



Judgments and decisions of 11 May 2021

The European Court of Human Rights has today notified in writing 15 judgments¹ and four decisions²: five Chamber judgments are summarised below;

separate press releases have been issued for three other Chamber judgments in the cases of: *Halet v. Luxembourg* (application no. 21884/18), *Caamaño Valle v. Spain* (no. 43564/17), and *Stetsov v. Ukraine* (no. 5170/15);

seven Committee judgments, concerning issues which have already been submitted to the Court, and the four decisions, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment in French is indicated with an asterisk ().*

Yocheva and Ganeva v. Bulgaria (applications no. 18592/15 and 43863/15)

The applicants, Katerina Borislavova Yocheva and Katerina Nikolova Ganeva, are Bulgarian nationals who were born in 1974 and 1966 respectively and live in Sofia. They are single mothers.

The case concerned the refusal to give the applicants family-allowance payments under section 7(9) of the Family Allowances for Children Act 2002. That section provided for payments for families “with only one living parent”. The authorities had refused the applicants access to the allowance as they had not shown that their children had been recognised by their fathers and that the latter had died.

Relying in particular on Article 14 (prohibition of discrimination) in conjunction with Article 8 of the European Convention on Human Rights, the applicants complained that the conditions for accessing payments were in breach of their rights, and that interpreting the phrase “with only one living parent” to mean “with one deceased parent” discriminated against their families, where one parent is unknown.

Violation of Article 14 taken in conjunction with Article 8 in respect of the first applicant, Ms Katerina Borislavova Yocheva.

Just satisfaction:

Pecuniary damage: 3,915 euros (EUR) to the first applicant

Non-pecuniary damage: EUR 4,500 to the first applicant

Costs and expenses: EUR 2,160 to the first applicant

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

² Inadmissibility and strike-out decisions are final.

Penati v. Italy (application no. 44166/15)*

The applicant, Antonella Penati, is an Italian national who was born in 1963. She lives in San Donato Milanese.

The case concerned the murder of an eight-year-old child by his father.

Relying on Article 2 (right to life) of the European Convention, the applicant alleged that the national authorities had breached their positive obligation under that provision by omitting to take all the necessary measures to protect the life of her child.

No violation of Article 2

Epure v. Romania (no. 73731/17)

The applicant, Culiță Epure, is a Romanian national who was born in 1978 and lives in a specialised State institution providing care to disabled adults in Măicănești (Romania). He suffers from epilepsy and has been diagnosed with slight to moderate mental impairment.

The case concerned the conditions of the applicant's detention for the period from 6 December 2016 to 16 June 2019. He had been serving an eight-year sentence for rape dating from 2014. During this time, he had been held under a maximum-security regime in Focșani, Galați and Giurgiu prisons.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, the applicant complained that the prison regime under which he had been placed was incompatible with his mental condition; that he had not received appropriate medical treatment for his mental disability; and that he had not been provided with a personal care assistant on a permanent basis, as required by his state of health.

Violation of Article 3 concerning the failure of the authorities to implement and provide a coherent and appropriate therapeutic strategy capable of responding adequately to the applicant's medical needs during the period from 6 December 2016 to his release on 16 June 2019.

Just satisfaction:

Non-pecuniary damage: EUR 3,000

Kilin v. Russia (no. 10271/12)

The applicant, Roman Olegovich Kilin, is a Russian national who was born in 1991 and lives in Kemerovo (Russia).

The case concerned the applicant's trial and conviction for disseminating extremist materials. The applicant had been accused of posting allegedly racist video and audio files involving neo-Nazis, racial epithets, people of apparently Caucasian descent and calls to extremism on a popular online social network.

Relying on Article 10 (freedom of expression) and Article 6 (right to a fair trial) of the Convention, the applicant complained that his criminal conviction had been in violation of his rights and that his trial had been held in camera.

Violation of Article 6 § 1

No violation of Article 10

Just satisfaction:

Non-pecuniary damage: EUR 1,500

RID Novaya Gazeta and ZAO Novaya Gazeta v. Russia (no. 44561/11)

The applicants, “Redaktsionno-Izdatelskiy dom ‘Novaya Gazeta’” and “Izdatelskiy dom ‘Novaya Gazeta’”, are Russian organisations. The first is a publisher. The second is a joint-stock company and was the founder of the *Novaya Gazeta* newspaper. Since 2007, under the terms of a contract, the first applicant organisation acts as the editorial board and publisher of *Novaya Gazeta*.

The case concerned an article called “Gang, agency, party. Who are the ‘Legal Nationalists’ [легальные националисты]?”, which had been published in the *Novaya Gazeta* in 2010 on the anniversary of the assassination of anti-fascists Stanislav Markelov and Anastasia Baburova by alleged ultra-far-right individuals. The article focussed on, among other things, an organisation called Russkiy Obraz. On 31 March 2010 the Rozkomnadzor (a federal mass-media regulator) issued a caution (*предупреждение*) for alleged dissemination of extremist information in relation to the above article. That caution had been upheld by the courts.

Relying in particular on Article 10 (freedom of expression) of the Convention, the applicant organisations complained that the anti-extremism caution issued to them interfered with, in particular, their freedom to impart the results of investigative journalistic work.

Violation of Article 10

Just satisfaction:

Non-pecuniary damage: EUR 2,000 to the first applicant organisation

Costs and expenses: EUR 2,237 to the first applicant organisation

The finding of a violation constitutes in itself sufficient just satisfaction for the non-pecuniary damage sustained by the second applicant organisation

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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.