

The Court declares inadmissible a complaint regarding St George ribbon ban

In its decision in the case of [Borzykh v. Ukraine](#) (application no. 11575/24) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the prohibition on wearing the St George ribbon (a war commemoration symbol) in public. In 2016 Ukraine banned the production and use of the St George ribbon for its associations with the Soviet totalitarian rule and the modern Russian military. Mr Borzykh is a former military officer who wished to wear the ribbon on Victory Day (9 May). Since the occupation of the Crimean Peninsula by Russia and the start of hostilities in the eastern regions of Ukraine, the red poppy has been adopted in Ukraine as a symbol of commemoration.

The Court noted the changed significance of the St George ribbon in the ongoing armed conflict with Russia and found, in particular, that although Ukraine's ban had restricted freedom of expression, it had been within the State's discretion ("margin of appreciation").

Principal facts

The applicant, Yuriy Mykolayovych Borzykh, is a Ukrainian national who was born in 1962 and lives in Kyiv. He is an ethnic Russian.

The St George ribbon (often just George ribbon) has two orange and three black parallel stripes and is a component of military honours, particularly in relation to the Soviet era. It has been widely used in former Soviet countries, specifically during events commemorating the victory in the Second World War.

In Ukraine it was worn by veterans and/or members of their families, either as part of the original honours or on its own. Since the occupation of the Crimean Peninsula by Russia and the start of hostilities in the eastern regions of Ukraine in 2014, the red poppy has been adopted in Ukraine as a symbol of commemoration of war deaths. In 2015 the Ukrainian Parliament passed the Law on the condemnation of the communist and National Socialist (Nazi) regimes in Ukraine and the prohibition on promotion of their symbols. That was followed up in 2017 with amendments to the Code of Administrative Offences which makes the production, use and promotion of the St George ribbon an administrative offence.

In Russia, conversely, the St George ribbon has continued to be used and promoted. The Order of St George and the St George Cross are military honours in the Russian Federation.

Mr Borzykh, who comes from a family that served in the Second World War and is a former military officer, wished to wear the ribbon on Victory Day (9 May) but could no longer do so fearing prosecution. He stated that Victory Day was of special importance to him, as he celebrated the bravery of his relatives. He did not believe that wearing the St George ribbon constituted a "provocation".

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 17 November 2017.

Relying on Articles 8 (right to respect for private and family life), 10 (freedom of expression) and 14 (prohibition of discrimination) of the Convention and on Article 1 of Protocol No. 12 (general prohibition of discrimination), Mr Borzykh complained, in particular, of the prohibition on wearing the St George ribbon in public, and that that ban was discriminatory.

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

Mattias **Guyomar** (France), *President*,
María **Elósegui** (Spain),
Armen **Harutyunyan** (Armenia),
Gilberto **Felici** (San Marino),
Diana **Sârcu** (the Republic of Moldova),
Kateřina **Šimáčková** (the Czech Republic),
Mykola **Gnatovskyy** (Ukraine),

and also Victor **Soloveytschik**, *Section Registrar*.

Decision of the Court

Article 10

For the Court the situation of Mr Borzykh, who had to either refrain from wearing the ribbon and not demonstrate pride in his family's military service, or break the law and risk prosecution, was an interference with his right to freedom of expression. That interference was prescribed by the relevant Ukrainian law.

In its assessment of whether the interference was justified and, in particular, whether it was necessary in a democratic society, the Court took account of the context within which the ban on the St George ribbon had taken place. In particular, while until very recently the ribbon had been mostly associated with the Soviet era, namely with Soviet military awards, its association with the Russian military and its use as an insignia by Russian units in Ukraine from 2014 has become more prevalent. For many, therefore, it had become linked to perceived Russian military valour and a symbol of the suffering that Russian aggression had brought about. The Court saw no reason to call into question the Ukrainian Government's efforts to tackle the problems posed by armed conflict.

The Court observed that the prohibition of the St George ribbon was not a blanket ban and there were quite a number of exceptions, including its lawful use as original State award or military honour awarded before 1991.

Overall, the Court held that the State had not overstepped its discretion ("margin of appreciation") and it rejected this part of the application as manifestly ill-founded.

Article 8

In order for an issue to arise under Article 8, the consequences for the applicant had to be very serious and affect his or her private life to a very significant degree. Mr Borzykh had failed to show that the prohibition had caused him mental suffering or distress or had otherwise had a significant impact on him. As the complaint therefore did not give rise to an issue under Article 8, the Court dismissed it.

Articles 8 and 10 in conjunction with Article 14 of the Convention and on Article 1 of Protocol No. 12 to the Convention

The Court found no appearance of a violation of these Convention provisions, and so rejected this part as manifestly ill-founded.

The decision is available only in English.

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Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Neil Connolly (tel: + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

Jane Swift (tel: + 33 3 88 41 29 04)

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