



Russia failed to prevent and investigate hate attacks on members of the LGBTI community

The case of [Romanov and Others v. Russia](#) (application no. 58358/14) concerned Russia's alleged failure to protect the applicants, all members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community, from homophobic attacks and to conduct an effective investigation into the incidents. Some applicants also complained that they had been arrested and detained unlawfully during peaceful pro-LGBTI demonstrations. The case encompassed six separate applications involving a total of eleven applicants.

In today's **Chamber judgment**¹, the European Court of Human Rights held, unanimously, that there had been:

- a violation of **Article 3 (prohibition of inhuman or degrading treatment)** read in the light of **Article 14 (prohibition of discrimination)** of the European Convention on Human Rights in respect of seven of the applicants;
- a violation of **Article 3 (effective investigation)** read in the light of **Article 14** in respect of eight of the applicants; and
- a violation of **Article 11 (freedom of assembly and association)** taken alone and read in the light of **Article 14** in respect of eight of the applicants.

It also held, unanimously, that there had been, in respect of three of the applicants:

- a violation of **Article 5 § 1 (right to liberty and security)**; and
- a violation of **Article 11**.

The Court found in particular that the authorities had failed to take effective measures to prevent the hate-motivated attacks. It also observed that the investigating authorities had repeatedly rejected the applicants' allegations of homophobic motivation behind the attacks, without properly addressing their complaints in that regard. It noted with great concern that this appeared to be common practice in dealing with hate crimes against LGBTI people in Russia.

Principal facts

The applicants are 11 Russian nationals – Mr Romanov, Mr Lebedev, Mr Nasonov, Mr Starov, Ms Pitenova, Mr Fedorov, Mr Prokopenko, Ms Levina, Mr Chechetkin, Ms Gromadskaya and Mr Martin – who were born between 1974 and 1992 and, at the time of the events, lived in St Petersburg, Voronezh or Chalmuk (all Russia). They are all members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

Between May 2012 and June 2013 seven of them were attacked by counter-demonstrators while taking part in authorised LGBTI demonstrations in St Petersburg or in Voronezh, while the police, who were there to maintain security, did not intervene. Mr Romanov suffered chemical burns to his

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.

eye after being fired at with a spray gun at a “Rainbow flash mob” in Saint Petersburg. His attacker, although convicted and sentenced to a year in prison, was then amnestied by the State Duma. Mr Lebedev and Mr Nasonov received death threats for organising a demonstration in January 2013 in Voronezh and were then beaten up at the demonstration itself. The police opened a criminal investigation, leading to one of the attackers being charged and convicted, but that person was then released. Mr Starov, Mr Fedorov, Mr Prokopenko and Ms Pitenova had stones and smoke bombs thrown at them and were beaten up during a demonstration in Saint Petersburg, but the police would not open a criminal investigation, despite orders from the prosecutor to do so.

On other occasions, eight of the applicants were subjected to verbal abuse and physical violence motivated or at least influenced by the applicants’ belonging to or frequenting the LGBTI community. Mr Chechetkin was shot in the eye with an air gun, making him blind in that eye, and battered with a baseball bat. Ms Gromadskaya and Mr Martin were beaten up in a bar due to one of their friends wearing a rainbow bracelet, but the police refused to institute criminal proceedings.

The pre-investigation inquiries and the investigations, if opened, into these events, lasted for years and did not lead to the attackers being identified. Moreover, despite evidence to the contrary, the investigating authorities rejected the applicants’ allegations that the violence was homophobic.

In addition, three of the applicants (Mr Fedorov, Mr Prokopenko and Ms Levina) allege that they were arbitrarily arrested by the police prior to a pro-LGBTI demonstration in Saint Petersburg in October 2013 in which they were about to take part.

Complaints, procedure and composition of the Court

All the applicants bar Ms Levina, relying on Articles 3 (prohibition of inhuman or degrading treatment) and 8 (right to respect for private and family life), taken alone and together with Articles 13 (right to an effective remedy) and 14 (prohibition of discrimination), complained that the Russian authorities had failed to protect them from verbal abuse and physical violence motivated by their sexual orientation and that the investigation into a possible homophobic motive on the part of the attackers had been ineffective.

Relying on Article 5 § 1 (right to liberty and security) and Article 11 (freedom of assembly and association), taken alone or together with Article 14, three of the applicants (Mr Fedorov, Mr Prokopenko and Ms Levina) complained, in particular, that they had been detained unlawfully at a protest because of their support for LGBTI rights, while under Article 11, taken alone and together with Article 14, eight of the applicants complained that the authorities had failed to ensure their safety at the LGBTI protests.

Relying on Article 38 (obligation to furnish the necessary facilities for the examination of the case), Mr Chechetkin alleged that the Government had failed to provide copies of the documents requested by the Court.

The applications were lodged with the European Court of Human Rights on various dates between 11 August 2014 and 14 October 2019, as listed in the appendix to the judgment.

Third-party interventions were received from the Equal Rights Trust, the European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe), the Russian Lesbian, Gay, Bisexual and Transgender Network (the Russian LGBT Network), and Human Rights Watch.

The Court’s procedure for the processing of applications against Russia can be found [here](#).

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

Pere Pastor Vilanova (Andorra), *President*,
Jolien Schukking (the Netherlands),
Yonko Grozev (Bulgaria),
Georgios A. Serghides (Cyprus),
Peeter Roosma (Estonia),
Andreas Zünd (Switzerland),
Oddný Mjöll Arnardóttir (Iceland),

and also Olga Chernishova, *Deputy Section Registrar*.

Decision of the Court

The Court established that it had jurisdiction to deal with the case, as the facts giving rise to the alleged violations of the Convention took place before 16 September 2022, the date on which Russia ceased to be a Party to the European Convention.

[Article 3 read in the light of Article 14](#)

The Court observed that all the applicants bar Ms Levina had been subjected to vicious hate speech and physical violence during clashes with counter-demonstrators and that the degree of their subsequent physical and/or mental suffering had been serious enough to fall within the scope of Article 3.

It then observed that the national authorities had been well aware of the planned events and should have foreseen the risks, given the hostile attitudes of parts of Russian society towards the LGBTI community. The authorities had approved the demonstrations in advance and should have had time to put safety measures in place to protect the participants. Moreover, serious threats had circulated on social media prior to one of the demonstrations, which had been brought to the attention of the police, who should have reacted as the situation developed. Yet it seemed that the police had taken no steps to do so and had allowed the tension between the applicants and counter-demonstrators to escalate into physical violence. When the counter-demonstrators had started insulting the applicants, throwing objects at them and physically attacking them, the police had not intervened immediately, and the applicants had had no choice but to leave the events.

Therefore, the Court found that the authorities had failed to take measures to prevent the hate-motivated attacks. There had accordingly been **a violation of Article 3 of the Convention read in the light of Article 14**, in respect of Mr Romanov, Mr Lebedev, Mr Nasonov, Mr Starov, Mr Fedorov, Ms Pitenova and Mr Prokopenko.

Moreover, the Court noted that the investigators had refused to open criminal investigations into the attacks on Mr Starov, Ms Pitenova, Mr Fedorov and Mr Prokopenko. In the case of Ms Gromadskaya and Mr Martin, the police had opened administrative-offence proceedings but only five months after the incident and they had eventually had to be discontinued due to the expiry of the limitation period for the offence. In the light of the limited and delayed investigative efforts employed, the Court was not convinced that they could be regarded as “effective” within the meaning of Article 3 of the Convention.

In Mr Chechetkin’s case, a criminal investigation had been initiated immediately after the incident but had later been suspended. Mr Romanov’s aggressor had been identified and convicted of hooliganism but had been amnestied shortly afterwards. However, the Court saw no need to examine in detail the proceedings conducted in their cases because, in any event, possible hate motives behind the attacks had not been taken into account in them.

The Court observed that the investigating authorities had repeatedly rejected the applicants' allegations that the attacks were homophobic, without properly addressing their complaints in that regard. It noted with great concern that this appeared to be common practice in dealing with hate crimes against LGBTI people in Russia. The domestic authorities had failed to conduct an effective investigation into the eight applicants' allegations of assault motivated by homophobia. There had accordingly been **a violation of Article 3 of the Convention read in the light of Article 14** in respect of Mr Romanov, Mr Starov, Ms Pitenova, Mr Fedorov, Mr Prokopenko, Mr Chechetkin, Ms Gromadskaya and Mr Martin.

Article 5 § 1 and Article 11, taken alone or together with Article 14

The Court found that the national authorities had failed to allow the demonstrations to run properly by not deterring homophobic insults and physical violence by counter-demonstrators. They had therefore failed to comply with their duty under Article 11 taken alone and read in the light of Article 14 in respect of Mr Romanov, Mr Lebedev, Mr Nasonov, Mr Starov, Ms Pitenova, Mr Fedorov, Mr Prokopenko and Ms Levina.

In addition, the Court found a breach of Mr Fedorov's, Mr Prokopenko's and Ms Levina's right to liberty under Article 5 § 1 and a violation under Article 11 taken alone. It did not find it necessary to examine separately whether there had been a violation of Article 14 of the Convention in conjunction with Article 5 § 1 and Article 11.

Article 38

The Court found that the delay in the submission of copies of documents it had requested, although regrettable, had not amounted to a failure to comply with Article 38 of the Convention.

Just satisfaction (Article 41)

The Court held that Russia was to pay each of the applicants an amount between 9,750 and 23,000 euros – as listed in the appendix to the judgment – in respect of non-pecuniary damage and that it was to pay, to eight of the applicants, approximately EUR 3,000 each 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.