

In the case of *Steffano v. Italy**,

The European Court of Human Rights, sitting, in accordance with Article 43 (art. 43) of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention")** and the relevant provisions of the Rules of Court, as a Chamber composed of the following judges:

Mr R. Ryssdal, President,
Mr F. Matscher,
Mr B. Walsh,
Mr C. Russo,
Mr A. Spielmann,
Mr N. Valticos,
Mr A.N. Loizou,
Mr J.M. Morenilla,
Mr F. Bigi,

and also of Mr M.-A. Eissen, Registrar, and Mr H. Petzold, Deputy Registrar,

Having deliberated in private on 30 October 1991 and 24 January 1992,

Delivers the following judgment, which was adopted on the last-mentioned date:

Notes by the Registrar

* The case is numbered 16/1991/268/339. The first number is the case's position on the list of cases referred to the Court in the relevant year (second number). The last two numbers indicate the case's position on the list of cases referred to the Court since its creation and on the list of the corresponding originating applications to the Commission.

** As amended by Article 11 of Protocol No. 8 (P8-11), which came into force on 1 January 1990.

PROCEDURE

1. The case was referred to the Court on 8 March 1991 by the European Commission of Human Rights ("the Commission"), within the three-month period laid down by Article 32 para. 1 and Article 47 (art. 32-1, art. 47) of the Convention. It originated in an application (no. 12409/86) against the Italian Republic lodged with the Commission under Article 25 (art. 25) by an Italian national, Mrs Silvia Steffano, on 16 June 1986.

The Commission's request referred to Articles 44 and 48 (art. 44, art. 48) and to the declaration whereby Italy recognised the compulsory jurisdiction of the Court (Article 46) (art. 46). The object of the request was to obtain a decision as to whether the facts of the case disclosed a breach by the respondent State of its obligations under Article 6 para. 1 (art. 6-1).

2. In response to the enquiry made in accordance with Rule 33 para. 3 (d) of the Rules of Court, the applicant stated that she wished to take part in the proceedings; the President of the Court gave her leave to present her own case (Rule 30 para. 1, second sentence).

3. On 23 April 1991 the President decided that, pursuant to Rule 21 para. 6 and in the interests of the proper administration of

justice, this case and the cases of Diana, Ridi, Casciaroli, Manieri, Mastrantonio, Idrocalce S.r.l., Owners' Services Ltd, Cardarelli, Golino, Taiuti, Maciariello, Manifattura FL, Ruotolo, Vorrasi, Cappello, G. v. Italy, Caffè Roversi S.p.a., Andreucci, Gana, Barbagallo, Cifola, Pandolfelli and Palumbo, Arena, Pierazzini, Tusa, Cooperativa Parco Cuma, Serrentino, Cormio, Lorenzi, Bernardini and Gritti and Tumminelli* should be heard by the same Chamber.

* Cases nos. 3/1991/255/326 to 13/1991/265/336; 15/1991/267/338; 18/1991/270/341; 20/1991/272/343; 22/1991/274/345; 24/1991/276/347; 25/1991/277/348; 33/1991/285/356; 36/1991/288/359; 38/1991/290/361; 40/1991/292/363 to 44/1991/296/367; 50/1991/302/373; 51/1991/303/374; 58/1991/310/381; 59/1991/311/382; 61/1991/313/384

4. The Chamber to be constituted for this purpose included ex officio Mr C. Russo, the elected judge of Italian nationality (Article 43 of the Convention) (art. 43), and Mr R. Ryssdal, the President of the Court (Rule 21 para. 3 (b)). On the same day, in the presence of the Registrar, the President drew by lot the names of the other seven members, namely Mr F. Matscher, Mr J. Pinheiro Farinha, Sir Vincent Evans, Mr A. Spielmann, Mr I. Foighel, Mr J.M. Morenilla and Mr F. Bigi (Article 43 in fine of the Convention and Rule 21 para. 4) (art. 43).

Subsequently, Mr B. Walsh, Mr A.N. Loizou and Mr N. Valticos, substitute judges, replaced respectively Mr Pinheiro Farinha and Sir Vincent Evans, who had both resigned and whose successors had taken up their duties before the deliberations held on 30 October, and Mr Foighel, who was unable to take part in the further consideration of the case (Rules 2 para. 3, 22 para. 1 and 24 para. 1).

5. Mr Ryssdal assumed the office of President of the Chamber (Rule 21 para. 5) and, through the Deputy Registrar, consulted the Agent of the Italian Government ("the Government"), the Delegate of the Commission and the applicant on the organisation of the proceedings (Rules 37 para. 1 and 38). In accordance with the order made in consequence, the Registrar received the Government's memorial on 16 July 1991. By a letter received on 22 August, the Secretary to the Commission informed the Registrar that the Delegate did not consider it necessary to reply thereto.

6. On 28 June the Chamber had decided to dispense with a hearing, having found that the conditions for such derogation from the usual procedure were satisfied (Rules 26 and 38).

7. On 28 August the Commission produced the file on the proceedings before it, as requested by the Registrar on the President's instructions.

8. On 5 November the Commission lodged its observations on the claims for just satisfaction which the applicant had communicated to the Registrar on 3 May (Article 50 of the Convention) (art. 50) and on which the Government had already commented in their memorial.

AS TO THE FACTS

9. Mrs Silvia Steffano is an Italian national and resides in Rome where she practises as a lawyer. The facts established by the Commission pursuant to Article 31 para. 1 (art. 31-1) of the Convention are as follows (paragraphs 16-21 of its report):

"16. From 30 June to 28 July 1982 the applicant, a trainee lawyer, served as an 'expert' on an examinations

board for the upper secondary examinations and received the remuneration prescribed by law for all members of such boards.

17. Considering herself further entitled as a board member not in the employ of the administration to a payment calculated on the basis of a teacher's monthly salary, she applied accordingly to the Provincial Director of Education (Provveditore agli studi). Her application was rejected on 17 September 1982.

18. On 13 November 1982 she applied to the Lombardy Regional Administrative Court (RAC) to establish her claim to the requested additional remuneration. On the same day she asked for the hearing date to be fixed.

19. Three further requests were submitted by the applicant on 5 May 1983, 23 October 1984 and 30 April 1986.

20. On 1 December 1987 the RAC presiding judge set the hearing down for 29 January 1988, on which date the RAC dismissed the applicant's claim. The text of the decision was lodged with the court registry on 17 October 1988.

21. On 13 April 1989 the applicant appealed to the Consiglio di Stato (supreme administrative court) ... "

10. On 16 July 1991 the Government notified the European Court that the Consiglio di Stato had deliberated on 5 July 1991, but that the text of its decision had not yet been filed with the registry. The Court does not have any more recent information*.

* Note by the Registrar: the day after the delivery of the present judgment, the Registrar received a communication from the Italian Government from which it appears that the Consiglio di Stato dismissed the applicant's appeal by a decision of 5 July 1991, filed with the registry on 30 January 1992.

PROCEEDINGS BEFORE THE COMMISSION

11. Mrs Steffano lodged her application with the Commission on 16 June 1986. She complained of the length of the civil proceedings brought by her and relied on Article 6 para. 1 (art. 6-1) of the Convention.

12. On 11 May 1990 the Commission declared the application (no. 12409/86) admissible. In its report of 5 December 1990 (Article 31) (art. 31), it expressed the unanimous opinion that there had been a violation of Article 6 para. 1 (art. 6-1). The full text of the Commission's opinion is reproduced as an annex to this judgment*.

* Note by the Registrar

For practical reasons this annex will appear only with the printed version of the judgment (volume 230-C of Series A of the Publications of the Court), but a copy of the Commission's report is obtainable from the registry.

AS TO THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 PARA. 1 (art. 6-1)

13. The applicant claimed that her civil action had not been tried within a "reasonable time" as required under Article 6 para. 1 (art. 6-1) of the Convention, according to which:

"In the determination of his civil rights and obligations ..., everyone is entitled to a ... hearing within a reasonable time by [a] ... tribunal..."

The Government contested this view, whereas the Commission accepted it.

14. The period to be taken into consideration began on 13 November 1982 when the proceedings were instituted in the Lombardy Regional Administrative Court. It will end when the text of the decision of the Consiglio di Stato is filed with the registry, or ended when that occurred, if it already has done.

15. The reasonableness of the length of proceedings is to be assessed with reference to the criteria laid down in the Court's case-law and in the light of the circumstances of the case, which in this instance call for an overall assessment.

16. The Government invoked the excessive workload of the Lombardy Regional Administrative Court, but Article 6 para. 1 (art. 6-1) imposes on the Contracting States the duty to organise their legal systems in such a way that their courts can meet each of its requirements (see, *inter alia*, the *Vocaturo v. Italy* judgment of 24 May 1991, Series A no. 206-C, p. 32, para. 17).

In the administrative court Mrs Steffano had to wait more than five years, despite her repeated requests, for the date of the hearing to be fixed (13 November 1982 - 1 December 1987). In addition no investigative measure was taken during this period and more than eight and a half months elapsed before the judgment was filed (29 January - 17 October 1988).

It is true that the applicant then took almost six months to lodge an appeal (17 October 1988 - 13 April 1989), for which period the State is not responsible. As regards the Consiglio di Stato, neither the applicant nor the other participants in the Strasbourg proceedings have provided the Court with sufficient details for it to be able to determine whether that body displayed due diligence.

17. Nevertheless, the Court cannot regard as "reasonable" in this instance a total duration which at 16 July 1991 was already more than eight and a half years, six of which were for the first-instance proceedings alone.

There has therefore been a violation of Article 6 para. 1 (art. 6-1).

II. APPLICATION OF ARTICLE 50 (art. 50)

18. According to Article 50 (art. 50):

"If the Court finds that a decision or a measure taken by a legal authority or any other authority of a High Contracting Party is completely or partially in conflict with the obligations arising from the ... Convention, and if the internal law of the said Party allows only partial reparation to be made for the consequences of this decision or measure, the decision of the Court shall, if necessary, afford just satisfaction to the injured party."

19. The applicant claimed for damage a sum of 4,000,000 Italian lire, or any other amount which the Court deemed appropriate.

According to the Government, she has not shown that she sustained pecuniary damage. As to any non-pecuniary damage, a finding of a violation would provide sufficient just satisfaction.

The Commission took the view that, in addition to reparation for non-pecuniary damage, Mrs Steffano was entitled to compensation for any pecuniary damage sustained by her if she succeeded in establishing its existence and that of a causal connection with the violation found.

20. The evidence does not show that these conditions have been satisfied. As regards non-pecuniary damage, the Court considers that the conclusion appearing in paragraph 17 of this judgment constitutes, in this instance, adequate satisfaction for the purposes of Article 50 (art. 50).

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. Holds that there has been a violation of Article 6 para. 1 (art. 6-1);
2. Holds that the present judgment constitutes in itself sufficient just satisfaction for the purposes of Article 50 (art. 50) in respect of the non-pecuniary damage alleged;
3. Dismisses the remainder of the applicant's claim.

Done in English and in French, and delivered at a public hearing in the Human Rights Building, Strasbourg, on 27 February 1992.

Signed: Rolv RYSSDAL
President

Signed: Marc-André EISSEN
Registrar