

## Repeated refusal to register human-rights organisation because of failure to comply with legal formalities breached the Convention

In today's **Chamber** judgment<sup>1</sup> in the case of [Mariya Alekhina and Others v. Russia \(no. 2\)](#) (application no. 10299/15) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 11 (freedom of association) of the European Convention on Human Rights.**

The case concerned the Russian authorities' refusal to register the applicants' human-rights organisation, "The Zone of Law", which aimed to provide legal assistance to prisoners.

The Court found overall that there had been a lack of detailed guidelines on the formal conditions for registering non-profit associations and on the requirements for filling out application forms. The Court was therefore of the opinion that the alleged deficiencies in the documents provided by the applicants had not been sufficient to deny them registration of their organisation.

Indeed, making the applicants repeat the registration procedure, instead of letting them correct their first application (as moreover was allowed by law), had prevented them from starting any activity at all.

### Principal facts

The applicants are three Russian nationals: Mariya Vladimirovna Alekhina and Nadezhda Andreyevna Tolokonnikova, members of the Pussy Riot punk band; and Vladimir Anatolyevich Rubashnny, a retired official from the Russian Federal Prison Service.

The applicants attempted to register their human-rights organisation, "The Zone of Law", on three occasions. Each of their applications was unsuccessful, essentially because the registration authority found that their documents did not comply with the legislation on non-profit organisations.

The first two applications were dismissed in January and April 2014 on mostly formal grounds, such as a missing space between two words on their application form.

The applicants submitted another application with corrections, which was also dismissed, in May 2014. The new refusal to register was because the applicants had failed to choose an appropriate name, in particular the nature of the organisation's activities was not conveyed in its name. Furthermore, the articles of association did not meet the legal requirements because the list of the organisation's activities was not exhaustive and certain internal procedures had not been properly described.

The applicants challenged the refusal to register their organisation in the courts. Their claim was, however, dismissed with the courts essentially reproducing the findings of the registration authority.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

## Complaints, procedure and composition of the Court

Relying on Article 11 (freedom of association) and Article 13 (right to an effective remedy), the applicants complained about the refusal to register their organisation, arguing that, instead of an outright refusal, registration could have been suspended until their requests had been corrected.

The application was lodged with the European Court of Human Rights on 19 February 2015.

The Court's procedure for processing of applications against Russia can be found [here](#).

Judgment was given by a Chamber of seven judges, composed as follows:

Pere **Pastor Vilanova** (Andorra), *President*,  
Jolien **Schukking** (the Netherlands),  
Georgios A. **Serghides** (Cyprus),  
Darian **Pavli** (Albania),  
Peeter **Roosma** (Estonia),  
Ioannis **Ktistakis** (Greece),  
Oddný Mjöll **Arnardóttir** (Iceland),

and also Olga **Chernishova**, *Deputy Section Registrar*.

## Decision of the Court

The Court established that it had jurisdiction to deal with the case, as the facts giving rise to the alleged violations of the Convention had taken place before 16 September 2022, the date on which Russia ceased to be a Party to the European Convention.

### [Article 11 \(freedom of association\)](#)

First, the Court found that the grounds for refusal which referred to the applicant organisation's name and the scope of its activities had not been substantiated.

In particular, the relevant law did not provide any guidelines as to the way a non-profit organisation should be named, meaning there was no apparent legal basis for requiring that the name convey a detailed description of its activities. Moreover, that requirement contradicted the authorities' position concerning previous registration requests by organisations with similar names.

Similarly, the authorities had not provided any explanation for their interpretation of the relevant legal provisions on the scope of an organisation's activity. Nor had those provisions contained any explicit obligation to include an exhaustive list of activities.

Overall, there had been a lack of detailed guidelines on the formal conditions for registration of non-profit associations and on the degree of precision required in filling out application forms. The Court was therefore of the opinion that the alleged deficiencies in the documents provided by the applicants had not been enough of a justification to deny registration.

Indeed, making the applicants repeat the registration procedure, instead of letting them correct their first application (as moreover was allowed by law), had had a radical impact as it had prevented them from starting any activity at all.

Lastly, the courts had merely reproduced the registration authority's findings without providing any legal analysis or carrying out an independent judicial enquiry.

The Court concluded that the reasons for refusing to register the applicants' organisation had been neither relevant nor sufficient. The interference with the applicants' freedom of association had not therefore been necessary in democratic society, in violation of Article 11.

### Other articles

The Court considered that there was no need for a separate examination of the complaint under Article 13.

### Article 41 (just satisfaction)

The Court held that Russia was to pay 7,500 euros (EUR) to each of the applicants in respect of non-pecuniary damage and EUR 1,920 in respect of costs and expenses.

### Separate opinion

Judge Pavli expressed a concurring opinion which is annexed to the judgment.

*The judgment is available only in English.*

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**The European Court of Human Rights** was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.