



Widespread practice in Russia before 2013 of invalidating passports breached two former Soviet nationals' rights

In today's Chamber judgment¹ in the case of [Alpeyeva and Dzhalagoniya v. Russia](#) (nos. 7549/09 and 33330/11) the European Court of Human Rights held, unanimously, that there had been:

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

The case concerned complaints brought by two Russian nationals, former Soviet citizens from Kyrgyzstan and Georgia, whose passports had been invalidated on the grounds of administrative irregularities. Ms Alpeyeva's passport had been seized in 2006, while Mr Dzhalagoniya's request to exchange his passport was refused in 2010. They were both eventually granted Russian citizenship and issued with Russian passports, in 2010 and 2013, respectively.

The Court found in particular that the irregularities in issuing the applicants with passports had not been through any fault of their own, but had been because of an oversight on the part of the authorities, namely the lack of streamlined procedures and a unified database, and errors committed by State officials.

The scale of the issue, with 80,000 passports having been deemed invalid in 2012, had been recognised and the general problem resolved in 2013. However, such a lack of diligence on the part of the authorities had left the applicants without a valid passport for several years, during which time they had in effect been deprived of any legal status and been rendered stateless. That in turn had had severe consequences for their everyday and private lives, including crucial needs such as finding employment or obtaining medical care.

Principal facts

The applicants, Lyubov Alpeyeva and Datuna Dzhalagoniya, are Russian nationals who currently live in Volzhskiy in the Volgograd Region and in Kostroma (Russia).

Ms Alpeyeva was born in 1951 in Kyrgyzstan in the former Soviet Union. She left Kyrgyzstan in 1994 when the Russian embassy in Bishkek put a stamp in her Soviet passport confirming that she had obtained Russian citizenship and moved to Russia. She has been living there ever since and was issued with an internal Russian passport in 2001.

Mr Dzhalagoniya was also born in the former Soviet Union, in 1965, in Georgia. He has been living in Russia since the disintegration of the Soviet Union in 1991. His Soviet Union passport was issued with an insert certifying his Russian citizenship in 1998 and he was granted a Russian passport in 2002.

However, both applicants were subsequently informed that they had never properly acquired Russian citizenship, in particular because there were no records in the relevant databases. The domestic authorities therefore found that their passports had been issued irregularly and were

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.

invalid. Thus, when applying to the migration authorities for an international passport in 2006, Ms Alpeyeva's passport was seized. Mr Dzhalagoniya applied to exchange his passport in 2010, but was refused.

Both applicants contested the migration authorities' decisions before the domestic courts, without success. In particular, a claim by Ms Alpeyeva concerning inaction by the migration authorities in issuing her with a passport was dismissed by a final decision of August 2009, while Mr Dzhalagoniya's appeal with regard to the refusal to exchange his passport was dismissed by a final decision of December 2010.

Both applicants have since been granted Russian citizenship and issued with Russian passport,s in 2010 and 2013 respectively.

Complaints, procedure and composition of the Court

Relying in particular on Article 8 (right to respect for private and family life), both applicants complained about the impact on their everyday lives of not having a valid passport, namely they could not find employment or obtain medical assistance, pensions or social benefits.

The applications were lodged with the European Court of Human Rights on 30 December 2008 and 27 April 2011, respectively.

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

Helena **Jäderblom** (Sweden), *President*,
Branko **Lubarda** (Serbia),
Helen **Keller** (Switzerland),
Dmitry **Dedov** (Russia),
Georgios A. **Serghides** (Cyprus),
Jolien **Schukking** (the Netherlands),
María **Elósegui** (Spain),

and also Stephen **Phillips**, *Section Registrar*.

Decision of the Court

The Court found that the authorities' decisions concerning the applicants, meaning that they had never acquired Russian citizenship, had had considerable consequences for their everyday lives. It had left them without a valid passport, in effect depriving them of any legal status and rendering them stateless. Such interference with the applicants' rights had all the more impact in Russia, where citizens have to prove their identity unusually often, be it for crucial needs such as finding employment and obtaining medical care or for more mundane tasks like buying a train ticket.

Even though the applicants had eventually been granted Russian citizenship under a new procedure, that could not in itself be considered sufficient redress for the impact that having invalid passports had had on their lives for several years. The Court therefore considered that the applicants still had victim status.

It went on to find that the decisions had had a basis in domestic law and that the applicants had been able to contest them in proceedings which they had not at any point criticised for procedural shortcomings.

However, the fact that there had been administrative irregularities in issuing the applicants with passports had not been through any fault of their own. It had been owing to the lack of streamlined procedures and a unified database, and because of errors committed by State officials. To back up that finding, the Court referred in particular to a report by the Russian Ombudsman in 2007

criticising the authorities' practice of seizing Russian passports from former Soviet nationals who had moved to Russia, despite no fault having been detected on the part of the passport holders. Another report by the Ombudsman in 2012 stated that the overall number of Russian passports thus invalidated had reached 80,000.

Once the scale of the problem had been recognised, amendments to the relevant legislation had been introduced. It nevertheless remained the case that it had taken until 2013 for the general problem to be resolved and that the applicants had had to face fundamental and severe consequences for several years affecting their social identity and private life purely because of an oversight and lack of diligence on the part of the authorities. There had therefore been a violation of Article 8 of the Convention.

Just satisfaction (Article 41)

The Court held that Russia was to pay each applicant 5,000 euros (EUR) in respect of non-pecuniary damage and 776 roubles in respect of costs and expenses to Ms Alpeyeva.

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.