



## Judgments of 17 January 2023

The European Court of Human Rights has today notified in writing 20 judgments<sup>1</sup>;

three Chamber judgments are summarised below;

separate press releases have been issued for five other Chamber judgments in the cases of: *Daraibou v. Croatia* (application no. 84523/17), *Axel Springer SE v. Germany* (no. 8964/18), *Hoppen and trade union of AB Amber Grid employees v. Lithuania* (no. 976/20), *Valaitis v. Lithuania* (no. 39375/19), and *Cotora v. Romania* (no. 30745/18);

12 Committee judgments, concerning issues which have already been examined by the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

*The judgments summarised below are available only in English.*

### Künsberg Sarre v. Austria (application nos. 19475/20, 20149/20, 20153/20, and 20157/20)

The applicants, Maximilian Künsberg Sarre, Michaela Künsberg Sarre, Nikolaus Künsberg Sarre and Thomas Martin Künsberg Sarre, are all related to each other (two brothers and the wife and child of one of them) and are Austrian nationals who were born in 1975, 1969, 2001 and 1969 respectively. The first applicant lives in Perchtoldsdorf, Austria; the others live in Fellbach, Germany.

The case concerns the removal of a part of the surname of the applicants, after long periods of previously accepted use, namely the prefix “von”, in 2017-18 under the Abolition of Nobility Act of 1919 and its implementing provisions, and the refusal to issue a new identity card with the surname bearing the prefix “von” to one of the applicants.

Relying on Article 8 (right to private and family life) of the European Convention on Human Rights, the applicants complain about a violation of their right to their name. Under Article 14 (prohibition of discrimination) read in conjunction with Article 8, the applicants also complain of discriminatory treatment in so far as other prefixes in surnames such as “van”, “de” and “von der” were excluded from the scope of application of that Act and its implementing provisions.

#### Violation of Article 8

**Just satisfaction:** Request for just satisfaction not made within the set time-limit

### Machina v. the Republic of Moldova (no. 69086/14)

The applicant, Tatiana Machina, is a Moldovan national who was born in 1985 and lives in Chişinău. Since receiving an injury to her spinal cord in 2003, she has suffered from spastic paraplegia – muscle weakness and stiffness affecting the lower limbs.

<sup>1</sup> 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](http://www.coe.int/t/dghl/monitoring/execution)

The case concerns her medical care while serving a custodial sentence from February 2011 to July 2016, during which she was also diagnosed as having contracted the hepatitis C virus. It also concerns the various and essentially fruitless complaints she made to the authorities, seeking an order for the conditions of her detention to be improved and an acknowledgement that her rights were being violated.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, the applicant complains that she received inadequate medical care whilst in prison. She also complains of the absence of an effective remedy under Article 13.

**Violation of Article 3** with regard to the State's failure to prevent the transmission of HCV in prison

**Violation of Article 3** with regard to the absence of necessary medical care in prison

**Violation of Article 13** in respect of the complaint concerning medical care in prison

**Just satisfaction:**

non-pecuniary damage: 9,800 euros (EUR)

costs and expenses: EUR 2,500

## Minasian and Others v. the Republic of Moldova (no. 26879/17)

The applicants, Eleonora Minasian and her three minor children, are Georgian nationals who were born in 1984, 2002, 2009 and 2012, respectively, and live in Tbilisi.

In 2017 the applicants tried to illegally cross from Moldova to Romania, allegedly fleeing persecution in Georgia. The case concerns the authorities' decision to detain the children pending their mother's expulsion from Moldova, and the length of their detention. The applicants were released from custody in May 2017 and left the country in March 2018.

Relying on Article 5 § 1 (f) (right to liberty and security) and Article 6 § 3 (right to a fair trial) of the Convention, the applicants complain of their allegedly unlawful detention, and their inability to participate in the detention proceedings.

**Violation of Article 5 § 1** in respect of the second, third and fourth applicants

**Violation of Article 5 § 4** in respect of the second, third and fourth applicants

The Court declared the complaints made by the first applicant *inadmissible*.

**Just satisfaction:**

non-pecuniary damage: EUR 10,000 to the applicants jointly

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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.