

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

FIRST SECTION

CASE OF BENDEROVÁ v. SLOVAKIA

(Application no. 24958/22)

JUDGMENT

STRASBOURG

30 April 2025

This judgment is final but it may be subject to editorial revision.



In the case of Benderová v. Slovakia,

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

Georgios A. Serghides*, President*,
Frédéric Krenc,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 27 March 2025,

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

PROCEDURE

1. The case originated in an application against Slovakia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 10 May 2022.

2. The applicant was represented by Mr P. Gombos, a lawyer practising in Košice.

3. The Slovak Government ("the Government") were given notice of the application.

THE FACTS

4. The applicant's details and information relevant to the application are set out in the appended table.

5. The applicant complained of the excessive length of civil proceedings concerning a property dispute initiated by her mother on 4 May 2009.

6. On 10 July 2020 the first instance court allowed the applicant to intervene in the proceedings as heir.

7. On 26 October 2021 the Constitutional Court found a violation of the applicant's right to a trial within a reasonable time in the proceedings before the first instance court and awarded her EUR 500 in just satisfaction (I. ÚS 304/2021). The Constitutional Court held that the overall length of more than twelve years could not be excused. Although the proceedings could be considered factually more complex given the large number of parties (originally 77 plaintiffs and 443 defendants), they were not particularly difficult from a legal point of view. Moreover, the first instance court did not issue a single decision on the merits of the case during its entire duration, and the first hearing took place twelve years after the proceedings had begun. According to the Constitutional Court the applicant did not contribute to the delays. In determining the amount of just satisfaction, the Constitutional Court, while noting that the applicant, as heir, was entitled to complain about the entire duration of the proceedings, took into account the fact that she had only joined the proceedings in 2020 and that the intensity of the violation of her rights could therefore not be identical "*in abstracto*" to that of those who

had been involved in the proceedings from the beginning. The Constitutional Court did not order the first instance court to act without undue delay, since it had already done so in its earlier judgment of 19 May 2021 (I. ÚS 109/2021).

8. On 21 February 2022 the first instance court rejected the action on formal grounds (lack of precision and clarity in the summary of the complaint). The plaintiffs, including the applicant, have lodged an appeal.

9. According to the information available in the case file, the proceedings are still pending.

THE LAW

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

10. The applicant complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement. She relied on Article 6 § 1 of the Convention.

11. The Government considered that the applicant can no longer claim to be a victim of the alleged violation, since the Constitutional Court had acknowledged the violation and awarded her just satisfaction. The amount of just satisfaction should be considered sufficient under the circumstances of the present case and in particular the fact that the applicant joined the proceedings in 2020. Relying on the Court's decision in *Jesenská and Jesenský v. Slovakia* (dec.), no. 1876/07, 14 December 2010, they further argued that in respect of the period following the Constitutional Court's judgment of 26 October 2021, the applicant had failed to exhaust the domestic remedies, since she had not lodged a fresh constitutional complaint.

12. As concerns the applicant's victim status, the Court reiterates that in cases where the applicant has declared his or her intention to continue the proceedings as heir, he or she can complain about the entire length of the proceedings (see *Cocchiarella v. Italy* [GC], no. 64886/01, § 113, ECHR 2006-V). It follows that the applicant can complain about the length of the proceedings starting from 4 May 2009.

13. In this regard, the Court notes that, at the time of the Constitutional Court's judgment the proceedings had lasted more than twelve years before one level of jurisdiction and were still pending. The applicant has not contributed to the overall length and the first instance court has not yet ruled on the merits of the case (see paragraph 7 and 8 above). In these circumstances, the just satisfaction (EUR 500) awarded by the Constitutional Court was disproportionately low, in relation to what the Court generally awards in similar cases. It cannot therefore be considered sufficient in the light of the Court's case-law (see *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 205-06 and 214-15, ECHR 2006-V). Accordingly, the applicant can still claim to be a victim of the alleged violation.

14. As regards the Government's plea of non-exhaustion, the Court notes that repeated recourse to the domestic remedy is not required where the effects produced by the decision of the competent authority do not satisfy the criteria applied by the Court. Such is the case, for example, where a low amount of just satisfaction was granted, due consideration being given in this connection, if appropriate, to whether or not the proceedings were subsequently accelerated in accordance with the domestic authority's order (see *Tomláková v. Slovakia*, no. 17709/04, §§ 34-35, 5 December 2006). In view of the insufficient amount of just satisfaction awarded to the applicant and the overall length of the proceedings before the first-instance court which lasted almost thirteen years before one level of jurisdiction, the Court is of the view that the applicant could not be required to lodge yet another constitutional complaint. The Government's non-exhaustion objection must therefore be rejected.

15. 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 *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

16. In the leading case of *Obluk v. Slovakia,* no. 69484/01, 20 September 2006, the Court already found a violation in respect of issues similar to those in the present case.

17. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

18. This complaint is therefore admissible and discloses a breach of Article 6 § 1 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

19. Regard being had to the documents in its possession and to its case-law (see, in particular, *Obluk,* cited above), the Court considers it reasonable to award the sums indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 of the Convention concerning the excessive length of civil proceedings;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the amounts indicated in the appended table;

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

Done in English, and notified in writing on 30 April 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Domestic court File number Domestic award (in euros)	Amount awarded for pecuniary and non-pecuniary damage per applicant (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
24958/22 10/05/2022	**Elena BENDEROVÁ** 1977	Gombos Pavol Košice	04/05/2009	21/02/2022	12 years and 9 months and 18 days 1 level of jurisdiction	Constitutional Court: I. ÚS 304/2021 500	12,500	250

[1] Plus any tax that may be chargeable to the applicant.
[2] Plus any tax that may be chargeable to the applicant.