



Grand Chamber hearing concerning the refusal to grant a male military officer parental leave comparable to that granted to female military personnel

The European Court of Human Rights is holding a Grand Chamber¹ hearing today **Wednesday 8 June 2011 at 9.15 a.m.** in the case of **Konstantin Markin v. Russia** (Application no. 30078/06).

The case concerns the Russian authorities' refusal to grant the applicant parental leave, which represented a difference in treatment compared to female military personnel and civilians.

The hearing will be broadcast from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicant, Konstantin Markin, is a Russian military serviceman who was born in 1976 and lives in Velikiy Novgorod, Russia. Left to raise his three children alone following his divorce with their mother, he applied for three years' parental leave shortly after the birth of his third child. His request was rejected because parental leave of that duration could only be granted to female military personnel. While initially he was allowed to take three months off, he was called to duty a few weeks into his leave, which he challenged unsuccessfully in a military court. In October 2006, his military unit granted him almost two-years' parental leave, until his son turned three, and financial aid of about 5,900 euros in all. The military court issued a decision criticising the military unit for disregarding the courts' judgments.

Relying in particular on Article 14 taken in conjunction with Article 8 of the European Convention on Human Rights, Mr Markin complains that the refusal to grant him parental leave amounted to discrimination on account of sex.

Procedure

The application was lodged with the European Court of Human Rights on 21 May 2006. In its [Chamber judgment](#) of 7 October 2010, the Court found that the refusal to grant Mr Markin the parental leave to which his female counterparts were entitled was discriminatory. The Chamber held, by a majority, that there had been a violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the Convention.

On 21 February 2011 the case was referred to the Grand Chamber at the Russian Government's request.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Jean-Paul **Costa** (France), *President*,
Nicolas **Bratza** (the United Kingdom),
Françoise **Tulkens** (Belgium),
Josep **Casadevall** (Andorra),
Ján **Sikuta** (Slovakia),
Dragoljub **Popović** (Serbia),
Päivi **Hirvelä** (Finland)
Nona **Tsotsoria** (Georgia),
Ann **Power** (Ireland),
Zdravka **Kalaydjieva** (Bulgaria),
Işıl **Karakaş** (Turkey),
Mihai **Poalelungi** (Moldova),
Kristina **Pardalos** (San Marino),
Guido **Raimondi** (Italy),
Angelika **Nußberger** (Germany),
Paulo **Pinto de Albuquerque** (Portugal), *judges*,
Olga Alexandrovna **Fedorova** (Russia), *ad hoc judge*,
András **Sajó** (Hungary),
David Thór **Björgvinsson** (Iceland),
George **Nicolaou** (Cyprus), *Substitute judges*,

and also Erik **Fribergh**, *Registrar*.

Representatives of the parties

Government

Georgy **Matyushkin**, *Agent*,
Oxana **Sirotkina**, *Counsel*, and Irina **Korieva** and Anatoly **Shemet**, *Advisers*;

Applicant

Karinna **Moskalenko**, *Counsel*,
Natasha **Lisman** and Irina **Gerasimova**, *Advisers*.

The applicant, Mr Konstantin **Markin**, will also attend the hearing.

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Press contacts

echrp@echr.coe.int | tel: +33 3 90 21 42 08
Kristina Pencheva-Malinowski (tel: + 33 3 88 41 35 70)
Emma Hellyer (tel: + 33 3 90 21 42 15)
Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)
Frédéric Dolt (tel: + 33 3 90 21 53 39)
Nina Salomon (tel: + 33 3 90 21 49 79)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.