



Article 8 Of The Human Rights Convention-A Russian Case

The starting point of this paper is a recent decision of the European Court of Human Rights *Muradeli v. Russia* [2015] ECHR 368. There is something mildly reassuring about finding out that in spite of the current view of Putin's Russia as a by no means benign dictatorship in a not very convincing democratic disguise, the country remains a signatory of the European Convention on Human Rights (ECHR) and accepts the jurisdiction of the European Court of Human Rights.

The facts

2. The appellant Muradeli is a citizen of Georgia who first moved to Russia in 1992 and in 1994 married a Russian woman. They had a son in 1995. In 1996 the appellant and his family moved to Georgia but returned to Russia in 2001. He was issued with a residence permit valid for two years from July 2002. He delayed in applying for renewal of his permit but in August 2006 his permit was renewed on application for three years. He failed to notify changes of address and was notified that on expiry of his permit he would have to leave Russia. He continued to live in Russia without a permit beyond 2009. In October 2011 he was arrested in the course of a police identity check. He was charged and found guilty of a breach of immigration law. He was fined 3000 roubles and his administrative removal from Russia was ordered. He was removed in November 2011.

3. The appellant appealed on the basis that his removal from Russia was a breach of his right to family life under Article 8 of the ECHR. He said that his son was now sixteen and in need of his father's support and guidance. His own removal from the family placed a heavy burden on his wife who had to raise their son on her own and pay back the bank loan on the flat she and her husband had bought together.

4. Appeals by the appellant first to the Regional Court in April 2012 and then by way of supervisory review to the Russian Supreme Court were dismissed. The appellant finally took his case to the European Court, which also dismissed the appeal.

The law

5. Article 8 provides:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.