



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 15 January 2016

THIRD SECTION

Application no. 31782/15
Nikolay Aleksandrovich ALEKSEYEV and Others
against Russia
lodged on 21 January 2015

STATEMENT OF FACTS

The applicants in this case are:

- (i) Mr Nikolay Alekseyev, who was born in 1977, and lives in Moscow;
- (ii) Mr Kirill Nepomnyashchiy, who was born in 1981, and lives in Shushenskoye, Krasnoyarsk Region;
- (iii) Ms Sofya Mikhaylova, who was born in 1986, and lives in Kemerovo;
- (iv) Mr Yaroslav Yevtushenko, who was born in 1994, and lives in Sonchino, Voronezh Region;
- (v) Ms Maria Rumyantseva, who was born in 1986, and lives in Kostroma;
- (vi) Ms Irina Alekseyeva, who was born in 1941, and lives in Moscow.

The facts of the case, as submitted by the applicants, may be summarised as follows.

In 2014-15 the applicants lodged notices of the public assemblies indicated in the Appendix. On all occasions the authorities refused to approve the dates and locations proposed by the applicants, and the domestic courts upheld these administrative decisions. The judicial decisions in every case were taken after the respective dates of the originally proposed assemblies. The grounds for the refusal related to the assemblies' purposes. The final domestic decisions are indicated in the Appendix.

COMPLAINTS

The applicants complain under Article 11 of the Convention of a violation of their right to peaceful assembly. They claim that the ban on holding LGBT public assemblies is not in accordance with the law, does not pursue any legitimate aim and is not necessary in a democratic society.

The applicants complain under Article 13 in conjunction with Article 11 of the Convention that they did not have an effective remedy against the alleged violations of their freedom of assembly. They allege that the time-limits for lodging a notice of the proposed events did not allow them to obtain a final judicial decision on the lawfulness of the ban before the assembly in question was due to take place.

Lastly, the applicants complain of the discriminatory manner in which the authorities treated their applications for holding LGBT public events, contrary to Article 14 in conjunction with Article 11 of the Convention.

QUESTIONS TO THE PARTIES

1. As regards each assembly listed in the Appendix, has there been an interference with the applicants' freedom of peaceful assembly, within the meaning of Article 11 § 1 of the Convention?
2. Assuming there was such an interference, did it comply in each case with the requirements set forth in Article 11 § 2 of the Convention?
3. Did the statutory periods for notification of the public event and those for the judicial review of the decisions banning the organisation of the event allow for a final judicial decision to be given before the intended date of the event? If not, has there been a violation of Article 13 in conjunction with Article 11 of the Convention in the present case?
4. Have the applicants suffered discrimination in the enjoyment of freedom of assembly contrary to Article 14 of the Convention read in conjunction with Article 11?

APPENDIX

No.	Applicants	Date of application form	Public Event		Final Domestic Decision	
			Proposed Theme	Date	Court	Date
1.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	21/01/2015	Rally to call for the exclusion of transgenderism from the list of mental illnesses.	15/11/2013	Moscow City Court	14/08/2014
2.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	22/01/2015	Rally to call for the acquittal of the gay activists Nikolay Alekseyev and Yaroslav Yevtushenko convicted by a court in the city of Arkhangelsk for propaganda of non-traditional sexual relations on the basis of the Russian federal law banning propaganda of gay lifestyle to minors.	18/12/2013	Moscow City Court	14/08/2014
3.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	26/01/2015	Rally to express the views of the LGBT (lesbian, gay, bisexual, transgender) community in support of the heart of the Russian TV channel Rossiya-1 journalist Dmitriy Kiselev and against the burning and burying of his heart in the soil.	30/11/2013	Moscow City Court	14/08/2014
4.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTVSHENKO	27/01/2015	Rally to express the position of gays and lesbians against global warming at the time of the Olympic Games in Sochi in February 2014.	16/12/2013	Moscow City Court	12/08/2014

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5.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	28/01/2015	Rally to express the position of gays and lesbians in support of the return of the annual change to daylight savings time in the Russian Federation.	15/12/2013	Moscow City Court	12/08/2014
6.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	29/01/2015	Rally to call for the criminal prosecution of the deputy head of the Department of Regional Security of the Moscow Government V.V. Oleynik as well as other officials of the Moscow Government on the basis of Article 149 of the Russian Criminal Code for the unlawful hindering of all attempts to organise public events to fight homophobia and in support of the rights of gays, lesbians, bisexuals and transgender individuals.	11/11/2013	Moscow City Court	14/08/2014
7.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	30/01/2015	Rally to call for the reform of the Russian language in order to exclude all the words which have the particle “gay” in them.	22/12/2013	Moscow City Court	12/08/2014
8.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	31/01/2015	Rally to express the support for the policy of the Russian Prime, Minister Dmitry, Medvedev towards “gay bears”.	24/11/2013	Moscow City Court	12/08/2014
9.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	02/02/2015	Rally to discuss the “gay gifts” which can be presented to the Geydar Aliyev Centre in Baku.	09/12/2013	Moscow City Court	12/08/2014

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10.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	07/02/2015	Rally to publicly celebrate the birthday of the founder of the Moscow Gay Pride movement and the Russian LGBT human rights project GayRussia, Nikolay Alekseyev.	23/12/2013	Moscow City Court	12/08/2014
11.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	21/02/2015	Rally to call for the strengthening of the fight against HIV/AIDS in the homosexual community on World AIDS Day.	01/12/2013	Moscow City Court	22/08/2014
12.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	21/02/2015	March to call for a collection to buy sports shoes for the former journalist of the Russian TV channel Contr-TV, Anton Krasovskiy, who was sacked for his sexual orientation.	02/12/2013	Moscow City Court	22/08/2014
13.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	25/02/2015	Rally of homosexual people against all bad things.	07/12/2013	Moscow City Court	26/08/2014
14.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	28/02/2015	Rally against the discrimination against the deputy of the St. Petersburg Legislative Assembly, Vitaliy Milonov, on the basis of his sexual orientation and gender identity.	21/11/2013	Moscow City Court	02/09/2014
15.	ALEKSEYEV, ALEKSEYEVA, MIKHAYLOVA	02/03/2015	Rally to call for the improvement of medical services for the LGBT (lesbian, gay, bisexual, transgender) community in state health institutions in Russia.	24/12/2013	Moscow City Court	04/09/2014

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16.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	03/03/2015	Rally to condemn the short-sighted policy of the Russian authorities which results in the forced migration abroad of capable and reproductively healthy homosexual individuals from Russia.	28/11/2013	Moscow City Court	04/09/2014
17.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAYLOVA	05/03/2015	Rally to focus the attention of society and of the authorities on the need to take measures to fight homophobia in the world of sports and to promote tolerance towards homosexual athletes.	06/11/2013	Moscow City Court	10/10/2014
18.	ALEKSEYEV, ALEKSEYEVA, MIKHAYLOVA	06/03/2015	Rally to call for the expulsion of Russia from the Council of Europe for its failure to comply with the verdict of the European Court of Human Rights in the case of <i>Alekseyev v. Russia</i> on the illegality of Moscow Gay Pride bans.	12/01/2014	Moscow City Court	24/10/2014
19.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	12/03/2015	Rally calling on gays, lesbians and heterosexuals to press for a total ban on flashing lights on officials' cars.	09/01/2014	Moscow City Court	24/10/2014
20.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAILOVA	13/03/2015	Rally to express gratitude to the first Russian President Boris Yeltsin for the decriminalisation of homosexual relations in Russia in 1993.	25/11/2013	Moscow City Court	14/11/2014

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21.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	14/03/2015	Rally of gays, lesbians and their heterosexual friends calling for friendship between nations.	05/01/2014	Moscow City Court	24/10/2014
22.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	16/03/2015	Rally to call for the universal decriminalisation of consensual homosexual relations in every country in the world.	25/12/2013	Moscow City Court	24/10/2014
23.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA	17/03/2015	Rally to express the support of the LGBT (lesbian, gay, bisexual, transgender) community for the raising of the retirement pensions of Russian citizens.	19/12/2013	Moscow City Court	14/11/2014
24.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	18/03/2015	Rally calling on gays, lesbians and heterosexuals to push for the shortening of New Year holidays in order to fight against alcoholism and as a consequence to increase the life expectancy of Russian citizens.	08/01/2014	Moscow City Court	24/10/2014
25.	ALEKSEYEV, NEPOMNYASHCHIY, MIKHAILOVA	25/03/2015	Rally to express condemnation of the possible state removal of children from the openly lesbian Masha Gessen.	29/11/2013	Moscow City Court	14/11/2014

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26.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	08/04/2015	Rally against the appointment of the homophobic journalist Dmitriy Kiselev as general director of the new state information agency Russia Today.	20/12/2013	Moscow City Court	24/10/2014
27.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA	30/04/2015	Rally to call for the creation of a political party of gays, lesbians, bisexuals, transgender people and their allies in Russia.	29/12/2013	Moscow City Court	10/12/2014
28.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	02/05/2015	Rally to start collecting signatures in support of conducting the public demonstrations at the ninth Moscow Gay Pride in May 2014.	14/01/2014	Moscow City Court	10/12/2014
29.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO, MIKHAILOVA	05/05/2015	1. Rally to express support for the opening of third gender restrooms in all state institutions and commercial companies; 2. Rally to call for the simplification of the procedure to change “gender” in identification documents of transgender individuals without the need for surgery; 3. Rally to congratulate Muscovites and the city’s guests for the New Year 2014 in the name of homosexual Father Frosts and transgender Snow Maidens; 4. Rally to condemn the passage of the tightening of the law regarding responsibility for homosexual relations in Uganda.	1. 26/12/2013 2. 27/12/2013 3. 31/12/2013 4. 15/01/2014	Moscow City Court	20/01/2015
30.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA	06/05/2015	Rally to call for the broadcasting of the American gay series "Queer As Folk" on Russian federal TV channels.	07/01/2014	Moscow City Court	10/12/2014

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31.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	07/05/2015	Rally of homosexual and heterosexual people calling for the reform of the Russian Postal Service in order for it to be more effective in its work.	10/01/2014	Moscow City Court	10/12/2014
32.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA	11/05/2015	Rally of lesbian, gay, bisexual and transgender community and its heterosexual friends calling for peace in the whole world.	16/01/2014	Moscow City Court	10/12/2014
33.	ALEKSEYEV	23/05/2015	1. Picket in Arkhangelsk to focus the attention of society and of the authorities on the need for the passage of a federal law banning discrimination on the basis of sexual orientation and gender identity in Russia; 2. Rally in Arkhangelsk to focus the attention of Russian society and of the authorities, as well as the international community, on the need for the repeal of laws criminalising consensual homosexual relations between adults around the world; 3. Arkhangelsk Gay Pride march to express support for the tolerant attitude and respect for the rights and freedoms of persons of homosexual orientation in Russia.	1. 03/05/2014 2. 11/05/2014 3. 12/05/2014	Moscow City Court	02/12/2014

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34.	ALEKSEYEV	27/05/2015	Rally in Kostroma to call for the criminal prosecution of the head of the Kostroma Administration, V.V. Emets, as well as other officials of the Kostroma Administration, on the basis of the Article 149 of the Russian Criminal Code for the systematic banning of public assemblies to fight homophobia and in support of the rights of gays, lesbians, bisexuals and transgender individuals.	18/04/2014	Moscow City Court	02/12/2014
35.	ALEKSEYEV, NEPOMNYASHCHIY, RUMYANTSEVA	19/06/2015	Rally to publicly disseminate the quote of the legendary Soviet actress Faina Ranevskaya "Homosexuality is not a perversion. Field hockey and ice ballet are!"	15/09/2014	Kostroma Regional Court	19/01/2015
36.	ALEKSEYEV, NEPOMNYASHCHIY, RUMYANTSEVA	18/07/2015	Moscow Gay Pride march to raise awareness of homophobia and to promote the rights of sexual minorities.	14/09/2014	Kostroma Regional Court	19/01/2015
37.	ALEKSEYEV, NEPOMNYASHCHIY, RUMYANTSEVA	18/07/2015	Rally in central Moscow against the "Law on the Propaganda of Non-Traditional Sexual Relations to Minors".	16/09/2014	Kostroma Regional Court	19/01/2015

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38.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA, NEPOMNYASHCHIY, YEVTUSHENKO	14/09/2015	Seven rallies in central Moscow: 1. to call on the US Congress to adopt anti-discrimination legislation; 2. against the “exploitation of homosexual reindeer by Santa in Western countries”; 3. in support of LGBT activists convicted of the administrative offence of "propaganda of non-traditional sexual relations to minors"; 4. “to play gay snowballs to warm up homeless people”; 5. “to express opinions about the incestuous relations between Santa and Snow Maiden”; 6. to call for the renaming one of Moscow streets after gay activist Harvey Milk; 7. to call for a referendum on gay marriage.	1. 19/11/2013 2. 30/12/2013 3. 01/01/2014 4. 03/01/2014 5. 04/01/2014 6. 06/01/2014 7. 11/01/2014	Moscow City Court	1. 26/03/2015 2-4. 20/03/201 5. 28/05/2015 6-7. 20/03/2015