inform the public about the actions of internal affairs bodies aimed at protecting public order and protecting the lawful rights and freedoms of citizens, and also to inform the public about the actions of internal affairs bodies aimed at protecting public order and the legal rights and freedoms of citizens. and unauthorized public events, in order to inform the public about the actions of internal affairs agencies aimed at protecting public order and the legal rights and freedoms of citizens, as well as to inform citizens about amendments to the legislation of the Russian Federation aimed at protecting the rights and freedoms of citizens. to the legislation of the Russian Federation aimed at ensuring the rights of citizens to organize and participate in public events.

Training and welfare of law enforcement officers

In order to carry out the tasks assigned to the National Guard troops, a multilevel system of personnel training is organized through the implementation of basic and additional professional educational programmes in departmental military educational organizations of higher education, as well as in federal state organizations carrying out the educational activities of other state bodies of the Russian Federation.

Federal Law No. 76-FZ of May 27, 1998 "On the Status of Military Personnel" establishes a unified system of legal and social protection for military personnel serving in the National Guard Forces of the Russian Federation.

Persons serving in the National Guard troops and having special police ranks are provided with legal and social protection in accordance with Federal Law No. 247-FZ of July 19, 2011 "On Social Guarantees for Employees of the Bodies of Internal Affairs of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation".

Police officers are required to and do undergo specialized training,

as well as periodic testing for professional suitability to act in conditions involving the use of physical force, special means and firearms.

The content of special training programs for police officers shall be determined by the federal executive body in the field of internal affairs.

The system of professional service training includes practical training for officials of internal affairs bodies involved in the procedural processing of materials on administrative offences committed during public events, as well as classes for internal affairs officers on the study of the rulings of the Plenum of the Supreme Court of the Russian Federation on ensuring the rights of citizens to peaceful assembly.

The heads and personnel of the territorial bodies of the Ministry of Internal Affairs of the Russian Federation have been warned against violations of the Convention and the norms of the legislation of the Russian Federation, the need for strict observance of the rule of law, the rights and freedoms of citizens, and strict observance of the procedure for detaining and bringing offenders to the bodies of internal affairs and documenting the acts committed. and documentation of the acts committed.

The heads of the territorial bodies of the Ministry of Internal Affairs of Russia are personally responsible for preventing their personnel from committing offenses and the failure of their subordinates to comply with the moral and ethical standards of behavior required of a police officer.