



H/Exec(2016)1 20 January 2016

## Alekseyev v. the Russian Federation

Statistical information on the organisation of public events similar to those at issue in Moscow and St Petersburg, as well as in the Kostroma, Arkhangelsk, Murmansk and Tyumen regions between 1 October 2014 and 30 September 2015<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
St Petersburg City	4 (one of the requests of 13/07/2015 concerned the organisation of 1 public meeting and 1 procession planned for 25/7/2015; three of the requests were lodged on 20, 22 and 27/07/2015)	1 (event planned for 25/7/2015): the authorities suggested to change the venue and time of holding of events and proposed alternative venues. The organiser did not take any further actions.  3: the venue and time of holding events were not agreed, and the authorities suggested the organiser to eliminate the lack of conformity of the events' purpose to the Russian law. The organiser did not take any further actions.	2 (one meeting on 17/05/2015, without preliminary agreement of time and venue (200 persons participated); one festive procession and a subsequent meeting on 1/05/2015)	None (no complaints lodged against the refusals)  <u>Additional information:</u> 1) 2 complaints lodged against allegedly unlawful detention of persons during an event that took place on 12/10/2013 (i.e. outside of the reference period) were examined and dismissed by the courts of St Petersburg: a) a decision of Vasileostrovskiy District Court of 23/10/2014 was upheld on appeal on 11/11/2015, b) a decision of Kuibyshevskiy District Court of 26/02/2015 was amended by the appellate court on 12/08/2015. In both cases, the courts indicated that the police officers were not able to identify the persons disturbing the peace and public order and reasonably decided to arrest persons involved in a dispute (incl. complainants). The complainants were released from the police station after their identity check, obtaining relevant explanations and drafting of the police reports. 2) 1 complaint against a decision of the authorities, which approved the participation of the LGBT community's representatives in the festive procession and the meeting on 1/05/2015, was dismissed by the Smolninskiy District Court of St. Petersburg on 9/09/2015. The court held that there were no evidence of

<sup>1</sup> Information provided by the government on 11/01/2016.

<sup>2</sup> Information on the refused requests also include cases where the authorities did not agree and proposed another venue and time of the planned events but the applicants did not take any further actions.

				<p>propaganda of non-traditional sexual relations among minors and no relevant harm was caused to the complainant's daughter. The court's decision is final.</p> <p>3) No person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in St Petersburg.</p>
<b>Kostroma Region</b>	7 requests lodged on 6/04/2015 for holding of public events (a pride, meetings and a picket) between 15/04/2015 and 19/04/2015.	7: the authorities did not agree the time and venue, as the aims of the events were incompatible with the propaganda prohibition law	0	<p>A complaint against all 7 refusals was lodged after the date of the planned events and dismissed by the Sverdlovsk District Court of Kostroma City on 21/04/2015. The Court found that the aims of the planned events did not comply with the propaganda prohibition law and that the applicants refused to rectify shortcomings (to change the time and venue of the events). On 15/07/2015, the Kostroma Regional Court referred to the Constitutional Court's judgment of 23/09/2014 and upheld the decision on appeal.</p> <p><u>Additional information:</u></p> <p>1) the Sverdlovsk District Court of Kostroma city examined two complaints which Alekseyev N.A. lodged on 3/11/2014 and 16/07/2015 asking a compensation for non-pecuniary damage caused by the authorities' refusal to agree the venue and time of the public events planned for 16, 17 and 18/06/2013:</p> <ul style="list-style-type: none"> <li>- on 3/12/2014, the court partly granted the first complaint and recognised the applicant's right to compensation (on 30/03/2015, the appellate court upheld this decision),</li> <li>- on 4/09/2015, the court left the second complaint without consideration due to the repeated failure of the applicant to appear in court. The applicant did not appeal against this decision;</li> </ul> <p>2) no person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in the Kostroma region.</p> <p><i>Update of the judicial proceedings regarding the events planned for 10/04/2014, 1/06/2014 and 2/06/2014:</i> The courts' decisions, which annulled the authorities' refusals to agree the time and venue for the gay prides on 1/06/2014 and 2/06/2014, as well as a picket on 10/04/2014 "For Ranevskaya!", were upheld by the Kostroma Regional Court on 8/09/2014. These courts found that the authorities failed to assess diligently the security risks and that the event's aim (which was to draw public's attention to the problems of the LGBT community) did not constitute propaganda. On an unspecified date, the Supreme Court upheld all these decisions and dismissed the appeal lodged by the Kostroma city administration. The Supreme Court confirmed that the mottos of the public events as proposed could not be interpreted as propaganda of non-traditional sexual relationship among minors.</p>
<b>Arkhangelsk Region</b>	23	23 requests were refused on account of incompatibility with the legal	0	23 complaints against the refusals, all of them were lodged after the date of planned events and dismissed by the District Court of Arkhangelsk City by decisions taken on

		requirements and the fact that the planned events may affect health and development of minors; the authorities proposed to change the time and venue of the events, however, the applicants did not take any further actions.		<p>9/04/2015, 30/04/2015 and 15/05/2015. The Court referred to the Federal Law on prohibition of propaganda of non-traditional sexual relations among minors and the Federal Law on protection of children from information harmful to their health and development. It held that there were no evidence proving the aim of the planned events (neutral dissemination of the scientific information about homosexual relationships, without attracting attention of minors and creating an attractive image of non-traditional sexual orientation) and pointed out that the applicants refused to change the time and venue, as proposed by the authorities. The Arkhangelsk Regional Court upheld all decisions on appeal by its rulings of 3/08/2015, 17/08/2015 and 3/09/2015.</p> <p><u>Additional information:</u> no person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in the Arkhangelsk region.</p>
<b>Murmansk Region</b>	0	0	0	<p>None (no complaints)</p> <p><u>Additional information:</u> no person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in the Murmansk region.</p>
<b>Tyumen Region</b>	4	4: the requests did not comply with the requirements of the Law on Assemblies; the authorities invited the applicants to rectify the shortcomings, however, the applicants did not do so.	0	<p>None (no complaints lodged against the refusals)</p> <p><u>Additional information:</u> no person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in the Tyumen region.</p>
<b>Moscow City</b>	6 (for one procession on 11/10/2014, one meeting and one procession on 21/02/2015, one procession and two meetings on 30/05/2015)	6: authorities did not agree with the time and venue of the planned events, on the basis of the laws of the Russian Federation, including the federal "anti-propaganda" law	0	<p>Complaints against 5 refusals were lodged with the Moscow courts; all these complaints were dismissed on the ground of children's interests:</p> <p>1) on 15/05/2015, the Tverskoi District Court of Moscow city found lawful 2 refusals regarding 2 events planned for 21/02/2015 (the complaint was lodged after the planned date of the requested events);</p> <p>2) on 29/05/2015, the Preobrazhenskiy District Court (which heard the case within the shortest possible time and before the date of the planned events) found the refusals regarding 3 events planned for 30/05/2015 lawful and reasonable, according to the Code of Administrative Offences. The court pointed out that the Moscow authorities did not refuse the applicants' requests but only warned them about impossibility to hold the planned events until their purpose complies with the law. Additionally, the planned procession route was not agreed with the Department of Transport of Moscow city due to intensive traffic. The courts' decisions were upheld on appeal.</p> <p><u>Update to the parallel proceedings:</u> 4 complaints were lodged with the Kostroma Regional Court against the Moscow city</p>

				<p>authorities' refusal to agree the time and venue of events planned for October 2014. These complaints were rejected because the organisers expressly intended to hold public events in the places crowded by minors; this demonstrated their intention of popularising or imposing information on non-traditional sexual relations on minors. On an unspecified date, the Supreme Court dismissed the appeals and upheld the previous decisions.</p> <p><u>Additional information:</u> no person was held administratively liable for propaganda of non-traditional sexual relationships during the reference period in Moscow.</p>
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