



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

## THIRD SECTION

### DECISION

Application no. 31782/15  
Nikolay Aleksandrovich ALEKSEYEV and Others  
against Russia

The European Court of Human Rights (Third Section), sitting on 30 June 2020 as a Committee composed of:

Alena Poláčková, *President*,

Dmitry Dedov,

Gilberto Felici, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to the above application lodged on 21 January 2015,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having deliberated, decides as follows:

### THE FACTS

A list of the applicants is set out in the Appendix I.

The applicants were represented by Mr Daci and Mr Cron, lawyers practicing in Geneva. The Russian Government (“the Government”) were represented initially by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

In 2013-14 the applicants lodged notices of forty-nine LGBT public assemblies indicated in the Appendix. In each instance the local authorities refused to approve the dates and locations proposed by the applicants, who challenged these decisions in the domestic courts under Chapter 25 of the Code of Civil Procedure. The domestic courts upheld the decisions of the local authorities. The judicial decisions in every case were taken after the respective dates of the originally proposed assemblies. The dates of the authorities’ refusals and the final domestic decisions are indicated in the Appendix II.

By letter dated 14 March 2020 the first applicant informed the Registry that he wanted to withdraw his application as he was no longer interested in pursuing any of his cases pending before the Court.

## COMPLAINTS

The applicants complained of the ban on holding LGBT assemblies and of the discriminatory manner in which the national authorities treated their applications to hold these events. They also complained of the absence of effective domestic remedies in respect of the alleged violations of their right to freedom of assembly. They relied, expressly or in substance, on Articles 11, 13 and 14 of the Convention.

## THE LAW

The Court takes note of the first applicant's request to withdraw his application. In the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of his application.

In view of the above, it is appropriate to strike the case out of the list the part of the application relating to the first applicant.

As regards the remainder of the application, the Court refers to its finding in *Alekseyev and Others v. Russia* (nos. 14988/09 and 50 others, §§ 14-16, 27 November 2018). It found that in relation to the complaints identical to those lodged in the present case about the discriminatory ban on holding LGBT public events that the applicants should have introduced them to the Court within six months, calculated from the date of the administrative decision not to approve each respective event, or the date of its receipt.

In the present cases, the Court observes that the applicants complain about the decisions of local authorities to refuse to approve the dates and the venues of various LGBT public events in 2013-14. It furthermore notes that in all cases the applicants challenged these decisions in the domestic courts after the dates of the planned events, as indicated in the Appendix II. Their applications were lodged in 2015 each time more than six months from the date of the administrative decision not to approve each respective event.

It follows that their complaints are lodged out of time and must be rejected, in accordance with Article 35 §§ 1 and 4 of the Convention.

For these reasons, the Court, unanimously,

*Decides* to strike the application out of its list of cases in so far as the first applicant is concerned;

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*Declares* the remainder of the application inadmissible in accordance with Article 35 §§ 1 and 4 of the Convention.

Done in English and notified in writing on 3 September 2020.

Olga Chernishova  
Deputy Registrar

Alena Poláčková  
President

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Appendix I

No.	Applicant's Name	Birth date	Nationality	Place of residence
1	Nikolay Aleksandrovich ALEKSEYEV	1977	Russian, Swiss	Moscow
2	Irina Nikolayevna ALEKSEYEVA	1941	Russian	Moscow
3	Sofya Andreyevna MIKHAYLOVA	1986	Russian	Kemerovo
4	Kirill Sergeyeovich NEPOMNYASHCHIY	1981	Russian	Moscow
5	Maria RUMYANTSEVA	1986	Russian	Kostroma
6	Yaroslav Nikolayevich YEVTUSHENKO	1994	Russian	Moscow

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## Appendix II

No.	Applicants	Date of local authorities' decision / date of complaint to the Court	Public Event		Final Domestic Decision	
			Proposed Theme	Date	Court	Date
1.	ALEKSEYEV, NEPOMNYASHCHY, MIKHAYLOVA	08/11/2013 – 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, NEPOMNYASHCHY, MIKHAYLOVA	10/12/2013 – 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, NEPOMNYASHCHY, MIKHAYLOVA	21/11/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	10/12/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	10/12/2013 – 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, NEPOMNYASHCHY, MIKHAYLOVA	06/11/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	12/12/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	13/11/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	28/11/2013 – 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
10.	ALEKSEYEV, NEPOMNYASHCHY, MIKHAYLOVA	12/12/2013 – 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

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11.	ALEKSEYEV, NEPOMNYASHCHY, MIKHAYLOVA	21/11/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	21/11/2013 – 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, NEPOMNYASHCHY, YEVTUSHENKO	28/11/2013 – 25/02/2015	Rally of homosexual people against all bad things.	07/12/2013	Moscow City Court	26/08/2014
14.	ALEKSEYEV, NEPOMNYASHCHY, MIKHAYLOVA	13/11/2013 – 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	12/12/2013 – 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
16.	ALEKSEYEV, NEPOMNYASHCHY, MIKHAYLOVA	19/12/2013 – 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, NEPOMNYASHCHY, MIKHAYLOVA	31/10/2013 – 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

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18.	ALEKSEYEV, ALEKSEYEVA, MIKHAYLOVA	09/01/2014 – 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	27/12/2013 – 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	19/11/2013 – 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
21.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	30/12/2013 – 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	18/12/2013 – 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	10/12/2013 – 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



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24.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	27/12/2013 – 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	21/11/2013 – 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
26.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	12/12/2013 – 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	18/12/2013 – 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	09/01/2014 – 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

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29.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO, MIKHAILOVA	1-3. 18/12/2013 4. 09/01/2014 – 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	27/12/2013 – 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
31.	ALEKSEYEV, NEPOMNYASHCHIY, YEVTUSHENKO	09/01/2014 – 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	09/01/2014 – 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

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33.	ALEKSEYEV	1-3. 29/04/2014 – 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
34.	ALEKSEYEV	17/04/2014 – 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	08/09/2014 – 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	08/09/2014 – 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

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37.	ALEKSEYEV, NEPOMNYASHCHIY, RUMYANTSEVA	04/09/2014 – 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
38.	ALEKSEYEV, ALEKSEYEVA, MIKHAILOVA, NEPOMNYASHCHIY, YEVTUSHENKO	1. 13/11/2013 2. 18/12/2013 3. 25/12/2013 4. 25/12/2013 5. 25/12/2013 6. 27/12/2013 7. 09/01/2014  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 and 6-7. 20/03/2015 5. 28/05/2015