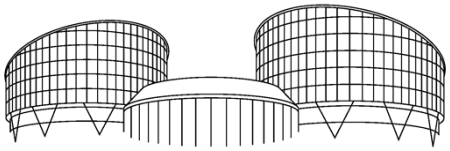

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

CASE OF SELISHCHEVA AND OTHERS v. RUSSIA

(Applications nos. 39056/22 and 9 others –
see appended list)

JUDGMENT

Art 8 • Private life • Collection and storage of applicants' political data shared with electoral authorities • No clear legal framework governing collection and use • No means for applicants to access or challenge data • Sensitive political data requiring heightened protection • Gathered *ad hoc* with little transparency • No retention periods or deletion rules • No independent review mechanism • No violent conduct justifying surveillance • Open-ended collection creating "chilling effect" • Data collected when organisations operated legally • Interference not "in accordance with law" or "necessary in democratic society"
Art 10 and Art 11 • Freedom of expression • Freedom of assembly • Electoral candidacy denied based on alleged "extremist" involvement • Retroactive penalisation for lawful activities • Measures not foreseeable • Impossible burden to anticipate future restrictions • Vague "involvement" concept allowing broad disqualifications • No meaningful judicial interpretation limiting scope • Lawful activities deemed "involvement" without proof of extremism • No proportionality assessment or genuine extremist links established • Legal uncertainty from vague provisions • "Chilling effect" on political participation • Interference not "prescribed by law" or "necessary in democratic society"

Prepared by the Registry. Does not bind the Court.

STRASBOURG

27 May 2025

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Selishcheva and Others v. Russia,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Ioannis Ktistakis*, President*,
Peeter Roosma,
Lətif Hüseynov,
Darian Pavli,
Diana Kovatcheva,
Úna Ní Raifeartaigh,
Canòlic Mingorance Cairat*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to:

the applications (see numbers in the appendix) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by ten Russian nationals on the dates indicated in the appendix;

the decision to give notice to the Russian Government ("the Government") of the complaints concerning the collection and use of the applicants' personal data and the alleged interference with their rights to freedom of expression and association, and to declare inadmissible the remainder of the applications;

the applicants' observations;

the decision of the President of the Section to appoint one of the sitting judges of the Court to act as *ad hoc* judge, applying by analogy Rule 29 § 2 of the Rules of the Court (see *Kutayev v. Russia*, no. 17912/15, §§ 5-8, 24 January 2023);

Having deliberated in private on 6 May 2025,

Delivers the following judgment, which was adopted on that date:

INTRODUCTION

1. The present case concerns the refusal to register the applicants as candidates in municipal elections based on police information alleging their "involvement" with organisations designated as "extremist" by the domestic courts.

THE FACTS

2. On 4 June 2021 a new law entered into force (Federal Law no. 157-FZ) which introduced amendments to electoral legislation. The amendments added paragraph 3.6 to section 4 of the Electoral Rights Act (see paragraph 11 below). Under the new provisions, individuals found to have been involved in the activities of associations designated as extremist

organisations have been barred from standing in any elections announced after the law's entry into force.

3. Mr Aleksey Navalnyy, a prominent opposition politician and anti-corruption activist, was arrested in January 2021 upon his return to Russia and subsequently imprisoned. On 9 June 2021 the Moscow City Court declared three organisations associated with Mr Navalnyy – the Navalnyy Campaign Headquarters ("the Navalnyy HQ"), the Anti-Corruption Foundation ("the FBK") and the Foundation for the Protection of Civil Rights – extremist organisations and banned their activities. The judgment was subject to immediate enforcement.

4. All applicants sought to stand as independent candidates in the Berdsk municipal elections, most of them as part of the Berdsk Coalition 2021, which evolved from the opposition Novosibirsk Coalition 2020. Between 15 and 26 July 2021 they submitted their nomination documents to the relevant district electoral commissions. By early August 2021, all applicants had submitted the required number of supporting signatures, which were verified by the electoral commissions without any irregularities being identified.

5. Between 29 July and 5 August 2021 the electoral commissions refused to register the applicants, relying on letters from the Main Department of the Ministry of Justice that cited information from the Police Centre for Combating Extremism (*Центр «Э»*) regarding their alleged involvement with the banned extremist organisations.

6. The police reports relied on several types of activities to establish the applicants' alleged involvement:

(a) Participation in unauthorised protests in January 2021 against Mr Navalnyy's imprisonment which had been announced by the Navalnyy Campaign (Ms Selishcheva, Mr Ryazantsev, Mr Pukhovskiy, Mr Khanov and Mr Kazantsev) or the provision of legal advice to protesters detained during the rallies (Ms Nechayeva);

(b) Support for the opposition Novosibirsk Coalition 2020, which was endorsed by the Navalnyy Campaign and used the FBK's "Smart Voting" strategy during the 2020 elections. Five applicants (Mr Pukhovskiy, Mr Kazantsev, Ms Nechayeva, Mr Markelov and Mr Yakimenko) stood as candidates for the coalition, while three applicants (Ms Selishcheva, Mr Ryazantsev and Ms Aleksandrova) collected signatures for the coalition candidates;

(c) Support for Mr B., the former Navalnyy Campaign coordinator in Novosibirsk and member of the Novosibirsk Coalition 2020. Mr Ryazantsev collected signatures for his campaign, Mr Levchenko worked as his campaign assistant, and Mr Yakimenko volunteered for his campaign;

(d) Social media activity, including following the FBK accounts and sharing their materials (Mr Ryazantsev, Mr Pukhovskiy and Ms Nechayeva), publishing protest-related information (Mr Kazantsev, Mr Markelov,

Mr Levchenko and Mr Yakimenko), and sharing Mr Navalnyy's personal photographs on Twitter and Instagram (Ms Aleksandrova);

(e) Receiving payments from the FBK and other organisations with names similar to the Foundation for the Protection of Civil Rights but not explicitly targeted by the Moscow City Court's ban (Ms Aleksandrova, Mr Markelov and Mr Levchenko).

7. In addition to those common grounds, Mr Markelov was alleged to have had more extensive involvement due to his role as head of the Navalnyy HQ in Krasnoyarsk in 2018-19, his raising of corruption allegations against the regional governor, his organisation of a nationwide protest in May 2018 which resulted in nine days' administrative detention, and his placement on an extremism prevention list between June 2018 and June 2019.

8. Mr Levchenko was additionally alleged to have been involved on account of his 2016 candidacy for the State Duma on the list of the opposition PARNAS party, his employment with the Navalnyy HQ in 2018, his co-authorship of anti-corruption investigations, his membership of the Foundation for the Protection of Civil Rights supervisory board, and multiple administrative penalties, including nine days' detention in 2021.

9. All applicants challenged the refusals of their registration before the Berdsk City Court, which examined the challenges between 9 and 19 August 2021. The court found that section 4 § 3.6 of the Electoral Rights Act, as amended on 4 June 2021 and in force from that date, was applicable to the elections in question. Under this provision, individuals associated with organisations declared extremist were deprived of their passive electoral rights. The court accepted as sufficient evidence of such involvement the information provided by the Centre for Combating Extremism through the Ministry of Justice. It dismissed as irrelevant the applicants' arguments that no prior judicial decision had established their involvement with the banned organisations and that the impugned activities had occurred before the organisations were declared extremist.

10. The applicants' appeals were dismissed by the Novosibirsk Regional Court in August 2021. Their subsequent cassation appeals to the Eighth Cassation Court of General Jurisdiction and the Supreme Court of Russia were unsuccessful, with final decisions issued on the dates listed in the appendix.

RELEVANT LEGAL FRAMEWORK

I. DOMESTIC LAW

11. Section 4 § 3.6 of the Electoral Rights Act (Federal Law no. 67-FZ of 12 June 2002), as amended on 4 June 2021, provides:

> "Citizens of the Russian Federation who have been involved in the activities of a public or religious association or other organisation in respect of which a court decision

on liquidation or prohibition of activities on the grounds provided for by the Suppression of Extremism Act (Federal Law no. 114-FZ of 25 July 2002) ... has entered into legal force shall not have the right to be elected.

...

The provisions of this section shall apply to participants, members, employees of an extremist ... organisation and other persons whose involvement in the activities of an extremist ... organisation has been established by a court decision which has entered into legal force through: direct implementation of the aims and/or forms of activity (including individual events) in connection with which the relevant organisation was designated as extremist ..., and/or expression of support through statements, including statements on the Internet, or other actions (provision of monetary funds, property, organisational, methodological, advisory or other assistance) to those aims and/or forms of activity (including individual events) of the relevant organisation in connection with which it was designated as extremist ...

...

Persons who were participants, members, employees of an extremist ... organisation or other persons involved in the activities of an extremist ... organisation may not be elected until three years have elapsed from the date of entry into force of the court decision on liquidation or prohibition of activities of the extremist ... organisation".

II. COUNCIL OF EUROPE

Committee of Ministers' Recommendation R(87)15 to member states regulating the use of personal data in the police sector

12. The appendix to the recommendation, which was adopted by the Committee of Ministers of the Council of Europe on 17 September 1987, sets out the basic principles applicable in this context. Principle 2.1 states:

"The collection of personal data for police purposes should be limited to such as is necessary for the prevention of a real danger or the suppression of a specific criminal offence. Any exception to this provision should be the subject of specific national legislation."

13. Principle 2.4 states:

"The collection of data on individuals solely on the basis that they have a particular racial origin, particular religious convictions, sexual behaviour or political opinions or belong to particular movements or organisations which are not proscribed by law should be prohibited. The collection of data concerning these factors may only be carried out if absolutely necessary for the purposes of a particular inquiry."

THE LAW

I. PRELIMINARY ISSUES

A. Joinder of the applications

14. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

B. Consequences of the Government's failure to participate in the proceedings

15. The Court notes that the respondent Government, by failing to submit written observations when invited to do so, manifested an intention to abstain from participating in the examination of the case. However, the cessation of a Contracting Party's membership in the Council of Europe does not release it from its duty to cooperate with the Convention bodies. Consequently, the Government's failure to engage in the proceedings cannot constitute an obstacle to the examination of the case (see *Svetova and Others v. Russia*, no. 54714/17, §§ 29-31, 24 January 2023).

C. Jurisdiction

16. The Court observes that the facts giving rise to the alleged violations of the Convention occurred prior to 16 September 2022, the date on which the Russian Federation ceased to be a Party to the Convention. The Court therefore decides that it has jurisdiction to examine the present application (see *Fedotova and Others v. Russia* [GC], nos. 40792/10 and 2 others, §§ 68-73, 17 January 2023, and *Pivkina and Others v. Russia* (dec.), nos. 2134/23 and 6 others, §§ 75-76, 6 June 2023).

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

17. The applicants complained that there had been a violation of their right to respect for private life enshrined in Article 8 of the Convention, as a result of the collection by the police of their personal data revealing their political opinions, the disclosure of this data to the electoral commission and the use of such data as grounds for refusing to register them as candidates in municipal elections. The relevant parts of Article 8 read as follows:

> "1. Everyone has the right to respect for his private ... life ...
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the

country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

18. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. Submissions by the applicants

19. The applicants complained that the police had collected and stored personal data revealing their political opinions without appropriate safeguards or legal basis. They argued that the collection of their personal data by the Centre for Combating Extremism constituted a systematic surveillance of their lawful political activities without any indication that they were involved in criminal conduct. This data collection was arbitrary and lacked transparency, with information being gathered about their legitimate political activities such as attending protests, supporting opposition candidates, and engaging with political content on social media. They further contended that they had no opportunity to challenge or correct the information collected about them, which was subsequently used to deny them their passive electoral rights.

2. The Court's assessment

(a) Existence of an interference

20. The Court reiterates that the mere retention of information concerning an individual's private life, including data revealing their political opinions and participation in peaceful protests, constitutes an interference with the right to respect for private life, as guaranteed by Article 8 § 1 of the Convention (see *Catt v. the United Kingdom*, no. 43514/15, §§ 9-10 and 93, 24 January 2019, and *S. and Marper v. the United Kingdom* [GC], nos. 30562/04 and 30566/04, § 67, ECHR 2008).

21. In the present case, the police collected and stored information about the applicants' political views and activities, including their participation in protests, support for opposition politicians and parties, volunteer activities during electoral campaigns, and social media content. This information was shared with the electoral authorities and used as the basis for decisions to deny the applicants' registration as electoral candidates.

22. The Court therefore finds that there has been an interference with the applicants' right to respect for their private life.

(b) Whether the interference was justified

23. Such interference will constitute a breach of Article 8 unless it can be justified under paragraph 2 of that provision as being "in accordance with the law", pursuing one or more of the legitimate aims listed therein, and being "necessary in a democratic society" to achieve the aim or aims concerned.

(i) In accordance with the law

24. The Court reiterates that the expression "in accordance with the law" requires that the impugned measure should have some basis in domestic law and also refers to the quality of the law in question, requiring that it should be accessible to the person concerned and foreseeable as to its effects. For domestic law to meet these requirements, it must afford adequate legal protection against arbitrariness and accordingly indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise (see *Catt*, cited above, § 94). In the context of the collection and processing of personal data, it is therefore essential to have clear, detailed rules governing the scope and application of measures, as well as minimum safeguards concerning, *inter alia*, duration, storage, usage, access of third parties, procedures for preserving the integrity and confidentiality of data, and procedures for their destruction, thus providing sufficient guarantees against the risk of abuse and arbitrariness (see *Glukhin v. Russia*, no. 11519/20, § 77, 4 July 2023, with further references).

25. In the present case, the collection of data appears to have been undertaken on the basis of general police powers. The legal framework governing the collection, retention and use of this data was not clearly defined. In particular, there appears to have been no specific statutory basis for the surveillance of opposition politicians or political activists, nor were there clear and accessible criteria governing the collection and transfer of such data.

26. The Court notes with concern that the applicants had no means of knowing what information was being gathered about them or on what basis, nor could they access this information or challenge its accuracy. This is particularly problematic given the sensitive nature of the data which revealed the applicants' political opinions and activities and therefore attracted a heightened level of protection (see *Catt*, cited above, § 112).

27. The Court further observes that, as in *Catt* (cited above, § 97), the criteria used by the police to collect the data in question were not well-defined. Consequently, the data relied upon in the domestic proceedings to refuse the applicants' registration appears to have been gathered on an *ad hoc* basis, with little transparency regarding its exact scope and content.

28. Furthermore, in the absence of a clear legal framework there were no rules on how long such data would be retained or when it would be deleted,

and no effective mechanism for independent review of decisions to collect and retain such data.

29. The Court therefore concludes that the interference with the applicants' right to respect for their private life was not "in accordance with the law" within the meaning of Article 8 § 2 of the Convention.

(ii) Legitimate aim and necessary in a democratic society

30. The Court further considers it appropriate to examine whether the interference pursued a legitimate aim and was "necessary in a democratic society." In this connection, the Court recalls that the question of whether the collection, retention and use of the applicant's personal data was in accordance with the law is closely related to the broader issue of whether the interference was necessary in a democratic society (see *Catt*, cited above, § 106).

31. The Court reiterates that an interference will be considered "necessary in a democratic society" for a legitimate aim if it responds to a "pressing social need" and, in particular, if it is proportionate to the legitimate aim pursued and if the reasons given by the national authorities to justify it are "relevant and sufficient". While the Contracting States enjoy a certain margin of appreciation in this regard, this margin will tend to be narrower where the right at stake is crucial to the individual's effective enjoyment of intimate or key rights (see *S. and Marper*, cited above, §§ 101-02).

32. The Court notes that no legitimate aim has been invoked in the present case by the Government who have submitted no observations. Even assuming that in view of the facts of the case the interference pursued one or several legitimate aims enumerated in Article 8 § 2 (see also paragraph 50 below), the Court considers that the collection and retention of data was particularly problematic for several reasons.

33. First, the data collected concerned the applicants' political views and activities which, as noted above, fall within the special categories of sensitive data requiring a heightened level of protection (see *Catt*, §§ 112 and 123, and *S. and Marper*, § 76, both cited above). This is particularly significant given that the activities being monitored constituted legitimate exercises of the applicants' rights to freedom of expression and assembly under Articles 10 and 11 of the Convention.

34. Second, the police compiled detailed dossiers on the applicants' peaceful and lawful political activities, such as attending rallies, supporting opposition candidates, providing legal aid to protesters, and sharing political content on social media. While some applicants had been subjected to administrative penalties for participating in or calling for participation in unauthorised assemblies, there was no indication that any of them had engaged in violent or otherwise reprehensible conduct that might legitimately warrant such intensive surveillance. The Court reiterates that participation in peaceful protest benefits from specific protection under Article 11 of the

Convention and that such events constitute a vital part of the democratic process (see *Catt*, cited above, § 123).

35. Third, the indiscriminate and open-ended collection of data on the applicants' political activities was likely to have a "chilling effect" on the exercise of their Convention rights (ibid.). Such surveillance may discourage individuals from engaging in legitimate political activities out of concern that their data could be collected and potentially used against them in the future.

36. Fourth, the Court notes that the Principles on the collection of data in Recommendation R(87)15 (see paragraphs 12 and 13 above) call for strict limits on the collection of data on individuals solely on the basis of their membership in particular movements or organisations that are not proscribed by law. In the present case, the applicants' data was collected due to their association with organisations that were operating legally at the time of collection and there was no pending inquiry against them.

37. The Court therefore concludes that the interference was neither "in accordance with the law" nor pursued a legitimate aim or was "necessary in a democratic society". Accordingly, there has been a violation of Article 8 of the Convention.

III. ALLEGED VIOLATION OF ARTICLES 10 AND 11 OF THE CONVENTION

38. The applicants complained that their passive electoral rights had been curtailed because of their alleged past involvement with the activities of banned associations, in breach of Articles 10 and 11 of the Convention, which read as follows:

Article 10

"1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority ...

The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others ..."

Article 11

"1. Everyone has the right to freedom of peaceful assembly ...

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others ..."

A. Admissibility

39. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. Submissions by the applicants

40. The applicants complained that they had been denied their passive electoral rights due to their alleged involvement in the activities of banned associations. The actions on which this disqualification was based – including participation in rallies, publishing on social media, engaging in volunteer activities in support of opposition election candidates, and taking part in electoral coalitions with the associations in question – constituted legitimate exercises of their rights to freedom of expression and assembly, as protected under Articles 10 and 11 of the Convention. Furthermore, the domestic legal provisions permitted their disqualification from standing in elections on the basis of political statements and activities carried out when the organisations in question were operating legally. The retroactive penalty for lawful political activities violated their rights and had a chilling effect on political participation.

2. The Court's assessment

(a) Existence of an interference

41. The Court reiterates that in order to fall within the scope of Article 10 or 11 of the Convention, "interference" with the exercise of the freedom of peaceful assembly or the freedom of expression does not need to amount to an outright ban but can consist in various other measures taken by the authorities. The scope of the measure must be determined by putting it in the context of the facts of the case and of the relevant legislation. In particular, the terms "formalities, conditions, restrictions [and] penalties" in Article 10 § 2 and the term "restrictions" in Article 11 § 2 must be interpreted as including, for instance, measures taken before or during the exercise of the right and those, such as punitive measures, taken afterwards (see *Ezelin v. France*, 26 April 1991, § 39, Series A no. 202; *Wille v. Liechtenstein* [GC], no. 28396/95, § 43, ECHR 1999-VII; *Novikova and Others v. Russia*, nos. 25501/07 and 4 others, § 106, 26 April 2016; and *Baka v. Hungary* [GC], no. 20261/12, §§ 140 and 143, 23 June 2016).

42. In the present case, the Court observes that the applicants were barred from standing as candidates in municipal elections due to their alleged "involvement" with organisations that had been designated as extremist in June 2021. The domestic authorities determined this "involvement" based on

activities undertaken by the applicants before such designation – activities such as participating in protests, supporting opposition candidates, volunteering in election campaigns, expressing political views on social media, and providing legal assistance to protesters. These activities clearly constituted the exercise of their rights to freedom of expression and assembly under Articles 10 and 11 of the Convention.

43. The refusal to register the applicants as candidates thus amounted to a sanction imposed on them for their prior exercise of Convention rights. Although the sanction was not directly aimed at prohibiting the expression of certain views or participation in certain assemblies, it constituted a negative consequence arising from the legitimate exercise of those rights. Such a sanction can have a serious chilling effect on freedom of expression and assembly, as individuals may refrain from engaging in legitimate political activities out of fear that they might later be subjected to similar measures.

44. The Court therefore finds that there has been an interference with the applicants' rights under Articles 10 and 11 of the Convention.

(b) Whether the interference was justified

45. An interference will constitute a violation of Articles 10 and 11 unless it was "prescribed by law", pursued one or more legitimate aims under paragraph 2 of these Articles, and was "necessary in a democratic society" for the achievement of those aims. The Court has already outlined these general requirements in its examination under Article 8 (see paragraphs 23-24 and 31 above). In this section, in light of the interconnected nature of the underlying issues, the Court will consider these requirements together.

46. The first issue concerns the alleged lack of foreseeability of future electoral restrictions for the applicants. When they participated in protests, supported opposition candidates, provided legal assistance to protesters, or shared posts on social media, these activities were entirely peaceful. They could not reasonably have foreseen that their engagement would later be used to deny them electoral rights under legislation that did not yet exist and in relation to organisations that had not yet been designated as extremist. This issue is similar to that identified in *Andrey Rylkov Foundation and Others v. Russia* (nos. 37949/18 and 83 others, § 111, 18 June 2024), where the Court found that the retrospective application of the law and the expectation placed upon applicants to anticipate legal categorisations not yet in existence at the time of their actions presented a fundamental problem. In that case, the Court held that imposing a responsibility on the applicants to foresee future designations constituted an impossible and unreasonable burden and that such expectations resulted in a disproportionate "chilling effect" on freedom of expression.

47. The second, closely related, issue concerns the vagueness of the concept of "involvement" with extremist organisations, which allowed the domestic authorities to classify a potentially indeterminate range of legitimate

activities as grounds for disqualification from elections. In respect of a similar term used in another piece of legislation, the Court found that the lack of specification as to what constitutes "involvement" with designated organisations "could potentially classify any action as falling within the scope of the law" (see *Andrey Rylkov Foundation and Others*, cited above, § 106). The blanket and non-specific nature of this term meant that virtually any connection, however tenuous, to Mr Navalnyy's political movement could be construed as "involvement". Even purely passive acts, such as following social media accounts or being photographed at a meeting, were deemed sufficient evidence of "involvement" (see paragraph 6 (d) above). As noted above, they exercised their Convention rights to freedom of expression and association by sharing content on social media, campaigning for social and political causes, and participating in events (compare *Andrey Rylkov Foundation and Others*, cited above, § 107).

48. Third, the domestic courts failed to provide any meaningful interpretation that would limit the scope of "involvement" or establish clear criteria for its application. Instead, they accepted the police assessments at face value, effectively equating any form of engagement with or support for Mr Navalnyy's political movement with involvement in extremist activities. This approach bears similarities to that examined in *Selahattin Demirtaş v. Turkey (no. 2)* [GC], where the Court found that the domestic authorities had relied on very weak evidence against the applicant, such as his statements expressing opposition to certain government policies and lawful political activities, to establish his membership in a proscribed organisation (no. 14305/17, §§ 278 and 280, 22 December 2020). Similarly, in the present case, the domestic authorities treated the applicants' participation in lawful political activities, including using lawful campaign tactics like "Smart Voting" and supporting opposition candidates in elections, as sufficient evidence of their "involvement" with subsequently banned organisations, without requiring any proof of actual participation in extremist activities. As in *Selahattin Demirtaş*, this approach failed to draw a meaningful distinction between the exercise of Convention rights and involvement in the work of prohibited organisations.

49. The Court finds that the approach taken by the domestic authorities is likely to have a "chilling effect" on political participation and pluralism, as it may discourage individuals from exercising their rights to freedom of expression and assembly for fear that their actions might later be used to disqualify them from participation in the electoral process. This effect is particularly concerning given that free elections and the freedom of expression, particularly the freedom of political debate, together form the foundation of any democratic system (see *Mathieu-Mohin and Clerfayt v. Belgium*, 2 March 1987, § 54, Series A no. 113, and *Oran v. Turkey*, nos. 28881/07 and 37920/07, § 51, 15 April 2014).

50. While the protection of democratic institutions from extremism may constitute a legitimate aim in principle, the authorities in the present case retroactively penalised peaceful political activities that were lawful at the time they were undertaken. The domestic courts conducted no meaningful proportionality assessment, failing to examine the nature of each applicant's engagement or establish any genuine link to extremist activities. The vagueness of the applicable provisions and their expansive interpretation resulted in legal uncertainty that was incompatible with the requirement that restrictions on fundamental rights be "prescribed by law", while also failing to demonstrate any "pressing social need" that would justify such restrictions as necessary in a democratic society.

51. In light of the foregoing, the Court concludes that the interference with the applicants' rights under Articles 10 and 11 was neither "prescribed by law" nor "necessary in a democratic society". There have accordingly been violations of Articles 10 and 11 of the Convention.

IV. OTHER ALLEGED VIOLATIONS OF THE CONVENTION

52. Mr Khanov, the applicant in application no. 46215/22, also complained under Articles 5, 6, 10, 11 and Article 2 of Protocol No. 7 about his prosecution for a call to participate in a peaceful assembly.

53. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has examined the main legal questions raised in the present applications. It concludes that there is no need to give a separate ruling on the admissibility and merits of the remaining complaints (see, among other authorities, *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

54. Article 41 of the Convention provides:

> "If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party."

55. The applicants claimed each 10,000 euros (EUR) in respect of non-pecuniary damage.

56. The Court awards the applicants the amounts claimed in respect of non-pecuniary damage, plus any tax that may be chargeable.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;

2. *Holds* that the Government's failure to participate in the proceedings presents no obstacle to the examination of the case and that it has jurisdiction to deal with the applicants' complaints in so far as they relate to facts that took place before 16 September 2022;

3. *Declares* the complaints under Articles 8, 10 and 11 of the Convention admissible;

4. *Holds* that there has been a violation of Article 8 of the Convention;

5. *Holds* that there have been violations of Articles 10 and 11 of the Convention;

6. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints in application no. 46215/22;

7. *Holds*
   (a) that the respondent State is to pay each applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 10,000 (ten thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

Done in English, and notified in writing on 27 May 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova Deputy Registrar	Ioannis Ktistakis President

APPENDIX

List of cases:

No.	Application no.	Date of the Supreme Court decision	Lodged on	Applicant Year of Birth Place of Residence
1.	39056/22	29/03/2022	29/07/2022	**Irina Dmitriyevna Selishcheva** 2001 Gorno-Altaysk Name changed to: **Mira Dmitriyevna ISKACHEVA**
2.	39544/22	31/03/2022	31/07/2022	**Mikhail Valeryevich RYAZANTSEV** 1992 Novosibirsk
3.	39548/22	31/03/2022	31/07/2022	**Ilya Vladimirovich PUKHOVSKIY** 1979 Novosibirsk
4.	40324/22	05/04/2022	04/08/2022	**Timofey Dmitriyevich KAZANTSEV** 1994 Novosibirsk
5.	40326/22	04/04/2022	04/08/2022	**Olga Yuryevna NECHAYEVA** 1972 Novosibirsk
6.	41239/22	11/04/2022	11/08/2022	**Yekaterina Alekseyevna ALEKSANDROVA** 1995 Moscow
7.	46215/22	30/06/2022	13/10/2021	**Timur Fanirovich KHANOV** 1959 Israel
8.	46221/22	25/05/2022	15/09/2022	**Daniil Andreyevich MARKELOV** 1992 USA
9.	47161/22	18/05/2022	15/09/2022	**Kirill Sergeyevich LEVCHENKO** 1982 Lithuania
10.	47682/22	13/05/2022	13/09/2022	**Vyacheslav Dmitriyevich YAKIMENKO** 2001 Novosibirsk

All the applicants were represented by applicant Olga Yuryevna Nechayeva, a lawyer practising in Novosbirisk.