



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

THIRD SECTION

DECISION

Application no. 5591/10
Milica ĐORĐEVIĆ and others against Serbia
and 3 other applications
(see list appended)

The European Court of Human Rights (Third Section), sitting on 17 January 2017 as a Chamber composed of:

Luis López Guerra, *President*,

Helena Jäderblom,

Helen Keller,

Dmitry Dedov,

Branko Lubarda,

Pere Pastor Vilanova,

Alena Poláčková, *judges*,

and Stephen Phillips, *Section Registrar*,

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants,

Having regard to the comments submitted by the International Commission of Jurists and ILGA-Europe (European Region of the International Lesbian and Gay Association), which had been granted leave by the President to make written submissions to the Court (Article 36 § 2 of the Convention and Rule 44 § 3),

Having deliberated, decides as follows:

THE FACTS

1. The applicants are the Association “Pride Parade Belgrade” (“the Association”), a local non-governmental organisation set up on 16 October 2010 to promote and protect the rights of lesbian, gay, bisexual

and transgender (“LGBT”) people in Serbia, and 18 Serbian nationals. They are all represented by the Belgrade Centre for Human Rights, a local non-governmental organisation. A list of the applicants with their personal details is set out in the appendix.

2. The Serbian Government (“the Government”) were represented by their Agent at the time, Ms V. Rodić.

A. Relevant background

3. On 31 June 2001 an attempt was made to hold a peaceful demonstration intended to promote the equality and visibility of LGBT population in Serbia (“Pride Parade”) in central Belgrade. This event was violently disrupted.

4. A Pride Parade was held in central Belgrade on 10 October 2010 with official permission. While the parade itself was held without incidents, the police had to confront numerous violent opponents who tried to disrupt it. It was reported that more than 100 police officers were injured.

5. The present applications concern the attempts to hold the Pride Parade in 2009, 2011, 2012 and 2013.

B. The circumstances of the cases

6. The facts of the cases, as submitted by the parties, may be summarised as follows.

1. Pride Parade in 2009 (application no. 5591/10)

(a) Introduction

7. The applicants in this case are Ms Milica Đorđević, Mr Dušan Kosanović, Ms Majda Puača, Ms Marija Savić and Ms Dragana Vučković.

(b) Organisation of the Pride Parade

8. The applicants, together with other persons, were involved in the organisation of the Pride Parade 2009.

9. On 31 August 2009 the applicants notified the Stari Grad Police Department of a peaceful demonstration scheduled for 20 September 2009 at 1 pm. The demonstration was to have two parts, a static assembly on the plateau in front of the Faculty of Philosophy and a procession through the streets in central Belgrade. According to the applicants the location chosen had symbolic importance as a traditional public forum which stood for democracy and human rights in Serbia.

10. In August and September 2009 the organisers and representatives of the Ministry of the Interior held several meetings concerning the organisation and the safety of the Pride Parade.

11. On 7 September 2009 a submission containing a detailed plan of the activities regarding the organisation and the safety of the Pride Parade was sent to the police together with the request for the Ministry of the Interior to provide their own suggestions and opinions regarding the proposed plan.

12. On 15 September 2009 the local media reported that according to the safety evaluation of the State's security service "on 20 September 2009 right wing organisations, parents' associations and football hooligans [were] going to use violence to try to prevent the Pride Parade, if in the meantime the organisers of the parade did not voluntarily desist from holding it".

13. On 17 September 2009 the Belgrade Department for Transport issued a permit for special regulation of the traffic during the planned assembly with the assistance of the Ministry of the Interior requiring the organisers to cover all the costs.

14. On 19 September 2009 at the meeting with the prime minister the applicants were served with the decision, issued on the same day by the Chief of Police, to relocate the Pride Parade from the city centre to suburbs because of "the extremely high risks".

15. The organisers considered that it would not be possible to organise the event at only a day's notice and that the new location was unsatisfactory for the message the assembly was supposed to convey to the public. Consequently, the Pride Parade was not held.

(c) Proceedings before the Constitutional Court

16. On 19 October 2009 the applicants lodged a constitutional appeal in which they argued that the respondent State was responsible for a violation of their right to freedom of assembly because the decision of 19 September 2009 had *de facto* banned the Parade. They further argued that the State had failed to fulfil its positive obligation to protect the participants in the planned event from attacks by third parties. In addition, the applicants argued that the State was responsible for the violation of prohibition of discrimination. The authorities had failed to fulfil their positive obligation to protect the applicants from discriminatory treatment by third persons because of their own discriminatory motives. Furthermore, the applicants argued that their right to an effective remedy had been violated. They requested the Constitutional Court to order the relevant State's bodies to take all the necessary and reasonable steps in order to ensure that the next Pride Parade would be held in safety and to establish their right to pecuniary and non-pecuniary damages.

17. On 22 December 2011 the Constitutional Court found a violation of the applicants' right to freedom of assembly and the right to an effective remedy in connection with the right to judicial protection. The Constitutional Court found that the decision of 19 September 2009 was unlawful because the Ministry of Interior was not authorised to change a location of a duly notified peaceful assembly. Although it had not

explicitly prohibited the Pride Parade, the impugned decision had effectively restricted the applicants' right to peaceful assembly and it had been delivered to the applicants only one day before the scheduled time of the event.

18. As regards the complaint that the State authorities had failed to protect the participants of the Pride Parade from violent acts directed against them by third parties, the Constitutional Court concluded that a potential threat of violence against the participants of the event that had not taken place had not represented an arguable claim for finding a violation of the applicants' constitutional rights. In relation to the applicants' discrimination complaint, the Constitutional Court held that the applicants had failed to produce *prima facie* evidence placing the burden on the State to justify a difference in treatment. There was nothing in the case to indicate that the indirect ban of the Pride Parade had been motivated by the discriminatory attitude of the State authorities toward the applicants on the basis of their sexual orientation. As regards the claim for damages, the Constitutional Court considered that the publication of its decision in the Official Gazette represented sufficient just satisfaction for the applicants. The Constitutional Court held, in particular:

“[T]he essence of the right violated is of such a nature that just satisfaction cannot be reached by making an award in respect of any pecuniary or non-pecuniary damage suffered [by the applicants because they] were not the only organisers of the assembly, and also bearing in mind the rights of other persons who were potential participants in the assembly”.

2. *Pride Parade in 2011 (application no. 17802/12)*

(a) Introduction

19. The applicants in this case are Ms Sonja Gabelić-Špicer, Mr Goran Miletić, Mr Darko Köning, Mr Slobodan Stojanović, Ms Jovanka Todorović-Savović and Mr Adam Puškar. They are members of the Association.

(b) Organisation of the Pride Parade

20. On 26 August 2011 the Association notified the Savski Venac Police Department (“the SV Police Department”) of a peaceful demonstration scheduled for 2 October 2011 at 11 am. The demonstration was to have two parts, a static assembly in Manjež Park and a procession through the streets in central Belgrade.

21. Between 30 August and 29 September 2011 the Association held several meetings with the representatives of the Ministry of the Interior and the representatives of authorities concerning the organisation and the safety of the Pride Parade.

22. Several far-wing organisations notified the authorities of their intention to hold demonstrations on 1 and 2 October 2011.

23. On 30 September 2011 the SV Police Department issued a decision to ban the Pride Parade relying on the grounds listed in Article 11 (1) of the Public Assembly Act 1992, namely, that the holding of the assembly would cause obstruction of public transport and would pose a threat to health, public morals and safety of persons and property. In separate decisions the authorities also banned all other public assemblies scheduled for 1 and 2 October 2011 on the same grounds.

24. On the same day the impugned decision was served on the representative of the Association in the premises of the SV Police Department. Shortly thereafter, Mr Goran Miletić met with the police's representatives who informed him that the police had collected information that hooligans were planning to cause unrest in various parts of Belgrade by setting to fire old cars and car tyres and thus to prevent the police from adequately protecting the participants of the Pride Parade.

(c) Proceedings before the Constitutional Court

25. On 31 October 2011 the applicants and the Association lodged a constitutional appeal against the decision of 30 September 2011. They argued in particular that the State was responsible for failing to protect the participants of the Pride Parade from violent attacks by third parties and for failing to prevent the discrimination against them. They further requested the court to establish their right to pecuniary and non-pecuniary damages.

26. On 18 April 2013 the Constitutional Court found that the applicants lacked legal standing to lodge a constitutional appeal because the formal organiser of the event was the Association and dismissed their appeal. As regards the Association, the court found a violation of its constitutional right to judicial protection, the right to an effective remedy and the right to freedom of assembly. The Constitutional Court held that the Association had been deprived of the possibility to challenge the ban because the impugned decision had been delivered to it only two days before the scheduled assembly. The court held, relying on this Court's case-law, in particular *Bączkowski and Others v. Poland* (no. 1543/06, 3 May 2007), that the remedies available to the Association had a *post-hoc* character and could not have provided adequate redress in respect of the alleged violations. It held further that although it could not be concluded that the decision of 30 September 2011 was arbitrary, the lack of possibility to challenge effectively the restriction of the constitutionally guaranteed right led to infringements of the right to judicial protection and the right to an effective remedy and, consequently, the right to freedom of assembly. The Association was awarded 500 euros (EUR) in respect of non-pecuniary damage which was to be converted into Serbian dinars at the average

exchange rate of the National Bank of Serbia on the date of payment. The claim for pecuniary damages was rejected.

27. The court rejected as manifestly ill-founded the complaint concerning the alleged failure of the State to protect the participants of the Pride Parade from the violent attacks by third parties since the public gathering had not been held. It also rejected the discrimination complaint as manifestly ill-founded because the authorities had banned all the events scheduled for 2 October 2011, including those planned by the far-wing organisations.

3. Pride Parade in 2012 (application no. 23138/13)

(a) Introduction

28. The applicants in this case are Mr Goran Miletić, Mr Slobodan Stojanović, Mr Adam Puškar, Ms Maja Mičić, Ms Bojana Ivković and Mr Adorjan Karucz. They are members of the Association.

(b) Organisation of the Pride Parade

29. On 3 May 2012 the Association notified the SV Police Department of a peaceful demonstration scheduled for 6 October 2012. The demonstration was to have two parts, a static assembly in Manjež Park and a procession through the streets in central Belgrade.

30. With the aim of promoting equality and visibility of sexual minorities, in addition to the parade, the organisers planned a series of other events such as the Pride Week which was to be held between 1 and 7 October 2012.

31. On 3 October 2012 the SV Police Department issued a decision to ban the public assembly on the same grounds as before (see paragraph 23 above). The decision was served on the Association on the same day.

(c) Proceedings before the Constitutional Court

32. On 5 November 2012 the applicants lodged a constitutional appeal against the decision of 3 October 2012.

33. On 9 July 2013 the Constitutional Court found that the applicants lacked legal standing to lodge a constitutional appeal because the formal organiser of the event was the Association and dismissed their appeal. In addition, the Constitutional Court observed that the appeal had been lodged out of time, that is, outside the one month time-limit after the delivery of the impugned decision.

4. *Pride Parade in 2013 (Application no. 25474/14)*

(a) Introduction

34. The applicants in this case are Mr Goran Miletić, Mr Ivan Đurić, Mr Marko Ilić, Ms Bojana Ivković, Ms Maja Mičić, Mr Adam Puškar, Ms Ivana Savić, Mr Slobodan Stojanović and the Association. Some of the individual applicants are members of the Association.

(b) Organisation of the Pride Parade in 2013

35. On 5 October 2012 the Association notified the SV Police Department of a peaceful demonstration scheduled for 28 September 2013. The demonstration was to have two parts, a static assembly in Manjež Park and a procession through the streets in central Belgrade.

36. On 27 September 2013 the SV Police Department issued a decision to ban the public assembly on the same grounds as before (see paragraph 23 above). It was served on the Association on the same day.

37. On 23 October 2013 the applicants lodged a constitutional appeal before the Constitutional Court.

38. On 21 April 2016 the Constitutional Court found a violation of the Association's right to judicial protection, the right to an effective remedy and the right to freedom of assembly and rejected the appeal as regards the remaining applicants based on the lack of legal standing. Furthermore, the court rejected the Association's discrimination complaint. In its reasoning the court relied on the arguments from its decision of 18 April 2013 (see paragraph 26 above). The Association was awarded EUR 800 in respect of non-pecuniary damage which was to be converted into Serbian dinars at the average exchange rate of the National Bank of Serbia on the date of payment. The claim for pecuniary damages was rejected.

C. Other relevant information and subsequent developments

39. On 28 September 2014, 20 September 2015 and 18 September 2016 Pride Parades were held in central Belgrade with official permission and strong police protection. They passed off without incidents.

40. On 9 April 2015, in proceedings initiated on its own motion, the Constitutional Court found that the Public Assembly Act 1992 was incompatible with the Constitution. It held that numerous constitutional appeals concerning the right to freedom of assembly had revealed a structural problem in this matter emanating from the application of the Public Assembly Act 1992. The court referred, *inter alia*, to its decisions of 22 December 2011 and 18 April 2013 concerning the prohibition of the Pride Parade (see paragraphs 17 and 26 above). It held, in particular, that restrictions on the exercise of the right to freedom of assembly envisaged in section 11 of that Act were not in accordance with the permissible grounds

for restriction listed in Article 54 of the Constitution. Furthermore, the procedure for challenging the ban on public assemblies set out in section 11 of the Act did not offer minimal conditions for an effective procedure: it did not specify the time-limit for lodging an appeal against a decision to ban public assembly nor the time-limit within which the competent second-instance body should decide on the appeal (see paragraph 44 below). That procedure made it impossible to obtain a final decision before the date of the planned assembly and as such was contrary to Article 22 of the Constitution (the right to judicial protection) and Article 13 of the Convention. The court underlined further that in accordance with Article 54 of the Constitution the citizens had the right to freedom of peaceful assembly and this freedom could be restricted only for the reasons enumerated therein. Therefore, as peaceful assembly was, in principle, allowed everywhere (in all locations), a definition of “location adequate for a public assembly” from section 2 of the Public Assembly Act 1992 (see paragraph 42 below) was contrary to the Constitution. In accordance with Article 168 § 3 of the Constitution, the Public Assembly Act 1992 ceased to be in force as of 23 October 2015, the date of the publication of the Constitutional Court’s decision in the Official Gazette.

D. Relevant domestic law

1. Constitution of the Republic of Serbia

41. The relevant provisions of the Constitution of the Republic of Serbia (*Ustav Republike Srbije*; Official Gazette of the Republic of Serbia (“OG RS”), no. 98/06) read as follows:

Article 21 §§ 2 and 3

“Everyone shall have the right to equal legal protection without discrimination.

All direct or indirect discrimination based on any grounds, particularly on the grounds of race, sex, national or social origin, birth, religion, political or other opinion, property status, culture, language, age, mental or physical disability shall be prohibited.”

Article 22

“Everyone shall have the right to judicial protection when any of their human or minority rights guaranteed by the Constitution have been violated or denied...

The citizens shall have the right to address international institutions in order to protect their freedoms and rights guaranteed by the Constitution.”

Article 36 § 2

“Everyone shall have the right to ... a legal remedy against any decision on his rights, obligations ...”

Article 54

“Citizens may assemble freely.

An assembly held indoors shall not be subjected to permission or registration.

Gatherings, demonstrations and other forms of assembly held outdoors shall be reported to the state body, in accordance with the law.

Freedom of assembly may be restricted by law only if necessary to protect public health, morals, and the rights of others or the security of the Republic of Serbia.”

2. *Public Assembly Act 1992*

42. The Public Assembly Act 1992 (*Zakon o okupljanju građana*; OG RS nos. 51/92, 53/93, 67/93, 48/94 and 101/05) was in force until 23 October 2015. Pursuant to section 1 of this Act everyone had the right to freedom of peaceful assembly exercised in a manner prescribed by this Act. Section 2 of the Act provided that “public assembly” referred to organising and holding a meeting or other type of gathering in a location adequate for that purpose. “Location adequate for a public assembly” referred to a location which was accessible to a gathering of persons and in which the public assembly did not cause obstruction of road traffic, threat to health, public morals or safety of persons and property. It also referred to a location through which public transport passed when it was possible to re-route traffic temporarily, as well as to ensure protection of health and safety of persons and property, for which purpose means were to be provided in accordance with the Act. Such locations were to be defined by the local authorities.

43. Any physical or legal entity could submit an application to hold a public assembly (section 4). It had to be submitted to the local authority (an organisational unit of the Ministry of the Interior) in the municipality in which the public assembly was to be held, at least 48 hours before the planned date of the assembly. The application had to provide the information about the aim and the programme of the assembly, as well as the information about the itinerary if the demonstration is intended to proceed from one place to another (section 6). A public assembly which obstructed road traffic could be authorised if the organiser had accepted to bear the costs of re-routing traffic and had paid a deposit for that purpose.

44. The local authority could prohibit the holding of an assembly if it would obstruct public transport or if it entailed a threat to health, public morals or safety of persons and property (section 11). A decision to ban a public assembly was to be served on the organisers at least 12 hours before the planned time of the assembly. An appeal lodged against the ban did not have suspensive effect. The Act neither specified the time-limit for lodging an appeal nor the time-limit for the second-instance body to decide on the appeal.

3. *Public Assembly Act 2016*

45. The Public Assembly Act 2016 (*Zakon o javnom okupljanju*; OG RS no. 6/16) entered into force on 5 February 2016. Pursuant to section 1 of the Act everyone has the right to freedom of peaceful assembly. A gathering of at least twenty persons, called in order to participate in a public debate or to express an opinion on a given issue, is to be regarded as an assembly within the meaning of the Act (section 3 (1)). The permitted location of an assembly is any location accessible to a gathering of a number of persons who are not individually identified (section 4 (1)). A gathering shall not be permitted in a location in which, due to the characteristics of the location or its specific use, it might entail a threat to safety of people and property, public health, morals, the rights of others and the security of the Republic of Serbia, such as schools, health institutions and objects of strategic importance for the defence and security of the State (section 6).

46. An assembly may be organised by any physical or legal entity. Prior notification of the assembly must be submitted to the local authority (an organisational unit of the Ministry of the Interior) in the municipality in which the public assembly was to be held, at least five days before the planned date of the assembly (section 12).

47. Section 8 prescribes that a public gathering shall not be permitted if it endangers the safety of people and property, public health, morals, the rights of others and the security of the Republic of Serbia; when the purpose of the assembly is to incite violence, racial, national, religious or other discrimination, hatred or bigotry; to incite armed conflict or the use of violence, or violations of human rights and the rights of minorities; and if its purpose is in breach of the Act itself. A decision to ban a public assembly must be issued at the latest 96 hours before the planned time of the assembly. An appeal against such a decision may be lodged with the Ministry of Interior within 24 hours after its delivery and it does not have suspensive effect. The Ministry of Interior must decide on the appeal at the latest within 24 hours of its receipt. That decision is amenable to judicial review before the competent court (section 16).

COMPLAINTS

48. The applicants complained that there had been an unlawful interference with their right to freedom of expression and the right to freedom of peaceful assembly guaranteed by Articles 10 and 11 of the Convention, on account of the change of the location of the assembly in 2009 and the prohibition of the assemblies planned in 2011, 2012 and 2013. They also complained of the lack of an effective domestic remedy for their substantive complaints.

THE LAW

A. Joinder of the applications

49. Given their common factual and legal background, the Court decides to join these applications, pursuant to Rule 42 § 1 of the Rules of Court.

B. Alleged violation of Articles 10, 11 and 13 of the Convention

50. The applicants alleged that the change of the location of the Pride Parade in 2009 and the prohibition on holding the Pride Parade in 2011, 2012 and 2013 had violated their rights enshrined in Articles 10 and 11 of the Convention. They also complained of the lack of an effective domestic remedy for their substantive complaints as guaranteed by Article 13 of the Convention. These Articles read as follows:

Article 10

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.”

Article 11

“1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others. This Article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces, of the police or of the administration of the State.”

Article 13

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

*1. The parties' submissions***(a) The Government**

51. The Government submitted that the applicants who had submitted application no. 5591/10 could no longer claim to be victims of the alleged violations within the meaning of Article 34 of the Convention in view of the Constitutional Court's decision of 22 December 2011 (see paragraph 17 above), regardless of the fact that they had not been awarded any compensation. They further argued that the applicants from the applications nos. 17802/12 and 23138/13 could not claim to be victims of the alleged violations because the formal organiser of the banned assemblies in 2011 and 2012 was the Association. This was also the opinion of the Constitutional Court (see paragraphs 26 and 33 above). Lastly, the Government argued that all the applications should be rejected on non-exhaustion grounds, because the applicants had not awaited the outcome of the constitutional proceedings before seizing the Court.

(b) The applicants

52. The applicants argued that the decision of the Constitutional Court of 22 December 2011 did not deprive the applicants of the application no. 5591/10 of their victim status because they had not received any redress for the violations found. As regards the victim status concerning the applications nos. 17802/12, 23138/13 and 25474/14 they argued that the individual applicants of these applications had either participated in the organisation of the Pride Parade or had intended to join the event.

(c) Third-party's intervention

53. The International Commission of Jurists and ILGA-Europe submitted that Contracting Parties were obliged under international human rights law to take positive measures to protect people from homophobic and transphobic violence. Relying on the commentaries of the UN Special Rapporteur, the Venice Commission and the Organisation for Security and Cooperation in Europe (OSCE), they further submitted that the States should be afforded a narrow discretion in relation to the means used or measures to be taken in preventing violence or disorder, where the threat of violence or intimidation comes primarily from counter-demonstrators, can reasonably be anticipated and is directed at groups most at risk. Furthermore, the States must put in place an adequate legislative and administrative framework to guarantee and facilitate the right of assembly.

2. The Court's assessment

54. The Court does not consider it necessary to examine any of the Government's objections to these complaints since they can now be

considered to have been resolved within the meaning of Article 37 § 1 (b) of the Convention for the following reasons (see *Sisojeva and Others v. Latvia* [GC], no. 60654/00, § 96, ECHR 2007-I).

55. The Court reiterates that, under Article 37 § 1 (b), it may “at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ... the matter has been resolved ...” In order to ascertain whether that provision applies to the present case, the Court must answer two questions: first, whether the circumstances complained of directly by the applicants still obtain; and, secondly, whether the effects of a possible violation of the Convention on account of those circumstances have also been redressed (see *Pisano v. Italy* (striking out) [GC], no. 36732/97, § 42, 24 October 2002; *Sisojeva and Others*, cited above, § 97; *Kaftailova v. Latvia* (striking out) [GC], no. 59643/00, § 48, 7 December 2007; and *Konstantin Markin v. Russia* [GC], no. 30078/06, § 87, ECHR 2012 (extracts)).

56. Turning to the present case, and notwithstanding the Constitutional Court’s decisions concerning the applicants’ constitutional appeals (see paragraphs 17, 26, 33 and 38 above), the Court notes that on 9 April 2015, in proceedings initiated on its own motion, the Constitutional Court acknowledged the existence of a structural problem emanating from the application of the Public Assembly Act 1992 and declared that that Act was unconstitutional (see paragraph 40 above). It lost its force on 23 October 2015. The new Public Assembly Act 2016, which remedied all the shortcomings of the 1992 Act which are relevant to the present case, entered into force on 5 February 2016.

57. The Court notes that the structural problem resolved by the Constitutional Court was at the core of the applicants’ complaints. The change of the location of the Pride Parade in 2009, the prohibition on holding it in 2011, 2012 and 2013 and the lack of possibility to challenge effectively the impugned decisions were the result of the application of the Public Assembly Act 1992. Moreover, even before the change of the relevant legislation, in 2014 and 2015 the Pride Parades were held with official permission and police protection and passed off without incidents. That positive trend continued: the last Pride Parade, held on 18 September 2016, was also peaceful (see paragraph 39 above). The circumstances about which the applicants complain directly – the legislation in relation to freedom of expression and freedom of peaceful assembly, as exemplified by the events in 2009, 2011, 2012 and 2013 – therefore no longer obtain.

58. As regards the question whether the measures taken by the authorities constitute sufficient redress, the Court notes that the relevant legislation has changed. This has been brought about by the proactive attitude of the Constitutional Court. Moreover, as noted above, in the last three years the Pride Parades passed off without incident. Thus it would appear that there has also been a positive change in the public perception of

the issues concerned. In view of this, the Court considers that the redress provided by the Constitutional Court was, in the circumstances, adequate and sufficient.

59. In view of the above, the Court considers that both conditions for the application of Article 37 § 1 (b) of the Convention are met. The matter giving rise to these complaints can therefore now be considered to be resolved within the meaning of Article 37 § 1 (b). Finally, no particular reason relating to respect for human rights as defined in the Convention requires the Court to continue its examination of these complaints under Article 37 § 1 *in fine*.

60. Accordingly, the applications should be struck out of the Court's list of cases in so far as they relate to the complaints under Articles 10, 11 and 13 of the Convention.

C. Other alleged violations of the Convention

61. The Court examined the applicants' remaining complaints under Article 14 of the Convention and Article 1 of Protocol No. 12 to the Convention. However, having regard to all the material in its possession, and in so far as these complaints fall within the Court's jurisdiction, it finds that they do not disclose any appearance of a violation of the rights and freedoms set out in the Convention. It follows that these complaints must be rejected as being manifestly ill-founded, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, by a majority,

Decides to join the applications;

Decides to strike the applications out of its list of cases in so far as they relate to the complaints under Articles 10, 11 and 13 of the Convention;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 9 February 2017.

Stephen Phillips
Registrar

Luis López Guerra
President

APPENDIX

No	Application no	Lodged on	Applicant's name date of birth place of residence
1.	5591/10	30/12/2009	<p>Milica ĐORĐEVIĆ 06/03/1981 Beograd</p> <p>Dušan KOSANOVIĆ 02/06/1974 Beograd</p> <p>Majda PUAČA 09/12/1979 Beograd</p> <p>Marija SAVIĆ 07/06/1979 Beograd</p> <p>Dragana VUČKOVIĆ 04/08/1980 Zemun</p>
2.	17802/12	20/03/2012	<p>Sonja GABELIĆ ŠPICER 25/09/1974 Beograd</p> <p>Goran MILETIĆ 15/11/1972 Beograd</p> <p>Darko KÖNING 16/06/1987 Zemun</p> <p>Slobodan STOJANOVIĆ 09/05/1978 Beograd</p> <p>Jovanka TODOROVIĆ SAVOVIĆ 16/09/1980 Beograd</p> <p>Adam PUŠKAR 30/12/1976 Beograd</p>

No	Application no	Lodged on	Applicant's name date of birth place of residence
3.	23138/13	21/03/2013	<p>Goran MILETIĆ 15/11/1972 Beograd</p> <p>Slobodan STOJANOVIĆ 09/05/1978 Beograd</p> <p>Adam PUŠKAR 30/12/1976 Beograd</p> <p>Maja MIĆIĆ 25/05/1984 Beograd</p> <p>Bojana IVKOVIĆ 27/01/1985 Beograd</p> <p>Adorjan KARUCZ 25/03/1979 Kula</p>
4.	25474/14	26/03/2014	<p>Goran MILETIĆ 15/11/1972 Beograd</p> <p>Slobodan STOJANOVIĆ 09/05/1978 Beograd</p> <p>Adam PUŠKAR 30/12/1976 Beograd</p> <p>Maja MIĆIĆ 25/05/1984 Beograd</p> <p>Bojana IVKOVIĆ 27/01/1985 Beograd</p> <p>ASSOCIATION PRIDE PARADE BELGRADE registered on 16/10/2010 Beograd</p> <p>Marko ILIĆ 05/02/1981 Niš</p>

No	Application no	Lodged on	Applicant's name date of birth place of residence
			<p>Ivan ĐURIĆ 15/12/1988 Beograd</p> <p>Ivana SAVIĆ 06/01/1977 Beograd</p>