

## SECRETARIAT GENERAL

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRETARIAT DU COMITE DES MINISTRES



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Meeting: 1331<sup>st</sup> meeting (December 2018) (DH)

Joint communication from NGOs (Project GayRussia.Ru and Moscow Pride) (09/11/2018) in the cases of ALEKSEYEV and Bayev and Others v. Russian Federation (Applications No. 4916/07, 67667/09).

Information made available under Rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1331<sup>e</sup> réunion (décembre 2018) (DH)

Communication jointe d'ONG (Project GayRussia.Ru and Moscow Pride) (09/11/2018) dans les affaires ALEKSEYEV et Bayev et autres c. Fédération de Russie (requêtes n° 4916/07, 67667/09).

Informations mises à disposition en vertu de la Règle 9.2 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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**Moscow, 9 November 2018**

**RE: Implementation of the European Court of Human Rights judgment in the case of Alekseyev v. Russia, nos. 4916/07, 25924/08 and 14599/09, judgment of 21/10/2010, final on 11/04/2011**

**ADDITIONAL SUBMISSION on the basis of the Decision of the Committee of Ministers of the Council of Europe delivered at the 1273<sup>rd</sup> meeting (6-8 December 2016) and the Action Plan of the Government of the Russian Federation of 22 October 2018**

**Forthcoming meeting: 1331<sup>st</sup> meeting (December 2018) (DH)**

At their 1273<sup>rd</sup> meeting in December 2016 the Committee of Ministers of the Council of Europe delivered the decision on the compliance of the Russian Federation with the judgment of the European Court of Human Rights in the case of Alekseyev v. Russia, expressing serious concern that the situation does not attest to any improvement, as the number of public events allowed continues to be very limited and that the courts regularly uphold the refusals of the local authorities to hold public assemblies of the LGBT community. The Committee of Ministers urged the authorities to adopt all further necessary measures to ensure that the practice of local authorities and the courts develops so as to ensure the respect of the rights to freedom of assembly and to be protected against discrimination, including by ensuring that the law on “propaganda of non-traditional sexual relations” among minors does not pose any undue obstacle to the effective exercise of these rights. The Committee of Ministers also invited the Russian authorities, in accordance with the existing practice, to continue providing statistical information on developments, this time for the period from 1 July 2016 to 31 March 2017.

In response to the Action Plan of the Government of the Russian Federation of 22 October 2018 on the execution of the judgments of the European Court of Human Rights in the cases of Alekseyev v. Russia and Bayev and Others v. Russia we would like to draw the attention of the Committee of Ministers to the following.

Since the last decision of the Committee of Ministers in the instant case the European Court of Human Rights delivered its judgment in the case of Bayev and Other v. Russia and came to the conclusion that the Russian regional and federal laws prohibiting so called propaganda of non-traditional sexual relations among minors are discriminatory and contradict with the European Convention (judgment of 20 June 2017, final on 13 November 2017).

We would like to remind the Committee of Ministers that the right to freedom of assembly for LGBT people in Russia does not exist anymore as all the notifications for hundreds of public

assemblies in support of the rights of sexual and gender minorities applied for during the last three years were rejected.

From February 2016 till November 2018 all public assemblies in the forms of Gay Parade Marches, various LGBT Rallies, Pickets and Gatherings were banned by the authorities in **311 cities located in 81 out of 85 constitutional regions** (Subjects of the Russian Federation), in absolute majority of cases on the basis of the Russian Federal law prohibiting so called propaganda of non-traditional sexual relations among minors. There were no applications for any LGBT public assemblies in the remaining four constitutional regions due to the particular hostile environment towards sexual and gender minorities in those regions.

The following list provides the Russian cities where the local authorities banned all public assemblies of the LGBT community in the past three years:

1. Moscow (Moscow);
2. St. Petersburg (St. Petersburg);
3. Murmansk (Murmanskaya Oblast);
4. Sevastopol (Sevastopol);
5. Simferopol (Republic of Crimea);
6. Yalta (Republic of Crimea);
7. Tyumen (Tyumenskaya Oblast);
8. Tula (Tulskaya Oblast);
9. Kaluga (Kaluzhskaya Oblast);
10. Tver (Tverskaya Oblast);
11. Ryazan (Ryazanskaya Oblast);
12. Arkhangelsk (Arkhangelskaya Oblast);
13. Kostroma (Kostromskaya Oblast);
14. Yaroslavl (Yaroslavskaya Oblast);
15. Ivanovo (Ivanovskaya Oblast);
16. Vladimir (Vladimirskaya Oblast);
17. Belgorod (Belgorodskaya Oblast);
18. Kursk (Kurskaya Oblast);
19. Oryol (Orlovskaya Oblast);
20. Voronezh (Voronezhskaya Oblast);
21. Lipetsk (Lipetskaya Oblast);
22. Tambov (Tambovskaya Oblast);
23. Nizhniy Novgorod (Nizhegorodskaya Oblast);
24. Saransk (Republic of Mordoviya);
25. Penza (Penzenskaya Oblast);
26. Saratov (Saratovskaya Oblast);
27. Samara (Samarskaya Oblast);
28. Ulyanovsk (Ulyanovskaya Oblast);
29. Kazan (Republic of Tatarstan);
30. Cheboksary (Republic of Chuvashiya);
31. Yoshkar-Ola (Republic of Mariy-El);
32. Vyborg (Leningradskaya Oblast);
33. Irkutsk (Irkutskaya Oblast);
34. Chita (Zabaykalskiy Krai);
35. Ulad-Ude (Republic of Buryatiya);
36. Bryansk (Bryanskaya Oblast);
37. Smolensk (Smolenskaya Oblast);

38. Pskov (Pskovskaya Oblast);
39. Velikiy Novgorod (Novgorodskaya Oblast);
40. Khimki (Moskovskaya Oblast);
41. Kaliningrad (Kaliningradskaya Oblast);
42. Kirov (Kirovskaya Oblast);
43. Izhevsk (Republic of Udmurtiya);
44. Perm (Permskiy Krai);
45. Yekaterinburg (Sverdlovskaya Oblast);
46. Kurgan (Kurganskaya Oblast);
47. Chelyabinsk (Chelyabinskaya Oblast);
48. Ufa (Republic of Bashkortostan);
49. Rostov-na-Donu (Rostovskaya Oblast);
50. Krasnodar (Krasnodarskiy Krai);
51. Elista (Republic of Kalmykiya);
52. Astrakhan (Astrakhanskaya Oblast);
53. Volgograd (Volgogradskaya Oblast);
54. Vologda (Vologodskaya Oblast);
55. Petrozavodsk (Republic of Kareliya);
56. Syktyvkar (Republic of Komi);
57. Abakan (Republic of Khakasiya);
58. Krasnoyarsk (Krasnoyarskiy Krai);
59. Kemerovo (Kemerovskaya Oblast);
60. Tomsk (Tomskaya Oblast);
61. Novosibirsk (Novosibirskaya Oblast);
62. Barnaul (Altayskiy Krai);
63. Gorno-Altaysk (Altai Republic);
64. Omsk (Omskaya Oblast);
65. Orenburg (Orenburgskaya Oblast);
66. Salekhard (Yamalo-Nenets Autonomous Okrug);
67. Blagoveshchesk (Amurskaya Oblast);
68. Birobidzhan (Jewish Autonomous Oblast);
69. Khabarovsk (Khabarovskiy Krai);
70. Vladivostok (Primorskiy Krai);
71. Yuzhno-Sakhalinsk (Sakhalinskaya Oblast);
72. Petropavlovsk-Kamchatskiy (Kamchatskiy Krai);
73. Yakutsk (Yakutiya Republic);
74. Naryan-Mar (Nenets Autonomous Okrug);
75. Khanty-Mansiysk (Khanty-Mansi Autonomous Okrug);
76. Nalchik (Kabardino-Balkar Republic);
77. Cherkessk (Karachay-Cherkess Republic);
78. Stavropol (Stavropolskiy Krai);
79. Maykop (Republic of Adygea);
80. Svetogorsk (Leningradskaya Oblast);
81. Nizhniy Tagil (Sverdlovskaya Oblast);
82. Magadan (Magadanskaya Oblast);
83. Kyzyl (Tuva Republic);
84. Achinsk (Krasnoyarskiy Krai);
85. Kamensk-Uralskiy (Sverdlovskaya Oblast);
86. Cherepovets (Vologodskaya Oblast);
87. Rybinsk (Yaroslavskaya Oblast);
88. Uglich (Yaroslavskaya Oblast);

89. Kalyazin (Tverskaya Oblast);
90. Kimry (Tverskaya Oblast);
91. Dubna (Moskovskaya Oblast);
92. Severodvinsk (Arkhangelskaya Oblast);
93. Novodvinsk (Arkhangelskaya Oblast);
94. Nerekhta (Kostromskaya Oblast);
95. Volgorechensk (Kostromskaya Oblast);
96. Privolzhsk (Ivanovskaya Oblast);
97. Vichuga (Ivanovskaya Oblast);
98. Kineshma (Ivanovskaya Oblast);
99. Shuya (Ivanovskaya Oblast);
100. Kovrov (Vladimirskaya Oblast);
101. Dzerzhinsk (Nizhegorodskaya Oblast);
102. Arzamas (Nizhegorodskaya Oblast);
103. Murom (Vladimirskaya Oblast);
104. Sergiev Posad (Moskovskaya Oblast);
105. Vsevolozhsk (Leningradskaya Oblast);
106. Kingisepp (Leningradskaya Oblast);
107. Anapa (Krasnodarskiy Krai);
108. Novorossiysk (Krasnodarskiy Krai);
109. Gelendzhik (Krasnodarskiy Krai);
110. Tuapse (Krasnodarskiy Krai);
111. Sochi (Krasnodarskiy Krai);
112. Naberezhnye Chelny (Republic of Tatarstan);
113. Nizhnekamsk (Republic of Tatarstan);
114. Chistopol (Republic of Tatarstan);
115. Amursk (Khabarovskiy Krai);
116. Komsomolsk-na-Amure (Khabarovskiy Krai);
117. Ussuriysk (Primorskiy Krai);
118. Artyom (Primorskiy Krai);
119. Nakhodka (Primorskiy Krai);
120. Kholmsk (Sakhalinskaya Oblast);
121. Korsakov (Sakhalinskaya Oblast);
122. Ola (Magadanskaya Oblast);
123. Volgodonsk (Rostovskaya Oblast);
124. Shakhty (Rostovskaya Oblast);
125. Novocherkassk (Rostovskaya Oblast);
126. Bataysk (Rostovskaya Oblast);
127. Azov (Rostovskaya Oblast);
128. Taganrog (Rostovskaya Oblast);
129. Kerch (Republic of Crimea);
130. Feodosiya (Republic of Crimea);
131. Dzhankoy (Republic of Crimea);
132. Krasnoperekopsk (Republic of Crimea);
133. Armyansk (Republic of Crimea);
134. Evpatoriya (Republic of Crimea);
135. Saki (Republic of Crimea);
136. Bakhchisaray (Republic of Crimea);
137. Alushta (Republic of Crimea);
138. Sudak (Republic of Crimea);
139. Gatchina (Leningradskaya Oblast);

140. Kirovsk (Leningradskaya Oblast);
141. Shlisselburg (Leningradskaya Oblast);
142. Tosno (Leningradskaya Oblast);
143. Chudovo (Novgorodskaya Oblast);
144. Kirishi (Leningradskaya Oblast);
145. Volkhov (Leningradskaya Oblast);
146. Tikhvin (Leningradskaya Oblast);
147. Boksitogorsk (Leningradskaya Oblast);
148. Michurinsk (Tambovskaya Oblast);
149. Gryazi (Lipetskaya Oblast);
150. Uryupinsk (Volgogradskaya Oblast);
151. Borisoglebsk (Voronezhskaya Oblast);
152. Balashov (Saratovskaya Oblast);
153. Liski (Voronezhskaya Oblast);
154. Staryi Oskol (Belgorodskaya Oblast);
155. Kurcharov (Kurskaya Oblast)
156. Zheleznogorsk (Kurskaya Oblast);
157. Livny (Orlovskaya Oblast);
158. Yelets (Lipetskaya Oblast);
159. Yefremov (Tulskaya Oblast);
160. Ryazhsk (Ryazanskaya Oblast);
161. Novomoskovsk (Ryazanskaya Oblast);
162. Velikiy Ustyug (Vologodskaya Oblast);
163. Kotlas (Arkhangelskaya Oblast);
164. Koryazhma (Arkhangelskaya Oblast);
165. Sharya (Kostromskaya Oblast);
166. Galich (Kostromskaya Oblast);
167. Buy (Kostromskaya Oblast);
168. Furmanov (Ivanovskaya Oblast);
169. Rostov (Yaroslavskaya Oblast);
170. Pereslavl-Zalesskiy (Yaroslavskaya Oblast);
171. Dudinka (Krasnoyarskiy Krai);
172. Norilsk (Krasnoyarskiy Krai);
173. Kola (Murmanskaya Oblast);
174. Teriberka (Murmanskaya Oblast);
175. Olenegorsk (Murmanskaya Oblast);
176. Monchegorsk (Murmanskaya Oblast);
177. Apatity (Murmanskaya Oblast);
178. Kirovsk (Murmanskaya Oblast);
179. Polyarnye Zori (Murmanskaya Oblast);
180. Kandalaksha (Murmanskaya Oblast);
181. Medvezhyegorsk (Republic of Karelia);
182. Kondopoga (Republic of Karelia);
183. Lodeynoye Pole (Leningradskaya Oblast);
184. Podporozhye (Leningradskaya Oblast);
185. Syasstroy (Leningradskaya Oblast);
186. Kozmodemyansk (Republic of Mariy-El);
187. Novocheboksarsk (Republic of Chuvashiya);
188. Volzhsk (Republic of Mariy-El);
189. Zelenodolsk (Republic of Tatarstan);
190. Tsyvilsk (Republic of Chuvashiya);

191. Kanash (Republic of Chuvashiya);
192. Shumerlya (Republic of Chuvashiya);
193. Sergach (Nizhegorodskaya Oblast);
194. Okulovka (Novgorodskaya Oblast);
195. Borovichi (Novgorodskaya Oblast);
196. Valdai (Novgorodskaya Oblast);
197. Bologoye (Tverskaya Oblast);
198. Vyshniy Volochyok (Tverskaya Oblast);
199. Torzhok (Tverskaya Oblast);
200. Rzhev (Tverskaya Oblast);
201. Novozybkov (Bryanskaya Oblast);
202. Klinty (Bryanskaya Oblast);
203. Starodub (Bryanskaya Oblast);
204. Unecha (Bryanskaya Oblast);
205. Pochep (Bryanskaya Oblast);
206. Zhukovka (Bryanskaya Oblast);
207. Roslavl (Smolenskaya Oblast);
208. Desnogorsk (Smolenskaya Oblast);
209. Nelidovo (Tverskaya Oblast);
210. Toropets (Tverskaya Oblast);
211. Velikiye Luki (Pskovskaya Oblast);
212. Nevel (Pskovskaya Oblast);
213. Sebezh (Pskovskaya Oblast);
214. Opochka (Pskovskaya Oblast);
215. Ostrov (Pskovskaya Oblast);
216. Pechyory (Pskovskaya Oblast);
217. Neman (Kaliningradskaya Oblast);
218. Sovetsk (Kaliningradskaya Oblast);
219. Guvev (Kaliningradskaya Oblast);
220. Chernyakhovsk (Kaliningradskaya Oblast);
221. Gvardeysk (Kaliningradskaya Oblast);
222. Guryevsk (Kaliningradskaya Oblast);
223. Zelenogradsk (Kaliningradskaya Oblast);
224. Pionerskiy (Kaliningradskaya Oblast);
225. Svetlogorsk (Kaliningradskaya Oblast);
226. Baltiysk (Kaliningradskaya Oblast);
227. Svetlyy (Kaliningradskaya Oblast);
228. Vyazma (Smolenskaya Oblast);
229. Gagarin (Smolenskaya Oblast);
230. Maloyaroslavets (Kaluzhskaya Oblast);
231. Naro-Fominsk (Moskovskaya Oblast);
232. Gorodets (Nizhegorodskaya Oblast);
233. Zavolzhye (Nizhegorodskaya Oblast);
234. Chkalovsk (Nizhegorodskaya Oblast);
235. Balakhna (Nizhegorodskaya Oblast);
236. Bor (Nizhegorodskaya Oblast);
237. Lyskovo (Nizhegorodskaya Oblast);
238. Kstovo (Nizhegorodskaya Oblast);
239. Bogorodsk (Nizhegorodskaya Oblast);
240. Pavlovo (Nizhegorodskaya Oblast);
241. Vyazniki (Vladimirskaya Oblast);

- 242. Gorokhovets (Vladimirskaya Oblast);
- 243. Navashino (Nizhegorodskaya Oblast);
- 244. Kulebaki (Nizhegorodskaya Oblast);
- 245. Vyksa (Nizhegorodskaya Oblast);
- 246. Volosovo (Leningradskaya Oblast);
- 247. Sosnovyy Bor (Leningradskaya Oblast);
- 248. Slantsy (Leningradskaya Oblast);
- 249. Luga (Leningradskaya Oblast);
- 250. Staraya Russa (Novgorodskaya Oblast);
- 251. Dimitrovgrad (Ulyanovskaya Oblast);
- 252. Novoulyanovsk (Ulyanovskaya Oblast);
- 253. Syzran (Samarskaya Oblast);
- 254. Oktyabrsk (Samarskaya Oblast);
- 255. Zhigulyovsk (Samarskaya Oblast);
- 256. Tolyatti (Samarskaya Oblast);
- 257. Otradnyy (Samarskaya Oblast);
- 258. Kinel (Samarskaya Oblast);
- 259. Novokuybyshevsk (Samarskaya Oblast);
- 260. Chapayevsk (Samarskaya Oblast);
- 261. Pugachyov (Saratovskaya Oblast);
- 262. Balakovo (Saratovskaya Oblast);
- 263. Volsk (Saratovskaya Oblast);
- 264. Marks (Saratovskaya Oblast);
- 265. Engels (Saratovskaya Oblast);
- 266. Volzhskiy (Volgogradskaya Oblast);
- 267. Kamyshin (Volgogradskaya Oblast);
- 268. Frolovo (Volgogradskaya Oblast);
- 269. Mikhaylovka (Volgogradskaya Oblast);
- 270. Novokhop'yorsk (Voronezhskaya Oblast);
- 271. Guy (Orenburgskaya Oblast);
- 272. Orsk (Orenburgskaya Oblast);
- 273. Novotroitsk (Orenburgskaya Oblast);
- 274. Mednogorsk (Orenburgskaya Oblast);
- 275. Kuvandyk (Orenburgskaya Oblast);
- 276. Novosergiyevka (Orenburgskaya Oblast);
- 277. Sorochinsk (Orenburgskaya Oblast);
- 278. Buzuluk (Orenburgskaya Oblast);
- 279. Neftegorsk (Samarskaya Oblast);
- 280. Priozersk (Leningradskaya Oblast);
- 281. Lakhdenpohja (Republic of Karelia);
- 282. Sortavala (Republic of Karelia);
- 283. Strunino (Vladimirskaya Oblast);
- 284. Aleksandrov (Vladimirskaya Oblast);
- 285. Karabanovo (Vladimirskaya Oblast);
- 286. Kirzhach (Vladimirskaya Oblast);
- 287. Kolchugino (Vladimirskaya Oblast);
- 288. Yuryev-Polskiy (Vladimirskaya Oblast);
- 289. Suzdal (Vladimirskaya Oblast);
- 290. Sobinka (Vladimirskaya Oblast);
- 291. Lakinsk (Vladimirskaya Oblast);
- 292. Petushki (Vladimirskaya Oblast);

293. Pokrov (Vladimirskaya Oblast);
294. Orekhovo-Zuyevo (Moskovskaya Oblast);
295. Noginsk (Moskovskaya Oblast);
296. Borovsk (Kaluzhskaya Oblast);
297. Balabanovo (Kaluzhskaya Oblast);
298. Obninsk (Kaluzhskaya Oblast);
299. Kondrovo (Kaluzhskaya Oblast);
300. Sukhinichi (Kaluzhskaya Oblast);
301. Kozelsk (Kaluzhskaya Oblast);
302. Suvorov (Tulskaya Oblast);
303. Shchyokino (Tulskaya Oblast);
304. Kireyevsk (Tulskaya Oblast);
305. Bogoroditsk (Tulskaya Oblast);
306. Donskoy (Tulskaya Oblast);
307. Venyov (Tulskaya Oblast);
308. Yasnogorsk (Tulskaya Oblast);
309. Andyr (Chukotka Autonomous Okrug);
310. Ugolnye Kopi (Chukotka Autonomous Okrug);
311. Novyy Urengoy (Yamalo-Nenets Autonomous Okrug).

The activists of Moscow Pride and Russian LGBT Human Rights Project GayRussia.Ru, including the applicant in the instant case, appealed against all the bans of public assemblies in 311 cities in Russian courts, up to the Supreme Court of the Russian Federation, but all their complaints were rejected, mostly with the references to the Russian Federal law prohibiting so called propaganda of non-traditional sexual relations among minors. All the references of the applicants to the judgments of the European Court in the cases of “Alekseyev v. Russia” and “Bayev and Others v. Russia” are being routinely rejected by the Russian courts.

On 7 September 2018 the Zhigulyovsk City Court of Samara Oblast ruled that the denial of permit for the Gay Parade march in the city of Zhigulyovsk was unlawful. Nevertheless, on 23 October 2018 the Samara Oblast Court overturned the judgment and ruled that the denial of permit was lawful.

As of today, the cases concerning the bans of LGBT public assemblies in 163 out of 311 Russian cities located in 81 out of 85 Russian constitutional regions have been sent to the European Court of Human Rights. Dozens of those cases are already communicated to the Government of the Russian Federation.

We are ready to provide further detailed information on all the bans of LGBT public assemblies in each of the 311 cities at the request of the Committee of Ministers. The Government of the Russian Federation fully avoided mentioning all of those cases in their Action Plan.

All the references of the Government in their Action Plan to the cultural and sports LGBT events that took place behind the closed doors have no relevance to the present case as those assemblies were private, did not need any prior authorization or notification of the authorities and did not fall under the Russian Federal Law on assemblies. Moreover, even those assemblies are routinely attacked in Russia. On 24 October 2018 the Russian State Duma deputy Mr. Vitaliy Milonov blocked the opening of the “Side by Side” LGBT film festival in St. Petersburg publicly insulting the participants calling them “perverts”.

We would also like to stress that the applicant in the instant case continues to receive death threats via telephone, sms, various messengers and social networks as well as at Internet forums as he continues his attempts to get permits for the organization of LGBT public assemblies around the country.

The representatives of the Russian local authorities continue to use homophobic and insulting language while commenting on the new bans of LGBT public assemblies. Counter demonstrations against the LGBT community are not being prevented by the authorities, even when they are being held without prior notification.

In several Russian cities, including Moscow, the applicant in the present case was denied permits even for the rallies and pickets in support of the judgments of the European Court of Human Rights in the cases of “Alekseyev v. Russia” and “Bayev and Others v. Russia” with the references to the Russian law on gay propaganda.

Since the right to freedom of assembly of LGBT people in Russia is brutally suppressed by the authorities with total disrespect to the judgment in the case of “Alekseyev v. Russia” for many years, **we are once again asking the Committee of Ministers to refer the question on whether the Russian Federation has refused to abide by the final judgment in “Alekseyev v. Russia” to the European Court of Human Rights in accordance with paragraph 4 of Article 46 (binding force and enforcement of judgments) of the Convention.**

Yours faithfully,



on behalf of the Russian  
LGBT Human Rights Project GayRussia.Ru &  
Moscow Pride Organizing Committee  
Nikolay Alekseyev, President