

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

FIFTH SECTION

DECISION

Application no. 79083/17
Artur Volodymyrovych BOYAROV against Ukraine
and 3 other applications
(see list appended)

The European Court of Human Rights (Fifth Section), sitting on 3 March 2026 as a Chamber composed of:

Kateřina Šimáčková*, President*,
Georgios A. Serghides,
Gilberto Felici,
Andreas Zünd,
Diana Sârcu,
Mykola Gnatovskyy,
Vahe Grigoryan, *judges,*
and Victor Soloveytchik, *Section Registrar,*

Having regard to:

the above applications lodged on the various dates indicated in the appended table;

the decision to give notice to the Ukrainian Government ("the Government") of the complaints concerning Articles 6, 8, 10 and 13 of the Convention and to declare the remainder of the applications inadmissible;

the observations submitted by the respondent Government and the observations in reply submitted by the applicants;

the comments submitted by European Information Society Institute, which was granted leave to intervene by the President of the Section under Article 36 § 2 of the Convention and Rule 44 § 2 of the Rules of Court,

Having deliberated, decides as follows:

THE FACTS

1. A list of the applicants is set out in the appendix.

2. The Ukrainian Government ("the Government") were represented by their Agent, Ms M. Sokorenko.

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

A. Background information

4. Yandex LLC is a Russian IT company that provides internet-related products and services and is most known for its web browser and search engine, but it also provides such services as cloud computing, web mapping, online food ordering and shopping, media streaming, and ridesharing.

5. VKontakte and Odnoklassniki are Russian social media platforms which are somewhat similar to Facebook in their design and function. In particular, they require users to create a personal account with a list of friends and a newsfeed, and offer the opportunity to join various groups or to follow people. They also provide messaging, music and video hosting and other features. Persons who are not registered cannot see other users' pages or undertake any action, for example, post comments or write messages. A person who is not registered would be immediately asked to sign in or register.

6. Mail.ru is an email service which also offers a number of related services such as a virtual postcard service, a mailing list service, a news site, a music service and an online organiser; it also offers a forum, a tourist website, a gaming website, a recruiting service, an alternative email service inbox.ru, and other features.

7. Currently the last three of the services mentioned above are united under the label of VK (VK Company Limited, after the most popular product, VKontakte).

8. VKontakte was founded in 2006 by Mr Pavel Durov. In April 2014 he left his position as the company's CEO and fled Russia. His shares were later eventually transferred to Mr Alisher Usmanov, a Russian "oligarch". In a social media post published following those events, Mr Durov said that in December 2013 the Federal Security Service of the Russian Federation had requested the personal data of people who were members of a Vkontakte group dedicated to the Euromaidan protest movement[1]. He also said that VK had come under the "full control of the Kremlin"[2].

9. In December 2021 part of Mr Usmanov's shares in VK (45 %) were sold to the state-run insurance company Sogaz, which had been founded by the Russian gas company Gazprom. Following that takeover, the VK's then-CEO Mr Dobrodeev resigned and Mr Vladimir Kiriyenko, the first

[1] See description of those events in *Polyakh and Others v. Ukraine*, nos. 58812/15 and 4 others, §§ 12-13, 17 October 2019.

[2] See here: https://www.reuters.com/article/russia-vkontakte-ceo-idUSL6N0NE1HS20140422/

vice-president of the State-owned company Rostelecom and son of Mr Sergei Kiriyenko, the first deputy chief of staff of the Administration of the President of the Russian Federation, became its managing director.

10. In February 2022, Mr Vladimir Kiriyenko was sanctioned by the United States Department of the Treasury and added to the Specially Designated Nationals and Blocked Persons List. On 8 March 2022, Mr Vladimir Kiriyenko was sanctioned by the European Union. The Council Implementing Regulation (EU) 2022/396 of 9 March 2022 implementing Regulation (EU) No 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine states as follows:

> "Vladimir Sergeevich Kiriyenko is the CEO of VK Company Limited. VK Company Limited is a Russian internet company, with a major presence in the Russian speaking segment of internet. VK projects collectively had the largest audience in Russia and captured the most screen time. VK's sites reach more than 90 % of Russian internet users on a monthly basis and the company is in the top 5 of largest internet companies, based on the number of total pages viewed. It controls and operates the three largest and most popular Russian social networking sites, VKontakte, Odnoklassniki and Moi Mir, as well as the email service and internet portal mail.ru. Vladimir Sergeevich Kiriyenko is therefore involved in economic sectors providing a substantial source of revenue to the Government of the Russian Federation.
>
> The Russian government is increasing its influence over media and social networks. VK Company is controlled by Gazprom Media (a State-owned company which is the major source of income to the Russian Government). Vladimir Sergeevich Kiriyenko therefore supports Vladimir Putin's aim for greater control over the internet. Vladimir Kiriyenko therefore actively supports, materially or financially, or benefits from Russian decision-makers responsible for the annexation of Crimea or the destabilisation of Ukraine.
>
> As VK Company is owned by the State-owned Gazprom group, the revenue it generates is an important source of revenue for the Russian Government. Vladimir Kiriyenko is the son of Sergei Kiriyenko, currently First Deputy Chief of Staff of the Presidential Office. Sergei Kiriyenko is reported to be Vladimir Putin's domestic policy curator."

11. In May 2014 the Parliament of the Russian Federation passed amendments to the Federal Law on Information, Information Technology and Information Protection (Law no. 97-ФЗ)[3] which provided, *inter alia*, that domestic or foreign social media companies had to store six months' worth of their users' data and provide a wide range of information to the authorities if they requested it. Should a company fail to comply, it could be barred from operating in the country altogether (for more details as to the amendments and other relevant legislative provisions see *Podchasov v. Russia*, no. 33696/19, §§ 16-27, 13 February 2024).

[3] Available in Russian here:
http://publication.pravo.gov.ru/Document/View/0001201405050068?index=1

B. The implementation of the impugned restrictive measures in Ukraine

1. The situation in Ukraine

12. In the late winter and spring of 2014 parts of Ukrainian territory, particularly the Crimean Peninsula, were effectively occupied by the Russian Federation, and military activity involving the Russian army and its proxies started in the eastern regions of the country (see *Ukraine v. Russia (re Crimea)* (dec.) [GC], nos. 20958/14 and 38334/18, 16 December 2020 and *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, 30 November 2022).

13. The conflict continued through the following years. In February 2022 the Russian Federation launched a full-scale invasion of Ukraine (for a short description of the situation in Ukraine since 2014 see *M.S.L., TOV v. Ukraine*, no. 18049/18, §§ 5-11, 16 October 2025).

2. The implementation of sanctions regime

14. In mid-2014, following a decision by the National Council for Television and Radiobroadcasting, several Russian television channels were prohibited from broadcasting in Ukraine. More channels were banned in the following years.

15. In August 2014, in response to aggressive actions by the Russian Federation, the Parliament of Ukraine passed the Law on Sanctions, which provided for the implementation of personal and sectoral sanctions. Its Preamble included, in particular, a reference to "the need for an urgent and effective response to existing and potential threats to the national interests and national security of Ukraine" (see paragraph 68 below).

16. Following the coming into force in 2014 of the amendments made by Russia's law No. 97-ФЗ (see paragraph 11 above), the Ukrainian authorities urged Ukrainians not to use Russian social media. In his interview of 16 October 2014, the speaker of the Security Service of Ukraine said: "Russian social media are used to influence our citizens and put pressure on them". He also reported that the national security services had information that Vkontakte pages had been used to incite Ukrainian servicemen to protest[4].

17. On 28 April 2017, the National Security and Defence Council of Ukraine ("NSDC") adopted a decision "On the Application of Personal Special Economic and Other Restrictive Measures (Sanctions)". That decision imposed sanctions on more than 400 individuals and legal entities in Russia, including mail.ru, Yandex, Vkontakte and Odnoklassniki. Apart from

[4] Available in Ukrainian at: https://www.bbc.com/ukrainian/news_in_brief/2014/10/141016_zsh_lubkivski_vkontakte_warning

economic measures (such as the blocking of bank accounts) those sanctions also included the termination of the provision of telecommunication services to the entities mentioned. In practice, this meant that Ukrainian internet providers had to restrict all access to the respective Russian websites from Ukraine.

18. On 15 May 2017 the President of Ukraine signed a Decree implementing the above NSDC decision. The Decree was published in the official media outlets on 17 May 2017.

19. In the following years those restrictive measures were extended on two occasions and they remain in force until this day.

20. In their submissions the Government informed the Court that information relating to the Security Service of Ukraine's proposals to the NSDC about the application of sanctions is restricted. In particular, under section 9 of the Law of Ukraine on Counterintelligence Activities, information on the organisation and results of counterintelligence activities constitutes a state secret and is protected under the Law of Ukraine on State Secrets.

21. The Government also noted that the material the Security Service of Ukraine had based its sanctions proposals on had been destroyed "in conditions of extreme necessity" related to the full-scale invasion of Ukraine in February 2022 and the imminent threat of the seizure of documents containing State secret.

22. Nevertheless, the Government provided analytical material prepared by the Department of Counterintelligence Protection of the State in the Field of Information Security of the Security Service of Ukraine which "reflects generalised data on the reasons and prerequisites" that had led to the submission of proposals to the NSDC for the imposition of the sanctions in question.

23. The relevant passages read as follows:

> "...
>
> The imposition of sanctions on these legal entities was brought up by the Security Service of Ukraine in a letter to the National Security and Defence Council of Ukraine of 24 February 2017 following information about the involvement of the Russian holding company Mail.ru Group, which includes LLC Mail.ru Group, LLC Vkontakti, LLC VKontakte, LLC Mail.ru Ukraine, in activities that create threats to national security, namely, the disclosure of restricted information and violations of the rights and freedoms of Ukrainian citizens.
>
> In particular, following the passing by the [Parliament] of the Russian Federation of federal laws [on combating terrorism] and other legislation, the Russian intelligence services have been collecting, storing, using and disseminating restricted information, namely the personal data of Ukrainian citizens and their personal correspondence, on a permanent basis – in violation of Articles 31 and 32 of the Constitution of Ukraine and the Laws of Ukraine on Information and on Personal Data Protection.
>
> The subsidiaries of the Russian holding company Mail.ru Group do not ensure the security of that information when it is transmitted via the internet using their services

[mail.ru, Vkontakte and Odnoklassniki]. This means that the actions of the Russian holding company Mail.ru Group pose a threat to national security and to Ukraine's national interests, as defined by the Law of Ukraine on the Fundamentals of the National Security of Ukraine.

The imposition of sanctions was based on the available information about the threats to the national security of Ukraine arising out of the operation of the internet services Vkontakte and Odnoklassniki. According to the data available, as of February 2017, 271 million users were registered on VKontakte (...), including 38 million users from Ukraine, and 290 million users were registered on Odnoklassniki (...), including 13 million users from Ukraine.

It has also been established that over 870 anti-Ukrainian communities were registered on the social media platforms VKontakte and Odnoklassniki (with a total number of subscribers of about 9.5 million people) which are used to disseminate material which appears to be prohibited [and which fall under the jurisdiction of the security services]. In particular, those would be calls for violent change or the overthrow of the constitutional order and the seizure of state power, for encroachment on the territorial integrity and inviolability of Ukraine or the creation of a terrorist group or terrorist organisation, and so on.

There is also a tendency to use the above-mentioned communities to collect and transmit information on the location and composition of the units of the Armed Forces of Ukraine involved in the anti-terrorist operation in eastern Ukraine.

Following the discovery of [the above], the administrations of VKontakte (...) and Odnoklassniki (...) were repeatedly asked to remove negative content and to block its sources, but the management of those social media organisations did nothing by way of response.

At the same time, in Ukraine there is no legislation allowing the blocking or deletion of internet services, which makes it impossible to prevent the use of the digital environment for destructive purposes or for actions aimed at discrediting Ukraine at the international level.

As a result of only the measures taken in 2016, the Security Service of Ukraine initiated 30 criminal proceedings against the owners and administrators of the above-mentioned social media communities who had spread calls for the overthrow of the constitutional order, for mass disorder and for other illegal actions. 17 people were served with notice of suspicion and 13 court verdicts were delivered on charges of offences [against the State of Ukraine].

When the sanctions were to expire (...) [by operation of] the Decree of the President of Ukraine of 15 May 2017 No. 133/2017, the Security Service of Ukraine proposed their extension (...) for a period of three years.

On 14 May 2020, pursuant to the Decree of the President of Ukraine No. 184/2020 of 14 May 2020 (...), the [sanctions were extended]. (...)

The reason for extension of sanctions was the reported effectiveness of the ban on Russian social media (...). In particular, the sanctions resulted in a significant reduction in the Ukrainian audience for the services that were banned.

The data available show that the number of users of the Ukrainian segment of the social medias VKontakte and Odnoklassniki has decreased by 3.2 and 3.3 times respectively (VKontakte - from 15.9 million to 5 million, Odnoklassniki – from 11.7 million to 3.5 million), which has significantly diminished the target audience for

anti-Ukrainian information operations conducted by the Russian intelligence services using these platforms. (...)

At the same time, the Russian social media VKontakte and Odnoklassniki continue to be actively used by the Russian intelligence services as an instrument of information warfare against Ukraine. In particular, in 2017-2019, more than 860 incidents of systematic dissemination of destructive content using the social media VKontakte and Odnoklassniki were recorded.

After those incidents, the Security Service of Ukraine repeatedly sent requests to the technical support centres of [VKontakte and Odnoklassniki] asking them to remove illegal content that threatened the national interests of Ukraine in the information sphere and to block the sources of its distribution. Those requests were disregarded.

(...)

The available intelligence material shows that the Russian social networks VKontakte and Odnoklassniki are actively used to disseminate illegal content and to conduct destructive information activities as part of Russia's information warfare against Ukraine. That assertion is based on the fact that in 2022 alone, the Security Service of Ukraine initiated more than 400 criminal proceedings against individuals who used those Russian social media to carry out illegal information activities. About 200 persons were served with notices of suspicion of committing crimes [against the State of Ukraine], and more than 60 persons were found guilty of those crimes by the courts.

According to the Unified Register of Pre-trial Investigations, between 15 July 2014 and 12 December 2024, 630 criminal cases were initiated against persons who used the Russian internet resources [mail.ru, VKontakte and Odnoklassniki] (...)."

24. In the latter context, the Security Service provided extracts from the Unified Register of Pre-trial Investigations to illustrate the various criminal charges involved, including, *inter alia*, calling for the overthrow and capture of State power in Ukraine or calling for armed insurgency; disseminating information, most notably to members of the Russian security services, about the location of the Ukrainian military units or military infrastructure; or making statements supporting and glorifying the actions of the Russian military in Ukraine, including the occupation of Ukrainian territory, and so on.

3. Online petition against the Decree

25. On 16 May 2017 an online petition (a form of civic participation in decision-making) was registered on the President's official website, asking for the unblocking of access to Vkontakte. As it gathered more than 25,000 signatures (the minimum required for the issue to be addressed), it was examined by the President and an answer was published. The President's answer read as follows:

"It has been observed that Russian [internet services such as mail.ru, VKontakte and Yandex] are widely used by the Russian intelligence services to spread Russian propaganda and to conduct special information operations against Ukraine and its citizens.

In particular, these companies assist the Russian special services by collecting, storing, using and disseminating restricted information – the personal data and personal correspondence of Ukrainian citizens.

(...)

This is how Ukrainian users of Russian [social media] fall under the control of the Russian intelligence services, which first create the necessary conditions for recruitment and then use our citizens for their own illegal purposes. (...)

The content of these internet resources is also aimed at manipulating public consciousness through the dissemination of inaccurate, incomplete and biased information, promoting anti-Ukrainian [protest movements] that are, unfortunately, present in Ukraine, involving [Ukrainians] in subversive activities and mass riots aimed at forcibly changing the constitutional order and overthrowing state power, obstructing Ukraine's path to joining the European community, and therefore threatening the information security of the state.

(...)

Mail.ru Group and Yandex are taking active measures to block the activities of Ukrainian advertising companies on the internet, to corner the market in online services, and to take over the information space in general, which would block opportunities for Ukrainian businesses to flourish or to continue to compete in the marketplace.

(...)

Looking at the priorities of Ukraine's national interests and taking into account the real threats to Ukraine's national security and to the stability of its society, the encroachments on Ukraine's sovereignty and its territorial integrity, the territorial claims of the Russian Federation and the interference with Ukraine's internal affairs, and also taking into account the intelligence operations and subversive activities of the Russian special services, its encroachments on the rights and freedoms of Ukrainian citizens and its attempts to manipulate public opinion, at this point the application of special economic and restrictive measures to the Russian holding company Mail.ru Group and other Russian internet companies for a period of 3 years is an appropriate legal measure.

I would find it impossible to support the electronic petition to lift the blocking of [Vkontakte]."

4. Application to the Constitutional Court

26. On 23 May 2017 forty-nine members of the Ukrainian Parliament filed a constitutional application with the Constitutional Court of Ukraine ("the CCU") challenging the NSDC's decision and the 2017 Decree. The applicants argued, *inter alia*, that the measures envisaged by the legislation affecting the Russian internet companies encroached on freedom of expression as guaranteed by Article 34 of the Constitution of Ukraine and also violated Article 15 of the Constitution, which prohibits censorship. They also argued that the disputed measure had no legal basis, as the Law on Sanctions did not provide for the sanction of the termination of the provision of telecommunication services, and that the measure had not been proportionate. The applicants referred to the provisions of a number of

international instruments relevant to freedom of expression, including Article 10 of the Convention.

27. On 31 May 2018 the CCU declined to hear the application, having found that the applicants had failed to substantiate their arguments but had limited themselves to simple citation of the relevant constitutional provisions.

5. Other related facts

28. The sanctions brought in by the 2017 Decree were valid for three years. Over the following years they were extended and broadened on several occasions. All access to Russian websites from the territory of Ukraine is currently restricted.

C. Facts of application no. 79083/17

29. The first applicant is a national of Belarus residing in Ukraine; at the time of the events concerned in this case he was 29 years old.

30. In his application to the Court and his further submissions the applicant alleged that after the Decree came into force, he was prevented from accessing websites and associated services provided by mail.ru, Yandex, Vkontakte and Odnoklassniki. In particular, he alleged that he had been prevented from accessing his Vkontakte page, where he claimed to have 20,000 followers. Apart from being unable to post on his own page, the first applicant had also been unable to post on other pages and especially those belonging to groups which discussed political topics, including those which were critical of the Russian authorities. He was also unable to access entertainment sites such as Odnoklassniki, and also useful services such as email accounts with a personal communications archive. He was also unable to promote his own websites via those blocked services, or use certain features provided by those services (such as widgets by vk.com or web-site traffic checker by metrika.yandex.ua).

31. In June 2017 the applicant challenged the Decree in the Higher Administrative Court of Ukraine ("the HACU"), sitting as a court of first instance. The President was a respondent in the case and the State Security Service was a third party, on the side of the respondent, without an independent claim. The applicant argued that his inability to access the relevant websites interfered with his freedom of expression as guaranteed by the domestic legislation, including the Constitution of Ukraine, as well as by a number of international instruments. He relied, in particular, on Article 10 of the Convention and claimed that that interference had not been lawful, as there were no provisions of domestic law that would allow the blocking of an entire website. The interference had not pursued a legitimate aim and had been disproportionate, particularly because complete blocking of the websites had made it impossible to access entertainment services (that is, social media) and communication services such as email.

32. The applicant asked the court to exempt him from paying the court fee (640 Ukrainian hryvnias (UAH); approximately 16 euros (EUR) at the time). In support of his request, he provided the court with certificates

1) from the local branch of the Pension Fund confirming that no social security payments had been made in the applicant's name and that he was not in receipt of a pension and

2) from the tax authorities that for the years 2015-2017 there was no information that he had received any income.

He also stated that "because of his religious beliefs he could not work, receive any income or borrow money, or have any financial relations with the State". The HACU ordered the deferral of the payment of the court fees until judgment was given.

33. On 3 October 2017 the HACU rejected the applicant's claims. The court noted at the outset that under Article 6 of the Code of Administrative Procedure a person who considered that his or her rights and interests had been breached by the actions and/or decisions of the State authorities could apply to the administrative courts. At the same time, an effective protection of rights and interests was possible only "if there is a dispute, that is, if the actions and/or decisions of the State authorities being challenged created, changed or terminated rights and duties [between a person and a State body]". The court further observed, with reference to Article 171 of the Code of Administrative Procedure, that a normative legal act (a regulation) could be challenged only by persons who were, or were likely to be, affected by it. The same applied likewise, in the court's view, to individual legal acts.

34. Turning to the Decree that was being challenged, the HACU observed that it was an individual legal act that had been passed as part of the sanctions regime, and that it was directed at certain legal entities and their relations with the Ukrainian authorities. The court concluded that the Decree had not affected the applicant himself; he had also not obtained standing to challenge the Decree from the entities it did affect.

35. The HACU undertook further analysis of the applicant's reference to Article 10 of the Convention and the Court's case law in the relevant category of cases, in particular in *Cengiz and Others v. Turkey* (nos. 48226/10 and 14027/11, ECHR 2015 (extracts)). The HACU found that the applicant's case was not comparable to that case on its facts, in particular as the applicant had not shown that the websites that he wished to have access to were unique in nature. The HACU further cited *Ahmet Yıldırım v. Turkey* (no. 3111/10, ECHR 2012), noting that in that case "the Court found restrictions on access to the internet acceptable where the content was unlawful, and those restrictions included both the blocking of individual access to the internet and preventing access to a particular website or removing unlawful content". In that connection it noted that in the applicant's situation, access to the internet was still possible and it was only that certain websites were inaccessible for certain periods of time.

36. The HACU further referred to Articles 6 and 7 of the Law on Information, which provided for the restriction of access to information in the interests of, *inter alia*, national security, territorial integrity or public order.

37. The court concluded that:

> "The prohibition on internet providers giving access to certain websites should not be understood as tantamount to a restriction on the right to information, which presupposes freedom to obtain, use, disseminate, store and protect the information [a person] needs to enjoy his or her rights, freedoms or lawful interests.
>
> The Decree that is being challenged here does not restrict [the applicant] in his choice of forms and sources of information. Hindrances that may arise in using the [blocked websites] do not restrict Ukrainians' rights to access their services, and are motivated exclusively by the need to create negative consequences for the entities concerned [by imposing sanctions on them].
>
> Given the above facts and in view of their content and legal nature, [the HACU] does not find that there have been any violations [of the applicant's] rights".

38. The HACU also ordered the first applicant to pay the court fee. There is no information as to whether the applicant did pay it.

39. The first applicant applied to the Supreme Court to have the above judgment reviewed; he submitted a request for exemption from the court fee to that court as he had to the HACU. On 2 November 2017, the Supreme Court rejected the applicant's request, and his application was left without action pending his payment of the court fee. The court observed that the documents submitted by the applicant, in particular, the certificate that he was not a pensioner, did not show valid grounds for exemption, as the applicant was 29 and could not have been a pensioner in any event.

40. As the first applicant had not paid the court fee, on 28 November 2017 the Supreme Court returned his appeal to him.

D. Facts of application no. 80554/17

41. The second applicant is a former military officer. He comes from a family of Russian origin and has relatives living in Russia.

42. On his application form and in further submissions to the Court the second applicant stated that he had no accounts with Vkontakte or Odnoklassniki and that it would be impossible for him to have any because his "legal activities" meant he could not use a website that was open to the public, but he "receive[d] information from [family and friends] on those [social media sites]". That was particularly important to him because he had not been to Russia since 2007. After the 2017 Decree, he was no longer able to communicate using those social media and he claimed that his private and family life had been considerably impacted.

43. The second applicant has had an account with private bank A. since 2010. He gave the bank his mail.ru. email address. In October 2017 he was contacted by his bank which informed him that communication via the

mail.ru address was no longer possible, and he was invited to contact the bank in order to change his contact email address. There is no information as to what the second applicant did following that request.

44. The second applicant did not challenge the 2017 Decree in the domestic courts. He considered that the existing national case-law showed that a challenge would be ineffective. He referred in that connection to the HACU decisions in cases no. 800/198/17 and no. 800/232/17 in which the others' cases had been dismissed.

45. Case no. 800/198/17 seems to be the first case challenging the 2017 Decree. The HACU gave its judgment dismissing the claimant's action on 14 June 2017 and the claimant appealed to the Supreme Court. On 7 July 2017 the Supreme Court opened appeal proceedings and on 13 April 2018 it delivered its judgment. It essentially endorsed the HACU's findings but also said that what must have been challenged was the NSDC's decision and not the President's Decree, which only "enacted" that decision.

46. Case no. 800/232/17 is the first applicant's case, described above, in which the HACU gave its judgment on 3 October 2017.

E. Facts of application no. 52246/18

47. The third applicant did not say on his application form whether or how he had been using any of the Russian internet resources which were restricted by the 2017 Decree.

48. On 19 May 2017, the third applicant challenged the Decree in the HACU as unlawful and an interference with his freedom of expression. In his action he stated that the Decree "violated his rights as an internet user".

49. On 23 May 2017, the HACU refused to open proceedings in the case. It referred to the provisions of Article 2 § 1, Article 6 § 1, paragraph 2 of Article 171 § 2 of the Code of Administrative Procedure of Ukraine and concluded that the third applicant's claims did not give rise to an administrative claim. In particular, the court concluded that the disputed Decree was an individual legal act with legal consequences for the rights and freedoms of only the persons to whom it was addressed. The Decree did not impose any personal sanctions on the third applicant. The HACU observed however that the third applicant could apply to a civil court under the consumer protection legislation.

50. The third applicant appealed against that decision to the Supreme Court. He argued, *inter alia*, that under paragraph 21 of the Resolution of the Plenary HACU no. 2 of 6 March 2008 a person has the right to challenge a regulation if that person has been affected by it or is involved in a legal matter in which that regulation will be applied, and it is incumbent on the claimant to show that. An administrative court cannot however assess that issue when deciding whether to open proceedings in an administrative case, and therefore cannot decline to open proceedings or return an action to the plaintiff

particularly if the person claims the proceedings are necessary to protect his or her rights, freedoms or interests. The courts however can eventually find that the regulation being challenged has not affected (or will not affect) the claimant, which would be grounds to reject the action.

51. On 7 May 2018, the Supreme Court dismissed the third applicant's appeal having essentially endorsed the HACU's reasoning.

F. Facts of application no. 19640/19

52. The fourth applicant is a lawyer and a founder of the Chuhuiv human rights group, a non-governmental organisation working particularly in the field of human rights protection. On his application form and in his further submissions to the Court he said that he had personal accounts with Vkontakte and Odnoklassniki and an email account on the mail.ru domain. He claimed to have been using them for both personal and professional activities. He also said that around one month after the 2017 Decree came into force, domestic internet providers had started blocking access to the websites concerned and that he was no longer able to access them, so he could no longer receive or share information or access his photographs, contacts list, and personal and work-related correspondence.

53. On 19 May 2017, the fourth applicant challenged the 2017 Decree in the HACU.

54. He also applied for the interim suspension of the Decree and the related NSDC decision. On 10 October 2017, the suspension application was dismissed because the Code of Administrative Procedure provided that legal acts issued by the Parliament and the President could not be subject to interim suspension.

55. On 15 November 2017, the HACU dismissed the fourth applicant's action for essentially the same reasons as described above in respect of the first applicant (see paragraphs 33-37 above). The fourth applicant appealed to the Supreme Court.

56. On 20 December 2018, the Supreme Court dismissed the fourth applicant's appeal and upheld the HACU's findings in full.

57. In 2020 the fourth applicant informed the Court that following the extension of the sanctions for a further three years he had challenged the relevant President's decree.

58. On 6 August 2020, the Supreme Court, sitting as a court of first instance, dismissed the fourth applicant's claim.

59. The Supreme Court stated at the outset that despite the 2020 Decree being an individual legal act, the restrictions it set up were an interference with the fourth applicant's freedom of expression, particularly his right to receive and impart information.

60. At the same time, the Supreme Court found that the interference had not completely deprived the fourth applicant of his right, having only

temporarily restricted his ability to fully enjoy that right and in respect of clearly defined internet services. In that connection it referred to the Court's case law on freedom of expression, and particularly that that right was not absolute and that restrictions on it were permissible if they complied with the three-part test under Article 10 § 2 of the Convention.

61. Analysing the legitimacy of the disputed measures, the Supreme Court acknowledged that they had been implemented in accordance with the relevant rules and were necessitated by threats to the national security and territorial integrity of Ukraine. It also observed that the 2020 Decree had not brought in any new restrictions, but only extended those that already existed. The Supreme Court also took into account the fact that the fourth applicant had not been deprived of the opportunity to use other services similar to the restricted ones. The Supreme Court therefore concluded that the disputed interference with the fourth applicant's freedom of expression had been lawful, had pursued the legitimate aim of the protection of national security and had been proportionate to it.

62. The Supreme Court referred to Article 266 of the Code of Administrative Procedure (as amended), which was similar in its wording to Article 171-1 of the previous version of the Code except for its section 3, which provided that if there were an administrative challenge to the legality of, *inter alia*, the acts of President, the courts must apply the rules specified in the article dealing with the procedure for challenging regulations created by the executive and other public authorities (see paragraph 67 below).

63. On 4 November 2020, the Grand Chamber of the Supreme Court dismissed the fourth applicant's appeal against the Supreme Court's decision of 6 August 2020.

64. With his submissions of 2020, the fourth applicant provided screenshots of his pages in Vkontakte and Odnoklassniki and of his email account on mail.ru as accessed on 29 March 2019 and 23 May 2020.

RELEVANT LEGAL FRAMEWORK

I. DOMESTIC LAW

A. THE CONSTITUTION OF UKRAINE (1996)

65. The relevant provisions of the Constitution of Ukraine read as follows:

Article 34

"Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs.

Everyone has the right to freely collect, store, use and disseminate information by oral, written or other means of his or her choice.

The exercise of these rights may be restricted by law in the interests of national security, territorial indivisibility or public order, with the purpose of preventing disturbances or crime, protecting the health of the population or the reputation or rights of other persons, preventing the publication of information received confidentially, or maintaining the authority and impartiality of the justice system."

Article 106

"The President of Ukraine:

(...)

18) presides over the National Security and Defence Council of Ukraine;

(...)

The President of Ukraine may issue decrees and orders on the basis and in pursuance of the Constitution and the laws of Ukraine, and they will be binding within the territory of Ukraine."

Article 107

"The National Security and Defence Council of Ukraine is a coordinating body under the authority of the President of Ukraine on issues of national security and defence.

The National Security and Defence Council of Ukraine co-ordinates and controls the activities of the executive authorities in the field of national security and defence. (...)

Decisions of the National Security and Defence Council of Ukraine shall be put into effect by the decrees of the President of Ukraine.

The jurisdiction and powers of the National Security and Defence Council of Ukraine shall be determined by law."

B. THE CODE OF ADMINISTRATIVE PROCEDURE OF UKRAINE

66. The relevant provisions of the Code, as in force at the material time, read as follows:

Article 2. Purpose of administrative proceedings

"1. The purpose of administrative proceedings is to protect the rights, freedoms and interests of individuals and the rights and interests of legal entities from violations by public authorities, local self-government bodies, their officials and employees, and other public entities in the exercise of their legal administrative functions, including their exercise of delegated powers, through fair, impartial and timely consideration of administrative cases."

Article 6. The Right to Judicial Protection

"1. Every person shall have the right to apply to the administrative court in accordance with the procedure set out in this Code, if he or she believes that his or her rights, freedoms or interests have been violated by a decision, action or omission of a public entity.

...

4. No one may be deprived of the right to have his or her case considered by an administrative court within its jurisdiction as established by this Code."

Article 171. Specific Issues in Appeals against Regulatory Acts of Executive Bodies, the Verkhovna Rada of the Autonomous Republic of Crimea, Local Self-Government Bodies and Other Public Authorities

"1. The rules of this article apply to the consideration of administrative cases concerning:

1) the legality (excluding matters of constitutionality) of resolutions and orders of the Cabinet of Ministers of Ukraine and resolutions of the Verkhovna Rada of the Autonomous Republic of Crimea;

2) the legality and compliance with the superior rules of law of regulations made by Ministries and other central executive bodies, of the Council of Ministers of the Autonomous Republic of Crimea, of local state administrations and local self-government bodies, and other public entities.

2. The right to appeal against a regulation shall be available to persons affected by it, and to persons who are involved in legal matters in which that regulation will be applied."

3. In the event of the commencement of proceedings in an administrative case to challenge a regulation, the court shall oblige the respondent to publish an announcement to that effect in the media outlet in which that act was or should have been officially published.

4. The announcement must contain the plaintiff's claims regarding the challenged act, the details of the regulation [in question], the date, time and place of the examination of the case [by the administrative court].

...

7. An administrative court challenge to a regulation shall be resolved within a reasonable time, but no later than one month after the commencement of proceedings. (...)

8. The court may declare a regulation illegal or inconsistent with a superior rule, in whole or in part."

Article 171-1. Specific Issues in Appeals Against the Legal Acts, Actions or Omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice, the High Qualification Commission of Judges of Ukraine and the Qualification and Disciplinary Commission of Prosecutors

"1. The rules of this article apply to the consideration of administrative cases concerning:

1) legality (excluding matters of constitutionality) of resolutions of the Verkhovna Rada of Ukraine, decrees and orders of the President of Ukraine;

(...)

2. Acts, actions or omissions of the Verkhovna Rada of Ukraine, the President of Ukraine (...) can be appealed against in the Higher Administrative Court of Ukraine (...)"

67. Articles 264 and 266 of the Code in its new version as in force at the time of examination of the fourth applicant's case by the Supreme Court (2020) read as follows:

Article 264. Specific Issues in Appeals against Regulations made by Executive Bodies, the Verkhovna Rada of the Autonomous Republic of Crimea, Local Self-Government Bodies and Other Public Authorities

"1. The rules of this article apply to the consideration of administrative cases concerning:

1) the legality (excluding matters of constitutionality) of resolutions and orders of the Cabinet of Ministers of Ukraine and resolutions of the Verkhovna Rada of the Autonomous Republic of Crimea;

2) the legality and compliance with superior rules of regulations made by Ministries and other central executive bodies, of the Council of Ministers of the Autonomous Republic of Crimea, of local state administrations and local self-government bodies, and other public authorities.

2. The right to appeal against a regulation shall be available to persons affected by it, and to persons involved in legal matters in which that regulation will be applied.

3. Regulations can be appealed against in the administrative court during the entire period of their validity.

4. In the event of the commencement of administrative proceedings in which a regulation is challenged, the court shall order the respondent to publish an announcement to that effect in the media outlet in which that regulation was or should have been officially published.

5. The announcement must include the plaintiff's claims about the regulation that is being challenged, the details of the regulation [in question], and the date, time and place of the hearing of the case [by the administrative court].

...

7. An administrative case in which a regulation is challenged shall follow the general procedural rules for contentious proceedings.

8. The court may declare a regulation illegal (unlawful or inconsistent with a superior rule), and declare it void in whole or in part. (...)"

Article 266. Specific Issues in Appeals Against the Legal Acts, Actions or Omissions of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice and the High Qualification Commission of Judges of Ukraine

"1. The rules of this article apply to the consideration of administrative cases concerning:

1) the legality (excluding matters of constitutionality) of resolutions of the Verkhovna Rada of Ukraine, decrees and orders of the President of Ukraine;

(...)

2. Administrative cases as specified in paragraphs 1-3 of section 1 above will be examined in simplified proceedings by the Supreme Court sitting as a panel of the Cassation Administrative Court of no fewer than five judges.

3. In the event of the commencement of proceedings in administrative cases under section two of this Article (...), the rules specified in Articles 264 and 265 of this Code shall apply, bearing in mind the specific issues as provided for in this Article.

4. The Supreme Court, after hearing administrative cases as specified in section two of this Article, may:

1) declare an act of the Verkhovna Rada of Ukraine, the President of Ukraine, the High Council of Justice and the High Qualification Commission of Judges of Ukraine illegal and void in whole or in part; (...)

5. The Grand Chamber of the Supreme Court is the court of appeal for the cases specified in section two of this Article. (...)"

C. THE LAW OF UKRAINE ON SANCTIONS (2014)

68. The preamble to the Law on Sanctions states that it was passed because of, *inter alia*, the "need for an urgent and effective response to existing and potential threats to the national interests and the national security of Ukraine, including hostile action, armed attacks by other states or non-state entities, harm to the life and health of the population, hostage-taking, the expropriation of the property of the state, individuals and legal entities, the damage to property, and the creation of obstacles to sustainable economic development and to the exercise by Ukrainian citizens of their rights and freedoms to their full extent". The Law on Sanctions, in so far as it is relevant, reads as follows:

Section 1. The sovereign right of Ukraine to protection

"1. To protect the national interests, national security, sovereignty and territorial integrity of Ukraine, to counteract terrorist activity, to prevent the violation of rights and to restore the rights, freedoms and lawful interests of Ukrainians that have been violated, and to protect society and the state, special economic and other restrictive measures (hereinafter referred to as sanctions) may be imposed.

2. Sanctions may be imposed by Ukraine on a foreign power, a foreign legal entity, a legal entity that is under control of a foreign legal entity or non-resident individuals, aliens, stateless persons, and those who engage in terrorist activities. (...)"

Section 3. Grounds and principles for the imposition of sanctions

"1. The grounds for the imposition of sanctions shall include:

(1) the actions of a foreign State, foreign legal entity or foreign individual, of other entities that create real and/or potential threats to the national interest, national security, sovereignty and territorial integrity of Ukraine, promote terrorist activities and/or violate human and civil rights and freedoms or the interests of society and the State, and which result in the occupation of territory, the expropriation or restriction of property rights, property losses, or the creation of obstacles to sustainable economic development and the full exercise by Ukrainians of their rights and freedoms;

(2) resolutions of the United Nations General Assembly and Security Council;

(3) decisions and regulations of the Council of the European Union;

(4) violations of the Universal Declaration of Human Rights or the Charter of the United Nations.

2. The imposition of sanctions shall be based on the principles of legality, transparency, objectivity, conformity with their purpose and effectiveness.

3. The grounds for the imposition of sanctions shall also include the commission by a foreign State, a foreign legal entity, a legal entity controlled by a foreign legal entity or a non-resident individual, aliens, stateless persons and entities engaged in terrorist activities, of the actions specified in [section 3(1)(1)] in relation to another foreign State, or the citizens or legal entities of a foreign State.. (...)"

Section 4. Types of sanctions

"1. [T]he following types of sanctions can be used:

1) blocking of assets – the temporary restriction of a person's right to use and dispose of property;

(...)

9) a restriction of or prohibition on the provision of telecommunication services or the use of the common telecommunication networks;

(...)

25) other sanctions consistent with the principles set out in this Law."

Section 5. Imposing, cancelling and amending sanctions

"1. Proposals for the imposition, cancellation and amendment of sanctions are to be submitted to the National Security and Defence Council of Ukraine by the Verkhovna Rada of Ukraine, the President of Ukraine, the Cabinet of Ministers of Ukraine, the National Bank of Ukraine, and the Security Service of Ukraine.

2. A decision to impose, cancel or amend sanctions against a foreign state or an undefined group of persons carrying on a specified activity (sectoral sanctions) provided for in clauses 1–5, 13–15, 17–19 and 25 of section 1 of Article 4 of this Law, may be made by the National Security and Defence Council of Ukraine and implemented by a decree of the President of Ukraine and approved within 48 hours from the date of the President's decree by a Resolution of the Verkhovna Rada of Ukraine. The relevant decision enters into force when the Verkhovna Rada of Ukraine makes a Resolution and is binding.

3. A decision to impose, cancel or amend sanctions against certain foreign legal entities, legal entities under the control of a foreign legal entity or a non-resident individual, of aliens, stateless persons, and entities engaged in terrorist activities (personal sanctions), provided for in clauses 1–21, 23–25 of section 1 of Article 4 of this Law, may be made by the National Security and Defence Council of Ukraine and implemented by a decree of the President of Ukraine. The decision enters into force when the President of Ukraine pronounces a decree and is binding.

(...)

5. A decision to impose sanctions must state how long they are to last, except where the sanctions result in the termination of rights and where the sanctions, by their nature, cannot be applied temporarily. (...)"

D. THE LAW ON INFORMATION (1992)

69. The Law on Information, as in force at the material time, provided as follows:

Section 9. The right to information

"All citizens, legal entities and State bodies of Ukraine shall have the right to information, including ways to freely obtain, use, distribute, and store such data as may be required to enjoy their rights, freedoms, and lawful interests, and to carry out their work and their duties.

The implementation of the right to information by citizens, legal entities and the State shall not infringe the civil, political, economic, social, cultural, ecological and other rights, freedoms and lawful interests of others, or the rights and interests of legal entities.

Every citizen shall be ensured free access to information relating to him or her, except in cases provided for by the laws of Ukraine."

II. OTHER RELEVANT MATERIAL

A. European Parliament resolution on EU strategic communication to counteract propaganda against it by third parties (no. 2016/2030(INI))

70. The Resolution, adopted on 23 November 2016 reads, in so far as relevant:

"The European Parliament,

...

Recognising and exposing Russian disinformation and propaganda warfare

...

8. Recognises that the Russian Government is employing a wide range of tools and instruments, such as think tanks and special foundations (e.g. Russkiy Mir), special authorities (Rossotrudnichestvo), multilingual TV stations (e.g. RT), pseudo news agencies and multimedia services (e.g. Sputnik), cross-border social and religious groups, as the regime wants to present itself as the only defender of traditional Christian values, social media and internet trolls to challenge democratic values, divide Europe, gather domestic support and create the perception of failed states in the EU's eastern neighbourhood; stresses that Russia invests relevant financial resources in its disinformation and propaganda instruments engaged either directly by the state or through Kremlin-controlled companies and organisations; underlines that, on the one hand, the Kremlin is funding political parties and other organisations within the EU with the intent of undermining political cohesion, and that, on the other hand, Kremlin propaganda directly targets specific journalists, politicians and individuals in the EU;

9. Recalls that security and intelligence services conclude that Russia has the capacity and intention to conduct operations aimed at destabilising other countries; points out that this often takes the form of support for political extremists and large-scale

disinformation and mass media campaigns; notes, furthermore, that such media companies are present and active in the EU;

...

11. Argues that Russian strategic communication is part of a larger subversive campaign to weaken EU cooperation and the sovereignty, political independence and territorial integrity of the Union and its Member States; urges Member State governments to be vigilant towards Russian information operations on European soil and to increase capacity sharing and counterintelligence efforts aimed at countering such operations;

...

13. Is seriously concerned by the rapid expansion of Kremlin-inspired activities in Europe, including disinformation and propaganda seeking to maintain or increase Russia's influence to weaken and split the EU; stresses that a large part of the Kremlin's propaganda is aimed at describing some European countries as belonging to 'Russia's traditional sphere of influence'; notes that one of its main strategies is to circulate and impose an alternative narrative, often based on a manipulated interpretation of historical events and aimed at justifying its external actions and geopolitic al interests; notes that falsifying history is one of its main strategies; in this respect, notes the need to raise awareness of the crimes of communist regimes through public campaigns and educational systems and to support research and documentation activities, especially in the former members of the Soviet bloc, to counter the Kremlin narrative; ..."

B. European Parliament Resolution on Russia's disinformation and historical falsification to justify its war of aggression against Ukraine (2024/2988(RSP)).

71. Since 2022, the EU has suspended the broadcasting licences of several Russian information outlets which were being used by the Russian government to manipulate information and promote disinformation about the military aggression against Ukraine. Their activities included transmitting propaganda aimed at destabilising the countries neighbouring Russia, the EU and its member states. Currently the broadcasting ban applies to more than 25 media outlets[5]. The above Resolution, adopted on 23 January 2025 reads, in so far as relevant:

"The European Parliament

...

F. whereas the Russian regime has been making widespread use of disinformation, including based on distorted historical arguments, and foreign information manipulation and interference in an attempt to justify its crime of aggression, to incite the Russian population to support its illegal regime and illegal war of aggression against neighbouring Ukraine, to interfere in the democratic processes of other countries and to

[5] For more details see: https://commission.europa.eu/topics/eu-solidarity-ukraine/eu-sanctions-against-russia-following-invasion-ukraine/sanctions-against-individuals-companies-and-organisations_en

reduce support among their populations for continued international assistance and support for Ukraine against Russia's war of aggression; ...;

...

8. Calls strongly for the EU and its Member States to further increase and coordinate their efforts, including with like-minded partners, to promptly and rigorously counter Russian disinformation and foreign information manipulation and interference in order to protect the integrity of their democratic processes and strengthen the resilience of European societies, inter alia by actively promoting media literacy and by supporting quality media and professional journalism, in particular investigative journalism that uncovers Russian propaganda, its methods and networks, and by supporting research into new hybrid influence technologies;

9. Calls for the EU to expand its sanctions against Russian media outlets conducting disinformation and information manipulation campaigns supporting and justifying Russia's war of aggression against Ukraine and calls on the Member States to swiftly and thoroughly implement these sanctions and to dedicate sufficient resources to effectively addressing this hybrid warfare; calls for the EU and the Member States to step up their support for the independent Russian media in exile in order to enable diverse voices in the Russian-language media; ..."

C. NATO's Strategic Communications centre of excellence report "Analysis of Russia's information campaign against Ukraine" (2015)[6]

72. NATO's report examines the information aspect of Russia's strategy against Ukraine. It identifies Russia's information campaign as central to its operations in Ukraine. It is a new form of warfare, where the lines between peace and war, and foreign military force and local self-defence groups, are blurred, and the main arena of battle has moved from physical territory to the hearts and minds of the population. The report states, in particular, as follows (footnotes omitted):

"The following are the general conclusions of the report:

• Russia was prepared to conduct a new form of warfare in Ukraine where an information campaign played a central role. The characteristics of the new form of warfare which were implemented in Crimea were outlined by General Valery Gerasimov, Chief of the Russian General Staff, nearly a year before the crisis in Ukraine. Analysis of the Ukraine conflict suggests that NATO and the EU must adapt to the new reality where information superiority, as opposed to military power, is becoming increasingly important.

...

• Crisis in Ukraine is a result of Russia's long term strategy. Learning from the Russian information campaign in Ukraine, it is clear that early detection and analysis of those elements within the Russian narrative signalling potential aggressive behaviour

[6] Available at https://stratcomcoe.org/cuploads/pfiles/russian_information_campaign_public_12012016fin.pdf

is critical. The report also demonstrates that Russia's state policy documents contain such indications.

...

• Deception is used by Russia as a tactic to distract and delay. Investigating and disproving the false information, different versions of events and even conspiracy theories rapidly disseminated by Russia requires a lot of time, effort and resources on the part of international organisations like NATO, the Ukrainian government, independent media, experts and even ordinary citizens.

...

Social media has become a popular tool for information campaigns and other online activities such as information collection for intelligence purposes, propaganda, disinformation, deception, as well as recruitment and fundraising for particular activities. Social media is also a convenient tool for the rapid distribution of interlinked texts and images supporting a certain narrative, and their easy, cost-free multiplication.

There have been several examples of Russian state trying to control the social media in relation to the crisis in Ukraine. For example, there have been attempts to block access to pro-Ukrainian sources and to request information from the social networking website VKontakte on Euromaidan supporters. There were the cases of firing the editor of the popular Russian Internet news website Lenta.ru and the director of VKontakte and replacing them with Kremlin-affiliated persons.

...

Last but not least, the social media is a particular phenomenon of the 21st century where a single posting by an individual can become equally powerful and even more wide-spread than the information released by a state-controlled channel. Russian-controlled internet trolling The Russian governing elite cultivates a large number of bloggers and trolls in the social media through the Presidential Administration in order to spread information supporting Russia's narrative and to silence opponents.

...

Pro-Russian accounts have been increasingly visible on social networks since late February 2014 as the crisis in Ukraine escalated with the occupation of Crimea. One particular campaign – "Polite People" – promoted the invasion with pictures of Russian troops posing alongside young girls, mothers with children, the elderly, and pets. The trolls are mainly busy with disinformation, spreading rumours or falsified facts (photos, stories), entering into discussions and flooding topic-related web spaces (event pages on Facebook, discussion forums, hashtags) with their own messages or simply abuse. Social media has also been used for the recruitment of pro-Russian fighters to be sent to East Ukraine (...).

...

There are several prominent cases which provide examples of deliberate falsification of information, usage of false identities and spreading of rumours with the purpose of creating either fear or hatred."

D. NATO's Strategic Communications centre of excellence report "Responding to Cognitive Security Challenges" (2019)[7]

73. One of the chapters of the Report is dedicated specifically to the ban on accessing certain Russian websites which was introduced in Ukraine in 2017. The report states that VKontakte was Ukraine's most visited website before the ban. As a result of the ban, the audience for VKontakte in Ukraine decreased by more than 60% (or 80% according to some sources), dropping out of the top five, and then from the top ten, websites most visited by Ukrainians. However, in 2018 the online social network returned to its previous level of popularity. According to certain sources, when the report was prepared VKontakte was among the top five most visited sites in Ukraine again.

The report also provides a detailed study of the changes in the dynamics of posting and user demographics, as well as of the rhetoric used in posts, before and after the ban. The study shows that VKontakte was markedly less popular in the area controlled by the Ukrainian government (19% less than in areas that were not controlled by the government). However, the relatively few users left after the ban were more active, producing 4.37 times as much content as those in areas not controlled by the government. Furthermore, according to the study, ideologically-motivated posts stood out from other types. Ideological users were also significantly more connected. An analysis of reposts by users from ideological groups showed that although the number of users decreased by a factor of three, the activity level of those groups remained unchanged. However, most pro-Ukrainian groups left VK after the ban. Those who continued to use the network were increasingly posting to an echo-chamber, read only by themselves. The report therefore concluded that the ban "was effective in some ways".

E. Venice Commission Opinion on the Legislative Reforms on Mass Media Regulation: the Draft Law on Mass Media, the Draft Law Amending the Audiovisual Media Services Code, and the Draft Law Amending the Law On Advertising (CDL-AD(2025)027).

74. The Venice Commission Opinion, which was adopted in June 2025, reads, in so far as relevant (footnotes omitted):

> "12. Despite not being unique to the country, these transformations have had important consequences in the Republic of Moldova. The country has long been heavily exposed to external sources of information and has remained a constant target of disinformation campaigns originating from outside its borders: as early as 2018, for example, regional experts had already identified the Republic of Moldova as the most exposed and most vulnerable state in the region to Russian propaganda. The impact has

[7] Available at https://stratcomcoe.org/publications/responding-to-cognitive-security-challenges/113?fbclid=IwAR3220gmQW9HT48HqLG45chZHjYXvya6ymTMetFwlm_ObVYy--ZTQW7rMn8

been exacerbated since the Russian full-scale war of aggression against Ukraine in February 2022, when the Republic of Moldova had to respond to a pressing social need to counter propaganda and disinformation. The country resorted to measures in the wake of the war to mitigate the effects of a hybrid war. On 7 April 2022, the Moldovan Parliament banned the use of war symbols. In June 2022, the parliament also adopted "the law on information security" which banned news bulletins and features produced in countries that did not ratify the European Convention on Transfrontier Televisions (ECTT). The Venice Commission adopted an Opinion and an amicus curiae brief on these restrictions [footnote omitted]. The Commission acknowledged that the laws generally complied with freedom of expression standards but recommended further clarifications to ensure legal precision, consistency, and alignment with national security objectives, particularly regarding the definition and sanctioning of extremist symbols and content.

13. During the campaign for the above-mentioned constitutional referendum (which was held together with the first round of the Presidential elections) in October 2024, the scale of foreign interference and disinformation, predominantly on behalf of the Russian Federation, was found to be unprecedented.

...

54. The Code also lists different prohibitions on content, that include both origin-based as well as content-based restrictions. (...)

...

56. In its 2022 Opinion the Venice Commission analysed in detail the restrictions imposed on the media (...). Those provisions focussed on preventing the broadcasting of programmes with a certain content (disinformation, extremist ideas, etc.) and on limiting the broadcasting of programmes of a certain origin. Against the background of the ECtHR's case-law, the Venice Commission found an interference with the right to freedom of expression. Analysing its legitimacy, it stated that the Law in question responded to a pressing social need because the provisions were designed to counter Russian disinformation. However, the Venice Commission recommended clarifying and refining key provisions of the amended [legislation]. It also recommended specifying the quality standards that determine the origin of audiovisual programmes revising or deleting the origin-based restriction (...) to ensure it targets only content from states posing a security threat.

...

58. (...) [T]he Venice Commission welcomes that the draft amendments under examination now propose repealing the provisions (...), which forbid to broadcast audiovisual programmes of any informative, informative-analytical, military and political content produced in certain countries, notably those outside the EU (...)."

COMPLAINTS

75. All the applicants complained under Article 10 of the Convention that the restriction of access to Russian websites under the 2017 Decree constituted an unjustified interference with their freedom of expression. They complained under Articles 6 and 13 that they could not effectively challenge the disputed measure in the domestic courts. Lastly, the second and fourth applicants also complained under Article 8 of the Convention that their

inability to access the Russian websites in question interfered with their private and family life.

THE LAW

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

I. PRELIMINARY ISSUE

77. All the applicants complained that sanctions against Russian internet companies under the 2017 Decree had made it impossible to access various websites from the territory of Ukraine and that that constituted an interference with their freedom of expression, particularly their freedom to receive and impart information, as provided for in Article 10 of the Convention. Under Articles 6 and 13 they also argued that they could not effectively challenge the disputed measure as the domestic courts did not consider that internet users in Ukraine had standing to challenge the Decree as they had not been the objects of the sanctions.

78. The Court reiterates its established case law that the fairness of proceedings and the procedural guarantees afforded to an applicant are factors to be taken into account when assessing the proportionality of an interference with the freedom of expression guaranteed by Article 10 (see, for example, *Baka v. Hungary* [GC], no. 20261/12, § 161, 23 June 2016, with further references).

79. With that in mind and being the master of characterisation to be given in law to the facts of the case, the Court considers that the applicants' complaints raised with reference to Articles 6, 10 and 13 of the Convention fall to be examined under Article 10 only (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018 and, *mutatis mutandis*, *Cengiz and Others*, cited above, § 69).

80. The Court further observes that the second and the fourth applicants also complained under Article 8 of the Convention that being unable to access the Russian websites in question interfered with their private and family life as they were effectively prevented from communicating with their family and friends, namely those living in Russia. The fourth applicant also claimed that his professional activities had been affected. The Court will examine those complaints separately under the said provision.

II. ALLEGED VIOLATION OF ARTICLE 10 OF THE CONVENTION

A. Abuse of the right of individual application and victim status

1. The Government's submissions

81. The Government argued that despite the introduction of the restrictions on access to the Russian websites, including the social media, the applicants were nevertheless able to access them. In particular, the Government observed that the websites concerned were accessible via a virtual private network (VPN) that was available free of charge, and that users who accessed Russian websites using VPN did not risk prosecution. They also observed that certain studies had shown that in the years following the introduction of sanctions, Ukrainian users continued accessing restricted websites, particularly social media, although the number of users had fallen significantly.

82. In that connection the Government drew attention to the fourth applicant's submissions in which he essentially confirmed that he had been able to access his Vkontakte webpage and his mail.ru account, particularly in 2019-2020 (see paragraph 64 above), and that he had thus continued to communicate with others and receive information.

83. As to the second applicant, the Government emphasised that he had not been registered with either Vkontakte or Odnoklassniki and had only used a mail.ru account, through which he communicated with his bank. The Government emphasised that the bank had confirmed to the second applicant that their communication could continue via a different email account (see paragraph 43 above).

84. The Government further stated that the applicants were not themselves sanctioned and also did not belong to the legal entities that were sanctioned. They were therefore essentially complaining about a side effect of the sanctions. The Government therefore considered that the present case was different from *Monnat v. Switzerland* (no. 73604/01, §§ 30-34, 21 September 2006), *Ahmet Yıldırım*, cited above, and *Flavus and Others v. Russia* (nos. 12468/15 and 2 others, § 29, 23 June 2020) in which the applicants were either the owners of banned websites or the authors of content on those websites. Furthermore, the Government contended that the present case had also to be distinguished from *Cengiz and Others*, cited above, in which the applicants complained about the blocking of YouTube affecting their professional activities. In that case, the Court found that YouTube was a unique platform on account of its characteristics and that no alternatives were available to the applicants. In the present case, the applicants did not argue that the platforms of VKontakte, Odnoklassniki and mail.ru were unique. On the contrary, the Government asserted that the applicants could make use of other similar services, such as the social network Facebook and the email service Gmail. Neither did they claim that the websites in question

carried information of particular interest to them or that the blocking of their access to those websites had deprived them of an important source of information. The Government emphasised in that respect that according to the Court's case law, a State's margin of appreciation under Article 10 should only be reduced where what was at stake was not a given individual's purely "commercial" self-expression, but his or her participation in a debate affecting a matter of public interest (see *Ashby Donald and Others v. France*, no. 36769/08, § 39, 10 January 2013). They further referred to *Akdeniz v. Turkey* ((dec.), no. 20877/10, § 24, 11 March 2014) in which the Court held that the mere fact that the applicant, like the other users of two music-streaming websites in Turkey, was indirectly affected by a blocking order did not suffice for him to be acknowledged as a "victim" within the meaning of Article 34 of the Convention.

85. The Government therefore considered that "the ban on providing services to access certain internet resources should not be equated with the restriction of the right to information as such". The disputed Decree did not restrict the applicants' choice of the types of information they wanted to access or the sources of it. They therefore could not claim to be victims of violations of their rights under Article 10.

86. The Government also considered that the present applications constituted an abuse of right of application for the same reasons.

2. The applicants' submissions

87. The first applicant argued that the restrictions on accessing Russian websites concerned services that were unique. For example, Vkontakte had, according to him, much more sophisticated search options than Facebook, allowing a person to search by country, city, gender, age, education, employment, and so on, and that it also offered an expansive audio and video database. The search engine Yandex and services related to it were, according to the first applicant, also unique. The email service mail.ru allowed mail accounts to be registered free of charge, unlike Gmail. The first applicant further said that he had been a long-term user of Vkontakte and had posted numerous criticisms of the Russian authorities, none of which had ever been removed, and that he did not believe that his personal information had ever been transferred to the Russian security services. And even if it had been, he stated that that would have little importance for him. Furthermore, the first applicant conceded that it was technically possible to circumvent the restrictions in question using a VPN, but that that could not be considered "unhindered access" to the internet.

88. The second applicant contested the government's arguments. He emphasised that he had been using the restricted websites for communication with family and friends living in Russia and could not replace them with other services or use VPN. He said that the fact that he had not been registered in Vkontakte or Odnoklassniki had no "legal significance" because it had been

possible "to obtain information from these networks without registering with them".

89. The third applicant made no comment on the issue.

90. The fourth applicant argued that he had been an active user of the social media in question, both for personal communication and for professional needs - to communicate with clients and colleagues. He also said that he had been using those social media to receive and share material and information related to his professional activities as well as his own user-generated material such as analyses or explanations of changes in legislation or domestic case law and so on. That was how he had been building his personal "brand" as a lawyer and human rights defender. In that connection he also said that he had been providing legal advice to internally displaced persons and persons living in the occupied territories of Ukraine (as well as other countries, particularly those of the Commonwealth of Independent States) who had been using mostly Russian social media. As to his account at mail.ru, he noted that apart from it being his primary email address, that service also offered cloud services which he had used to store photos, videos and documents.

91. The fourth applicant further emphasised that with the adoption of the 2017 Decree he had lost access to all of those services at once, without any transitional period, which had prevented him from backing up the content accumulated and created throughout the years. That, in its turn, had meant that he could not effectively use alternative internet services, even if there had been acceptable alternatives. He also pointed out that after the introduction of the restrictions he had had to move to Facebook and invest considerable effort and time to "re-build" his page there, which had achieved 32,000 followers "only recently".

92. The fourth applicant has not commented on the fact that he was able to access, and apparently did access, his page in Vkontakte and his mail.ru account in the years following the implementation of the restrictions. In that connection he only mentioned that the Court had accepted that accessing banned internet services via VPN was not a meaningful alternative; he referred in that respect to *RFE/RL Inc. and Others v. Azerbaijan* (nos. 56138/18 and 3 others, §§ 74-75, 13 June 2024). He also observed, in reply to the Government's argument that the use of VPN was free of charge and did not entail any legal risks, that the authorities had stated that persons using VPN to access prohibited websites would face prosecution. In that connection the fourth applicant referred to news publications: one from July 2017 stated that the law-enforcement authorities had opened more than 30 criminal cases against Vkontakte and Odnoklassniki users for calling for the overthrow of the Ukrainian State .[8] In September 2020 the NSDC

[8] Available in Ukrainian at: https://tsn.ua/ukrayina/sbu-vidkrila-ponad-30-kriminalnih-provadzhen-proti-koristuvachiv-vkontakte-ta-odnoklassniki-959892.html

Secretary Mr Danilov had said in an interview that it was the responsibility of the users if they continued to use Russian social media and that the Ukrainian law-enforcement authorities would know about anyone spreading Russian narratives in Ukraine and would take whatever measures might be necessary.[9]

3. The third party intervenor

93. In its third party intervention the EISI emphasised the importance of unrestricted access to Internet as part of freedom of expression. It further stated that indiscriminate bans of websites, especially with user-generated content, are inherently uncapable to engage in a balancing exercise and are, therefore, disproportionate.

4. The Court's assessment

(a) Abuse of right of individual application

94. The Court has considered the general principles as set out in, for example, *Zhdanov and Others v. Russia* (nos. 12200/08 and 2 others, §§ 79-81, 16 July 2019) and does not find that the applicants have undertaken any "harmful exercise of a right for purposes other than those for which it is designed" which would impede the proper functioning of the Court or the proper conduct of proceedings before it. The Government's preliminary objection as to the abuse of right of application must therefore be dismissed in respect of all applicants.

(b) Victim status and otherwise as to admissibility

95. The Court reiterates its established case-law that in order to claim to be the victim of a violation, a person must be directly affected by the disputed measure. The Convention does not, therefore, provide for the bringing of an *actio popularis* for the interpretation of the rights set out therein or permit individuals to complain about a provision of national law simply because they consider, without having been directly affected by it, that it may contravene the Convention (see, for example, *Klass and Others v. Germany*, 6 September 1978, § 33, Series A no. 28). Where legislation affecting all citizens is in issue but no direct link between the law in question and the obligations or effects it created for the applicants can be established, the Court will not find that they have standing as victims (see *Dimitras and Others v. Greece* (dec.), nos. 59573/09 and 65211/09, § 31, 4 July 2017).

96. It is, however, open to a person to contend that a law violates his or her rights, in the absence of an individual measure of implementation, if he

[9] Available in Ukrainian at: https://www.pravda.com.ua/news/2020/09/25/7267663/ and https://www.pravda.com.ua/news/2020/10/2/7268617/

or she is required either to modify his or her conduct because of it or to risk being prosecuted (see, for example, *Dudgeon v. the United Kingdom*, 22 October 1981, § 41, Series A no. 45) or if he or she is a member of the class of people who risk being directly affected by the legislation (see *Johnston and Others v. Ireland*, 18 December 1986, § 42, Series A no. 112, and *Open Door and Dublin Well Woman v. Ireland*, 29 October 1992, § 44, Series A no. 246-A). Additionally, legislation very broadly suppressing the expression of specific types of opinion, leading to people adopting a kind of self-censorship, can amount to interference with freedom of expression (see, *Ali Gürbüz v. Turkey*, nos. 52497/08 and 6 others, § 60, 12 March 2019, with further references, and *Borzykh v. Ukraine* (dec.), no. 11575/24, §§ 43-44, 19 November 2024).

97. Overall, the answer to the question of whether an applicant can claim to be the victim of a general measure will depend on an assessment of the circumstances of each case, in particular the nature and scope of the disputed measure and its potential impact on the applicant (see, *Akdeniz and Others v. Turkey*, nos. 41139/15 and 41146/15, § 57, 4 May 2021).

98. In that connection the Court observes that it has previously examined cases in which the applicants claimed that their freedom of expression had been violated by the inability to access certain internet services (see *Akdeniz* (dec.) – for music websites; *Cengiz and Others* – for YouTube, and *Ahmet Yıldırım* – for Google Sites, all cases cited above).

99. However, none of those cases concerned social media, which is a very special modern day phenomenon. Social media are omnipresent and have become not only a means of private communication but also a medium for obtaining and sharing information and other content, including in order to exploit it commercially. The variety of social media with different purposes and functionalities allows people to find the ones that suit them best. It is also true that once a social media page has been accessed, a person will find him- or herself exposed to all sorts of information and content in different formats (text, audio, video, images, and so on) and can even suddenly find him- or herself prompted to react to content in various ways.

100. Nevertheless, the Court considers that the pervasiveness of social media and their deep roots in modern life do not mean that losing access to some of them would automatically make one able to claim to be a victim of a violation of freedom of expression. That approach would be contrary to the concept of the right of individual petition, which contrasts with the idea of an *actio popularis* and would open floodgates to millions of potential applicants (see, *mutatis mutandis*, *Zambrano v. France* (dec.), no. 41994/21, §§ 37 and 42-43, 21 September 2021, and *Tamiz v. the United Kingdom* (dec.), no. 3877/14, §§ 80-81, 19 September 2017, in the context of the millions of comments posted online by internet users, many of which might be regarded as offensive or even defamatory, but which are, at the same time, likely to be too trivial to cause any significant damage to another person's reputation).

101. With the above considerations in mind the Court will assess whether the applicants in the present case have shown that their freedom of expression was affected by the disputed restrictive measures and what were the consequences.

102. The Court observes that the second applicant said on his application form and later re-confirmed in his observations (see paragraphs 42 and 83 above) that he had no accounts of his own on Vkontakte or Odnoklassniki. At the same time, he had said that he had been using those social media to obtain information about his relatives and friends and to communicate with them and that it had not been necessary to create his own account to be able to do so.

103. The Court is not in a position to verify how those social media worked at the material time, but currently it appears that persons who are not registered cannot see a user's page or undertake any action, so they cannot see photos or posts or, for example, comment on them, or write messages (see paragraph 5 above). The Court observes that the second applicant has not explained how it was technically possible for him to meaningfully communicate through those social media without having his own account.

104. Even assuming that the second applicant was a user of the social media in question, it appears that he was not using them for any self-expression – he was not a journalist or civil society activist or otherwise involved in discussions or actions on matters of general interest (contrast *Akdeniz and Others*, cited above, as regards one applicant – a journalist, §§ 70 and 76). Neither had he argued that he had been using the Russian social media in question to obtain or share any information, whether or not it was specific to any particular topic or region (see *Akdeniz and Others*, cited above, as regards two other applicants - academics, § 71, and contrast *Cengiz and Others,* cited above, §§ 50-55). Lastly, the second applicant has also not argued that he had been using the social media in question to maintain cultural ties with Russia as his country of origin (contrast, *Khurshid Mustafa and Tarzibachi v. Sweden*, no. 23883/06, § 44, 16 December 2008).

105. It is possible that the second applicant was discussing matters of social or political concern, that is, of general interest, with his relatives, and might even have shared some related information with them or obtained it from them. However, he did not state that expressly in his submissions to the Court and it could equally be concluded that the second applicant was only using the social media in question to communicate on purely private topics. In that respect the Court reiterates that it is not sufficient that a violation of the Convention is "evident" from the facts of the case or the applicant's submissions. Rather, the applicant must complain that a certain act or omission entailed a violation of the rights set forth in the Convention or the Protocols thereto, in a manner which should not leave the Court to second-guess whether or not a certain complaint has been raised. This means that the Court has no power to substitute itself for the applicant and formulate

new complaints simply on the basis of the arguments and facts advanced (see *Grosam v. the Czech Republic* [GC], no. 19750/13, §§ 90 and 91, 1 June 2023).

106. With the above considerations in mind, the Court concludes that the second applicant's complaints are focused on private communication and do not, therefore, fall within the notion of "freedom of expression" within the meaning of Article 10 of the Convention. This conclusion also applies to the second applicant's use of his mail.ru email account as his complaint in that respect was clearly limited to his inability to use it to communicate with his bank. It follows that the second applicant's complaints must be rejected as inadmissible *ratione personae*.

107. The same conclusion is *a fortiori* applicable to the third applicant, who had not provided any detailed information as regards his use of the internet services in question apart from his statement in the domestic proceedings that he had been a "user" of them (see paragraphs 47-48 above). The third applicant's complaints must likewise be rejected as inadmissible *ratione personae*.

108. As regards the fourth applicant, he submitted that he had been registered and active user of the social media in question, which he considered both as a source of information and as platforms for sharing his own thoughts and opinions. The fourth applicant also claimed that he had been using his accounts in Vkontakte and Odnoklassniki and his mail.ru email account for his professional activities as a lawyer, including for the dissemination of news on developments in the field of law and for legal analytical material (see paragraphs 52 and 90 above).

109. The Court reiterates that because of its accessibility and its capacity to store and communicate vast amounts of information, the internet has now become one of the principal means by which individuals exercise their right to freedom of expression and information. The internet is an essential tool for participation in political activities and discussions on political issues and issues of general interest. It enhances the public's access to news and facilitates the dissemination of information in general. Article 10 of the Convention guarantees the freedom to receive and impart information and ideas to "everyone". It applies not only to the content of information but also to the means of its dissemination. Any restriction on communication necessarily interferes with that freedom (see *Ahmet Yıldırım*, cited above, §§ 48-54). The Court also reiterates that the wholesale blocking of access to a website is an extreme measure which has been compared to banning a newspaper or television station. It deliberately disregards the distinction between the legal and illegal information the website may contain, and renders inaccessible large amounts of content which has not been identified as illegal. Blocking access to an entire website has the practical effect of extending the scope of a blocking order far beyond the illegal content which was originally targeted (ibid., § 63).

110. In the present case, the entire internet service (website) – either of the social media in question or the mail.ru domain – was restricted and could not be accessed without using special technical solutions. That restriction did not constitute a wholesale ban on internet access, but it had the effect of blocking access to personal accounts and pages on certain websites if they were accessed from Ukraine. The Government argued that the restrictions were aimed at putting financial and other pressure on the internet companies in question since they were, *inter alia*, tools of Russian influence and propaganda, rather than intended to punish the users who were, however, affected.

111. The Court observes in that connection that since 2014 Ukraine has been facing challenges that are unprecedented in the history of the Council of Europe. As stated in *Ukraine and the Netherlands v. Russia* ([GC], nos. 8019/16 and 3 others, § 177, 9 July 2025):

> "177. ... The nature and scale of the violence as well as the ominous statements concerning Ukraine's statehood, its independence and its very right to exist represent a threat to the peaceful co-existence that Europe has long taken for granted. As already explained, this dangerous rhetoric has also on occasion been extended to encompass other Council of Europe member States, including Poland, Moldova and the Baltic countries. These actions seek to undermine the very fabric of the democracy on which the Council of Europe and its member States are founded by their destruction of individual freedoms, their suppression of political liberties and their blatant disregard for the rule of law. In none of the conflicts previously before the Court has there been such near universal condemnation of the "flagrant" disregard by the respondent State for the foundations of the international legal order established after the Second World War and such clear measures taken by the Council of Europe to sanction the respondent State's disrespect for the fundamental values of the Council of Europe: peace, as already underlined, but no less importantly human life, human dignity and the individual rights guaranteed by the Convention."

112. War constitutes, in itself, an acute and manifest threat to national security and public order. It requires the swift adoption of a broad range of measures at multiple levels, across diverse sectors of governance, and at various stages of a conflict, taking into account the distinctive features of modern warfare compared to earlier forms of conflict. The armed conflict between Russia and Ukraine which started in February 2014 continued with military action of varying intensity, culminating in 2022 with a full-scale invasion (see *Ukraine and the Netherlands v. Russia,* cited above, § 359). Not only was it almost impossible to prepare in the face of certain unprecedented actions and events of those years, but the exigencies of the situation were such as to necessitate far-reaching and, at times, harsh measures to ensure the survival of the nation. In particular, the present conflict is characterised by the widespread use of digital and information warfare as well as "soft-power" means. Russia's use of those means has been studied and recognised at various levels, both domestically and internationally, and there have been calls for Russian disinformation and propaganda warfare to be acknowledged and exposed (see, for example, paragraphs 70 and 71 above as regards the

European Parliament and paragraphs 72 and 73 as regards NATO studies). Various measures have been taken across Europe in particular to counter disinformation and propaganda, including, as a starting point, the debunking of disinformation and propaganda, the imposition of entry bans and sanctions (see paragraph 72 above) and changes in media legislation (see, for example, paragraphs 72 and 74 above). The Court has also examined cases raising similar issues. In *Kirkorov v. Lithuania* ((dec.), no. 12174/22, §§ 63-67, 19 March 2024) the Court found that an entry ban on a famous Russian singer was not a disproportionate interference with his freedom of expression as it had been legitimately applied in the interests of national security (see also, for the examination of similar considerations in the context of elections, *Bradshaw and Others v. the United Kingdom*, no. 15653/22, §§ 134-35, 22 July 2025 and in the context of assemblies – *Rodina and Borisova v. Latvia*, nos. 2623/16 and 2299/16, §§ 106-14, 10 July 2025).

113. With that in mind, the Court would, as a matter of principle, be ready to consider that the specific context of the present conflict might make exceptional policy choices necessary. In that connection the Court has not overlooked the information provided by the Government that the internet services in question, which were admittedly highly popular in Ukraine, were essentially controlled by the Russian Government and security services (see paragraphs 8-11 above) and therefore constituted a threat to both the users' privacy and the security of the State. It also notes that "anti-Ukrainian" communities had been documented as using those social media, that there were calls for the overthrow of power in the country or that information on the location and composition of units of the Armed Forces of Ukraine had been disseminated using the internet services in question (see paragraphs 23-24 above). It also notes that attempts by the Ukrainian authorities to have harmful content removed apparently proved futile (see paragraph 23 above).

114. It observes, at the same time, that the restriction on accessing particular websites were not aimed directly at internet users (although, as noted above, there might have been some intention to push users away from unsafe and potentially harmful services) but they entailed, as a consequence, that the users lost, within a very short period of time, unhindered access to, *inter alia*, their social media pages. In that connection the Government argued that people who were nevertheless willing to access restricted websites could do so without risking any liability by using, in particular, a VPN – a service which is also free of charge, and this is what the fourth applicant had done.

115. Indeed, it is apparent from the fourth applicant's submissions that he did access the restricted websites (see paragraph 64 above). He did not argue that that had entailed any additional costs or efforts or that it was too burdensome. Neither does the Court accept the fourth applicant's argument that he would risk prosecution if he used services allowing to bypass the restrictions, as it does not appear that Ukraine has introduced any penalties

for the use of VPN or other technologies or for accessing restricted websites. Although the NSDC Secretary stated that persons using Vkontakte might have problems with the authorities, the Court observes that that statement seems to say not that accessing Vkontakte as such might be punishable but that that might apply to the purpose for which it was accessed (see paragraph 92 above).

116. As regards the fourth applicant's reference to the Court's findings in *RFE/RL Inc. and Others* (cited above, §§ 73-74) that the mere fact that the restrictions on access could be bypassed by using VPN services or alternative web browsers could not, in reality, significantly alleviate the overall effect of blocking measures, the Court observes that those findings concerned a case in which the applicant was a newspaper whose website had been blocked. The Court's analysis in that case therefore concerned a different issue and cannot be automatically transposed on to any situation involving the use of VPN, especially a "successful" one.

117. Furthermore, while the fourth applicant claimed that he had been using Vkontakte and Odnoklassniki to promote himself as a lawyer and human rights defender, the Court observes that he has not provided any detailed information in that respect. The Court acknowledges that in some fields social media could be an effective means of advertising, but the fourth applicant has not given any information as to the number of followers he had had before the restrictions were implemented or why he considered advertising through social media more effective or better adapted to his situation than other methods. The same applies to the impact on the fourth applicant's professional activities in general: he has supplied no information as to how his business might have been affected by the disputed measures (for example, his financial situation, his interactions with clients, and so on) or whether he had indeed lost his business connections or definitively lost material published online, which must also have existed in other electronic formats.

118. In that connection the Court also observes that the fourth applicant apparently continued to access the restricted websites for a long time after the implementation of sanctions although, knowing that they would be in force for at least the next three years, he could instead have taken action to secure a smooth transition to other platforms (he could have downloaded his media files and other content, saved his contacts list and informed his correspondents that he would no longer be using the service concerned).

119. The Court further observes that the fourth applicant seems to have doubted the existence of any alternatives to the internet services that were restricted (see paragraph 90 above). In that connection it reiterates that the uniqueness of a service concerned is a factor to be taken into account when assessing interference with freedom of expression. In *Cengiz and others* (cited above, § 52) the Court found that YouTube was a unique service in view of its characteristics, its accessibility and above all its potential impact,

and taking into account, particularly, that political content ignored by the traditional media is often shared via YouTube, fostering the emergence of citizen journalism. The Court cannot, however, reach the same conclusion as regards the social media in question in the present case, or the email service mail.ru, which seem to be comparable in many ways to other existing services. The fourth applicant has not made any detailed arguments showing how any features that allegedly made the services in question unique or so substantially different from similar services that made his personal use thereof indispensable for the exercise of his freedom of expression. The Court notes in relation to the above that currently the fourth applicant also has his own professional website, a Facebook page created in 2016, and TikTok and Telegram channels.

120. With all the above-mentioned considerations in mind, the Court considers that the fourth applicant's complaint must be rejected as manifestly ill-founded, in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

121. As to the remaining first applicant, the Court considers that it does not need to decide on the issue of his victim status because his application is in any event inadmissible for the failure to exhaust domestic remedies, as will be analysed below.

B. Six months and non-exhaustion of domestic remedies

1. The Government's submissions

122. The Government addressed the issues of time-limit and of the exhaustion of domestic remedies by observing first of all that the applicants had essentially complained that their rights had been violated by the President's Decree which brought in sanctions against the legal entities which managed certain Russian internet services.

123. The Government considered that in order to protect their rights, the applicants should have either gone through all the domestic levels of jurisdiction and brought a constitutional complaint in the Constitutional Court of Ukraine against the Law of Ukraine on Sanctions, or that they should have applied to the Court within six months of the Decree being passed if they believed there were no remedies at the domestic level or that they were ineffective.

124. The Government observed that Article 171-1 of the Code of Administrative Procedure set out special provisions for challenging acts of the President (see paragraph 66 above). The domestic courts had interpreted that Article as referring both to regulations and to individual legal acts and therefore, if the Article was read in conjunction with Article 171 of the Code, it must have been clear that both types of acts could only be challenged by persons affected by them. Since the sanctions implemented by the Decree did not concern the applicants, they clearly had no right to appeal against them.

125. As regards any constitutional complaint, the Government observed that the first, third and fourth applicants had applied to the domestic courts but neither of them had pursued their cases up to the Constitutional Court, which had been given the power to examine individual constitutional complaints under legislation passed on 13 July 2017 (and in force as of 15 August 2017). In the Government's view those applicants could have challenged the constitutionality of the Law on Sanctions, as it had been applied in their cases, in the light of the constitutional provision on freedom of expression (see paragraph 65 above). In that connection the Government pointed out that there had been attempts to have that Law reviewed by the Constitutional Court, and although those proceedings had been brought by persons directly affected by the sanctions, that showed, in the Government's view, that such a complaint was possible as a matter of course.

126. The Government further observed, with specific reference to the first applicant, that he had not pursued his case to the Supreme Court as a court of appeal, supposedly because he was unable to pay the court fee and because his request for exemption from payment of the court fee had been unfairly refused. In that connection the Government observed that the first applicant had claimed financial reasons for being entitled to remission of fees but had failed to provide convincing evidence in support. In that connection the Government also mentioned that the first applicant was a national of Belarus, so he might have received income there. They also observed that even after the Supreme Court had returned his appeal he could have resubmitted his appeal to have it examined on its merits.

2. The first applicant's submissions

127. The first applicant commented that a constitutional complaint could indeed be filed by an individual who considered that legislation passed by the Parliament of Ukraine which had been applied in his or her case was unconstitutional. In his case the relevant legislation was a decree passed by the President, that is a by-law, which could only be challenged in the CCU by a limited number of people, such as, for example, members of Parliament (who had tried to challenge the decree, but had been unsuccessful, see paragraphs 26-27 above). The only way for the first applicant to challenge the decree was therefore to apply to the HACU and then appeal to the Supreme Court.

128. As regards the court fee, the first applicant emphasised that he had filed a fully reasoned request for exemption from the fee with the Supreme Court, and had included a tax service certificate confirming that he had had no income in the last reporting year (which he claimed was not merely appropriate evidence of a person's financial situation but the only such evidence), but the court had not taken a proper decision on his request and so he had been prevented from pursuing his case.

3. The Court's assessment

129. The Court reiterates that in assessing whether the applicant has complied with Article 35 § 1, it is important to bear in mind that the requirements contained in that Article concerning the exhaustion of domestic remedies and the six-month period are closely interrelated, since they are not only combined in the same Article, but also expressed in a single sentence whose grammatical construction implies such a correlation (see *Knapić v. Croatia* (dec.), no. 2839/08, 4 June 2009).

130. As a rule, the six-month period runs from the date of the final decision in the process of exhaustion of domestic remedies (see *Blokhin v. Russia* [GC], no. 47152/06, § 106, 23 March 2016). This provision allows only remedies which are normal and effective to be taken into account as an applicant cannot extend the strict time-limit imposed under the Convention by seeking to make inappropriate or misconceived applications to bodies or institutions which have no power or jurisdiction to offer effective redress for the complaint in issue under the Convention (see *Fernie v. the United Kingdom* (dec.), no. 14881/04, 5 January 2006).

131. However, in its case-law, the Court has also observed that whenever the alleged violation of a Convention right is caused by a particular event occurring at a specific time (such as the delivery of a court decision or other written legal act being a vivid example), the legal consequences of that event, even if it stretches over a significant period of time, do not qualify as "a continuing situation" for the purposes of the calculation of the six-month rule contained in Article 35 § 1 of the Convention (see *Rustavi 2 Broadcasting Company Ltd and Others v. Georgia*, no. 16812/17, § 263, 18 July 2019).

132. Lastly, the Court reiterates that mere doubts on the part of the applicant about the effectiveness of a particular remedy will not absolve him or her from the obligation to try it (see, for example, *Vučković and Others v. Serbia* (preliminary objection) [GC], nos. 17153/11 and 29 others, §§ 74-75, 25 March 2014).

133. Turning to the present case, the Court observes that at the domestic level disputes that related to decisions, acts and actions or omissions of public authorities which allegedly violated the rights and interests of private individuals fell to be examined within administrative proceedings regulated by the Code of Administrative Procedure. That Code provided that any person who considered that his or her rights had been violated by a public authority could seek redress in the administrative court (Article 6 of that Code; see paragraph 66 above). Furthermore, at the relevant time, two more provisions of that Code could be seen as relevant to the present situation given that it involved a challenge to a legal act taken by a public authority: Article 171 setting out specific procedure in challenges to regulations (*нормативно-правових актів*) issued by public authorities and Article 171-1 which set out the procedures for actions against President's decrees specifically (see paragraph 66 above).

134. Article 171 clearly concerned "regulations" of "executive bodies, the Verkhovna Rada of the Autonomous Republic of Crimea, local self-government bodies and other public authorities" and contained a condition that only persons to whom a regulation was applied, as well as persons involved in legal matters affected by it, could challenge it in the courts. Article 171-1 spoke about "legal acts" (*акти*), which would include decrees and orders of the President, but did not specify who could appeal against them.

135. The Court observes in that connection that when the domestic courts considered the first applicant's claim, they referred to Articles 6 and 171 of the Code. Having observed that under Article 171 a regulation could be challenged by a limited number of persons, they concluded, without giving any details, that the same must apply to individual legal acts (*індивідуальні акти*). Without providing further comments as to what constituted an "individual legal act" and which legislative provisions regulated the way it could be challenged, the courts found that the disputed Decree had been an individual legal act and, since it had been passed as part of the sanctions regime, that it had been directed at certain legal entities and their relations with the Ukrainian authorities. With that in mind, they concluded that the 2017 Decree had not impacted the rights of the first applicant or created any consequences for him (see paragraph 34 above).

136. The Court observes that both the wording of Articles 171 and 171-1 of the Code of Administrative Procedure and their judicial interpretation in the first applicant's case left room for doubt. If those provisions were read in conjunction with general provisions of the Code such as Articles 2 and 6, which guarantee to everyone a right to apply to the administrative court for review of a decision, action or omission of a State body which might violate rights or freedoms (see paragraph 66 above), it would not necessarily have been clear to the first applicant that the action he was bringing would be futile.

137. Domestic case law, as it stood at the time of events, also did not suggest that. The first case challenging the 2017 Decree appears to have been case no. 800/198/17 (see paragraph 45 above). In that case the HACU gave its judgment on 14 June 2017 and the Supreme Court opened appeal proceedings on 7 July 2017. The case remained before the Supreme Court until 13 April 2018 when it eventually dismissed it. The third or fourth applicants' cases, being among the earliest cases raising the matter in the courts, had also not been finally resolved at the time (see paragraphs 49, 51 and 55-56 above).

138. Therefore, while the first applicant's case was being heard, there had been no final decision on the issue, let alone was there a settled body of domestic case law.

139. Lastly, the Court observes that when the fourth applicant challenged the extension of the sanctions in 2020, the Supreme Court, which then sat as a court of first instance for that category of cases, examined his claims on

their merits, particularly in the light of the alleged interference with freedom of expression (see paragraphs 59-62 above) and it did so essentially within the same legal framework as had existed in 2017.

140. To sum up, the Court concludes that the first applicant cannot be reproached for having brought court proceedings challenging the Decree. The Court must therefore go on to decide whether the first applicant had properly pursued that remedy.

141. The Court notes that the first applicant had from the very beginning of the proceedings argued that his financial situation meant that he could not afford to pay the court fee. In support of that, he provided the courts with certificates

1) from the local branch of the Pension Fund, that no social security payments had been made in the applicant's name and that he was not in receipt of a pension, and

2) from the tax authorities, that for the years 2015-2017 there was no record of any income in his name.

He also stated that "because of his religious beliefs he could not work, have any income or borrow money or have any financial relations with the State". The HACU ordered that the payment of court fee (UAH 640; approximately EUR 16 at the time) be deferred until judgment. After the first applicant's action was dismissed, he was ordered to pay the fee. The first applicant has not informed the Court whether or not he paid that fee.

142. When submitting his appeal to the Supreme Court, he repeated his request, giving the same reasons and submitting the same documents. On 2 November 2017 the Supreme Court declined to remit or defer payment of the court fee. It did not accept the documents the first applicant had submitted, particularly the certificate that he was not in receipt of a pension as valid proof of his financial status because at the age of 29 years at the time he could not have been a pensioner. The first applicant did not pay the fee, and his appeal was not heard.

143. The Court observes in that connection that the first applicant essentially alleged that he had no income whatsoever and could not therefore pay the court fees. He submitted two certificates, including one from the tax authorities, which appears to have been the more relevant, showing that he had no official income. The first applicant also alleged that his religious beliefs prohibited him from working or having "any financial relations with the State" but failed to provide any details. He has also not argued that he was in a precarious or vulnerable situation. Overall, the first applicant failed to explain how he was able to support himself (or pay for the use of the internet) if he was not working or otherwise obtaining an income or financial support of any kind.

144. The Court further notes that the HACU did defer the payment of court fee for the first applicant, thus acting in his favour to ensure his access to court in an important matter. The amount that the first applicant had to pay

to have his case heard by the HACU (EUR 16) could not be said to have been excessive if compared with, for example, the average monthly salary, which was then approximately EUR 200. The applicant did not give any information as to the amount of the court fee that he was supposed to pay for his Supreme Court appeal.

145. With the above considerations in mind, the Court cannot find that the first applicant was unfairly prevented from pursuing his case in the Supreme Court. The Court therefore finds that by failing to pursue his case in the Supreme Court as the court of last resort, the first applicant failed to exhaust domestic remedies.

146. Given that finding, the Court does not need to examine the question of whether the applicant should have made an application to the CCU for a constitutional review, as was argued by the Government.

147. The first applicant's complaint must therefore be rejected under Article 35 § 1 of the Convention.

4. Conclusions as to admissibility

148. The second and the third applicants' complaints under Article 10 are rejected as inadmissible *ratione personae*. The fourth applicant's complaints are rejected as manifestly ill-founded and the first applicant's complaints are rejected as inadmissible for non-exhaustion of domestic remedies.

III. ALLEGED VIOLATION OF ARTICLE 8

149. The second and the fourth applicants complained that the inability to access Russian websites following the 2017 Decree interfered with their right to respect for their private life.

150. In particular, the second applicant argued that Vkontakte and Odnoklassniki had been his only means of communication with his relatives and "other persons residing in Russia" and that the restriction on accessing them was thus closely related to his private and family life. The second applicant also complained that he could no longer use the mail.ru service to communicate with his bank. He stated that other services, such as, for example, Facebook and Gmail, were not appropriate alternatives to those, in his words, "main and fully-fledged Russian websites".

151. The fourth applicant alleged that he had been prevented from continuing to communicate with his family and friends as well as from continuing and developing his professional activities as a lawyer.

152. The Court reiterates that the concept of "private life" is a broad term not susceptible to exhaustive definition. It covers the physical and psychological integrity of a person. It can therefore embrace multiple aspects of the person's physical and social identity. Article 8 protects in addition a right to personal development, and the right to establish and develop

relationships with other human beings and the outside world (see *Denisov v. Ukraine* [GC], no. 76639/11, § 95, 25 September 2018).

153. The notion of "private life" may also include professional activities (see *Fernández Martínez v. Spain* [GC], no. 56030/07, § 110, ECHR 2014 (extracts), and *Oleksandr Volkov v. Ukraine*, no. 21722/11, §§ 165-66, ECHR 2013). Restrictions on an individual's professional life may fall within Article 8 where they have repercussions on the manner in which he or she constructs his or her social identity by developing relationships with others. It should be noted in this connection that it is in the course of their working lives that the majority of people have a significant, if not the greatest, opportunity to develop relationships with the outside world (see *Niemietz v. Germany*, 16 December 1992, § 29, Series A no. 251-B).

154. Furthermore, as regards the notion of "correspondence", it should be noted that Article 8 does not qualify this word by any adjective, unlike the term "life". The Court has previously held that where correspondence is by means of telephone calls no such qualification is to be made. In a number of cases relating to correspondence with a lawyer, it has not even contemplated that Article 8 might not apply because the correspondence was of a professional nature (see *Niemietz*, cited above, § 32, with further references).

155. At the same time, for Article 8 to be engaged, the consequences of an impugned measure for an applicant must also be very serious and must affect his or her private life to a very significant degree. It is for the applicant to show convincingly that the threshold was attained in his or her case. The applicant has to present evidence substantiating the consequences of the disputed measure (see, *mutatis mutandis*, *Denisov and Others*, cited above, § 116). Whether or not the requisite level of seriousness was attained will depend on the circumstances of the particular case. If it is not attained, the complaint will be inadmissible as incompatible *ratione materiae* with the provisions of the Convention (see *Vučina v. Croatia* (dec.), no. 58955/13, §§ 31-32, 24 September 2019). The Court has also held that Article 8 is not engaged each time an individual's everyday life is disrupted but only in exceptional cases, where the State's failure to take measures interferes with that individual's right to personal development or his or her right to establish and maintain relations with other human beings and the outside world. It is incumbent on the individual concerned to demonstrate the existence of a special link between the situation complained of and the particular needs of his or her private life (see *Zehnalovà and Zehnal v. the Czech Republic* (dec.), no. 38621/97, ECHR 2002-V).

156. As to the second applicant the Court notes that its findings under Article 10, particularly the lack of explanation as to how he could communicate via Vkontakte and Odnoklassniki without being registered with them himself (see paragraph 102 above), are equally pertinent to his complaints under Article 8. In addition, the Court cannot accept the second applicant's assertion that the social media he discussed were his only

available means of communication with his relatives who lived in Russia, given the multitude of modern means of communication, with or without the use of the internet.

157. The Court also observes that the second applicant failed to show that he could not continue to communicate with his bank, which he had previously done via his mail.ru account, using other email services (as proposed by the bank itself) or that his communication had been impacted to such an extent that it became inefficient or too complicated.

158. Given the above, the Court finds that the second applicant's complaints must be rejected as inadmissible *ratione personae*.

159. As regards the fourth applicant his statements about his private communications were rather general and lacking in detail and he failed to show how the measures complained about had affected him so as to constitute an interference with his private life within the meaning of Article 8 of the Convention.

160. Turning to the fourth applicant's complaint regarding the impact on his professional activities, the Court observes that while that was somewhat better elaborated, its findings under Article 10 (see paragraphs 115-119 above) are also pertinent to the fourth applicant's complaint under Article 8. That is so in particular because the fourth applicant was able to access the restricted Russian websites for a prolonged period and because he failed to provide detailed information about the impact he claimed the disputed measures had had on his professional activities. The Court does not find that the level of seriousness associated with the restriction in question and the inconveniences that the applicant may have suffered engage Article 8 of the Convention.

161. The Court therefore finds that the fourth applicants' complaints must be dismissed as manifestly ill-founded pursuant to Article 35 §§ 3 (a) and 4.

For these reasons, the Court, by a majority,

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 26 March 2026.

Victor Soloveytchik Registrar	Kateřina Šimáčková President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Year of Birth Place of Residence Nationality	Represented by
1.	79083/17	Boyarov v. Ukraine	11/11/2017	**Artur Volodymyrovych BOYAROV** 1988 Talne Cherkasy region Belarusian	Mykhaylo Oleksandrovych TKACHENKO
2.	80554/17	Borzykh v. Ukraine	17/11/2017	**Yuriy Mykolayovych BORZYKH** 1962 Kyiv Ukrainian	
3.	52246/18	Uzerchuk v. Ukraine	01/11/2018	**Oleksiy Andriyovych UZERCHUK** 1986 Kyiv Ukrainian	Vyacheslav Yuriyovych KUMCHENKO
4.	19640/19	Lykhachov v. Ukraine	03/04/2019	**Roman Borysovych LYKHACHOV** 1984 Derhachi Kharkiv region Ukrainian	Mykhaylo Oleksandrovych TARAKHKALO