



One case referred to the Grand Chamber

At its meeting on Monday 22 November 2021, the Grand Chamber panel of five judges:

- decided to refer the case **Fedotova and Others v. Russia** (nos. 40792/10 and 2 others) to the Grand Chamber;
- took note of the Government's withdrawal of the request for referral of **Reczkowicz v. Poland** (no. 43447/19); and
- rejected requests to refer 11 other cases (included in detailed list below)¹.

Referral accepted

Fedotova and Others v. Russia (no. 40792/10 and 2 others)

The applicants, Irina Fedotova, Irina Shipitko, Dmitriy Chunosov, Yaroslav Yevtushenko, Ilmira Shaykhrznova and Yelena Yakovleva, are Russian nationals who were born between 1977 and 1994. They live in various parts of the Russian Federation, Luxembourg and Germany. They are three same-sex couples.

On various dates the applicants gave notice of their intention to marry at their local registry offices in Russia. Their applications were rejected. The applicants challenged those decisions in the courts.

Ms Fedotova and Ms Shipitko argued before the Tverskoy District Court of Moscow that the refusal to accept their notice to marry had violated their rights under the Constitution and the Convention. Their claim was dismissed because, among other things, the court found that marriage had to have the “voluntary consent of a man and a woman” and that neither the Constitution nor international law imposed any obligations in respect of same-sex marriage. That decision was upheld on appeal.

Mr Chunosov and Mr Yevtushenko made similar arguments before the Gryazi Town Court in the Lipetsk Region. The court determined that the registry office had unlawfully not examined the application, as under Russia law each notice of intention to marry had to be examined individually. However, it held that under the Constitution and Russian case-law, there was no right to same-sex marriage; nor was one conferred by the Convention. That decision was upheld on appeal, with the applicants being refused leave to appeal in cassation.

Ms Shaykhrznova and Ms Yakovleva made similar arguments also before the Gryazi Town Court. The court found that the registry office had examined the applicants' notice individually, with the reasoning much the same as in Mr Chunosov's and Mr Yevtushenko's case. That decision was upheld on appeal and following a cassation appeal.

The application was lodged with the European Court of Human Rights on 20 July 2010.

Relying on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the European Convention on Human Rights, the applicants complained, in particular, that they had been discriminated against on the grounds of their sexual orientation

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

because they had no means of securing a legal basis for their relationship as it was impossible for them to enter into marriage or any other formal union.

In its [judgment](#) of 13 July 2021, the Court unanimously held that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

On 12 October 2021, the Government requested that the case be referred to the Grand Chamber. On 22 November 2021 the Grand Chamber panel of five judges decided to refer the case to the Grand Chamber.

Withdrawal of request

The panel of the Grand Chamber took note of the Government's withdrawal of the request for referral of **Reczkowicz v. Poland** (no. 43447/19).

Requests for referral rejected

The Grand Chamber panel rejected requests to refer 11 other cases.

Therefore, the judgments in the following 12 cases are now final:²

Zoltán Varga v. Slovakia (nos. 58361/12 and 2 others), [judgment](#) of 20 July 2021;

Hasáliková v. Slovakia (no. 39654/15), [judgment](#) of 24 June 2021;

D.A. and Others v. Poland (no. 51246/17), [judgment](#) of 8 July 2021;

Titan Total Group S.R.L. v. the Republic of Moldova (no. 61458/08), [judgment](#) of 6 July 2021;

Akgün v. Turkey (application no. 19699/18), [judgment](#) of 20 July 2021;

Gruba and Others v. Russia (application nos. 66180/09 and 3 others), [judgment](#) of 6 July 2021;

Ali Riza v. Switzerland (no. 74989/11), [judgment](#) of 13 July 2021;

Khachatryan and Konovalova v. Russia (no. 28895/14), [judgment](#) of 13 July 2021;

A.M. and Others v. Russia (no. 47220/19), [judgment](#) of 6 July 2021;

Norman v. the United Kingdom (application no. 41387/17), [judgment](#) of 6 July 2021;

Gumenyuk and Others v. Ukraine (no. 11423/19), [judgment](#) of 22 July 2021;

Reczkowicz v. Poland (no. 43447/19), [judgment](#) of 22 July 2021.

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² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.