

By the Judgement of 1 November 2019 No.33-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 5, paras. 1 and 6 of the Law of the Komi Republic “On certain issues of holding public events in the Komi Republic”.

The challenged provisions were subject of consideration to the extent that they prohibit public events in the form of meetings, rallies, marches and demonstrations on Stefanovskaya Square in the city of Syktyvkar and in places within a radius of 50 meters of the entrances to buildings occupied by state authorities of the Komi Republic, state bodies of the Komi Republic, local authorities in the Komi Republic, state institutions of the Komi Republic.

The Constitutional Court declared paragraph 1 of Article 5 of the Law to be inconsistent with the Constitution of the Russian Federation, to the extent that the general prohibition on holding meetings, rallies, processions and demonstrations on Stefanovskaya Square in the city of Syktyvkar established thereby applies to all specified public events without exception whether a specific public event is organised on the basis of its goals and type (nature), the estimated number of participants, the planned time (date) of the meeting, as well as other circumstances of the action - a serious threat to human rights and freedoms, legality, law and order, public safety, including the functioning of life support facilities, transport or social infrastructure, communications, the movement of pedestrians and (or) vehicles, or citizens' access to residential premises or objects of transport or social infrastructure, and without resolving the issue of the proportionality of the ban on its implementation to the degree of such a threat.

Until the necessary legislative changes are introduced, the refusal to coordinate the holding of meetings, rallies, marches and demonstrations on Stefanovskaya Square in the city of Syktyvkar in any case cannot be justified by formal references to paragraph 1 of Article 5 of the challenged Law and must necessarily contain a justification for why, taking into account the declared parameters of a particular public event, its holding will cause a real and irreparable threat to human rights and freedoms, legality, law and order and public safety, including entailing the disruption of the functioning of life support facilities, transport or social infrastructure, communications, will interfere with the movement of pedestrians and (or) vehicles or citizens' access to residential premises or objects of transport or social infrastructure.

Moreover, paragraph 6 of Article 5 of the said Law is recognised not conforming to the Constitution of the Russian Federation insofar as the general prohibition on holding meetings, rallies, marches and demonstrations in places within a radius of

50 meters of the entrance to buildings occupied by state authorities of the Komi Republic, state bodies of the Komi Republic, local authorities in the Komi Republic, state institutions of the Komi Republic established thereby, go beyond the constitutional limits of legislative powers vested within Subjects of the Russian Federation.