



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

SECOND SECTION

CASE OF REMŠÍKOVÁ v. SLOVAKIA

(Application no. 46843/99)

JUDGMENT

STRASBOURG

17 May 2001

In the case of Remšíková v. Slovakia,

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Mr C.L. ROZAKIS, *President*,

Mr A.B. BAKA,

Mrs V. STRÁŽNICKÁ,

Mr P. LORENZEN,

Mr M. FISCHBACH,

Mrs M. TSATSA-NIKOLOVSKA,

Mr A. KOVLER, *judges*,

and Mr E. FRIBERGH, *Section Registrar*,

Having deliberated in private on 3 May 2001,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 46843/99) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Slovak national, Ms Monika Remšíková (“the applicant”), on 13 November 1998.

2. The Slovak Government (“the Government”) were represented by their Agent, Mr R. Fico to whom Mr P. Vršanský later succeeded in the exercise of this function.

3. The applicant complained under Article 6 § 1 of the Convention about the length of two sets of civil proceedings.

4. On 7 December 2000, after obtaining the parties’ observations, the Court declared the application admissible.

5. On 8 January 2001, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 2 April 2001 and on 6 April 2001 the applicant and the Agent of the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

6. In January 1993 the applicant’s husband, a Croatian national, left Slovakia for Croatia. On 14 April 1995 the District Court (*Općinski sud*) in Korčula (Croatia) pronounced the divorce of the applicant and her husband.

1. Proceedings concerning the custody and maintenance of the applicant's daughter

7. On 2 September 1993 the applicant filed an action with the Banská Bystrica District Court (*Okresný súd*) claiming that she should be given custody of her daughter, born in 1992, and that her husband should contribute to the child's maintenance.

8. On 21 June 1994 the case was transferred to the Považská Bystrica District Court. The first hearing was scheduled for 9 August 1995.

9. On 18 September 1996 the District Court delivered a judgment by which it entrusted the child to the applicant and ordered the father to pay maintenance. The judgment was served on the applicant on 27 December 1996. It was served on the applicant's former husband, through the intermediary of the Croatian authorities, on 23 March 1997.

10. On 8 December 1997 the Považská Bystrica District Court received a translation of the appeal filed by the applicant's former husband. On 30 January 1998 the Trenčín Regional Court (*Krajský súd*) quashed the first instance judgment. The decision was transmitted to the Považská Bystrica District Court on 16 April 1998 and it was served on the applicant on 4 June 1998.

11. The District Court heard the applicant on 24 July 1998. It decided to request the Croatian authorities to take further evidence. The required information was submitted in June 1999. The District Court ordered the documents to be translated in April 2000.

12. On 28 June 2000 the Považská Bystrica District Court delivered a judgment which has not yet become final.

2. Proceedings concerning the name of the applicant's daughter

13. On 15 July 1997 the applicant claimed, before the Trenčín District Court, that her daughter should be allowed to use her surname instead of that of her former husband.

14. On 9 December 1997 a translator appointed by the District Court submitted a translation of the relevant documents. On 23 January 1998 the documents were transmitted to the Ministry of Justice with a view to requesting the Croatian authorities for co-operation.

15. On 15 July 1998 the vice-president of the Trenčín District Court admitted that there had been undue delays in the proceedings and apologised to the applicant.

16. On 20 August 1998 the the Trenčín District Court appointed a translator with a view to having a document submitted by the applicant's former husband on 8 June 1998 translated.

17. On 10 December 1998 the applicant was summoned to a hearing scheduled for 13 October 1999. On the latter date the District Court delivered a judgment which was subsequently transmitted to the Croatian

authorities. The District Court has not yet been notified of the service of the judgment on the applicant's former husband.

THE LAW

18. On 6 April 2001 the Court received the following declaration from the Government:

"I declare that the Government of the Slovak Republic offer to pay 200,000 (two hundred thousand) Slovak korunas to Ms Monika Remšíková with a view to securing a friendly settlement of her application registered under No. 46843/99. This sum shall cover any damage and costs and it will be payable immediately after the notification of the judgment delivered by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The present declaration does not entail any acknowledgment by the Government of the Slovak Republic of a violation of the European Convention on Human Rights in the present case.

The Government of the Slovak Republic further undertake not to request the reference of the case to the Grand Chamber under Article 43 § 1 of the Convention."

19. On 2 April 2001 the Court received the following declaration signed by the applicant:

"I note that the Government of the Slovak Republic are prepared to pay 200,000 (two hundred thousand) Slovak korunas (covering both damage and costs) with a view to securing a friendly settlement of my application No. 46843/99 pending before the Court.

I accept the proposal and waive any further claims in respect of the Slovak Republic related to the facts of the aforesaid application until the delivery by the Court of a judgment pursuant to Article 39 of the European Convention on Human Rights. I declare that the case is definitely settled.

This declaration is made in the context of a friendly settlement which the Government and the applicant have reached.

I further undertake not to request the reference of the case to the Grand Chamber pursuant to Article 43 § 1 of the Convention after the delivery of the Court's judgment."

20. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

21. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 17 May 2001, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Erik FRIBERGH
Registrar

Christos ROZAKIS
President