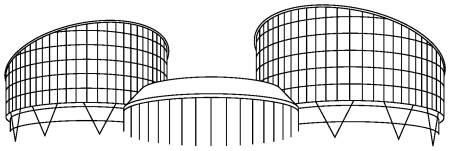

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF CHURCH OF SCIENTOLOGY OF ST PETERSBURG AND OTHERS v. RUSSIA

(Application no. 47191/06)

JUDGMENT

STRASBOURG

2 October 2014

FINAL

16/02/2015

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of the Church of Scientology of St Petersburg and Others v. Russia,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Isabelle Berro-Lefèvre, *President,*
Julia Laffranque,
Paulo Pinto de Albuquerque,
Linos-Alexandre Sicilianos,
Erik Møse,
Ksenija Turković,
Dmitry Dedov, *judges,*

and Søren Nielsen, *Section Registrar,*

Having deliberated in private on 9 September 2014,

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

PROCEDURE

1. The case originated in an application (no. 47191/06) 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 the Church of Scientology of St Petersburg and six Russian nationals whose names are set out below ("the applicants"), on 17 November 2006.

2. The applicants were represented by Mr D.P. Holiner and Ms G. Krylova, lawyers practising in London and Moscow respectively. The Russian Government ("the Government") were represented by Mr G. Matyushkin, the Representative of the Russian Federation at the European Court of Human Rights.

3. The applicants complained about the arbitrary denial of legal-entity status to their Scientology group.

4. On 26 January 2011 the application was communicated to the Government.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicants are:
   1) The Church of Scientology of St Petersburg, an unincorporated group of Russian citizens formed for the collective study of Scientology ("the applicant group");
   2) Ms Galina Petrovna Shurinova, born in 1954, the president of the applicant group and a member since 1989;
   3) Ms Nadezhda Ivanovna Shchemeleva, born in 1955, a member of the applicant group since 1993;
   4) Ms Anastasiya Gennadyevna Terentyeva, born in 1979, a member of the applicant group since 1998;
   5) Mr Ivan Vladimirovich Matsitskiy, born in 1975, a member of the applicant group since 1994;
   6) Ms Yuliya Anatolyevna Bryntseva, born in 1977, a member of the applicant group since 1995;
   7) Ms Galina Georgiyevna Frolova, born in 1955, a member of the applicant group since 1999.

6. In 1984, a first group of Scientologists appeared in St Petersburg under the leadership of Mr M. Goldberg. By the end of the 1980s it had split into two smaller groups, one of which was led by the second applicant.

7. On 23 March 1995 the second applicant, together with nine other founder members of the "Church of the Scientology Mission in St Petersburg", applied for registration of their group. Having received no response for more than two years, the second applicant pressed the authorities for an explanation. The St Petersburg Justice Department replied that their application had been sent to the State Duma's Expert Consultative Council for an opinion by an expert in legal and religious studies but had received no response, and it had been decided to "leave the application unconsidered".

8. On 7 February 2002 the individual applicants, together with other fellow believers, submitted a new application for registration of the applicant group as a local religious organisation. The municipal council of municipal circuit no. 20 of St Petersburg provided the applicants with a letter which stated:

> "In accordance with section 11 (5) of the Religions Act and on the basis of the application and documents provided, the municipal council ... confirms that the religious group of Scientologists has existed in St Petersburg since 1984."

9. On 6 March 2002 the St Petersburg Justice Department refused the application, citing three technical grounds relating to the application

documentation. On 7 March 2002 the applicants corrected these defects and resubmitted the application.

10. On 3 April 2002 the Justice Department notified the applicants that it had extended the period for consideration of the application because of the "necessity of conducting a State expert religious study".

11. On 11 September 2002 the Justice Department issued a formal refusal of the resubmitted application. The refusal made no reference to any religious study but instead cited eight different technical grounds and asserted that the confirmation of the applicant group's existence in St Petersburg for at least fifteen years was "unreliable", without giving further details.

12. On 24 October 2002 the applicants resubmitted a corrected application which was refused on 22 November 2002, referring to the eight new technical grounds and the "unreliability" of the group's existence for fifteen years. It also stated that an unspecified expert religious study had concluded that the applicant group was non-religious in nature.

13. On 19 December 2002 the second applicant asked the Justice Department to explain the basis for its claim regarding the "unreliability" of the group's existence and to provide her with a copy of the religious study. In a letter of 8 January 2003, the Justice Department declined to give any clarification, referring to its discretionary power to refuse applications.

14. The third applicant complained to the Ombudsman about the Justice Department's actions. In response to a subsequent enquiry from the Ombudsman's office, the Justice Department supplied a copy of the religious study, dated 19 November 2002 and authored by Mr I., an academic secretary at the State Museum of the History of Religion in St Petersburg.

15. On 11 February 2003 the Ombudsman notified the head of the Justice Department that the religious study had breached the established procedure for conducting religious studies, as approved by Government Regulation no. 565. The study had not been approved by majority vote of the panel of experts duly appointed under the terms of the Regulation and therefore reflected nothing more than Mr I.'s personal opinion.

16. On 17 April and 14 August 2003 the applicants submitted a fifth and a sixth registration application, which were refused on 14 May and 8 September 2003 respectively. On each occasion, the Justice Department cited a number of new technical grounds that it had not relied upon in the previous refusal: it also referred to the expert religious study and the assertion that the confirmation of the applicant group's existence for at least fifteen years had been "unreliable".

17. Responding to a further request for clarification by the applicant Ms Shurinova, on 31 July 2003 the Justice Department stated that she did not have a right of access to the documents supporting the conclusion that the information purportedly confirming the existence of the religious group

for fifteen years was unreliable, and that the law did not require it to provide any explanation as to the reasons for refusing State registration.

18. On 11 October 2003 the applicants challenged the Justice Department's refusals in court. The first hearing on the merits was held on 21 September 2005, and further hearings were held on 1 November and 20 December 2005.

19. On the latter date the Oktyabrskiy District Court of St Petersburg gave judgment, holding that the refusal had been lawful. In respect of the Justice Department's rejection of the confirmation letter, it stated:

> "Having examined the letter of 16 February 2002 and the reply from the municipal council to the enquiry from the [Justice Department] concerning the documents that served as the basis for the letter, the court concludes that the applicants have not supplied evidence that there was only one religious group of Scientologists in St Petersburg that included the applicants and that the letter was given to their particular group. One cannot exclude the possibility that there were many groups practising this creed in St Petersburg and that the letter confirms the existence of one of the [other] groups of Scientologists, and not the religious group of Scientologists that decided to create the local religious organisation 'Church of Scientology of St Petersburg'...
>
> Even if any of the participants in the religious group that currently includes the applicants had studied Scientology in St Petersburg since 1984 and had participated in Scientologist rituals and ceremonies and in auditing, that does not prove that he or she did so within one and the same continuously operating, stable religious group that currently includes the applicants, as opposed to some other group that currently does or does not exist, and [later] ended up forming part of the applicants' group.
>
> In addition, the court takes into consideration the following.
>
> The St Petersburg Law no. 111-35 of 23 June 1997 on Local Authorities, which establishes an exhaustive list of matters that come within the competence of municipal councils in St Petersburg (section 8), did not place the registration of religious organisation or the issuing of letters confirming the existence of a religious group in St Petersburg within the competence of municipal bodies.
>
> There is no St Petersburg law that confers such powers upon municipal bodies.
>
> On the basis of the above, it follows that the [municipal council] was not competent to issue such letters.
>
> Furthermore, as can be seen from the municipal council's reply ... to the court's enquiry, the [municipal council] was formed on 8 February 1998 and registered by order no. 111 of 27 May 1998 of the Legislative Assembly of St Petersburg, so it cannot reliably confirm the existence of any religious group before its formation in 1998..."

20. As to the Justice Department's reliance on Mr I.'s religious study, the court noted that at the time of the study's preparation no expert panel had been appointed in St Petersburg under the terms of the Regulation, even though the Justice Department had "undertaken all possible measures" to comply with the Regulation. The court did not make any assessment of the legal significance of Mr I.'s religious study.

21. The applicants appealed.

22. On 24 May 2006 the St Petersburg City Court rejected their appeal, endorsing the first-instance court's findings that the municipal council was not authorised by law to provide confirmation of the religious group's existence or the claim that it had been one and the same group of Scientologists who had existed for fifteen years.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. Religions Act

23. On 1 October 1997 the Federal Law on the Freedom of Conscience and Religious Associations (no. 125-FZ of 26 September 1997 – "the Religions Act") entered into force.

24. A "religious association" is a generic term for any voluntary association of Russian nationals formed for the joint profession and dissemination of their creed (section 6(1)). "Religious associations" may take the form of either "religious groups" or "religious organisations" (section 6(2)).

25. A "religious group" is a voluntary association of citizens for the profession and dissemination of faith, which carries out its activities without State registration and without obtaining legal personality (section 7(1)). In contrast to a religious group, a "religious organisation" is a voluntary association of Russian nationals and permanent residents of Russia formed for the profession and dissemination of faith and duly registered as a legal entity (section 8(1)).

26. The relevant part of section 7 provides:

> "2. Citizens who form a religious group with the intention of further transforming it into a religious organisation shall inform the local administrative authority of creation thereof and the beginning of its activity ..."

27. The relevant part of section 11 provides:

> "5. For State registration of a local religious organisation, the founders shall submit to the competent territorial division of the federal registration authority ...
>
> ... a document issued by a local administrative authority confirming the existence of the religious group on the given territory for a period no shorter than fifteen years ..."

B. State expert religious studies

28. Government Regulation no. 656 of 3 June 1998 on the procedure for State religious expert studies provides in particular:

> "2. A State religious expert study (hereinafter – expert study) ... is conducted following a decision by the registration authority ... if it is necessary for the registration authority to carry out additional research into whether the organisation is

recognised as being a religious one and in order to verify information concerning its fundamental religious teachings and its corresponding practice ...

4. Expert studies are conducted by expert panels that have been specifically set up for this purpose... by the executive branch of the Russian region...

10. The examination of a registration authority's enquiry concerning a specific religious organisation shall, as a rule, be carried out in the presence of its authorised representative, who shall be invited in good time to attend the hearing before the expert panel...

11. Once the expert panel has carried out the study of the presented documents, it will adopt an expert opinion that contains reasoned findings concerning the possibility (or impossibility) of recognising the organisation as a religious one and the reliability of information concerning the fundamentals of its creed and practices. The expert opinion shall be deemed adopted if it has been approved by a majority of members of the expert panel."

C. Municipal bodies' authority to issue confirmation letters

29. Methodological recommendations on the application of certain provisions of the Religions Act by Justice Departments (a circular letter issued by the Ministry of Justice, no. 08-18-257-97 of 24 December 1997) stated:

"...2. What are the requirements for a document confirming the existence of a religious group for no less than fifteen years? What can serve as evidence of the accuracy of this period?

The law does not specify any procedure for maintaining a list of religious groups with municipal bodies or the issuing of confirmations or the form thereof. In this connection it would be expedient to regulate this procedure in a legal act of the [relevant] region of the Russian Federation. As for evidence of the length of existence of the religious group, this should be provided to the municipal body by the group itself in the form of information about the State registration and local listing with the former Council for Religious Affairs under the USSR Council of Ministers, archive materials, court decisions, witness testimony and other forms of evidence."

III. RELEVANT COMPARATIVE MATERIAL

30. In Latvia, the Law on Religious Organisations of 7 September 1995 provides that a religious organisation may be founded by no fewer than twenty adult Latvian nationals (section 7 (1)). The list of documents accompanying an application for registration of a congregation includes the articles of association, a list of founders, the minutes of the first meeting, and evidence of payment of a registration fee (section 9). A religious organisation acquires the status of a legal entity from the moment of registration (section 13 (1)).

31. In Romania, Law 489/2006 on the Freedom of Religion and the General Status of Denominations defines a religious association as a private-law legal entity made up of individuals who practice the same

religion (section 6 (2)). A religious association obtains legal-entity status by registering with the Registry of Religious Associations upon production of the following documents: the articles of association, a declaration of faith, evidence of existence of a head office, consultative opinion from the Ministry of Culture and Religious Denominations, and evidence that the chosen name is available (sections 40 and 41). A religious denomination is a public-utility legal entity that is eligible for tax breaks and State subsidies; it acquires its status through a Government decree after having existed on Romanian territory, as a religious association, for at least twelve years and having a membership of Romanian nationals equal to at least 0.1% of the population (sections 8(1), 11, 12, 17 and 18).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 9 OF THE CONVENTION INTERPRETED IN THE LIGHT OF ARTICLE 11

32. The applicants complained under Articles 6, 9, 10, 11 and 14 of the Convention about the refusal to register the applicant group as a legal entity. The Court reiterates that, in the absence of a European consensus on the religious nature of Scientology teachings, and being mindful of the subsidiary nature of its role, it must rely on the position of the domestic authorities in the matter and determine the applicable Convention provision in the light of it (see *Kimlya and Others v. Russia*, nos. 76836/01 and 32782/03, § 79, ECHR 2009, and *Church of Scientology Moscow v. Russia*, no. 18147/02, § 64, 5 April 2007). The Court need not determine whether or not Scientology is a religion because it can defer to the judgment of the Russian authorities on that matter. In contrast to the *Kimlya* and *Church of Scientology Moscow* cases, in which the Russian authorities explicitly concurred regarding the religious nature of the applicant Scientology organisations, the religious study in the instant case concluded that the nature of the applicant group was non-religious. Alleged legal defects in the study, including the manner in which it had been prepared, were a matter of controversy in the domestic proceedings. What is decisive for the Court, however, is that the reason for refusing the registration of the applicant group – which had ultimately been endorsed by the Russian courts – was the legal provision establishing a special fifteen-year waiting period that applies only to religious organisations. In these circumstances, the Court sees no need to distinguish the present case from the *Kimlya* case, which concerned the same reason for refusing registration. It therefore considers that the complaint must be examined from the standpoint of Article 9 of the

Convention, interpreted in the light of Article 11 (see *Kimlya*, cited above, § 81). These provisions read:

Article 9. Freedom of thought, conscience and religion

"1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.

2. Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others."

Article 11. Freedom of assembly and association

"1. Everyone has the right to freedom of peaceful assembly and to freedom of association with others ...

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. ..."

A. Admissibility

33. The Court notes that the complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. Submissions by the parties

34. The Government acknowledged that the refusal to register the applicant group constituted an interference with the applicants' right to freedom of religion. In their view, the interference was "prescribed by law" and all the refusals of registration had been based on the relevant legal provisions. The interference pursued a legitimate aim, namely that of protecting public order (they referred to *Kimlya*, cited above, § 97). The Government justified the interference as having been necessary in a democratic society for suppressing manifestations of religious discord (they referred to *Wingrove v. the United Kingdom*, 25 November 1996, § 58, *Reports of Judgments and Decisions* 1996-V, and *Otto-Preminger-Institut v. Austria*, 20 September 1994, § 50, Series A no. 295-A). They also claimed that similar waiting periods were provided for by the laws of some other Member States. According to their information, Austrian law set the

waiting period at twenty years, Latvian law at twenty-five years, and Romania's Law no. 489 of 28 December 2006 provided that religious denominations, other than the eighteen listed in the law, may be recognised if they can prove their existence in the country for at least twelve years.

35. The applicants pointed out that the sole reason for the St Petersburg City Court's upholding the refusal to register the applicant group as a religious organisation had been the lack of a reliable document confirming its presence in St Petersburg for fifteen years. They contended that the refusal had not been "prescribed by law" because the law did not meet the standards of clarity and foreseeability required under the Convention. Referring to Article 132 of the Russian Constitution and sections 7(2) and 11(5) of the Religions Act, the applicants submitted that the law expressly authorised local authorities to issue letters confirming the length of a group's existence and that the courts' rejection of the confirmation letter on the basis of an alleged lack of authority was unreasonable. Furthermore, whereas the Religions Act required only formal presentation of a confirmation letter, the courts had rejected it as "unreliable" with reference to arbitrary criteria that were not prescribed by law and had imposed an unforeseeable and unattainable threshold.

36. The applicants further argued that the fifteen-year waiting period did not pursue any legitimate aim and that it was apparent from contemporary parliamentary records that the motivation behind the adoption of the Religions Act had been the desire to introduce a legislative regime that would discriminate against "foreign" minority religious groups in favour of "traditional" religions (the records are cited in *Kimlya*, § 50). The Government's reliance on the *Wingrove* and *Otto-Preminger-Institut* judgments had been misconceived, as these cases had been decided under Article 10 and had concerned specific acts offending others' religious beliefs. The applicants, on the other hand, had never engaged in any offensive expressions of their beliefs or otherwise offended religious sensibilities of others. They maintained that the applicable standard should be the one that favours religious pluralism, even where there is religious tension and division within society (they referred to *Serif v. Greece*, no. 38178/97, § 53, ECHR 1999-IX, and *Kokkinakis v. Greece*, 25 May 1993, § 31, Series A no. 260-A). Finally, the Government's contention that the waiting period reflected democratic standards acceptable in other Member States was not borne out by the facts. The Austrian system gave rise to the Court's finding of a violation in *Religionsgemeinschaft der Zeugen Jehovas and Others v. Austria* (no. 40825/98, § 79, 31 July 2008), the Latvian 1995 Law on Religious Associations did not contain any such requirements, and in Romania the waiting period is relevant only to attaining the status of a "religious denomination", a special form that enjoys certain public-law privileges including State subsidies. No such waiting period is required for the status of a "religious association", which confers

upon the religious community legal entity status and other rights under the law.

2. The Court's assessment

37. The Court reiterates that the ability to establish a legal entity in order to act collectively in a field of mutual interest is one of the most important aspects of the freedom of association and that a refusal by the domestic authorities to grant legal-entity status to an association – religious or otherwise – of individuals amounts to an interference with the exercise of the right to freedom of association (see *Gorzelik and Others v. Poland* [GC], no. 44158/98, § 52 *et passim*, ECHR 2004-I, and *Sidiropoulos and Others v. Greece*, 10 July 1998, § 31 *et passim*, *Reports of Judgments and Decisions* 1998-IV). The authorities' refusal to register a group directly affects both the group itself and also its presidents, founders or individual members (see *The United Macedonian Organisation Ilinden and Others v. Bulgaria*, no. 59491/00, § 53, 19 January 2006; *Partidul Comunistilor (Nepeceristi) and Ungureanu v. Romania*, no. 46626/99, § 27, 3 February 2005; and *APEH Üldözötteinek Szövetsége and Others v. Hungary* (dec.), no. 32367/96, 31 August 1999). In cases where the organisation of a religious community has been in issue, a refusal to recognise it as a legal entity has also been found to constitute an interference with the right to freedom of religion under Article 9 of the Convention, as exercised by both the community itself and its individual members (see *Religionsgemeinschaft der Zeugen Jehovas and Others*, cited above, §§ 79-80, and *Metropolitan Church of Bessarabia and Others v. Moldova*, no. 45701/99, § 105, ECHR 2001-XII).

38. In *Kimlya*, the Court observed that, pursuant to Russia's Religions Act, a "religious group" without legal personality cannot possess or exercise the rights associated exclusively with the legal-entity status of a registered "religious organisation" – such as the rights to own or rent property, to maintain bank accounts, to ensure judicial protection of the community, to establish places of worship, to hold religious services in places accessible to the public, or to produce, obtain and distribute religious literature – which are essential for exercising the right to manifest one's religion (see *Kimlya*, cited above, §§ 85-86, with further references). Thus, the restricted status afforded to "religious groups" under the Religions Act did not allow members of such a group to enjoy effectively their right to freedom of religion, rendering such a right illusory and theoretical rather than practical and effective, as required by the Convention (see *Kimlya*, cited above, § 86, with further references).

39. Accordingly, the Court finds that a refusal by the domestic authorities to grant legal-entity status to the applicant group amounted to an interference with the applicants' rights under Article 9 interpreted in the light of Article 11. Such an interference will constitute a breach of

Articles 9 and 11 unless it was "prescribed by law", pursued one or more of the legitimate aims set out in paragraph 2 of that provision, and was "necessary in a democratic society" for the achievement of those aims.

40. The Court observes that the grounds for refusing the registration of the applicant group were not consistent throughout the time the applicants were attempting to obtain registration (compare *Church of Scientology Moscow*, cited above, § 88, and *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, § 78, ECHR 2006-XI). They submitted six registration applications and the registration authority rejected all of them, each time citing some new grounds that it had not previously relied upon. The most recent refusal referred to the absence of a document confirming the group's fifteen-year existence, the allegedly non-religious nature of the group, and some technical defects in its articles of association. The findings of the District Court, however, as upheld on appeal by the City Court, focused exclusively on the defects in the fifteen-year confirmation letter and did not rely upon any of the other grounds in dismissing the applicants' complaint. In this respect, the Court reiterates that its task is not to take the place of the national authorities and to re-hear all the parties' arguments. The interpretation and proper application of domestic law is left primarily to the domestic judicial authorities but is subject to the Court's overriding supervisory function. It must accordingly defer to the judgment of Russian courts and limit the scope of its review to the grounds for the interference that they chose to uphold in the domestic proceedings.

41. The first requirement of paragraph 2 of Articles 9 and 11 is that the interference should be "prescribed by law". The expression "prescribed by law" not only requires that the impugned measures should have some basis in domestic law, but also refers to the quality of the law in question, which must be sufficiently accessible to the person concerned and foreseeable as to its effects, that is to say, formulated with sufficient precision to enable the individual – if need be with appropriate advice – to regulate his conduct (see *Metropolitan Church of Bessarabia*, cited above, § 109).

42. In *Kimlya*, the effect of the legal provision requiring a confirmation letter showing the group's existence in a given territory for at least fifteen years was apparent and unambiguous: the absence of that letter entailed *ipso facto* a refusal of registration. By contrast, in the present case the applicants were able to produce the required letter but the Russian authorities rejected it for defects of form. In particular, the Russian courts held that the municipal council was not authorised to issue such letters, and that the available evidence did not permit the conclusion that the applicant group had been in existence for at least fifteen years. Accordingly, the Court is called upon to verify whether these grounds had a legal basis under Russian law and whether the manner in which the courts interpreted and applied the relevant legal provisions was foreseeable and free from arbitrariness.

43. As for the municipal council's authority to issue confirmation letters, the Court notes that the domestic courts' analysis focused exclusively on the provisions of the St Petersburg law on local authorities, that is to say, a regional legal act that is subordinate to federal legislation in the Russian legal system. The courts did not heed the provisions of the federal Religions Act, which expressly provides that the founders of a religious group should notify a local authority of the establishment thereof (section 7(2)) and that a local authority should subsequently issue a document confirming the group's existence for fifteen years (section 11(5)). If there was a lacuna in the St Petersburg law which did not properly transpose the provisions of the federal Religions Act regarding the competence of municipal councils vis-à-vis religious associations, the Religions Act was still applicable and the rejection of the applicants' confirmation letter for this reason was not "prescribed by law".

44. In so far as the District Court held that the municipal council could not confirm the applicant group's existence prior to its own incorporation in 1998, the Court notes that the Religions Act does not contain the requirement that the local authority issuing the confirmation document in accordance with section 11(5) should be one and the same entity that has existed without interruption since the religious group filed notice of its establishment under section 7(2). In any event, the applicant group cannot reasonably be expected to bear the consequences of the re-organisation of local authorities and to ensure continuity of their archives. Moreover, the Ministry of Justice's Methodological Recommendations expressly acknowledged that no particular procedure for issuing confirmation documents was prescribed by law and that evidence of a religious group's existence should be supplied by the group itself (see paragraph 29 above). It follows that this ground was likewise devoid of any legal basis.

45. Finally, the District Court found that the applicants were unable to adduce evidence showing that no other groups of Scientologists existed in St Petersburg and that the composition of the applicant group had remained continuous and stable throughout the entire fifteen-year period. The District Court did not refer to any legal provision that would require the applicants to submit such evidence and no legal basis for that requirement was cited by the City Court or the Government in their observations. The Court accordingly concludes that the requirement to produce such evidence was arbitrary and unforeseeable in its effects for the applicants.

46. In sum, the Court has found that none of the grounds invoked by the domestic courts for rejecting the confirmation document was based on an accessible and foreseeable interpretation of domestic law.

47. Where it has been shown that interference was not in accordance with the law, it is not necessary to investigate whether it also pursued a "legitimate aim" or was "necessary in a democratic society". Nevertheless, the Court considers it important to reaffirm its position that the lengthy

waiting period which a religious organisation has to endure prior to obtaining legal personality cannot be considered "necessary in a democratic society" (see *Kimlya*, cited above, §§ 99-102, and *Religionsgemeinschaft der Zeugen Jehovas and Others*, cited above, §§ 78-80). In so far as the fifteen-year waiting period under Russia's Religions Act affected only newly emerging religious groups that did not form part of a hierarchical church structure, there was no justification for such differential treatment. A provision such as this was peculiar to Russian law and there were no other member States of the Organization for Security and Co-operation in Europe that required a religious organisation to prove such a lengthy existence before registration was permitted (see *Kimlya*, cited above, § 98). The Court has already had occasion to find a violation on account of a similar provision in Austrian law (see *Religionsgemeinschaft der Zeugen Jehovas and Others*, cited above, §§ 78-80), whilst the Russian Government's claim that Latvian and Romanian laws imposed waiting periods on base-level religious communities was mistaken (see paragraphs 30 and 31 above).

48. The foregoing considerations are sufficient to enable the Court to conclude that there has been a violation of Article 9 of the Convention, interpreted in the light of Article 11.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

49. 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

50. The applicants claimed 20,000 euros (EUR) in respect of non-pecuniary damage.

51. The Government considered the claim to be excessive.

52. The Court awards the applicants jointly EUR 7,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

B. Costs and expenses

53. The applicants did not claim any costs or expenses. Accordingly, there is no call to make an award under this head.

C. Default interest

54. 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. *Declares* the application admissible;

2. *Holds* that there has been a violation of Article 9 of the Convention, interpreted in the light of Article 11;

3. *Holds*
   (a) that the respondent State is to pay the applicants jointly, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 7,500 (seven thousand five hundred euros) in respect of non-pecuniary damage, 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 above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 2 October 2014, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen Registrar	Isabelle Berro-Lefèvre President