



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

FIRST SECTION

CASE OF GLUKHOVA AND BRAGINA v. RUSSIA

(Application no. 28785/04)

JUDGMENT

STRASBOURG

18 September 2008

FINAL

26/01/2009

This judgment may be subject to editorial revision.

In the case of Glukhova and Bragina v. Russia,

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

Christos Rozakis, *President*,

Anatoly Kovler,

Elisabeth Steiner,

Dean Spielmann,

Sverre Erik Jebens,

Giorgio Malinverni,

George Nicolaou, *judges*,

and Søren Nielsen, *Section Registrar*,

Having deliberated in private on 28 August 2008,

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

PROCEDURE

1. The case originated in an application (no. 28785/04) against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") by two Russian nationals, Ms Lidiya Nikolayevna Glukhova and Ms Tamara Nikolayevna Bragina ("the applicants"), on 24 July 2004.

2. The Russian Government ("the Government") were represented by Mr P. Laptev, the former Representative of the Russian Federation at the European Court of Human Rights.

3. On 22 June 2006 the Court decided to give notice of the application to the Government. It also decided to examine the merits of the application at the same time as its admissibility (Article 29 § 3).

THE FACTS**I. THE CIRCUMSTANCES OF THE CASE**

4. The applicants were born in 1930 and 1932 respectively and live in Voronezh, a town in the Voronezh Region.

5. The applicants are pensioners. They sued the local welfare authority for underpaid cost-of-living adjustment of their pensions. On 1 December 2000 the Kominternovskiy District Court of Voronezh gave two judgments and awarded the first applicant 1,013.68 Russian roubles (RUB) and the

second applicant RUB 906.66. These judgments became binding on 12 December 2000 and were enforced on 27 November 2006.

II. RELEVANT DOMESTIC LAW

6. Under section 9 of the Federal Law on Enforcement Proceedings of 21 July 1997, a bailiff must enforce a judgment within two months. Under section 242.2.6 of the Budget Code of 31 July 1998, the Ministry of Finance must enforce a judgment within three months.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 OF THE CONVENTION AND OF ARTICLE 1 OF PROTOCOL No. 1

7. The applicants complained about the non-enforcement of the judgments referring to Articles 6, 13, and 17 of the Convention, and Article 1 of Protocol No. 1. The Court will examine this complaint under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1. In so far as relevant, these Articles read as follows:

Article 6 § 1

“In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by [a] ... tribunal...”

Article 1 of Protocol No. 1

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

A. Admissibility

8. The Court notes that the application 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

9. The Government admitted that the delayed enforcement of the judgments breached the applicants' rights under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

10. In the circumstances of the present case the Court finds no reason to hold otherwise. Accordingly, there has been a violation of these Articles.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

11. 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

12. The first applicant claimed 9,000 euros (EUR) in respect of non-pecuniary damage. The second applicant claimed EUR 7,000 in respect of non-pecuniary damage.

13. The Government noted that any possible award should correspond to the Court's past awards in similar cases.

14. The Court accepts that the delayed enforcement of the judgments might have distressed the applicants. The Court considers, however, that the finding of a violation constitutes in itself sufficient just satisfaction.

B. Costs and expenses

15. The applicants made no claim under this head. Accordingly, the Court makes no award.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the application admissible;
2. *Holds* that there has been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1;

3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicants;
4. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 18 September 2008, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Søren Nielsen
Registrar

Christos Rozakis
President