



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

THIRD SECTION

CASE OF ISAKOV AND OTHERS v. RUSSIA

(Applications nos. 54446/07 and 23 others – see appended list)

JUDGMENT

STRASBOURG

4 July 2017

This judgment is final but it may be subject to editorial revision.

In the case of Isakov v. Russia,

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

Luis López Guerra, *President*,

Dmitry Dedov,

Jolien Schukking, *judges*,

and Fatoş Aracı, *Deputy Section Registrar*,

Having deliberated in private on 13 June 2017,

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

PROCEDURE

1. The case originated in applications against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by Russian nationals on the various dates indicated in the Appendix.

2. Some of the applicants were represented by lawyers, whose names are listed in the Appendix. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr M. Galperin.

3. The applicants complained, in particular, that, as they were or had been convicted prisoners, they were, or had been barred from voting in elections.

4. On 12 December 2011 application no. 16824/10 was communicated to the Government. On 5 March 2015 the disenfranchisement complaints raised in applications nos. 54446/07, 51229/08, 44423/10, 43115/11, 77991/11, 78379/11, 78381/11, 78387/11, 1735/12, 2866/12, 10883/12, 18632/12, 31455/12, 35559/12, 69342/12, 73777/12, 78747/12, 5023/13, 10131/13, 3376/14, 14407/14, 32634/14, and 68565/14 were also communicated. The remainder of this group of applications was declared inadmissible pursuant to Rule 54 § 3 of the Rules of Court.

5. The Government did not object to the examination of application no. 16824/10, for which assignation to a Chamber had initially been envisaged, by a Committee.

THE FACTS

6. The applicants are, or were at the relevant period, convicted prisoners, with the result that they are, or were, automatically banned from voting, by virtue of Article 32 § 3 of the Russian Constitution.

THE LAW

I. JOINDER OF THE APPLICATIONS

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

II. ALLEGED VIOLATION OF ARTICLE 3 OF PROTOCOL No. 1 TO THE CONVENTION

8. The applicants complained about their disenfranchisement on the grounds that they were, or had been, convicted prisoners. Some of them also claimed that they had been prevented from voting in the elections of members of the State Duma of 4 December 2011. They relied on Article 3 of Protocol No. 1 to the Convention, which reads as follows:

“The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”

9. The Court refers to the principles established in its case-law regarding ineligibility to vote in elections (see, for instance, *Hirst v. the United Kingdom (no. 2)* [GC], no. 74025/01, ECHR 2005-IX; *Kulinski and Sabev v. Bulgaria*, no. 63849/09, 21 July 2016; *Anchugov and Gladkov v. Russia*, nos. 11157/04 and 15162/05, 4 July 2013; *Greens and M.T. v. the United Kingdom*, nos. 60041/08 and 60054/08, ECHR 2010 (extracts); and *Calmanovici v. Romania*, no. 42250/02, 1 July 2008).

10. In *Anchugov and Gladkov* (cited above) the Court found a violation in respect of issues similar to those in the present case.

11. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard to its case-law on the subject, the Court considers that in the instant case the statutory ban on prisoners voting in elections is, by reason of its blanket character, incompatible with Article 3 of Protocol No. 1.

12. These complaints are therefore admissible and disclose a breach of Article 3 of Protocol No. 1.

III. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

13. The applicant in case no. 16824/10 complained under Article 13 of the Convention that he had no effective remedies to complain of disenfranchisement.

14. The Court has held that Article 13 does not go so far as to guarantee a remedy allowing a Contracting State’s laws as such to be challenged

before a national authority on the grounds of being contrary to the Convention or to equivalent domestic legal norms (see *Greens and M.T.*, cited above, §§ 90-92). In the present case the Court has not found any grounds to depart from its case-law. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

IV. APPLICATION OF ARTICLE 41 OF THE CONVENTION

15. Article 41 of the Convention provides:

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

A. Damage

16. Some of the applicants claimed just satisfaction in respect of non-pecuniary damage. The Court notes that in the vast majority of cases, where a violation of Article 3 of Protocol No. 1 was found on account of the prisoners' ineligibility to vote, it expressly declined to make any award of just satisfaction (see *Hirst (no. 2)*, cited above § 94; *Firth and Others v. the United Kingdom*, nos. 47784/09 and 9 others, § 18, 12 August 2014; and *Anchugov and Gladkov*, cited above, § 122). As in those cases, in the instant case the Court concludes that the finding of a violation constitutes sufficient just satisfaction for any damage sustained by the applicants.

B. Costs and expenses

17. Some of the applicants claimed legal costs and other expenses in relation to the proceedings before the Court.

18. As regards legal costs, in *Firth and Others*, cited above, § 21, the Court said that lodging applications regarding ineligibility to vote after the judgment in *Hirst (no.2)* was straightforward and did not require legal assistance. The circumstances of the instant cases lead the Court to the same conclusion, that the legal costs claimed were neither reasonably nor necessarily incurred. It therefore rejects the claims under that head.

19. As to other expenses, including postal costs, the Court considers it reasonable to award the sums set out in Appendix, plus any tax that may be chargeable to the applicants.

C. Default interest

20. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applicants' complaints under Article 3 of Protocol No. 1 to the Convention admissible, and the remainder of application no. 16824/10 inadmissible;
3. *Holds* that there has been a violation of Article 3 of Protocol No. 1 to the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the amounts listed in Appendix, plus any tax that may be chargeable, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the below amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 4 July 2017, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Fatoş Aracı
Deputy Registrar

Luis López Guerra
President

APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
1.	54446/07	06/11/2007	Veniamin Vitalyevich ISAKOV 01/01/1966 Aleksandriyskaya, Krasnodar Region	-	-
2.	51229/08	02/02/2008	Maksim Aleksandrovich KOVAL 19/01/1959 Eysk, Krasnodar Region	-	30
3.	16824/10	14/02/2010	Aleksey Ivanovich BOLSUNOVSKIY 08/10/1982 Krasnoyarsk	-	30
4.	44423/10	20/07/2010	Dmitriy Vladimirovich BARANOV 04/08/1981 Tomsk	-	30

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
5.	43115/11	12/06/2011	Aleksandr Aleksandrovich PROSOLUPOV 06/11/1979 Krasnoyarsk	-	-
6.	77991/11	02/12/2011	Nikolay Valeryevich SAFONOV Vostochnyy Sverdlovsk Region	Igor Stepanovich GOLENDUKHIN	-
7.	78379/11	02/12/2011	Andrey Nikolayevich BATUKHTIN 14/06/1972 Vostochnyy Sverdlovsk Region	Igor Stepanovich GOLENDUKHIN	-
8.	78381/11	02/12/2011	Andrey Aleksandrovich BUSHUYEV 26/08/1976 Vostochnyy Sverdlovsk Region	Igor Stepanovich GOLENDUKHIN	-
9.	78387/11	02/12/2011	Sergey Mikhaylovich ABZALIMOV Vostochnyy Sverdlovsk Region	Igor Stepanovich GOLENDUKHIN	-

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
10.	1735/12	05/12/2011	Nikolay Nikolayevich KOKORA 06/09/1965 Krasnodar		30
11.	2866/12	12/12/2011	Yevgeniy Borisovich YARTSEV 17/10/1979 Irkutsk	Igor Leonidovich TRUNOV	-
12.	10883/12	18/01/2012	Andrey Valentinovich TELEPIN 21/11/1981 Kharp Yamalo-Nenetskiy Region	-	-
13.	18632/12	02/03/2012	Vyacheslav Viktorovich BORISOV 23/05/1964 Yekaterinburg	-	-
14.	31455/12	12/03/2012	Andrey Igorevich RESIN 29/07/1974 Lozvinskiy Sverdlovsk Region	Andrey Aleksandrovich MOLOSTOV	30

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
15.	35559/12	02/05/2012	Sergey Stepanovich KULIDA 17/10/1959 Lepley Republic of Mordoviya	-	-
16.	69342/12	21/05/2012	Oleg Pavlovich LIKHACHEV 22/03/1961 Staromatyevka Stavropol Region	-	30
17.	73777/12	04/03/2012	Mikhail Sergeyeovich SHARAPOV 21/11/1980 Moscow	-	8
18.	78747/12	25/10/2012	Sergey Yakovlevich GOLIMGREYN 25/04/1981 Kharp Yamalo-Nenetskiy Region	-	-
19.	5023/13	08/12/2012	Stepan Sergeyeovich SHARKOV 20/04/1991 Vyborg	Marina Aleksandrovna BELINSKAYA	-

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
			Nikita Nikolayevich SOKOLOV 15/05/1977 St Petersburg	Viktoriya Pavlovna PROKOFYEVA	-
			Sergey Igorevich KOTELNIKOV 20/12/1982 St Petersburg	Marina Aleksandrovna BELINSKAYA	-
			Aleksandr Vladimirovich AVDEYEV 28/06/1988 Fornosovo Leningrad Region	Marina Aleksandrovna BELINSKAYA	-
20.	10131/13	20/01/2013	Danil Nikolayevich PANKOV 11/04/1979 St Petersburg	Sergey Igorevich KOTELNIKOV	-
			Dmitriy Yuryevich TATARINOV 11/11/1982 St Petersburg	Marina Aleksandrovna BELINSKAYA	-

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by	Award in respect of costs and expenses (EUR)
			Kirill Igorevich DERZHAVETS 10/03/1970 St Petersburg	Sergey Igorevich KOTELNIKOV	-
21.	3376/14	11/12/2013	Dmitriy Dmitriyevich GOLOVINOV 15/06/1969 Rostov-na-Donu	-	-
22.	14407/14	30/04/2014	Timur Vladislavovich VOYNOV 03/07/1985 Areiyskoe Krasnoyarsk Region	-	30
23.	32634/14	17/06/2014	Sergey Viktorovich ZHABOTINSKIY 16/01/1963 Rostov-na-Donu	-	30
24.	68565/14	24/09/2014	Yevgeniy Viktorovich ZARETSKIY 13/07/1969 Fornosovo Leningrad Region	-	-