



H/Exec(2016)7 2 November 2016

## Alekseyev v. Russian Federation

**Statistical information on the organisation of public events similar to those at issue in the cities of Moscow and St Petersburg, as well as in the Kostroma, Arkhangelsk, Murmansk and Tyumen regions between 1 October 2015 and 30 June 2016<sup>1</sup>**

Memorandum prepared by the Department for the Execution of Judgments of the European Court of Human Rights

*The opinions expressed in this document are binding on neither the Committee of Ministers, nor the European Court.*

City / Region	Requests received	Requests accepted and/or refused <sup>2</sup>	Events that actually took place	Judicial review
<b>St Petersburg City</b>	<p><b>16</b> (meetings and marches at different venues and times)</p> <p><b>3</b> (events in a specially designated area)</p>	<p>All 19 refused, for the following reasons:</p> <ul style="list-style-type: none"> <li>- protection of rights and freedoms, rule of law and public safety, with reference to the local Assembly law (for <u>three events</u> planned on 22, 23 and 24/03/2016);</li> <li>- prohibition of public events in front of court buildings, with reference to the Federal Assembly law (for <u>two meetings</u> planned on 2 and 31/05/2016);</li> <li>- on-going repair and construction works (for <u>seven meetings</u> planned btw 28/03 and 1/06/2016 in different places);</li> <li>- organisers' failure to comply with the deadline for filing a request (for <u>one meeting</u> planned on 28/04/2016);</li> <li>- road repair works on the planned routes of the</li> </ul>	<p><b>None</b> of the requested events.</p> <p><b>3</b> (solo pickets<sup>3</sup> on 19/02/2016), no prior notification or preliminary agreement on time and venue was required (three participants replaced each other, in turn).</p>	<p>Neither the Prosecutor's Office nor the courts found any shortcomings in the authorities' decisions. All complaints and appeals lodged against refusals were dismissed. The courts admitted that the Russian Federation, as a Council of Europe Member State, is obliged to protect the rights guaranteed by the Convention. However, the refusals were justified in the context of the particular circumstances of the planned events.</p> <p><u>Additional information:</u> No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in St Petersburg.</p>

<sup>1</sup> Information provided by the Russian authorities on 24/10/2016 (see [DH-DD\(2016\)1198](#)).

<sup>2</sup> The information on the refused requests also includes situations in which the authorities did not agree and instead proposed another venue and time for the planned events but the applicants did not take any further action.

<sup>3</sup> According to the Russian Federal Law no. FZ-54 of 19 June 2004 on Gatherings, Meetings, Demonstrations, Marches and Pickets, a solo picket is carried out by a single participant and does not require prior notification/authorities' agreement.

		<p>marches and their close vicinity to the railway bed (for <u>three marches</u> planned on 27/03, 1/05 and 1/06/2016).</p> <p>- other cultural mass events planned earlier (<u>three requests</u> for holding events on 21 and 28/05/2016 in a specially designated area).</p>		
<b>Kostroma Region</b>	<p><b>6</b> (one march and five meetings planned between 2 and 5/05/2016 in Kostroma city)</p>	<p>All 6 refused: the aims of the events were incompatible with the legal provisions on propaganda prohibition (i.e. of the Code of Administrative Offences).</p>	<p><b>None</b> of the requested events.</p>	<p>The complaints lodged against refusals were dismissed by the Sverdlovsk District Court of Kostroma City on 8/06/2016. The court confirmed the non-compliance of the events' purposes with the legal ban on homosexual propaganda. The judgment was upheld on appeal.</p> <p><u>Additional information:</u></p> <p>1) The Supreme Court upheld the judgment of Sverdlovsk District Court of Kostroma City of 14/05/2015 dismissing the applicant's complaint about the authorities' refusal of his previous requests. It agreed with the lower courts' conclusion that the planned events were aimed at the propaganda of homosexuality among minors and infringed children's rights.</p> <p>2) No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in the Kostroma region.</p>

Arkhangelsk Region	11	<p>All 11 refused: the aims of the events were incompatible with the legal provisions on propaganda prohibition. The authorities proposed to change the time and venue of the events, however, the organisers did not take any further action.</p>	<p><b>None</b> of the requested events.</p> <p><b>1</b> (flash mob on 17/05/2016), no prior notification or preliminary agreement on time and venue was required.</p>	<p>All complaints about refusals were dismissed by the District Court of Arkhangelsk City (upheld on appeal). The courts referred also to the <i>Federal Law on protection of children from information harmful to their health and development</i>. They held that there was no evidence proving the aim of the planned events (neutral dissemination of scientific information about homosexual relationships, without attracting the attention of minors and creating an attractive image of non-traditional sexual orientation) and pointed out that the planned venues were inappropriate for the events' aims. The courts also noted that the events' organisers refused to change the time and venue, as proposed by the authorities.</p> <p><u>Additional information:</u></p> <p>1) On 1/10/2015, the Oktyabrskiy District Court of the Arkhangelsk Region found the authorities' refusals of the previous requests (for August 2015) lawful. The court pointed out that holding the event in the central part of the city, with intensive human traffic, including children, "would create a threat to legally protected rights and interests of children, connected to forming a distorted idea of family relations model generally accepted in the Russian society, as well as of the moral values and ideas of marriage, family, motherhood, fatherhood, childhood, that had been legally enshrined in the Constitution".</p> <p>2) The Supreme Court dismissed the applicant's cassation appeals against the previous judgments of the Arkhangelsk courts. It agreed with the lower courts' findings that holding events in the proposed venues "could lead to violating the statutory bans, including bans on propaganda of non-traditional sexual relations among minors".</p> <p>3) No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in the Arkhangelsk region.</p>
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<b>Murmansk Region</b>	<b>7</b>	All 7 refused, for the following reasons: - another public event planned earlier ( <u>one picket</u> planned for 17/05/2016); - mechanical works in the proposed venue ( <u>one picket</u> planned for 16/05/2016); - mass gathering would create serious obstacles for pedestrians and public transport ( <u>five other events</u> ). The organisers agreed to change the venue to a specially designated area, as proposed by the authorities, however, the date chosen had already been reserved for holding other public events.	<b>None</b> of the requested events.  <b>1</b> (solo picket on 17/05/2016), no prior notification or preliminary agreement on time and venue was required. The police secured the safe holding of the event.	Neither the Prosecutor's Office nor the courts found any shortcomings in the authorities' decisions. All complaints and appeals lodged against refusals were dismissed. The courts noted that the organisers of the events did not take any further action.  <u>Additional information:</u> No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in the Murmansk region.
<b>Tyumen Region</b>	<b>1</b> (picket planned for 22/05/2016)	The request was accepted.	<b>1</b> picket proceeded as requested with the police securing the participants' safety.	None (no complaints lodged).  <u>Additional information:</u> No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in the Tyumen region.
<b>Moscow City</b>	<b>7</b> (marches and meetings planned between 5/12/2015 and 28/05/2016)	All 7 refused: the texts of the requests gave grounds to suppose that the aims of the events were in violation of the legal provisions on propaganda prohibition (i.e. of the Code of Administrative Offences).	<b>None</b> of the requested events.	Complaints against all refusals were dismissed. The Moscow courts noted that the right to freedom of assembly and expression can be limited, e.g. to protect the population's health and moral. In the context of the particular circumstances, the courts found it evident that the planned events were aimed at "propaganda of non-traditional sexual relations" among minors, prohibited by the Code of Administrative Offences. Therefore, the courts considered the authorities' refusals lawful and justified.  <u>Additional information:</u> 1) The Supreme Court examined 4 cassation appeals lodged by the applicant against previous refusals of his requests (see H/Exec(2016)1) and upheld the judgments of the lower Moscow courts. It agreed with their conclusion that the holding of public events at the proposed venues could lead to the violation of statutory bans, including the ban on "propaganda of non-traditional sexual relations" among minors. 2) No person was held administratively liable for "propaganda of non-traditional sexual relations" during the reference period in Moscow.