



Russian authorities failed to protect domestic abuse victim from her partner's cyberviolence

In today's **Chamber** judgment¹ in the case of [Volodina v. Russia](#) (no. 2) (application no. 40419/19) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 8 (right to respect for private life) of the European Convention on Human Rights.

The case concerned the applicant's allegation that the Russian authorities had failed to protect her against the repeated cyberviolence of her partner who had created fake profiles in her name, published her intimate photos, tracked her movements and sent her death threats via social media.

The Court found in particular that, despite having the legal tools available to prosecute the applicant's partner, the authorities had not carried out an effective investigation and had not considered at any point in time what could and should have been done to protect the applicant from recurrent online harassment. The authorities had therefore failed to comply with their obligations under Article 8 to protect the applicant from severe abuse.

These findings mirror those of a previous judgment concerning the same applicant, [Volodina v. Russia](#) (no. 41261/17), in which the European Court held that the Russian authorities' response to the repeated acts of domestic violence had been manifestly inadequate.

Principal facts

The applicant, Valeriya Igorevna Volodina, is a Russian national who was born in 1985. She changed her name in 2018, and her new name and address are not disclosed for security reasons.

After Ms Volodina separated from her partner, S., an Azerbaijani national, he began assaulting and harassing her. The failure to protect her from the acts of violence was the subject of the applicant's first case with the European Court, *Volodina v. Russia*.

In addition to assaults, Ms Volodina suffered acts of online harassment. In June 2016 she complained to the police that S. had used her name, personal details and nude photographs of her to create fake social-media profiles, adding classmates of their son and his schoolteacher as friends. She also reported to the police her fake profiles on Instagram and on a Russian social network, the discovery of a GPS tracker device in the lining of her bag, and death threats sent to her via social media.

The authorities initially declined to go any further with the complaints, citing lack of territorial jurisdiction or lack of an offence. A criminal investigation was eventually opened in March 2018.

In October 2020, the police closed the case under the statute of limitation, even though they found it established that it had been S. who had published nude photos of the applicant – found on his phone – without her consent.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

No criminal investigations were opened into the discovery of a GPS tracker or death threats. The police did not investigate the online death threats at all, concluding that no offence had been committed because the threats had not been “real”.

Complaints, procedure and composition of the Court

Relying on Article 8 (right to respect for private life), the applicant complained that the authorities had failed to protect her against repeated online violence and to effectively investigate her allegations. She criticised in particular the fact that Russian law does not explicitly target the manifestations that domestic violence can take in cyberspace, such as online stalking or impersonation.

The application was lodged with the European Court of Human Rights on 19 July 2019.

Judgment was given by a Chamber of seven judges, composed as follows:

Paul **Lemmens** (Belgium), *President*,
Dmitry **Dedov** (Russia),
Georges **Ravarani** (Luxembourg),
María **Elósegui** (Spain),
Darian **Pavli** (Albania),
Anja **Seibert-Fohr** (Germany),
Andreas **Zünd** (Switzerland),

and also Milan **Blaško**, *Section Registrar*.

Decision of the Court

The Court reiterated that States were obliged to establish and apply effectively a system for punishing all forms of domestic violence, whether occurring offline or online, and to provide sufficient safeguards for the victims.

Firstly, the Court was satisfied that Russian law contained both civil-law mechanisms and criminal-law provisions for the protection of an individual’s private life. The authorities had thus been equipped with the legal tools to investigate the cyberviolence of which the applicant had been a victim.

However, Russian law did not provide victims of domestic violence with any measure of protection, such as restraining or protection orders. A newly created order to prohibit certain conduct did not offer adequate protection to victims in the applicant’s situation. Such orders only become available after sufficient evidence to charge the perpetrator had been gathered but, in the applicant’s case, the investigation against S. had not progressed beyond the stage of suspicion. The Court found that the response of the Russian authorities to the known risk of recurrent violence had been manifestly inadequate and that, through their inaction and failure to take measures of deterrence, they had allowed S. to continue threatening, harassing and assaulting the applicant.

Lastly, the manner in which the Russian authorities had handled the investigation, in particular an initial two-year delay in opening a criminal case and the slow pace of the proceedings leading to the prosecution eventually becoming time-barred, showed that they had failed to ensure that the perpetrator of acts of cyberviolence be brought to justice. The perpetrator’s ensuing impunity had put in doubt the ability of the State machinery to produce a sufficiently deterrent effect to protect women from cyberviolence.

Just satisfaction (Article 41)

The Court held that Russia was to pay the applicant 7,500 euros (EUR) in respect of non-pecuniary damage and EUR 5,386.46 in respect of costs and expenses.

The judgment is available only in English.

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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.