



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

FOURTH SECTION

CASE OF MÚČKOVÁ v. SLOVAKIA

(Application no. 21302/02)

JUDGMENT

STRASBOURG

13 June 2006

FINAL

13/09/2006

This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of Múčková v. Slovakia,

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

Sir Nicolas BRATZA, *President*,

Mr J. CASADEVALL,

Mr M. PELLONPÄÄ,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Ms L. MIJOVIĆ,

Mr J. ŠIKUTA, *judges*,

and Mr T.L. EARLY, *Section Registrar*,

Having deliberated in private on 23 May 2006,

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

PROCEDURE

1. The case originated in an application (no. 21302/02) 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 Slovakian national, Ms Helena Múčková (“the applicant”), on 13 June 2001.

2. The Government of the Slovak Republic (“the Government”) were represented by their Agent, Mrs A. Poláčková.

3. On 15 June 2005 the Court decided to communicate the application. Applying Article 29 § 3 of the Convention, it decided to rule on the admissibility and merits of the application at the same time.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

4. The applicant was born in 1939 and lives in Bratislava.

1. Background information

5. In 1989 the applicant’s daughter was seriously injured in a road traffic accident. The driver, who had been originally accused and convicted of having negligently caused bodily harm in that accident, was acquitted by a judgment of 20 February 1992. A driver of a different vehicle, who was an

employee of the Ministry of the Interior, was subsequently accused of an offence in the context of that accident.

6. The applicant submits that, due to misconduct on the part of the State officials, the criminal proceedings lasted an excessively long time and that, until the liability of the drivers involved had been determined, the insurance company refused to compensate her for her daughter's injuries. As a result the applicant became heavily indebted and she was in a difficult situation.

2. Proceedings concerning the applicant's action of 1992

7. On 18 June 1992 the applicant filed a claim for damages with the Ministry of Justice.

8. On 25 June 1992 the Ministry of Justice informed the applicant that her action had been transmitted to the Bratislava I District Court which had jurisdiction to deal with the case. In her action the applicant claimed, with reference to the State Liability Act, compensation from the Ministry of the Interior for damage resulting from the above facts. The applicant also claimed protection of her personal rights and sought compensation for non-pecuniary damage in this respect.

9. On 29 June 1995 the District Court allowed the applicant's request that the General Prosecutor's Office be joined as the second defendant in the case.

10. In a judgment of 19 September 1996 the District Court decided to deal in a separate set of proceedings with the applicant's claim for protection of her personal rights. It further dismissed the claim for damages under the State Liability Act of 1969. The court established that the defendants, as specified in the action, lacked standing in the case as the action should have been filed against the State. The judgment was served on 27 November 1996.

11. On 12 December 1996 the applicant appealed specifying that her action was aimed against the Slovak Republic, represented by the Ministry of the Interior and the General Prosecutor's Office.

12. On 30 April 1997 the Bratislava Regional Court quashed the first instance decision to dismiss the claim under the State Liability Act of 1969.

13. In a decision of 18 September 1997 the Bratislava I District Court accepted the above specification of the defendant by the applicant.

14. On 11 June 1998 the District Court dismissed the claim under the State Liability Act of 1969. It did not find it established that there was a causal link between the actions of the authorities concerned and the alleged damage. In addition, the General Prosecutor's Office lacked standing to act on behalf of the State as the applicant claimed.

15. On 28 July 1998 the applicant appealed.

16. A hearing before the Bratislava Regional Court was held on 3 February 1999.

17. On 23 March 1999 the Supreme Court dismissed the applicant's request for three Regional Court judges to be excluded from dealing with the case.

18. On 26 May 1999 the Regional Court adjourned the case as it had not yet obtained, from a different court, a criminal file relating to the accident in which the applicant's daughter had been injured. On 5 August 1998 the Ministry of Justice admitted, in reply to the applicant's complaint, that undue delays had arisen in that context.

19. On 23 June 1999 the Bratislava Regional Court upheld the relevant part of the Bratislava I District Court's judgment of 11 June 1998.

The court noted that the applicant claimed that she had suffered damage as a result of erroneous actions of police and public prosecutors who had been involved in the investigation into the accident in which her daughter had been injured in 1989. Due to the misconduct of the authorities concerned, she had been unable to obtain compensation promptly from the insurance company. As a result, she had become indebted and her and her children's life had been affected.

20. In its judgment the court of appeal established that the applicant's claim for damages did not fall under the State Liability Act of 1969 and that the claim had to be examined under the legislation in force at the time of the accident. At that time, however, the law did not permit the applicant to recover. In any event, the documents included in the relevant criminal file did not indicate that the authorities concerned had acted in an incorrect manner thus causing any damage to the applicant. Finally, the Regional Court noted that the decision in the case was important for clarifying the interpretation and application of the relevant law by the courts. It therefore allowed an appeal on points of law to be lodged against its judgment.

21. On 13 September 1999 the applicant filed an appeal on points of law. She pointed out that she was indigent and requested that an attorney be appointed to represent her free of charge.

22. On 1 February 2000 the Vice-President of the Bratislava I District Court admitted that there had been undue delays in the proceedings concerning her action and offered an apology to her.

23. On 14 April 2000 the Bratislava I District Court, to which the above request of 13 September 1999 fell to be examined, rejected the applicant's motion for free legal representation. It held that the statutory requirements were not met as the applicant's claim and the previous judicial proceedings indicated that her claim was devoid of any prospect of success. Thus the applicant did not meet the requirements for exemption from the obligation to pay the court fee and, consequently, the court could not appoint a legal representative to represent her free of charge. Reference was made to Article 30 (1) of the Code of Civil Procedure. On 9 May 2000 the applicant appealed.

24. The Bratislava Regional Court upheld the first instance decision on 30 November 2000. In addition to the reason invoked by the District Court, the appellate court held that the applicant received a pension of 5,470 Slovak korunas (SKK) a month, and that the protection of her rights did not require that a lawyer be appointed to represent her free of charge. In particular, the cassation proceedings did not allow for a review of the assessment of the relevant facts. Finally, in the event that practising lawyers refused to represent the applicant, it was open to her to ask the Slovak Bar Association to assign a lawyer to represent her in the proceedings.

25. On 16 March 2001 the applicant informed the District Court of the name of the lawyer representing her in the cassation proceedings. However, the advocate did not accept the applicant's appointment of her as she worked for the defendant Ministry.

26. On 4 May 2001 the applicant requested the Minister of Justice to assist her in finding a suitable lawyer.

27. On 19 September 2001 the applicant was again asked to appoint a lawyer to represent her in the cassation proceedings. On 21 September 2001 the applicant replied that she had used all remedies available and that she saw no chance of having the matter resolved before the Slovakian authorities.

28. On 29 October 2001 the Supreme Court discontinued the proceedings on the appeal on points of law on the ground that the applicant was not represented by an attorney as required by the law. The Supreme Court's decision was served on the applicant on 10 December 2001.

3. Proceedings concerning the claim for protection of the applicant's personal rights

29. As stated above, the applicant's claim relating to the protection of her personal rights and compensation in this respect, which formed a part of her original action of 18 June 1992, was dealt with by the Bratislava I District Court in a separate set of proceedings as from 19 September 1996.

30. On 1 April 1997 the District Court invited the applicant to substantiate her claim. On 13 April 1997 the applicant replied that she claimed non-pecuniary damage of SKK 700,000 and SKK 1 million respectively from the Ministry of the Interior and from the General Prosecutor's Office on the ground that those authorities had acted in an unlawful manner in the context of their examination of the accident in which her daughter had been injured in 1989. She explained that, as a result of the actions of the defendants, her dignity had been diminished, she had found herself in a difficult material situation and she had suffered a trauma.

31. On 6 July 1997 the District Court invited the applicant to pay a court fee of SKK 72,000. That amount was based mainly on the sums which the applicant had claimed as compensation.

32. On 17 July 1997 the applicant requested that she be exempted from the obligation to pay the fee as she was indigent. She explained that she was a retired widow and that she was still paying off a debt which she had been obliged to contract with a view to reducing the impact on her life of the accident in question. The applicant stated that her only income was an old-age pension of SKK 4,704 a month and that she owned no property.

33. On 24 July 1997 the District Court rejected her request. While accepting that the applicant was indigent, the court found, with reference to Article 138 (1) of the Code of Civil Procedure, that her action was clearly devoid of any prospect of success. On 17 October 1997 the applicant appealed.

34. The Bratislava Regional Court upheld the District Court's decision on 16 July 1998. The decision stated that a claim is devoid of any prospect of success when allegations contained in a plaintiff's action do not permit the establishment of the existence of a justified claim or where a plaintiff contests issues on which a binding decision has been given in a different set of proceedings. Reference was made to Articles 135 (1) and 159 (2) of the Code of Civil Procedure.

35. On 2 September 1998 the applicant filed an appeal on points of law. On 4 November 1998 she requested an attorney to be appointed to represent her free of charge in the cassation proceedings. The District Court rejected her request, on 20 November 1998, on the ground that the applicant did not meet the statutory requirements. Reference was made to the above decisions given by the District Court and the Regional Court. On 16 August 1999 the Supreme Court discontinued the cassation proceedings concerning the Bratislava Regional Court's decision of 16 July 1998 as the applicant was not represented by an attorney as required by the law.

36. On 2 September 1999 the Bratislava I District Court invited the applicant to pay a court fee in respect of her claim for protection of her personal rights. On 20 September 1999 the applicant again requested that she should be exempted from the obligation to pay the fee. The District Court discontinued the proceedings relating to this request, on 27 January 2000, on the ground that a final decision on the issue had already been given. On 16 February 2000 the applicant appealed. On 8 April 2000 the Bratislava Regional Court upheld that decision.

37. On 1 February 2000 the Vice-President of the Bratislava I District Court admitted that there had been undue delays in the proceedings concerning her action.

38. On 14 December 2000 the Bratislava I District Court delivered a decision by which it discontinued the proceedings concerning the claim for protection of the applicant's personal rights on the ground that the applicant had failed to pay the court fee.

39. On 2 February 2001 the applicant appealed. The Regional Court upheld the first instance decision on 30 March 2001.

II. RELEVANT DOMESTIC LAW

40. The following provisions of the Code of Civil Procedure are relevant in the present case.

41. Article 30 (1) provides that courts may appoint a representative to a party to the proceedings, at the latter's request, provided that he or she meets the requirements for waiver of court fees and that such an appointment is necessary for the protection of the party's interests. Pursuant to paragraph 2 of Article 30, the president of the court's chamber shall appoint an advocate to represent a party in circumstances set out in the first paragraph when the protection of the party's interests so requires.

42. Article 135 (1) provides, *inter alia*, that courts are bound by decisions of competent authorities that a criminal offence, a minor offence or a different administrative offence has been committed, by decisions concerning the perpetrator of such an offence as well as by decisions determining a person's status.

43. Under Article 138 (1), the presiding judge may grant a party's request for waiver of court fees where it is justified by the situation of such a party and provided that the claim at issue is neither frivolous nor clearly devoid of any prospect of success.

44. Article 159 (2) provides, *inter alia*, that the operative part of a judgment which has become final is binding on the parties to the proceedings as well as on all authorities.

45. Article 241 (1) provides, *inter alia*, that in proceedings on an appeal on points of law the plaintiff must be represented by an advocate unless he or she has legal qualification.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION

46. The applicant complained that her right to a fair hearing by a tribunal had been violated and that the length of the proceedings had been incompatible with the "reasonable time" requirement. She relied on Article 6 § 1 of the Convention, which in its relevant part reads as follows:

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

A. Admissibility

1. *As regards the applicant's right to a fair hearing by a tribunal*

a) **Proceedings concerning the claim for damages of 1992**

47. The applicant complained that her right of access to a court had been violated as a result of the courts' refusal to appoint a lawyer to represent her in the proceedings on her appeal on points of law and that her right to a fair hearing had been violated in that her claim for damages of 1992 had not been granted.

48. The Government contended, with reference to the reasons set out in the decision given by the Regional Court in Bratislava of 30 November 2000, that the applicant's right of access to the Supreme Court had not been impaired contrary to Article 6 § 1 of the Convention.

49. The Court recalls that the "right to a court", of which the right of access is one aspect, is not absolute; it is subject to limitations permitted by implication, in particular where the conditions of admissibility of an appeal are concerned, since by its very nature it calls for regulation by the State, which enjoys a certain margin of appreciation in this regard. However, these limitations must not restrict or reduce a person's access in such a way or to such an extent that the very essence of the right is impaired; lastly, such limitations will not be compatible with Article 6 § 1 if they do not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be achieved (see, among other authorities, *Berger v. France*, no. 48221/99, § 30, ECHR 2002-X (extracts), with further references).

50. A Contracting State which sets up an appeal system is required to ensure that persons within its jurisdiction enjoy before appellate courts the fundamental guarantees in Article 6. Whilst Article 6 § 1 guarantees to litigants an effective right of access to the courts for the determination of their "civil rights and obligations", it leaves to the State a free choice of the means to be used towards this end and only compels the State to provide for the assistance of a lawyer when such assistance proves indispensable for an effective access to court (see *Gnahoré v. France*, no. 40031/98, § 38, ECHR 2000-IX, with further references).

51. In the present case, the applicant was obliged to be represented by an advocate in the proceedings on her appeal on points of law against the court of appeal judgment of 23 June 1999. The Bratislava I District Court rejected her motion for free legal representation on the ground that her claim was devoid of any prospect of success. The Bratislava Regional Court upheld that decision. In addition to the reasons invoked by the District Court, the appellate court held that the applicant received a monthly pension of SKK 5,470 Slovak korunas, and that the protection of her rights did not require

that a lawyer be appointed to represent her free of charge. In particular, the cassation proceedings did not allow for a review of the assessment of the relevant facts. In the event that practising lawyers refused to represent the applicant, it was open to her to ask the Slovak Bar Association to assign a lawyer to represent her in the proceedings.

52. Assessing the facts of the case as a whole the Court considers that the judicial authorities did not impair the applicant's right of access to a court in a manner incompatible with Article 6 § 1 of the Convention. In reaching this conclusion, the Court takes note, in particular, of the Bratislava Regional Court's finding that the applicant had a certain income and of the fact that the applicant did not show that practising lawyers had refused to represent her in the cassation proceedings or that the remuneration which they had requested from the applicant had been excessively high in relation to her situation.

53. In view of the above conclusion, and given that the cassation proceedings had been discontinued due to the applicant's failure to comply with the statutory requirements, her complaint about unfairness of the proceedings relating to the claim for damages of 1992 must be rejected for non-exhaustion of domestic remedies.

54. It follows that this part of the application must be rejected under Article 35 §§ 1, 3 and 4 of the Convention partly as being manifestly ill-founded and partly for non-exhaustion of domestic remedies.

b) Proceedings concerning the protection of the applicant's personal rights

55. The Government contended that, by deciding to discontinue the proceedings for the applicant's failure to pay the court fee, the courts had not determined her "civil rights and obligations".

56. The applicant maintained that the courts had acted contrary to her rights under Article 6 § 1 of the Convention.

57. The Court has earlier found that Article 6 § 1 is applicable to proceedings concerning claims for protection of one's personal rights notwithstanding that such proceedings ended without determination of the merits of the case (see *Číž v. Slovakia*, no. 66142/01, § 61, 14 October 2003). It finds no reason for reaching a different conclusion in the present case.

58. It does not appear from the documents submitted and the Government have not argued that statutory reasons existed rendering admissible an appeal on points of law against the procedural decision concerning the applicant's request for waiver of court fees given by the Regional Court on 16 July 1998.

59. The Court considers, in the light of the parties' submissions, that the complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within

the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

2. As regards the length of the proceedings

60. The Government did not contest the applicant's argument that the length of the proceedings on her claims for damages and for protection of her personal rights had been excessive.

61. As regards the claim for damages, the period to be taken into consideration began on 18 June 1992 and ended on 29 October 2001. It thus lasted 9 years, 4 months and 13 days for three levels of jurisdiction.

62. As regards the claim for protection of the applicant's personal rights, the relevant period began on 18 June 1992 and ended on 30 March 2001. It thus lasted 8 years, 9 months and 13 days for three levels of jurisdiction.

63. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. It must therefore be declared admissible.

B. Merits

1. As regards the applicant's right to a fair hearing by a tribunal

64. The Government argued that the reasons for which the domestic courts had refused to exempt the applicant from the obligation to pay the fee in proceedings concerning the claim for protection of her personal rights were relevant and sufficient.

65. The applicant maintained that she had been deprived of a fair hearing by a tribunal contrary to Article 6 § 1.

66. The Court notes that the applicant was requested to pay SKK 72,000 in court fees in respect of her claim for protection of her personal rights. The domestic courts accepted that the applicant was indigent but refused to exempt her from the obligation to pay the fee as they held that her claim lacked any prospects of success. In its decision of 24 July 1997 the District Court did not, however, give any specific reason for that conclusion. The decision of the court of appeal contains a general consideration indicating that a claim is devoid of any prospects of success when allegations contained in a plaintiff's action do not make it possible to establish the existence of a justified claim or where a plaintiff contests issues on which a binding decision has been given in a different set of proceedings. The decision contained no explanation as to why that consideration was relevant in the applicant's case.

67. Under the Court's established case-law, reflecting a principle linked to the proper administration of justice, courts should set out the reasons on

which their decisions are based. The extent to which this duty to give reasons applies may vary according to the nature of the decision and must be determined in the light of the circumstances of the case (see, for example, *Kurti v. Greece*, no. 2507/02, § 16, 29 September 2005).

68. Since the applicant was not in a position to pay the fee due, the decision on her request for exemption from the obligation to pay it was decisive for the question whether or not the courts would determine the merits of her claim.

69. In these circumstances, and since the concept of lack of prospects of success of an action, as defined in domestic law, involves an assessment of questions of fact, the Court finds that the District Court and the Regional Court were required to give more detailed reasons for their conclusion in issue (see also, *mutatis mutandis*, *Georgiadis v. Greece*, judgment of 29 May 1997, *Reports of Judgments and Decisions* 1997-III, p. 949, § 43).

70. There has accordingly been a violation of Article 6 § 1 of the Convention on that account. Having reached this conclusion, the Court is not required to examine separately whether there has been a violation of the applicant's right of access to a court.

2. As regards the length of the proceedings

71. The Court reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see, among many other authorities, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

72. The Court has frequently found violations of Article 6 § 1 of the Convention in cases raising issues similar to the one in the present case (see *Frydlender*, cited above).

73. Having examined all the material submitted to it, the Court considers that the Government have not put forward any fact or argument capable of persuading it to reach a different conclusion in the present case. Having regard to its case-law on the subject, the Court considers that in the instant case the length of both sets of proceedings was excessive and failed to meet the "reasonable time" requirement.

There has accordingly been a breach of Article 6 § 1.

II. ALLEGED VIOLATION OF ARTICLE 13 OF THE CONVENTION

74. The applicant complained that she had no effective remedy at her disposal in respect of her complaints under Article 6 § 1 of the Convention. She relied on Article 13 of the Convention which provides as follows:

“Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.”

A. Admissibility

1. As regards the alleged absence of an effective remedy in respect of the complaint about the length of the proceedings

75. The Government argued that a separate examination of this complaint was not called for.

76. The applicant disagreed.

77. The Court considers, in the light of the parties' submissions, that this complaint raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits. The Court concludes therefore that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. No other ground for declaring it inadmissible has been established.

2. As regards the alleged absence of an effective remedy in respect of the complaints about a violation of the applicant's right to a fair hearing by a tribunal

78. The Government submitted that this part of the application was inadmissible as the relevant complaints under Article 6 § 1 were manifestly ill-founded.

79. The applicant disagreed.

80. The Court notes that the applicant was able to challenge on appeal, albeit unsuccessfully, the District Court's decision of 24 July 1997 to dismiss her request for waiver of court fees in the proceedings concerning the claim for protection of her personal rights. Considering that the word “remedy” within the meaning of Article 13 does not mean a remedy which is bound to succeed, but simply an accessible remedy before an authority competent to examine the merits of a complaint, the Court concludes that there is no appearance of a violation of Article 13 of the Convention in the above context (see also, *mutatis mutandis*, *Kačmár v. Slovakia*, no. 40290/98, §§ 72 and 73, 9 March 2004).

81. As regards the alleged absence of an effective remedy in respect of the remaining complaint under Article 6 § 1, the Court recalls that

Article 13 applies only where an individual has an “arguable claim” to be the victim of a violation of a Convention right (see *Boyle and Rice v. the United Kingdom*, judgment of 27 April 1988, Series A no. 131, § 52).

82. The Court has found above that the applicant’s complaint about a violation of her right to a fair hearing by a tribunal in the proceedings related to her claim for damages of 1992 was inadmissible. For similar reasons, the applicant did not have an “arguable claim” and Article 13 is therefore inapplicable.

83. Accordingly, this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected pursuant to Article 35 § 4.

B. Merits

84. The Government argued that a separate examination of the complaint under Article 13 relating to the length of the proceedings on the applicant’s claims of 1992 was not called for.

85. The applicant maintained that there had been a violation of Article 13 taken together with Article 6 § 1 of the Convention.

86. The Court notes that the proceedings concerning the applicant’s claims ended in decisions given in the course of 2001. At that time the applicant had no effective remedy at her disposal in respect of her complaint about the excessive length of the proceedings (see *Bzdúšek v. Slovakia*, no. 48817/99, § 27, 21 June 2005, with further reference).

87. In these circumstances, the Court concludes that there has been a violation of Article 13 of the Convention in respect of the complaint under Article 6 § 1 about the length of the proceedings concerning the applicant’s claims.

III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

88. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

A. Damage

89. The applicant submitted that she had suffered considerable damage of a non-pecuniary nature as a result of the alleged violations of her rights under Article 6 § 1. She proposed that 200 Slovak korunas be paid to her for

each hour during which she had been exposed to uncertainty and distress due to the conduct of the public authorities dealing with her cases.

90. The Government expressed the view that a finding of a violation of the applicant's Convention rights would in itself constitute sufficient just satisfaction.

91. The Court considers that the applicant must have sustained non-pecuniary damage as a result of the above violations of her Convention rights. Ruling on an equitable basis, it awards her EUR 8,000 under that head.

B. Default interest

92. The Court considers it appropriate that the default interest should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. Declares

- (a) admissible the complaint under Article 6 § 1 of the Convention concerning the lack of a fair hearing in the applicant's action for protection of her personal rights and the complaints under Articles 6 § 1 and 13 of the Convention concerning the excessive length of the two sets of proceedings and the absence of an effective remedy in that respect;
- (b) inadmissible the remaining complaints;

- 2. *Holds* that there has been a violation of Article 6 § 1 of the Convention on account of the inadequacy of the reasons given by the courts in the applicant's action for protection of her personal rights for their refusal to exempt her from the payment of court fees;
- 3. *Holds* that it is not necessary to examine separately the complaint under Article 6 § 1 concerning the alleged violation of the applicant's right of access to a court in her action for protection of her personal rights;
- 4. *Holds* that there has been a violation of Article 6 § 1 of the Convention on account of the excessive length of both sets of proceedings;
- 5. *Holds* that there has been a violation of Article 13 in respect of the complaint related to the length of both sets of proceedings;

6. *Holds*

(a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, EUR 8,000 (eight thousand euros) in respect of non-pecuniary damage, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicant's claim for just satisfaction.

Done in English, and notified in writing on 13 June 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Nicolas BRATZA
President