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Meeting: 1273 meeting (6-8 December) (DH)

Item reference: Updated action plan (24/10/2016)

Communication concerning the Alekseyev group of cases against the Russian Federation
(Application No. 4916/07)

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Réunion : 1273 réunion (6-8 décembre) (DH)

Référence du point : Plan d'action mis à jour (24/10/2016)

Communication concernant le groupe d'affaires Alekseyev contre la Fédération de Russie
(Requête N°4916/07) (**anglais uniquement**)

DGI

24 OCT. 2016

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Prepared for 1273rd meeting of CMCE (DH)

ACTION PLAN

On Enforcement by the authorities of the Russian Federation of the Judgment of the European Court of Human Rights in applications nos. 4916/07, 25924/08, 14599/09 *Alekseyev v. Russia* (judgment of 21 October 2010, final on 11 April 2011)

The violation

In the judgment in *Alekseyev v. Russia* case the European Court found the violation of Articles 14 and 13 in conjunction with Article 11 of the Convention on Human Rights and Fundamental Freedoms by the Government of the Russian Federation on account of prohibition by the Moscow authorities to A.N. Alekseyev to conduct a public event in defence of the rights of sexual minorities, and on account of absence of effective remedies with regard to the above violation.

Action plans and Reports on enforcement of the said judgment of the European Court were submitted by the authorities of the Russian Federation to CMCE on 11 October 2011 (DD(2011)842), 24 August 2012 (DD(2012)754), 25 January 2013 (DH-DD(2013)67), 10 January 2014 (DH-DD(2014)57), 15 July 2014 (DH-DD(2014)914), 8 April 2015 (DH-DD(2015)405) and 3 February 2016 (DH-DD(2016)159).

Hereby the authorities provide an additional plan prepared in view of the CMCE decision adopted at its 1250th meeting.

I. Information on measures for providing guarantees of exercising the right to the freedom of peaceful assemblies by persons of non-traditional sexual orientation

1. In view of the recommendations contained in the CMCE decision adopted at its 1250th meeting, the Russian authorities took a complex of additional measures to increase awareness of competent bodies and officials responsible for consideration of notifications on holding public events submitted by sexual minorities, as well as awareness of the Russian courts about legal positions of the Constitutional Court of the Russian Federation, including those stated in Decree of 23 September 2014 no. 24-P¹ and Ruling of 27 October 2015 no. 2534-O-R², the European Court and the CMCE recommendations in the relevant sphere.

2. The bodies responsible for consideration of notifications on holding public events submitted by sexual minorities have organised, on a regular basis, instruction trainings and seminars, at which the legal positions of the Constitutional Court, the European Court and the CMCE recommendations on the topic under consideration are examined.

Thus, the authorities of the city of Saint Petersburg have informed that the Committee on Lawfulness, Public Order and Safety of the Administration of Saint Petersburg had organised regular trainings for officials participating in the process of consideration of notifications on holding public events in defence of persons of non-traditional sexual orientation. At the trainings held, special attention was drawn to inadmissibility of any forms of discrimination, in particular discrimination on the grounds of sexual orientation.

The authorities of the city of Moscow, Arkhangelsk, Kostroma, Murmansk and Tyumen regions have informed of direct application of the legal positions of the Constitutional Court, the European Court and the CMCE in examination of every notification on holding public events in question.

According to the Moscow authorities, during consideration of notification on holding the respective public events special emphasis is put on the necessity of ensuring non-

¹ Decree of the Constitutional Court of the Russian Federation no. 24-P of 23 September 2014 On the Constitutionality of Article 6.21 Part 1 of the Code of Administrative Offences of the Russian Federation on Account of Complaints Filed by Citizens N.A. Alekseyev, Ya.N. Yevtushenko and D.A. Isakov

² Ruling of the Constitutional Court of the Russian Federation of 27 October 2015 no. 2534-O-R On Refusal to Accept for Examination the Motion of Citizen Nikolay Aleksandrovich Alekseyev on Explanation of Decree of the Constitutional Court of the Russian Federation of 23 September 2014 no. 24-P

interference with the sphere of individual autonomy, including a person's sexual identity as well as inadmissibility of restrictions on public discussion of the issues of sexual minorities' legal status and using by representatives of such minorities of all legal ways of expressing their position on these issues and protection of their rights and lawful interests including organisation and holding public events. According to information received, after delivering the judgment by the European Court the Moscow authorities have developed and implemented an additional advanced training programme for officials responsible for consideration of notifications for holding public events. This programme includes *inter alia* legal information on the ECHR's case-law in the examined sphere of relations as well as the established law enforcement practice in the Russian Federation.

3. In order to increase awareness of prosecutors as to the the legal positions of the Constitutional Court, the European Court and the CMCE, technical equipment has been provided for the prosecutors' offices in the constituent entities of the Russian Federation and an electronic database of legal information in the sphere of relations under consideration is maintained in controlled state; the officials of the prosecutors' offices are also informed on the adopted laws and regulations and amendments to the current laws as well as on their interpretation by the Russian higher courts and the ECHR.

4. The Supreme Court has implemented complex measures for the purposes of harmonisation of the judicial practice and increasing the Russian courts' awareness of the legal positions of the Constitutional Court, the European Court and the CMCE recommendations.

- Thus, the courts and court officials were informed of the decisions delivered by the Constitutional Court as well as by the European Court (both in respect of the Russian Federation and foreign states), of any other documents, translated in Russian, which have been adopted within the framework of international inter-government organisations and which relate to the issues of protection of the rights of persons of non-traditional sexual orientation.

- The information system "International Law" has been created within the framework of the Russian judicial system. This information system also includes acts adopted within the Council of Europe and the UN which contents could be used by the courts, including during examination of cases related to public events in question. In particular, this system comprises: CMCE recommendation of 31 March 2010 CM/Rec(2010)5 to the member States on measures for combating discrimination based on sexual orientation or gender identity; CMCE recommendation of 30 October 1997 no. R(97)20E to the member States on "hate speech" issues; the European Court's judgment of 21 October 2010 in the case of *Alekseyev v. Russia*; the report of the UN High Commissioner for Human Rights "Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity"; the report of the Office of the UN High Commissioner for Human Rights "Minority Rights: International Standards and Guidance for Implementation", etc.

- Judges and court officials undergo regular training within the framework of the advanced training faculty of the Russian State University of Justice. The issues relating to the main approaches to the problems of protection of the rights of persons of non-traditional sexual orientation, taken by the international law, have been included in the educational programmes.

The Supreme Court planned implementation of these complex measures on a continuous basis.

5. The courts of the cities of Moscow and Saint Petersburg, of the Arkhangelsk, Kostroma, Murmansk and Tyumen Regions have also informed about thorough examination and use in their practical activity of the legal positions of the Constitutional Court, the European Court and the CMCE in the sphere of relations under consideration. Moreover, the aforementioned courts took a number of additional measures for the purposes of harmonisation of judicial practice and increasing judges' awareness:

- After adoption of the CMCE decision, the courts of the mentioned regions conducted working meetings and seminars for judges at which the issues of inadmissibility of violation of persons' rights to the freedom of assembly, including assemblies for protection of sexual minorities' rights, were discussed.

- Practical trainings for district courts judges were conducted in the regional courts. The training schedules included examination of the approaches elaborated by the higher courts of the Russian Federation and by international courts for resolution of cases related to protection of the rights of persons of non-traditional sexual orientation.

- Information databases facilitating generalisation and examination of this category of cases have been provided for on the regional courts' websites.

- The Moscow City Court arranged for additional subscription to printed media dedicated to urgent international and domestic law issues, the European Court's case-law, human rights protection, including in the sphere in question.

The courts of the aforementioned regions are planning to continue the activities on a constant basis.

It appears that the adopted measures for increasing awareness of the authorities, including the judicial authorities, will contribute to uniformity and improvement of the law enforcement practice.

6. The authorities reiterate that the public has been duly informed on the equality of the rights of all citizens before the law and court, without any exceptions whatsoever. There are no laws in Russia aimed against representatives of the LGBT community, the latter are afforded the opportunity to fully exercise the rights guaranteed by the Constitution and the Convention, including by using mass events format.

Thus, from 19 to 29 November 2015 and from 21 to 24 April 2016 the annual international LGBT film festival "Side by Side" was held in Saint Petersburg and in Moscow respectively. During the festival the films aimed towards elimination of prejudices, hostility and violence towards persons with non-traditional sexual orientation were demonstrated.

Between 7 and 9 November 2015 the LGBT activists forum was held in the Moscow Region with more than 150 participants from 26 cities of Russia. The forum participants discussed the problems of protection of the rights of the LGBT community, exchanged experience and made new contacts.

It is also noteworthy that on 19 February 2016 a set of single LGBT pickets were held in Saint Petersburg, on 17 May 2016 a single picket was held in Murmansk and on 17 and 21 May 2016 Rainbow flashmobs were held in the cities of Arkhangelsk and Tyumen, respectively. The participants of the aforementioned events freely expressed their points of view and convictions as to inadmissibility of infringement of the rights of persons of non-traditional sexual orientation³.

Moreover, an LGBT Sports Federation⁴, with its branches located in more than 27 Russian cities, is active in Russia. This organisation holds regular sports events including sports and tourist rallies with a lot of participants. Members of the LGBT Sports Federation of Russia also take part in sports competitions abroad (e.g. the Euro Games 2016 in which more than 5,000 athletes from all countries of the world took part).

II. Information on consideration by state authorities of several regions of the Russian Federation of notices on conducting public events for protection of sexual minorities' rights

³For more detailed information about the aforementioned public events see Section II - "Information on consideration by state authorities of several regions of the Russian Federation of notices on conducting public events for protection of sexual minorities' rights";

⁴all-Russian non-commercial organisation created for uniting lesbians, gays, bisexuals, and transgender persons sharing the ideas of healthy lifestyle, physical culture and sports;

The decision adopted by the CMCE in March 2016 contained an invitation to the Russian authorities to provide additional information for the period from 1 October 2015 to 30 June 2016 related to organisation of public events for protection of sexual minorities' rights for the Arkhangelsk, Kostroma, Murmansk and Tyumen Regions, for the cities of Moscow and Saint Petersburg.

1. Information for the Tyumen Region

1.1. During the period from 1 October 2015 to 30 June 2016 the authorities of the Tyumen Region received 1 notification on holding a picket on 22 May 2016 dedicated to the international day against homophobia.

This notification fully complied with the Russian legislation and was agreed. During the picket its participants let go multicoloured balloons symbolising refusal from hate towards persons with non-traditional sexual orientation and tolerant attitude towards sexual minorities in the society. Police officers secured for safety of the public event participants.

1.2. During the period indicated by the CMCE no complaints against the actions (omission), decisions taken by the authorities related to agreeing public events for defence of sexual minorities were lodged with the courts in Tyumen Region.

1.3. No judgments on bringing persons to liability for propaganda of non-traditional sexual relations among minors were delivered in the Tyumen Region during the aforementioned period.

2. Information for the city of Saint Petersburg

2.1. Between 1 October 2015 and 30 June 2016 the authorities of the city of Saint Petersburg received 16 notifications on holding public events dedicated to protection of the rights of persons of non-traditional sexual orientation. N.A.Alekseyev was among the organisers of all the stated public events. Additionally, the city authorities received 3 informations on holding public events in question to be held in a specially designed place.

As a result of consideration of 3 notifications submitted on 10 March 2016 (as regards holding meetings on 22 March 2016 on the St. Isaac's Square, on 23 March 2016 – on the Palace Square and a march on 24 March 2016 along the Nevskiy Prospect), the organiser was informed on the impossibility to agree the time and venues of holding thereof, as the Law of Saint Petersburg⁵ prohibits holding public events in the aforementioned places (notwithstanding the topic of these events) for the purposes of providing for legitimacy, law and public order.

In addition, the city authorities received⁶ 2 notifications on holding meetings for protection of the rights of persons of non-traditional sexual orientation on 2 and 31 May 2016 in front of the Constitutional Court building. As a result of examination of the respective applications the organisers were informed that holding of public events in territories directly adjoining court buildings was prohibited by the Law on Assemblies⁷.

Based on the results of examination of additional 7 notifications on holding meetings on 28 and 29 March 2016 in the Pokrov garden square, on 28 April 2016 in the Birzhevoy garden square, on 30 April and 1 June 2016 in the Ovsyannikovskiy garden, on 31 May 2016 in the Olympia garden (submitted on 15 March, 18 April and 18 May 2016 respectively) the time and venues of holding the stated public events was not agreed. The reason for the authorities' refusals was on-going repair and construction works in the places chosen by the organisers, involving use of special equipment and mechanisms requiring special safety measures.

⁵ Law of Saint Petersburg of 21 June 2011 no. 390-70 *On Gatherings, Meetings, Demonstrations, Marches and Picketing in Saint Petersburg.*

⁶ the notifications were submitted on 18 April and 18 May 2016.

⁷ Article 8 of Federal Law of 19 June 2004 no. 54-FZ *On Gatherings, Meetings, Demonstrations, Marches and Picketing.*

1 notification on holding a meeting on 28 April 2016 in the Olympia garden, was submitted in violation of the statutory time periods, therefore agreeing the time and place of its holding was refused.

Based on the results of examination of 3 more notifications on holding marches on 27 March, 1 May and 1 June 2016 (submitted on 15 March, 18 April and 18 May 2016, respectively) the organisers were informed on impossibility of agreeing the time and routes of holding of the stated public events, as temporary fencing was placed along the pavement down the proposed routes of the marches, with simultaneous restriction on movement of vehicles and roadbed enclosure in connection to conducting lengthy road repair works. The organisers were informed about using special construction equipment and mechanisms requiring special safety measures in these places. Moreover, the route of the march planned for 27 March 2016 was in close vicinity to the railway bed, that also subjected to risk the participants of the stated public event and persons who would not participate in the march.

Along with that, in the period from 1 October 2015 to 30 June 2016 the authorities of Saint Petersburg received 3 informations on holding public events in question in a specially designed place in the Field of Mars. However the organisers were notified as to impossibility of holding the planned events (meetings on 21 and 28 May 2016) due to the fact that earlier the authorities had received information on holding other cultural mass-scale public events with large numbers of participants in the Field of Mars.

2.2. During the period under examination, the issue relating to compliance of the authorities of the city of Saint Petersburg with the current Russian legislation when considering notifications on holding public events in defence of persons of non-traditional sexual orientation was the object of the inspection conducted by the prosecutor's office. No violations contained in the actions and decisions of officials were found as a result of this inquiry.

2.3. The authorities' decisions on refusal to agree the time and venues of the public events in question were challenged in the courts of Saint Petersburg, and these courts found the said decisions lawful and justified and dismissed the organisers' complaints. The district courts' decisions were upheld by the court of appeal and became final⁸. They were not appealed against in cassation.

Thus, the courts of Saint Petersburg agreed with the applicants' arguments that the Russian Federation, being a Member State of the Council of Europe, was obliged to protect the rights guaranteed by the Convention, in particular sexual minorities' rights. They pointed out that the circumstances of the concrete cases under examination did not contain any grounds allowing to conclude that the organisers' rights to freedom of assembly were violated. It was pointed out that the city authorities took decisions to refuse to agree the time and place of the stated public events exactly in the context of the places proposed by the organisers (in view of conducting repair and landscaping works in the city streets and parks, as well as taking into consideration holding of other public events in the same place and at the same time). As noted by the courts, all the authorities' decisions had been delivered within their competence, in accordance with the established procedure of consideration of notifications and in compliance with the Russian law in force as of the moment.

The authorities emphasize that in cases where organisers of public events timely applied to courts, court decisions were delivered within the shortest periods and prior to the date of holding the relevant events.

2.4. It is also noted that three single pickets were held in Saint Petersburg on 19 February 2016. The participants of the pickets, in turn, replacing each other, were standing in the Nevskiy Prospect with the slogans "Being gay means being a valiant and confident person with a sense of self-dignity", "Gay people are equally full-fledged Russian citizens

⁸ The decisions of the Smolninskiy District Court of Saint Petersburg of 21 March 2016, of 20 May 2016, of 26 May 2016, of 10 June 2016, the decisions of the Sestroretskiy District Court of Saint Petersburg of 18 May 2016, upheld by the rulings of the Saint Petersburg City Court of 30 May 2016, 22 June 2016, 25 July 2016, 25 July 2016 and 1 August 2016, respectively.

enjoying equal rights"; the third slogan urged to respect LGBT citizens and refuse from aggression.

Moreover, within the period indicated by the CMCE the courts of Saint Petersburg did not bring any person to administrative liability for propaganda of non-traditional sexual relations among minors.

3. Information for the Kostroma Region

3.1. From 1 October 2015 to 30 June 2016 the authorities of the Kostroma Region received 6 notifications (all submitted on 20 April 2016) on holding public events on the topic under examination in the city of Kostroma (1 march and five meetings to be held within the period from 2 to 5 May 2016). Based on the results of examination of these notifications, the organisers, including N.A.Alekseyev, were informed of impossibility to agree the time and venues of the stated public events. As the reasons for their refusal the authorities indicated the non-compliance of the purposes stated by the organisers with the bans imposed by the federal law, including the provisions of the Code of Administrative Offences of the Russian Federation prohibiting propaganda of non-traditional sexual relations among minors.

3.2. On 21 April 2015 the refusals of the Kostroma city authorities were challenged in the Sverdlovsk District Court that dismissed the applicants' claims. The aforementioned court decision was upheld on appeal and became final⁹.

During examination of the aforementioned case the courts of the Kostroma Region have taken into account the provisions of the European Convention, of the Universal Declaration on Human Rights, of the International Covenant on Civil and Political Rights, the legal positions of the Constitutional Court and the European Court.

The courts concluded that in the circumstances of this concrete case the authority had sufficient reasons to believe that the purposes of the stated public events violated the requirements set forth by the Russian law, including those banning propaganda of non-traditional sexual relations among minors. In this context it is indicated that the authorities are entitled not to agree the time and place of the stated public events until elimination by the organisers of the found violations. At the same time, as noted by the courts, in these concrete case the organisers of the public events had no intention to bring their notification in compliance with the legislative provisions. In view of the aforementioned, the authorities' refusals to agree the time and venues of holding these public events were recognised lawful.

3.3. In the period indicated by the CMCE the Supreme Court recognised as lawful the decision of the Sverdlovsk district court of 14 May 2015 and the appellate ruling of the Kostroma Regional Court of 15 July 2015 rejecting the claims of N.Alekseyev to recognise as unlawful the refusal of the Kostroma authorities to agree the time and venues of holding the public events in defence of persons of non-traditional sexual orientation in the city of Kostroma in the period from 15 to 19 April 2015. The Supreme Court agreed with the lower courts' conclusions that the purposes of the planned public events, as stated by their organisers, violated the bans set forth in the Russian legislation, were aimed at propaganda of homosexuality among minors and infringed children's rights.

3.4. Within the period from 1 October 2015 to 30 June 2016 no persons were brought to administrative liability for propaganda of non-traditional sexual relations among minors in the Kostroma Region.

4. Information for the Arkhangelsk Region

4.1. During the period from 1 October 2015 to 30 June 2016 11 notifications of holding public events for the protection of people of non-traditional sexual orientation were submitted in the Arkhangelsk Region (all filled by N.A.Alekseyev together with other

⁹ The decision of the Sverdlovsk District Court of the city of Kostroma of 8 June 2016 was upheld by the appellate ruling delivered by the Kostroma City Court on 10 August 2016.

persons). Based on the results of examination of all the notifications, the Arkhangelsk city authorities refused to agree the time and venue of holding thereof.

Because the said public events were planned in the places attended by many minors, they were not agreed due to possible violation by the organisers of the legislative provisions banning propaganda of non-traditional sexual relations among minors in case of their holding.

At that, in all the cases the Arkhangelsk city authorities proposed the organisers to change the time and place of holding the respective events, however the applicants made no steps whatsoever in this direction.

4.2. All the decisions of the authorities taken within the indicated period were challenged by the organisers with the district court of the city of Arkhangelsk that found the decisions lawful and well-grounded¹⁰. The Arkhangelsk Regional court agreed with the district court's position and upheld the delivered decisions¹¹. Two appellate rulings of the Arkhangelsk Regional Court were challenged in cassation with the Supreme Court, that recognised them lawful and upheld them¹².

Substantiating its findings, the courts pointed on absence in the case files of any admissible evidence proving that the aim of the stated public events was exactly neutral dissemination of scientific facts on homosexual relations, without drawing attention, in particular, to homosexuality among minors, forming an attractive image of non-traditional sexual orientation. In this connection, the courts noted that the places of holding public events indicated by the applicants were not fit for the stated aims of holding thereof, including in view of the requirements of the Federal Law *On Protection of Children from Information Causing Damage to their Health and Development*. The court drew attention to the fact that it had been proposed to the organisers to change the time and venue for holding the respective public events; however the organisers had taken no measures to agree any other places acceptable for holding the stated public events.

4.2.1. Along with that, during the period under examination, the Oktyabrskiy District Court of the Arkhangelsk Region recognised as lawful the earlier decisions by the authorities to refuse to agree the time and place of holding two meetings and 1 march (scheduled for August 2015)¹³. The aforementioned court decision was upheld by the appeal and cassation courts and became final¹⁴.

The courts, referring to the provisions of the Convention, the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights, found that the administration of the city of Arkhangelsk had lawfully pointed to the fact that holding the stated events in the central part of the city, with intensive human traffic, including people with 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.

It is emphasised that in cases where organisers of public events timely applied to court, court decisions were delivered within the shortest periods and prior to the date of holding the relevant events.

4.3. Between 1 October 2015 and 30 June 2016 the Supreme Court examined 3 cassational appeals lodged by N.A.Alekseyev (jointly with other persons) against the earlier decisions delivered by the Arkhangelsk Region courts concerning holding of public events for protection of the rights of persons of non-traditional sexual orientation. The said complaints were dismissed by the Supreme Court, the challenged decisions were recognized lawful and

¹⁰ Decisions of 10 December 2015, of 25 January 2016, of 31 May 2016 of the Oktyabrskiy District Court of the Arkhangelsk Region

¹¹ Appellate rulings of 25 February 2016, of 11 April 2016, of 8 September 2016 of the Arkhangelsk Regional Court

¹² Cassational rulings of the Supreme Court of 30 May 2016 and of 24 August 2016.

¹³ Decision of the Oktyabrskiy District Court of the Arkhangelsk Region of 1 October 2015, appellate ruling of the Arkhangelsk Regional Court of 11 February 2016.

¹⁴ Cassational ruling of the Supreme Court <of the Russian Federation> of 23 May 2016.

well-grounded¹⁵. Based on the results of their examination, the Supreme Court agreed with the conclusions made by the lower courts that holding public events in the places and at the time proposed by the applicants could lead to violating the statutory bans, including bans on propaganda of non-traditional sexual relations among minors. In this connection, the Supreme Court concluded that there had been no significant violations of material and procedural law provisions by the lower courts that had influenced the outcome of the cases, and in view of the same it did not find any grounds for quashing the challenged judicial acts in cassation.

4.4. It is also noted that a Rainbow flashmob was held in the city of Arkhangelsk on 17 May, the International day against homophobia, biphobia and transphobia. LGBT activists holding dozens of multicoloured balloons walked along the city centre to the embankment, stating the need to refuse from hate of sexual minorities.

During the period indicated by the CMCE no person in the territory of the Arkhangelsk Region was brought to administrative liability for propaganda of non-traditional sexual relations among minors.

5. Information for the Murmansk Region

5.1. Between 1 October 2015 and 30 June 2016 the authorities of the Murmansk received 7 notifications on holding public events for the protection of the rights of sexual minorities.

Based on the results of examination of 2 notifications on holding pickets on 17 and 16 May 2016 (submitted on 6 and 11 May 2016, respectively) the organisers were informed on impossibility to hold the stated public events. In the first case the reason for refusal was another public event earlier agreed in this place and at that time. In the other case organisers were informed about conduction of mechanical works for redevelopment of the garden square chosen by organisers for the picketing.

In both cases it was proposed to the organisers to change the time and venue of holding the public events. At the same time the organisers did not take any further steps to agree the time and place for holding the picket, nor did they challenge the authorities' actions and decisions in any courts of the Murmansk Region.

Based on the results of examination of other 5 notifications (all of them submitted on 17 May 2016) on holding public events in defence of the rights of sexual minorities, the city authorities informed the organisers (in particular N.A.Alekseyev) on impossibility of approval of the time and venue of holding thereof due to mass gathering in the places chosen by the organisers would create serious obstacles for pedestrians and public transportation. In all the cases, it was proposed to the organisers to hold public events in the specially designed places in Murmansk.

In response to the authorities, proposals, the organisers informed of their intention to hold the public events on the topic in question in a specially designed place, however they chose a date that as already taken for holding another public events, and the authorities informed the organisers thereof in established order.

5.2. The issue relating to compliance of the authorities of the city of Murmansk with the current Russian legislation when considering notifications on holding public events in defence of persons of non-traditional sexual orientation was the object of the inspection conducted by the prosecutor's office. As a result no violations in the actions and decisions of officials were found.

5.3. The aforementioned decision by the Murmansk authorities was challenged in court. It was recognised lawful and well-grounded by the decision of the Oktyabrskiy District Court of Murmansk of 5 August 2016, upheld by the court of appeal. The decision became final.

¹⁵ Thus, there were upheld the decisions of the Oktyabrskiy District Court of 9 April 2015, 30 April 2016, 15 May 2015, as well as the appellate rulings of 3 August 2015, 17 August 2015 and 3 September 2015 delivered by the Arkhangelsk Regional Court by which the relevant decisions were upheld.

During examination of this case the Murmansk Region courts pointed out that the applicants had been provided with a list of specially designed places where holding of the stated public events was possible. The fact that these places had been already occupied for the dates and time chosen by the organisers did not deprive the applicants of the possibility to apply to an authority with an inquiry as to existence of free dates and time for possible amendment of their notifications. However, no further actions aimed at agreeing the time and venue for holding the public events under examination were taken. In view of all the circumstances of this case the courts concluded that the challenged decision of the authorities was lawful.

It is stressed out that the organisers applied to court after the planned date of holding the stated public events.

No other complaints against the actions (omission), decisions taken by the Murmansk Region authorities related to agreeing public events for defence of sexual minorities were received by the region's courts.

5.4. During the indicated period, there were no cases in Murmansk Region of bringing persons to liability for the propaganda of non-traditional sexual relations among minors. At that, a single picket dedicated to the International day of combating homophobia and transphobia was held in Murmansk on 17 May 2016. The Murmansk police provided for safe holding of the event.

6. Information for the city of Moscow

6.1. Between 1 October 2015 and 30 June 2016 the organisers of public events (including N.A. Alekseyev) submitted 7 notifications on holding public events for protection of the sexual minorities' rights to the authorities of the city of Moscow (on 5 December 2015 were submitted the notification on holding the march, on 6 December 2015 – meeting and on 27 May 2016 – 2 meetings, on 28 May 2016 – a march and meeting).

Based on examination of all the notifications the approval of the time and venue of their holding was refused because the texts of notifications gave grounds to suppose that the aims of the planned events violated the prohibitions envisaged by the Russian laws, including the provisions of the Code of Administrative Offences of the Russian Federation on prohibition of propaganda of non-traditional sexual relations among minors.

6.2. All the indicated decisions were challenged in the Moscow courts, which recognised those decisions lawful and justified and dismissed the organisers' complaints.

In particular, the Preobrazhenskiy District Court of Moscow by its decision of 19 February 2016 recognised lawful 2 decisions of the authorities to refuse to agree the time and venue of holding a march and meeting planned on 5 and 6 December 2015 respectively. This court decision was not appealed against by the applicants. By its decision of 26 May 2016, upheld by the court of appeal, the Preobrazhenskiy District Court of Moscow recognised lawful the refusal of the Moscow authorities to agree the time and venue of holding two marches and 3 meetings planned for 27 and 28 May 2016.

In justification of their conclusions the Moscow courts stressed that the right to the freedom of assembly and expression could be restricted by law including restriction in the interests of protection of the health and morals of the population. In the context of the concrete public events the courts deemed it proved that the planned public events were aimed on propaganda of non-traditional sexual relations among minors, prohibited by the Code of Administrative Offences of the Russian Federation; therefore the courts arrived at the conclusion that the restrictions imposed by the Moscow authorities were lawful and justified.

It is noted that the organisers of the public events in the first case lodged their complaints with the courts only after the planned dates of holding the said public events. In the second case, the trial court's decision was delivered within the shortest periods and prior to the planned date of the public event.

6.3. Along with that, during the period from 1 October 2015 to 30 June 2016 the Supreme Court examined 4 cassational appeals lodged by N.A.Alekseyev (together with other persons) against the earlier refusals to agree public events in question delivered by the Moscow courts. In particular, the decision of the Preobrazhenskiy District Court of 29 May 2015 and the decisions of the Tverskoy District Court of 8 September 2014, of 15 May 2015 were upheld, as well as the appellate rulings of the Moscow City Court of 22 July 2015, 16 September 2015, 30 October 2015, 20 October 2015, by which the decisions of the trial courts were upheld.

Based on the results of examination of the relevant cassational appeals the Supreme Court agreed with the conclusions made by the lower courts that holding public events in the places and at the time proposed by the applicants could lead to violating the statutory bans, including bans on propaganda of non-traditional sexual relations among minors. In this connection, the Supreme Court concluded that there had been no significant violations of material and procedural law provisions by the lower courts that had influenced the outcome of the cases, and in view of mentioned it did not find any grounds for quashing the challenged judicial acts in cassation.

6.4. During the indicated period, there were no cases in Moscow of bringing persons to responsibility for the propaganda of non-traditional sexual relations among minors.

The authorities believe that the taken individual and general measures that have been previously communicated and described in this Action plan will help to provide the balanced approach to consideration of requests on holding public events of the category under consideration, uniformity and improvement of law enforcement practice, including the judicial one, as well as create additional assurance of compliance with provisions of the Convention on Human Rights and Fundamental Freedoms.