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**SELF-DEFENDING DEMOCRACY
AND RUSSIAN DISINFORMATION:
COMMENTARY ON THE *ECTHR RODINA
AND BORISOVA V LATVIA* JUDGMENT**

Abstract

The article refers to facts and legal issues which have arisen in the judgment of the European Court of Human Rights in the *Rodina and Borisova v Latvia* case (Applications Nos 2623/16 and 2299/16, judgment of 10 July 2025). The ruling has been analyzed from the perspective of the merits of the case on Article 11 of the ECHR due to the prohibition of conducting jingoistic demonstrations in Latvia amidst the Russian invasion of Ukraine. The commentary to the judgment contains the authors' reflections on how the Chamber judgement contributes to the current debate related to countering Russian malign influences in the region and brings to light the decolonization struggle of the Baltic States.

KEYWORDS

freedom of assembly, war propaganda, self-defending democracy, Latvia, ECHR

SŁOWA KLUCZOWE

wolność zgromadzeń, propaganda wojenna, obrona demokracji, Łotwa, Europejski Trybunał Praw Człowieka

I. INTRODUCTORY REMARKS

On 10 July 2025, the ECtHR issued a judgment in the case of *Rodina and Borisova v Latvia* (hereinafter *Rodina and Borisova* judgment) establishing that Latvian authorities' refusal to allow the applicants to organise public assemblies in Riga did not constitute a violation of Article 11 (freedom of assembly and association) read in light of Article 10 (freedom of expression) of the European Convention on Human Right (hereinafter: ECHR). In particular, Rodina association's (first applicant)¹ demonstration on the former Victory Day² near the Soviet Victory Monument,³ and Ms Borisova's (second applicant) demonstration in front of the Ukrainian embassy calling to stop the war in Ukraine's Donbas were found to be aimed at denigrating the Latvian nation and language, and supporting illegal separatist groups in Ukraine, respectively.

The bans on mentioned demonstrations were introduced as a response to the growing tensions in the region, which started in 2014, with Russia's takeover of the Crimea peninsula of Ukraine, which resulted in de facto annexation,⁴ subsequent Russia's military operation in the Donbas region, and the overall course on restoration of Russia's former military glory within its purported 'spheres of influence'.⁵ That included not only Ukraine, but also other former Soviet repub-

¹ The Rodina association, founded by the Baltic Cossack Circle and the Latvian Association of Russian Youth, is engaged in promoting the idea that 'Russians are the oldest indigenous people of Latvia, Riga is our city, Latvia is our land. Russian is the language of Latvia. Russians do not give up!'. RFI, 'Latvia Banned the "Russian March" on 9 May in Riga' (RFI, 7 May 2014) <<https://www.rfi.fr/ru/evropa/20140507-latviya-zapretila-provodit-9-maya-russkii-marsh>> accessed 10 September 2025.

² Victory Day is observed on 9 May and celebrates the Soviet Union's World War II victory over Nazi Germany, marking the end of the 'Great Patriotic War' (1941–1945). The myth of the 'Great Patriotic War' of 1941–1945, including its key aspect – the victory over Nazi Germany in 1945, is an instrument for legitimizing Russia's great-power aspirations. The Russian narrative depicts the role of the Soviet army in the neighboring countries in 1944–1945 as that of unequivocal liberators from German-Nazi occupation. Maria Domańska, *The Myth of the Great Patriotic War as a Tool of the Kremlin's Great-Power Policy* (OSW Commentary No 316, Centre for Eastern Studies, 31 December 2019) <<https://www.osw.waw.pl/en/publikacje/osw-commentary/2019-12-31/myth-great-patriotic-war-a-tool-kremlins-great-power-policy>> accessed 10 September 2025.

³ For many years, the monument acted as the focal point for the local Russian community in Latvia as a place to remember the 'Great Patriotic War' and to celebrate the 'liberation of Europe' by the glorious Soviet Army. Mārtiņš Kaprāns, 'Toppling Monuments: How Russia's War against Ukraine Has Changed Latvia's Memory Politics' (Cultures of History Forum, 29 November 2022) <<https://doi.org/10.25626/0142>>.

⁴ Lucy Minicozzi-Wheeland, 'The 2014 Annexation of Crimea – How Russia Stole Ukraine's Peninsula' Kyiv Independent (updated 23 April 2025) <<https://kyivindependent.com/russias-annexation-of-crimea/>> accessed 10 September 2025.

⁵ Chaim Shinar, *Vladimir Putin's Aspiration to Restore the Lost Russian Empire* (15 November 2016) SSRN <<https://doi.org/10.2139/ssrn.2869863>>.

lics, including the Baltic States of Estonia, Lithuania and Latvia, which bear the consequences of the Soviet occupation to the present day.

The *Rodina and Borisova* judgment raises critical questions about the scope of freedom of assembly when exercised in the context of hostile foreign influence and security threats. Against the backdrop of Russia's aggression against Ukraine and the Baltic States' historical struggle with Soviet occupation, the ECtHR had to decide whether the Latvian authorities' ban on demonstrations could be justified as a measure necessary in a democratic society. The case is accordingly analysed and situated in broader debates on Central and Eastern Europe decolonization struggle, the concept of 'self-defending democracy'⁶ in light of Russia's hybrid disinformation threats and the overgrowing reliance on the 'prohibition of war propaganda' as a response to those threats. This commentary, therefore, seeks to clarify how restrictions on public assemblies can be justified as part of a democracy's response to malign foreign influence, and how such measures can be applied without undermining the core values of the ECHR system.

II. FACTS OF THE CASE AND POSITION OF PARTIES

1. FACTS OF THE CASE AS ESTABLISHED BY ECtHR

The ECtHR began by explaining how Latvia secured a vast Russian minority. It noted that a large part of Russian military personnel and pensioners remained after Latvia fully restored its independence in 1994 and others had simply migrated during the Soviet occupation of Latvia from other parts of the Soviet Union. According to statistics, Russian speakers in Latvia comprise 37.7% of the population as of 2022.⁷ These people continued to publicly commemorate and celebrate Victory Day with public events organised next to the Soviet Victory Monument.⁸ However, the local Latvians associated the Soviet Victory Monument and celebra-

⁶ The idea of democratic self-defense gives the right to restrict some of the rights because the democratic order as the essence has to be protected. See Ramin Babayev, 'Militant Democracy: When Democracies Defend Themselves' (Modern Diplomacy, 17 June 2025) <<https://modern-diplomacy.eu/2025/06/17/militant-democracy-when-democracies-defend-themselves/>> accessed 10 September 2025.

⁷ Karl Stuklis, 'How the War in Ukraine Strengthened Latvia's European Credentials and International Standing', E-International Relations (18 March 2025) <<https://www.e-ir.info/2025/03/18/how-the-war-in-ukraine-strengthened-latvias-european-credentials-and-international-standing/>> accessed 10 September 2025.

⁸ *Rodina and Borisova v Latvia* (ECtHR, 10 July 2025, Applications Nos 2623/16 and 2299/16) para 9.

tions around it with the Soviet atrocities.⁹ This contributed to the growing tensions between the Russian-speaking minority and the native local population.

On 9 May 2014, the first applicant wished to organise a demonstration and a ‘Russian march’ under the pretext of maintaining Russian as the language of education.¹⁰ The Riga City Council concluded that the planned event was aimed at inciting national hatred by promoting the superiority of the Russian nation, and in view of the situation unfolding in Ukraine in 2014, it had to be banned accordingly.¹¹ The Administrative District Court upheld the ban,¹² and the Supreme Court refused to institute proceedings.¹³

In September 2014, the second applicant named Anda Borisova requested authorisation for a demonstration to be held on 23 September 2014 in front of the Ukrainian embassy in Riga with the stated aim of calling for the end of the war in ‘Novorossiya’ (meaning South-East part of Ukraine that Russia claims as its historical lands) and to demand recognizing independence of the so-called Donetsk and Luhansk separatist ‘People’s Republics’.¹⁴ However, another person, named as BA, was responsible for keeping order during the demonstration, and his background included fighting on the separatists’ side in Ukraine, as well as recruiting volunteer fighters in EU States.¹⁵ The ban on holding this demonstration instituted by the Riga City Council was upheld by the Administrative District Court and Supreme Court.¹⁶

2. POSITIONS OF PARTIES

According to the Latvian Government, the applicants’ complaints were incompatible *ratione materiae* with ECHR by virtue of Article 17.¹⁷ In particular, the real aims of the assemblies of 9 May 2014 and 23 September 2014 had not been peace-

⁹ Ibid para 9.

¹⁰ Ibid para 16

¹¹ Ibid para 22.

¹² Ibid para 27.

¹³ Ibid para 33.

¹⁴ Roman Goncharenko, ‘Donetsk and Luhansk: A Tale of Creeping Occupation’ (Deutsche Welle, 23 February 2022) <<https://www.dw.com/en/donetsk-and-luhansk-in-ukraine-a-creeping-process-of-occupation/a-60878068>> accessed 10 September 2025.

¹⁵ *Rodina and Borisova v Latvia*, para 35.

¹⁶ Ibid para 48.

¹⁷ ‘Nothing in this Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms set forth herein or at their limitation to a greater extent than is provided for in the Convention’.

ful but instead called for the destruction of rights and freedoms set forth by the Convention system.¹⁸ In that regard, the purported annexation of Crimea and the outbreak of armed hostilities in eastern Ukraine were cited as important contextual elements proving that the threat emanating from both demonstrations was real and not abstract or illusory. The Government also considered that the events planned by the first and second applicants had been a part of the so-called ‘compatriots policy’ pursued by Russia, which was intended to mobilize Russian minorities to win public support for Russia’s misconduct within the EU informational domain.¹⁹

The first applicant denied any anti-democratic or unpeaceful aims of the planned 9 May 2014 demonstration²⁰ and the second applicant stated that their activities had not been aimed at the destruction of rights and freedoms set forth by the Convention systems.²¹

III. JUDGMENT: APPLICABLE LAW AND MERITS OF THE COMPLAINT

1. THE APPLICABLE LAW

The ECtHR noted that the applicants’ complaints are based on the same facts and allegations concerning the expression of personal opinions and need to secure a forum for public debate and the open expression of protest, and accordingly decided to apply Article 11 as *lex specialis* in light of Article 10 ECHR. As bans on demonstrations planned on 9 May 2014 and 23 September 2014 had constituted an interference with the rights under Article 11 read in light of Article 10,²² the ECtHR had accordingly examined those claims based on a tripartite test of legality, legitimacy and necessity.

2. MERITS: TRIPARTITE TEST OF LEGALITY, LEGITIMACY & NECESSITY

It has not been contested that the interference was prescribed by law.²³ The ECtHR also accepted that the interference with the applicants’ rights pursued several of the

¹⁸ *Rodina and Borisova v Latvia*, para 71.

¹⁹ *Ibid* para 72.

²⁰ *Ibid* para 73.

²¹ *Ibid* para 74.

²² *Rodina and Borisova v Latvia*, para 96.

²³ *Ibid* para 98.

legitimate aims referred to in Article 11, such as national security, public safety, the prevention of disorder, and the protection of the rights and freedoms of others.²⁴

The ECtHR considered in detail whether the reasons adduced by the national authorities and courts were ‘relevant and sufficient’ when it examined whether the interference was necessary in a democratic society. Most importantly, the ECtHR noted that the right to freedom of assembly as enshrined in Article 11, protects a demonstration that may ‘annoy or cause offence to persons opposed to the ideas or claims that it is seeking to promote’ with the only exception being incitement to violence or rejection of democratic principles.²⁵

The Latvian Government argued that similarly provocative statements asserting the alleged superiority of the Russian nation had been used to provoke civil unrest in Ukrainian society and then used as a pretext for launching an armed attack in Eastern Ukraine and Crimea in 2014. The first applicant considered the events in eastern Ukraine and Crimea to be irrelevant, but ECtHR specifically noted that, as Latvia borders Russia, which from 2008 onwards invaded parts of other neighboring countries such as Georgia and Ukraine, and in view of Latvia’s historical background, the domestic authorities’ assertion on heightened and real risk of disorder at that time was justified.²⁶

As to the demonstration planned for 23 September 2014, it was banned because the domestic authorities considered that it would not be peaceful and its genuine organiser had been suspected of participating in activities directed against the territorial integrity and independence of both Ukraine and Latvia. Hence, the ECtHR applied the margin of appreciation doctrine and concluded that domestic authorities were in a better position than an international judge to evaluate the real intentions behind the impugned demonstration, given the specific local context at the material time.²⁷ Consequently, the interference with the applicants’ rights met a ‘pressing social need’, was ‘proportionate to the aims pursued’ and ‘necessary in a democratic society’.²⁸

IV. THE COMMENTARY

Overall, the judgment demonstrates the ECtHR’s careful and context-sensitive assessment of the events in both Latvia and Ukraine, which bears even bigger

²⁴ Ibid para 99.

²⁵ Ibid para 103.

²⁶ Ibid para 107.

²⁷ Ibid para 109.

²⁸ Ibid para 112.

relevance in light of Russia's recent activities in the sphere of the so-called 'information warfare' aimed at destabilising not only neighbouring States but also the broader international order.²⁹ The *Rodina and Borisova* ruling confirms that States may legitimately restrict certain freedoms when confronted with external threats and illustrates the importance of situating Convention rights within both historical and geopolitical context. Moreover, the Court's reasoning draws explicitly on the concept of a 'self-defending democracy', emphasising the necessity of countering activities that may undermine democratic order. Nevertheless, one of the shortcomings of the judgment lies in its broad reliance on the notion of 'war propaganda' as an underdeveloped concept in international law, which bears risks of application in an overly expansive manner. These aspects will be further elaborated in the commentary below.

1. HISTORICAL AND CONTEMPORARY CONTEXTS

The ECtHR accepted that the situation in Latvia in 2014 was more tense than in the preceding years and agreed that the 'compatriots policy' was especially perilous for Latvia in 2014 when Russia had acquired military and political control over parts of Ukraine. The ECtHR specifically mentioned the threat of creating the narrative of 'discrimination' in its neighbouring countries as a justification for interference in their internal matters and using military force. Given Latvia's geographical location and Russia's military operations in Georgia and Ukraine, the risk of disorder in Latvia was deemed as real.³⁰ Therefore, this specific context of both compatriot policy and military invasions in other neighboring nations duly substantiated Latvia's fear for its own security, territorial integrity, and democratic order.³¹

ECtHR also directly mentioned that the choice of the date and venue for the first demonstration (9 May 2014 at the Soviet Victory Monument) was controversial in light of the difficult history connected with Latvia's 'unlawful occupation and annexation by the Soviet regime following World War II'. The ECtHR reasoning, therefore, gives rise to challenging Russia's 'Great Patriotic War' myth and instead affirms it as a symbol of Russian imperialistic policy.³² This is especially

²⁹ Kateryna Odarchenko and Elena Davlikanova, 'Russia's Evolving Information War Poses a Growing Threat to the West', *Atlantic Council Ukraine Alert* (18 October 2024) <<https://www.atlanticcouncil.org/blogs/ukrainealert/russias-evolving-information-war-poses-a-growing-threat-to-the-west/>> accessed 10 September 2025.

³⁰ *Ibid* para 111.

³¹ *Ibid* para 121.

³² Paweł Letko, 'War over Monuments: An Element of Russian Historical Policy towards Latvia in the 21st Century' (2016) 7(2) *Przegląd Wschodnioeuropejski* 89.

important for the Baltic States, given President Vladimir Putin's article published in 2020, where he asserted that the Baltic States' incorporation into the USSR during the Second World War was both legal and voluntary, which is not only factually untrue, but also presents these sovereign nations as 'wayward [Russian] provinces lost to the West'.³³ The challenge of the 'Great Patriotic War' narrative is especially relevant in 2025, as the Russian war against Ukraine has been described as a continuation of the Great Patriotic War and 'heroic struggle against Nazism'.³⁴ The Baltic countries in current Russian narratives are also portrayed as facilitators of Nazi ideology and are accused of distorting Second World War history, 'Russophobia' and Nazi glorification.³⁵ Therefore, Russia creates a similar pretext to those used in the full-scale invasion against Ukraine and questioning the 'Great Patriotic War' narrative as a moment for liberation for all Europe can be seen as one of the defenses to Russia's disinformation narratives.

The ECtHR's reliance on historical context also bears a special significance for the decolonization process in Central and Eastern Europe, which only intensified in 2022. Mälksoo describes it as a 'decolonizing moment of sort' for Eastern European States, painting Russia as a neoimperial power whose great power claim lies in the heroic myths of its Second World War experience as the saviour of Europe.³⁶ The *Rodina and Borisova judgement* effectively challenges that claim, first and foremost by recognizing that Latvia's inclusion in the USSR was indeed unlawful and constituted an 'occupation'. The same concerns Latvia's modern demographic landscape, as explained by Sovietisation policies which consisted of resettlement programmes (Russians into the Baltics and Baltic residents to remote regions of the USSR) and migration of ethnic Russian professionals into the Baltics.³⁷ Therefore, the judgement's overall reliance on the complex and nuanced history of Central and Eastern Europe can be seen as a positive outcome and potential basis for challenging Russia's imperial claims.

³³ Eric Shiraev and Holger Mölder, 'Decoding Vladimir Putin's Baltic Strategy' *The National Interest* (30 July 2025) <<https://nationalinterest.org/feature/decoding-vladimir-putins-baltic-strategy>> accessed 10 September 2025.

³⁴ Brussels Institute for Geopolitics, 'Russia's Victory Day Looms Large over Europe Day' *Big Europe* (6 May 2025) <<https://big-europe.eu/publications/2025-05-06-russias-victory-day-looms-large-over-europe-day>> accessed 10 September 2025.

³⁵ Oleksiy Makukhin, Ruslan Kavatsiuk and Violetta Seleznova, *Nazism as a Strategic Propaganda Narrative on Russian State-Controlled Television* (Final Report 2025).

³⁶ Maria Mälksoo, 'The Postcolonial Moment in Russia's War Against Ukraine' (2022) *Journal of Genocide Research* 2.

³⁷ Alex Hoffmann, 'Russians in the Baltics (European Minorities, Chapter 2)' *The European Perspective* (17 March 2025) <<https://europeanperspective.news/russians-in-the-baltics-europe-an-minorities-chapter-2/>> accessed 10 September 2025.

2. HOW DEMOCRACIES CAN DEFEND THEMSELVES

Latvian Supreme Court, when assessing the ban on the demonstration of the second applicant, specifically noted that calls to recognize unlawful quasi-republics in Eastern Ukraine undermine democracy as a ‘fundamental value of the State and part of the constitutional identity of Latvia’.³⁸ The ECtHR went further, reinstating that democracy constitutes a fundamental element of the ‘European public order’ and, in view of the very clear link between the ECHR and democracy, no one should be authorised to rely on the ECHR provisions in order to weaken or destroy the ideals and values of a democratic society. Consequently, in order to guarantee the stability and effectiveness of a democratic system, the ‘State may be required to take specific measures to protect itself’. However, even if ‘a democracy capable of defending itself’ can utilise interference with individual rights, they must be carefully evaluated in light of ECHR provisions.³⁹ The *Rodina* case is, therefore, an important ruling for countering anti-democratic movements, propaganda, or disinformation, while preserving the core values of pluralism and the rule of law.⁴⁰ This goes in line with the latest EU sanctions against Russia introduced after the full-scale invasion of Ukraine in 2022 as one of the legitimate tools to counter harmful propaganda which threatens democratic order.⁴¹

The *Rodina and Borisova* judgment is particularly significant in light of Russia’s systematic disinformation campaigns,⁴² which weaponize public discourse to undermine democratic institutions and social cohesion. By endorsing the concept of self-defending democracy, the ECtHR affirms that States may impose restrictions when Convention rights are manipulated as instruments of information warfare. However, these restrictions must adhere to the requirements set out by the Convention system and must not be overly broad. The present judgement highlights that reliance on concepts such as ‘war propaganda’ must be treated with greater caution when adjudicating on restrictions concerning the Convention’s rights and especially those which concern the very fundamentals of democracy, such as freedom of expression and assembly.

³⁸ Ibid para 50.

³⁹ *Rodina and Borisova v Latvia*, para 104.

⁴⁰ Viktorija Soņeca, ‘Rodina and Borisova v Latvia and the Principle of Self-Defending Democracy: Introduction’ (Verfassungsblog, 6 August 2025) <<https://verfassungsblog.de/rodina-and-borisova-v-latvia-and-the-principle-of-self-defending-democracy/>> accessed 10 September 2025.

⁴¹ Balázs Gyimesi, ‘Defending Democracy: Sanctions on Disinformation’ RUSI Commentary (12 June 2025) <<https://www.rusi.org/explore-our-research/publications/commentary/defending-democracy-sanctions-disinformation>> accessed 10 September 2025.

⁴² Kateryna Odarchenko, ‘The Fight Against Disinformation: A Persistent Challenge for Democracy’ (Foreign Policy Research Institute, 24 January 2025) <<https://www.fpri.org/article/2025/01/the-fight-against-disinformation-a-persistent-challenge-for-democracy/>> accessed 10 September 2025.

3. THE OVERBROAD RELIANCE ON ‘WAR PROPAGANDA’

The Latvian Government, referred to the domestic courts’ conclusions that the demonstration planned for 23 September 2014, organized by the second applicant was aimed at conveying aggressive and provocative ‘war propaganda’ messages and at expressing support for unrecognised separatist entities and their paramilitary arms in eastern Ukraine in breach of the fundamental principles of international law.⁴³ Moreover, the aggressive ‘war propaganda’ messages were intended to be expressed in front of the embassy of the very country whose territorial integrity and sovereignty were under an armed attack.⁴⁴ The ECtHR agreed that these messages have no place in a democratic society and therefore the ‘pressing social need’ requirement was met in this case.⁴⁵

Most likely, the ECtHR linked the ‘war propaganda’ with Article 20 of the ICCPR, which states that any propaganda for war and any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. That extends to all forms of propaganda threatening or resulting in an act of aggression or breach of the peace contrary to the United Nations Charter, while paragraph 2 is directed against any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, whether such propaganda or advocacy has aims which are internal or external to the State concerned.⁴⁶

However, the understanding of the meaning of ‘war propaganda’ and ‘propaganda for war’ remains unclear, and *Rodina and Borisova judgement* adds little clarity to it. For example, it is argued that Article 20(1) of the ICCPR applies to the intentional spreading of information in favor of war that is likely to result in near-term (imminent) war as an act of aggression by a State against another State, in contravention of the UN Charter⁴⁷ and an intent or a threat of hostilities as the criteria for the illegal act is crucial in this regard.⁴⁸

According to the UN Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression, ‘war propaganda’ in the sense of

⁴³ *Rodina and Borisova v Latvia*, para 110.

⁴⁴ *Ibid* para 114.

⁴⁵ *Ibid* para 119.

⁴⁶ UN Human Rights Committee, ‘General Comment No 11: Prohibition of Propaganda for War and Inciting National, Racial or Religious Hatred (Article 20)’, CCPR General Comment No 11 (29 July 1983).

⁴⁷ Evelyn Aswad, ‘Propaganda for War & International Human Rights Standards’ (2023) 24 *Chicago Journal of International Law* 1.

⁴⁸ OSCE Office of the Representative on Freedom of the Media, ‘Propaganda and Freedom of the Media: Non-Paper’ (Vienna, 2015).

Article 20(1) ICCPR must be interpreted narrowly, applicable only in relation to aggression or breach of peace contrary to the UN Charter. In other words, it must be limited to incitement of war and excludes propaganda during war.⁴⁹ It similarly does not apply to broader political narratives unless they constitute advocacy of national, racial or religious hatred that incites discrimination, hostility or violence.⁵⁰ The *Rodina and Borisova* judgment does not clearly articulate this position, which risks conflating ‘propaganda for war’ with any expression aligned with Russian official positions.

The overly broad interpretation of the term has coincided with the full-scale invasion of Ukraine. On 27 July 2022, the EU’s General Court (hereinafter ECJ) held that the ban on broadcasting Russian TV channels Sputnik and Russia Today did not constitute a freedom of expression violation under the EU Charter of Fundamental Rights and also relied on Article 20 ICCPR. The ECJ stated that Article 20’s prohibition:

refers to ‘any’ propaganda for war, [and therefore] includes not only incitement to a future war, but also continuous, repeated, and concerted statements in support of an ongoing war, contrary to international law, especially where those statements come from a media outlet under the direct or indirect control of the aggressor State.⁵¹

This interpretation of Article 20 ICCPR was widely criticized by scholars, who warned that overreliance on the concept to justify information bans, regardless of how erroneous or manipulative the content may be, risks opening the door to political misuse.⁵² Moreover, according to the UN Special Rapporteur, the prohibition of propaganda for war should be interpreted narrowly to ensure

⁴⁹ UN General Assembly, ‘Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression: “Disinformation and Freedom of Opinion and Expression during Armed Conflicts”’, A/77/288 (12 August 2022), para 39.

⁵⁰ *Ibid* para 38.

⁵¹ *RT France v Council of the European Union* (General Court, 27 July 2022, Case T-125/22) para 210.

⁵² Dirk Voorhoof, ‘EU Silences Russian State Media: A Step in the Wrong Direction’ (Inform’s Blog, 8 May 2022) <<https://inform.org/2022/05/08/eu-silences-russian-state-media-a-step-in-the-wrong-direction-dirk-voorhoof/>> accessed 10 September 2025; Raghav Mendiratta and Natalie Alkiviadou, ‘Human Rights Here: Banning Russia Today and Sputnik in Europe Is a Bad Idea’ (The Future of Free Speech, 7 November 2022) <<https://futurefreespeech.org/human-rights-here-banning-russia-today-and-sputnik-in-europe-is-a-bad-idea/>> accessed 10 September 2025; Sophie L Vèriter, ‘The Collective Securitization of “Disinformation” and the EU’s Ban on Russia Today and Sputnik’ (2025) 101(5) International Affairs 1853; Natali Helberger and Wolfgang Schulz, ‘Understandable, but Still Wrong: How Freedom of Communication Suffers in the Zeal for Sanctions’ (Media@LSE, 10 June 2022) <<https://blogs.lse.ac.uk/medialse/2022/06/10/understandable-but-still-wrong-how-freedom-of-communication-suffers-in-the-zeal-for-sanctions/>> accessed 10 September 2025.

that it does not infringe on the right to protest and criticize.⁵³ Hence, a clearer distinction between propaganda for war, which may and should be prohibited, and any other propaganda which is not banned in international law is required,⁵⁴ and unfortunately, the *Rodina and Borisova* judgement adds even more confusion in this regard. Moreover, framing ‘war propaganda’ in such broad terms as a justification for safeguarding democracy can paradoxically endanger the very democratic order it seeks to protect.

V. CONCLUDING REMARKS

The decision of the Latvian authorities, taken ten years earlier to prohibit demonstrations reflecting a clear pro-Russian agenda, was upheld as consistent with ECHR norms and spirits in 2025. In retrospect, it appears even more justified today, as Russia continues to devastate Ukrainian cities under the banner of so-called ‘denazification’, closely tied to the cult of the ‘Great Patriotic War Victory’. Since the 2022 full-scale invasion, many EU countries have introduced even stricter measures in response to Russia’s growing malign influence, such as banning the public broadcast of *Sputnik* and *Russia Today*. The *Rodina* judgment, therefore, demonstrates that democracies are entitled to defend themselves, especially in the context of armed aggression and even when the latter takes place beyond their borders. However, an important issue remains in striking a fair balance between protecting democracies and upholding their essential values, such as freedom of assembly and expression.

The *Rodina and Borisova* judgment affirms the ECtHR’s readiness to accommodate States’ security concerns in times of geopolitical tension, particularly where the democratic order is at stake. While the recognition of Latvia’s historical experience and the endorsement of the doctrine of self-defending democracy are welcome, the ECtHR treatment of ‘war propaganda’ remains problematic and requires further clarification in light of Article 20(1) ICCPR provisions. Overall, this case will likely shape future jurisprudence on freedom of assembly, disinformation, and democratic resilience in Europe in light of Russia’s ongoing threat of destabilizing the region.

⁵³ Ibid para 105.

⁵⁴ Andrei Richter, ‘Modern perception of “Propaganda for War”: International Response to Hostile Speech in the Post-Soviet Armed Conflicts’ (presentation, Comenius University in Bratislava, February 2023) <<https://www.swlaw.edu/sites/default/files/2023-02/Richter%20presentation.pdf>> accessed 10 September 2025.

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