

Fadeyeva v Russia (re Severstal smelter)

Status: **ONGOING**

Date lawsuit was filed

1 Jan 1995

Unknown

Community

Location of Filing:**Russia**

Location of Incident:**Russia**

Type of Litigation:**International body**

Companies

[Severstal](#) Russia Metals & steel

Sources

[\[DOC\] Decision of the Vologda regional court, Landmark Judgment in Environmental Pollution Case](#)

[С русской версией описания этого дела можно ознакомиться здесь.](#)

In 1995, Russian citizens from the town of Cherepovets filed a lawsuit against iron-smelting company Severstal, asking to be resettled in an environmentally-safe area that isn't affected by high levels of air and noise pollution from the company's steel plant. In April 1996, a local court ruled that the citizens had the right to be resettled but conditioned resettlement on the availability of funds. Following the absence of any resettlement action, the lead plaintiff, Nadezhda Fadeyeva, brought the case to the European Court of Human Rights, which unanimously ruled that the Russian government had violated the right to respect for private and family life under Article 8 of the European Convention on Human Rights.

In 1995 Nadezhda Fadeyeva and other Russian citizens from the town of Cherepovets brought an action in local court against Severstal, Russia's largest iron-smelting company. They alleged that the level of air and noise pollution from Severstal's steel plant located in their town exceeded the maximum emissions permitted by Russian law and made the area in which they lived, about 450 metres from the steel plant, unsafe for habitation. In fact, according to Russian law, the 1000 metre area surrounding the plant is deemed unsuitable for residential property. The applicants argued that they should be resettled in an environmentally-safe area. On 17 April 1996, Cherepovets local court found that the applicants had the right to be resettled, but it made such resettlement conditional on the availability of funds. On 31 August 1999, the local court dismissed Mrs Fadeyeva's further action to enforce the 1996 judgment and confirmed that the first judgment had been properly executed through her placement on a general waiting list for relocation. Mrs Fadeyeva subsequently lodged an application against the Russian Government with the European Court of Human Rights (ECHR) on 11 December 1999. The Court

unanimously found on 9 June 2005 that the Russian Government was in violation of Article 8 of the European Convention on Human Rights (the right to respect for private and family life, home and correspondence) and that it had failed to regulate the environmental pollution from the Severstal plant which affected the quality of life at the applicant's home.

In February 2007 the Department for the Execution of Judgments at the ECHR noted that the Russian Government had not provided any evidence showing that the environmental situation around the Severstal plant had improved and that the plant is not harming the local population's health. In October 2007 the Russian Government informed the ECHR that it had reconsidered the zone surrounding the Severstal plant deemed safe for residential property, and Mrs Fadeyeva's home was now no longer located inside this zone. Therefore, she is no longer entitled to resettlement. Furthermore, the owners of the Severstal plant claim they have spent 2.2 billion roubles (about €62 million) on environmental measures to reduce the plant's emissions. However, no evidence of these changes has been provided to the ECHR. On 1 August 2011, the Russian organization Human Rights Centre "Memorial" sent a petition on behalf of the plaintiffs to the mayor of Cherepovets asking that the ECHR judgment be fully enforced and that the plaintiffs be resettled.

-
- [“Russia put to the test on human rights”](#), Philip Leach, Times [UK], 12 Jul 2005
 - [“Legal victory gives hope to victims of Russia's smokestacks”](#), Jeremy Page, Times [UK], 10 Jun 2005
 - [PDF] [“Stay inside when the wind blows your way – engaging environmental rights with human rights”](#), Philip Leach, Environmental Liability Vol. 13, Issue 4 2005 [author was co-counsel for plaintiff at European Court of Human Rights]
 - SeverStal website: [Sustainable Development – Environmental Protection](#)
 - European Human Rights Advocacy Centre: [Landmark Judgment in Environmental Pollution Case](#), 9 Jun 2005 [co-counsel for plaintiffs at European Court of Human Rights]
 - Environmental Law Alliance Worldwide [co-counsel for plaintiffs at European Court of Human Rights]: [Protecting Russian Citizens from Toxic Pollution](#)
 - European Court of Human Rights - [Committee of Ministers: Industrial pollution in breach of the European Convention: Measures required by a European Court judgment](#), 13 Feb 2007
 - European Court of Human Rights: [DOC] [Application of Fadeyeva v. Russia - Submissions on the Merits of the Case](#) [on behalf of the applicant]
 - European Court of Human Rights: [DOC] [Case of Fadeyeva v. Russia, Judgment](#), 9 Jun 2005
 - European Court of Human Rights: [DOC] [Transcript Fadeyeva v. Russia](#), 1 Jul 2004

Documents from domestic Russian proceedings:

- 29 Aug 1995: [DOC] [Statement of Claim from the plaintiff against Severstal](#). The plaintiff, who lives within the sanitary security zone of Severstal plant, asked Cherepovets city court to force Severstal to offer her a flat outside of the sanitary security zone on the basis that it is dangerous for her health to live within the zone.

- 17 Apr 1996: [DOC] [Decision of Cherepovets' court - city court \(court of first instance\)](#). The court, considering domestic law, ordered the city of Cherepovets to offer a flat to the plaintiff by putting her on a priority waiting list of the sanitary security zone and according to the availability of funds (from the federal budget).
- 7 Aug 1996: [DOC] [Decision of the Vologda regional court](#). The court upheld the decision from Cherepovets court but removed the reference to “the availability of funds”.
- 26 Jul 1999: [DOC] [New Statement of Claim/proceedings](#). The plaintiff filed a new claim against the City of Cherepovets asking for immediate resettlement in accordance with the judgment of 17 April 1996.
- 31 Aug 1999: [DOC] [Decision of Cherepovets' Court](#). The court dismissed the applicant's claim, saying that there was no priority waiting list and that the judgment of 17 April 1996 had been properly executed when the plaintiff was put on a general waiting list.
- 17 Nov 1999: [DOC] [Decision of the Vologda regional court](#). The court upheld the decision from Cherepovets court finding no basis for changing it.