

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

THIRD SECTION

CASE OF CHIZHOV v. RUSSIA

(Application no. 11536/19)

JUDGMENT

Art 8 • Family life • Proportionate restriction of applicant's contact rights with his son based on child's best interests • Domestic courts' decisions with relevant and sufficient reasons

STRASBOURG

6 July 2021

FINAL

06/10/2021

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.



In the case of Chizhov v. Russia,

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

Paul Lemmens, *President,*
Georgios A. Serghides,
Dmitry Dedov,
Georges Ravarani,
Anja Seibert-Fohr,
Peeter Roosma,
Andreas Zünd, *judges,*
and Milan Blaško, *Section Registrar,*

Having regard to:

the application (no. 11536/19) 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 a Russian national, Mr Aleksey Yuryevich Chizhov ("the applicant"), on 20 February 2019;

the decision to give notice of the application to the Russian Government ("the Government");

the decision to grant the application priority under Rule 41 of the Rules of Court;

the parties' observations;

Having deliberated in private on 15 June 2021,

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

INTRODUCTION

1. The present case concerns the decision of the Russian courts to limit the applicant's contact with his son to four hours per month in the presence of the child's mother and daily one-hour telephone communication.

THE FACTS

2. The applicant was born in 1968 and lives in Irkutsk. He was represented by Mr R.V. Kravtsov, a lawyer practising in Irkutsk.

3. The Government were represented initially by Mr M. Galperin, Representative of the Russian Federation to the European Court of Human Rights, and then by his successor in that office, Mr A. Fedorov.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

I. THE CIRCUMSTANCES OF THE CASE

5. In 2004 the applicant started living with Ms E.Ch. in St Petersburg.

6. On 15 July 2008 E.Ch. gave birth to their son, Yu.

7. On 2 June 2009 the applicant married E.Ch.

8. On 25 September 2009 the marriage between the applicant and E.Ch. was dissolved, but they continued living in the same apartment owned by the applicant.

9. In July 2015 E.Ch. left the applicant. It appears that the applicant prevented her from taking the child with her, and later in the same month E.Ch. brought proceedings before the Vyborgskiy District Court of St Petersburg seeking to have the child's residence determined as being with her.

10. Meanwhile, on 10 May 2016 E.Ch. picked Yu. up from school and took him to live with her, her daughter S. born earlier in 2016 and Yu.'s maternal grandparents in the town of Kirensk in the Irkutsk Region.[1]

11. On 31 May 2016 the Vyborgskiy District Court of St Petersburg granted E.Ch.'s claim.

12. In April 2017 the applicant went to Kirensk to re-establish contact with his son.

13. On 7 July 2017 an educational psychologist from Kirensk Social Services Centre *(Комплексный центр социального обслуживания населения г. Киренска и Киренского района)* conducted, at the request of E.Ch., psychological examination of Yu. The report of that examination, which had consisted of four sessions, stated that the child's parents' inability to reach a compromise amounted to a high emotional pressure for the child and his feeling of insecurity, that the restoration of the child's emotional balance required presence of both parents, resolution of the conflict between them, display by the parents of mutual respect, reaching by them of an agreement regarding contact with the child, compliance with the rules by all the parties.

14. On 14 July 2017, in the presence of a childcare authority, the applicant and E.Ch. reached an agreement regarding the applicant's contact with the child: date, time and place. However, the child refused to communicate.

15. In October 2017 two psychological counselling sessions were conducted in respect of Yu. at the request of E.Ch., aimed at maintaining and strengthening of the child's psychological health. Additionally, psychological counselling of the child was carried out by a psychologist at the school attended by the latter, aiming at boosting his desire to communicate with the applicant.

16. In October 2017 E.Ch. brought proceedings before the Kirenskiy District Court of the Irkutsk Region ("the District Court") for the determination of a contact arrangement between the applicant and the child.

[1] The distance between St Petersburg and Kirensk is approximately 6000 km (driving route).

She considered that, considering the child's unwillingness to communicate with the applicant, the contact should take place once a month in her presence and not exceed two hours. The applicant counterclaimed, seeking to have a more extended contact with the child: two weekdays, every even weekend from 6 p.m. on Fridays to 8 p.m. on Sundays, half of all holidays, half of the child's birthday and daily telephone communication from 6 p.m. to 8 p.m.

17. On 30 November 2017 the District Court heard Yu., aged 9, in the presence of a psychologist. Yu. explained that he lived in Kirensk with his mother and maternal grandparents and attended English classes, table tennis and music school. The parties were able to ask him questions. At the same time, in view of the child's negative attitude to the applicant, it was agreed that neither the District Court, nor the parties would ask any direct questions regarding the child's relationship with the applicant and his wish to maintain contact with his father in the future.

18. On 8 December 2017 the District Court granted E.Ch.'s and the applicant's claims partly and established the contact schedule between the applicant and his son as follows: twice a month on the second and the last Sunday of the month up to two hours in the presence of E.Ch., and daily telephone communication between 7 p.m. and 8 p.m. Having taken into consideration the child's age, his daily routine and attachment to his mother, highly tense relationship between the parties and the applicant's living conditions, the District Court considered that the above contact arrangement would secure the balance between the child's and the parents' interests and would not affect the former's physical and psychological health, his moral development and settled way of life. The District Court relied on:

- the parties' statements;
- the child's statements regarding his daily routine and occupations (see paragraph 17 above);
- positive references for both parents;
- report of Yu.'s psychological examination of 7 July 2017 (see paragraph 13 above);
- evidence regarding the existence of a conflict situation between the parties (statements by nine witnesses and the applicant's numerous applications to the domestic authorities: twenty applications to Kirensk childcare authority, fifteen applications to educational and medical institutions, twelve applications to Kirenskiy department of the interior for institution of administrative and criminal proceedings against E.Ch., seven applications to police on account of alleged slander and knowingly false denunciation by E.Ch., two applications to police for the search of the child; the District Court noted that verification of the applicant's allegations at frequent intervals, requiring the inspection of the child's living conditions and family situation, the questioning of the family members living with the child, had not led to results anticipated by the applicant, but had had a

negative impact on the psychological climate between those involved in the proceedings – adults and the child alike).

The District Court further stated that the above contact arrangement could be altered by an agreement between the parties or in court as the child would grow or substantial circumstances change.

19. The applicant appealed, claiming that the District Court's decision was taken without due consideration of the best interests of the child and upset the balance between the child's and his parents' interests.

20. On 17 December 2017 the applicant returned from Kirensk to St Petersburg. According to him, in the period from April to December 2017 he had seen Yu. on six occasions, E.Ch. allegedly preventing any regular contact.

21. On 29 January 2018 the Irkutsk Regional Court ("the Regional Court") upheld the judgment on appeal.

22. The applicant pursued a cassation appeal procedure. He claimed, in particular, that the judgment of 8 December 2017 was unenforceable since he could not fly to Kirensk from St Petersburg twice a month to see his son for two hours.

23. On 4 June 2018 a judge of the Regional Court refused to refer the case for consideration by the Presidium of that Court. It was noted, in particular, that when taking its decision on 8 December 2017 the District Court proceeded from the fact that the applicant lived in Kirensk, and that the change of the applicant's residence to St Petersburg opened a possibility for him to have the contact arrangement reviewed with regard to the best interests of the child.

24. On 6 September 2018 a judge of the Supreme Court of Russia refused to refer the case for consideration by the Civil Chamber of that Court.

25. On 1 March 2018 enforcement proceedings were instituted on the basis of the judgment of 8 December 2017. In the course of the proceedings it was established that E.Ch. had not been preventing the applicant's communication with his son and that there had been no grounds for applying administrative measures against her.

26. According to the Government, on 20 May 2019 the applicant attempted to kidnap the child, using violence against the child's grandfather. As a result, Yu. blocked the applicant's phone not wishing to communicate with him.

II. RELEVANT DOMESTIC LAW AND PRACTICE

A. The Constitution of the Russian Federation

27. The Constitution provides that maternity and childhood and family are under the protection of the State. The care of children and their upbringing shall be both the right and obligation of parents (Article 38).

B. Family Code of the Russian Federation

28. A child has the right to live and to be brought up in a family in so far as it is possible; the right to know his parents; the right to enjoy their care and the right to live with them, except where it is contrary to the child's interests (Article 54 § 2).

29. A child is entitled to maintain contact with his parents, grandparents, brothers, sisters and other relatives. The parents' divorce or separation or the annulment of their marriage must have no bearing on the child's rights. In particular, in the event of the parents residing separately, the child is entitled to maintain contact with both of them. The child is entitled to maintain contact with his parents also in the event of their living in different States (Article 55 § 1).

30. A child has the right to express his opinion on all family matters concerning him, including in the course of any judicial proceedings. The opinion of a child over ten years old must be taken into account, except where it is contrary to the child's interests (Article 57).

31. Both parents have equal parental rights (Article 61 § 1).

32. The exercise of parental rights must not go against the child's interests. Providing for the child's interests is the principal object of the parents' care. In exercising parental rights, the parents have no right to inflict damage on the physical and psychological well-being of the child, or on his moral development. Methods used in the child's upbringing must exclude neglectful, cruel, rude or degrading treatment, insults or exploitation. Parents exercising parental rights to the detriment of the child's rights and interests will be made answerable, in conformity with the procedure established by law (Article 65 § 1).

33. In the event of the parents' separation, the child's residence arrangements are fixed by an agreement between the parents. If no such agreement can be reached, the child's residence arrangements are fixed by a court order, having regard to the child's best interests and his or her opinion on the matter. In particular, the court must take into account the child's attachment to each of the parents and the siblings, the relationship between the child and each of the parents, the child's age, the parents' moral and other personal qualities, and the possibilities each of them have for creating appropriate conditions for the child's upbringing and development, such as

their occupation, employment schedule, and financial and family situation (Article 65 § 3).

34. The parent residing separately from the child is entitled to maintain contact with the child and to participate in his or her upbringing and education. The parent with whom the child resides may not hinder the child's contact with the other parent, unless such contact undermines the child's physical or psychological health or moral development (Article 66 § 1).

35. A court may deprive a parent of parental authority at the request of the other parent, a guardian, a prosecutor or social services if, among other reasons, the parent mistreats the child by resorting to physical or psychological violence or sexual abuse (Articles 69 and 70 § 1).

36. A court may restrict a parent's parental authority and remove the child from the parent's care in the interests of the child at the request of a close relative, social services, an educational institution or a prosecutor. Parental authority may be restricted in cases where the parent represents a danger to the child (Article 73).

C. Court practice

37. In its ruling no. 10 on courts' application of legislation when resolving disputes concerning the upbringing of children, dated 27 May 1998, as amended on 6 February 2007, the Plenary of the Supreme Court of Russia stated, in particular:

> "8. ... When determining the contact rights of a parent residing apart from the child, the court must take into account the child's age, state of health, attachment to each of the parents and to any other circumstances affecting the child's physical and psychological well-being and moral development.
>
> In exceptional cases, when communication with the parent residing apart from the child may adversely affect the child, the court may dismiss that parent's claim for contact rights on the basis of Article 65 § 1 of the Family Code. The reasons should be stated in the court's decision."

III. RELEVANT INTERNATIONAL LAW

38. 1989 Convention on the Rights of the Child reads, in so far as relevant, as follows:

> **Article 3**
>
> "1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
>
> ..."

Article 9

"1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child...

...

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests."

Article 12

"1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law."

THE LAW

ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

39. Relying on Article 6 of the Convention and Article 5 of Protocol No. 7 to the Convention, the applicant complained that the judgment of the District Court of 8 December 2017 had been taken in breach of his and his son's right to mutual enjoyment of each other's company, that the proceedings leading to the judgment in question had been unfair in that the domestic courts had not taken due measures to ascertain the child's opinion, that the childcare authority had not provided its opinion on the matter and the domestic courts had not given due assessment of the child's interests.

40. The Court considers that the complaints fall to be examined under Article 8 of the Convention, which reads as follows:

"1. Everyone has the right to respect for his private and family life ...

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

A. Admissibility

41. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

B. Merits

1. The parties' submissions

(a) The applicant

42. The applicant submitted that the contact arrangement determined by the judgment of the District Court of 8 December 2017 had amounted to an interference with his rights under Article 8 of the Convention. While the interference in question had been in accordance with the law, it had not pursued a legitimate aim to protect and respect the child's best interests and had not been necessary in a democratic society. The applicant had been raising his son uninterruptedly since 2008 until E.Ch. had taken the child to live with her in Kirensk in May 2016. During this time they developed a close and stable emotional bond. The above contact arrangement had caused the child psychological trauma and significantly limited his balanced development. The reasons for the District Court's judgment had not been relevant and sufficient and the applicant was not sufficiently involved in the decision-making process. The District Court gave no consideration to the fact that from July 2015 to May 2016 the applicant had been raising his son alone, that the child's removal from St Petersburg to Kirensk by E.Ch. had caused him emotional distress and unrooted him.

43. Despite the applicant's request, no interim arrangement had been established by the District Court for the applicant's contact with his son pending the proceedings. The childcare authority expressed no opinion regarding the determination of the applicant's contact with his son. Although the District court approved the applicant's request to involve a prosecutor in the proceedings, the hearings took place without one being present. The District Court had not ordered an expert examination of the relationships between the applicant and E.Ch. and the relationships of each of them with the child.

44. The applicant further made submissions alleging E.Ch.'s failure to comply with the above contact arrangement and the failure of the State to comply with their positive obligation to enforce the applicant's contact rights.

(b) The Government

45. The Government submitted that there has been no interference with the applicant's rights guaranteed by Article 8 of the Convention. If the Court were to find otherwise, the Government insisted that such interference was in accordance with the law, pursued a legitimate aim of ensuring the child's normal development, was necessary within the meaning of Article 8 § 2, and that the grounds given by the national courts for their decisions were relevant and sufficient. When resolving the dispute on determination of the applicant's contact with his son the national courts

made a thorough analysis of the applicant's family situation, including all aspects of factual, emotional and psychological nature, and gave a well-balanced and reasonable assessment of the interests of all the parties involved. The judgment was based on testimonies of witnesses and the report of the child's psychological examination of 7 July 2017. The District Court proceeded from the equality of the rights and obligations of the parents in respect of the child, the child's affection for his parents, and the relations between the latter. The District Court heard the child and the childcare authority, it took into account the nature of the relationship between the child and each of the parents, the child's individual psychological features, his age, the significance of both parents for him, the negative impact of the conflict situation between the parents on the child's emotional state, the fact that both parents had equal desire and ability to create conditions necessary for the child's upbringing and development, the desire and the need of the father to maintain contact with his son, and came to the legitimate and reasoned conclusion on the establishment of contact arrangement between the applicant and the child, which reflected the best interests of the latter.

46. The applicant had been sufficiently involved in the decision-making process. All petitions made by him in the course of the proceedings (regarding the alleged breach of the rules of jurisdiction, the involvement of a prosecutor in the proceedings, the studying of the case file materials, adducing to the case file, or excluding from it, of various pieces of evidence, etc.) were examined by the District Court on the merits, objections filed by him to the claims of E.Ch. were accepted.

2. The Court's assessment

(a) Scope of the case

47. The Court notes that in his reply to the Government's observations the applicant raised a new complaint concerning the alleged failure of the domestic authorities to comply with their positive obligations under Article 8 of the Convention to secure the enforcement of the contact arrangement of 8 December 2017 (see paragraph 44 above).

48. In the Court's view, the new complaint raised by the applicant is not an elaboration of his original complaint lodged with the Court on 20 February 2019 and communicated to the Government on 12 September 2019. Mentioned incidentally, it does not contain sufficient factual and legal basis to qualify as a "complaint" within the meaning of the Court's case-law (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018). The Court will therefore not examine it.

(b) General principles

49. The first paragraph of Article 8 of the Convention guarantees to everyone the right to respect for his or her family life. As is well established in the Court's case-law, the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of family life, and domestic measures hindering such enjoyment amount to an interference with the right protected by this provision. Any such interference constitutes a violation of this Article unless it is "in accordance with the law", pursues an aim or aims that is or are legitimate under its second paragraph and can be regarded as "necessary in a democratic society" (see *Strand Lobben and Others v. Norway* [GC], no. 37283/13, § 202, 10 September 2019).

50. In determining whether the latter condition was fulfilled, the Court will consider whether, in the light of the case as a whole, the reasons adduced to justify that measure were relevant and sufficient for the purposes of paragraph 2 of Article 8. The notion of necessity further implies that the interference corresponds to a pressing social need and, in particular, that it is proportionate to the legitimate aim pursued, regard being had to the fair balance which has to be struck between the relevant competing interests (ibid., § 203).

51. Consideration of what lies in the best interests of the child is of crucial importance in every case of this kind. Moreover, it must be borne in mind that the national authorities have the benefit of direct contact with all the people concerned. It follows that the Court's task is not to substitute itself for the domestic authorities in the exercise of their responsibilities regarding custody and access issues, but rather to review, in the light of the Convention, the decisions taken by those authorities in the exercise of their margin of appreciation (see *Elsholz v. Germany* [GC], no. 25735/94, § 48, ECHR 2000-VIII; *Sommerfeld v. Germany* [GC], no. 31871/96, § 62, ECHR 2003-VIII (extracts); *Buchs v. Switzerland*, no. 9929/12, § 49, 27 May 2014; and *P.K. v. Poland*, no. 43123/10, § 84, 10 June 2014).

52. The margin of appreciation to be accorded to the competent national authorities will vary in accordance with the nature of the issues and the importance of the interests at stake. Thus, the Court has recognised that the authorities enjoy a wide margin of appreciation, in particular when deciding on custody. However, a stricter scrutiny is called for as regards any further limitations, such as restrictions placed by those authorities on parental rights of access, and as regards any legal safeguards designed to secure an effective protection of the right of parents and children to respect for their family life. Such further limitations entail the danger that family relations between a young child and one or both parents would be effectively curtailed (see *Elsholz*, cited above, § 49; *Sommerfeld*, cited above, § 63, and *Görgülü v. Germany*, no. 74969/01, § 42, 26 February 2004).

53. Article 8 of the Convention requires that a fair balance must be struck between the interests of the child and those of the parent and, in

striking such a balance, particular importance must be attached to the best interests of the child which, depending on their nature and seriousness, may override those of the parent. In particular, the parent cannot be entitled under Article 8 to have such measures taken as would harm the child's health and development (see *Elsholz*, cited above, § 50; *Hoppe v. Germany*, no. 28422/95, § 49, 5 December 2002; and *Görgülü*, cited above, § 43).

54. Whilst Article 8 of the Convention contains no explicit procedural requirements, the decision-making process involved in measures of interference must be fair and such as to afford due respect to the interests safeguarded by Article 8. The Court cannot satisfactorily assess whether the reasons adduced by the national courts to justify these measures were "sufficient" for the purposes of Article 8 § 2 of the Convention without at the same time determining whether the parent has been involved in the decision-making process, seen as a whole, to a degree sufficient to provide him with the requisite protection of his interests (see *Süß v. Germany*, no. 40324/98, § 89, 10 November 2005, with further references).

(c) Application of these principles to the present case

55. The Court finds, and this is common ground between the parties, that the relationship between the applicant and his son amounted to "family life" within the meaning of Article 8 § 1 of the Convention.

56. The Court further observes that by the judgment of 8 December 2017 the District Court determined the contact arrangement between the applicant and his son as follows: twice a month on the second and the last Sunday of the month up to two hours in the presence of E.Ch., and daily telephone communication between 7 p.m. and 8 p.m. (see paragraph 18 above). The Court finds that the above judgment hindered the enjoyment by the applicant and his son of each other's company, thereby amounting to an interference with the applicant's right under Article 8 of the Convention.

57. It was undisputed by the parties, and the Court is satisfied, that all the impugned measures had a basis in national law. The Court further finds that the domestic courts pursued what they considered to be a legitimate aim of protecting the best interests of the child. It remains to be examined whether the interference can be regarded as "necessary in a democratic society" (see *Cînța v. Romania*, no. 3891/19, §§ 43-45, 18 February 2020).

58. The Court has to consider, therefore, whether, in the light of the case as a whole, the reasons adduced to justify this measure were relevant and sufficient for the purposes of paragraph 2 of Article 8 of the Convention.

59. Having examined the domestic courts' decisions at issue (see paragraphs 18, 21, 23-24 above), the Court finds nothing to doubt that they were based on the best interests of the child. The domestic courts took into consideration, among other things, the child's age, his daily routine, attachment to his mother and extremely strained relationship between the applicant and the child's mother, which exposed the child to high emotional

pressure and undermined his feeling of security (see paragraph 13 above), and arrived at the conclusion that the above contact arrangement would secure the balance between the child's and the parents' interests and would be beneficial for the child's physical and mental health, his development and settled way of life. There is nothing to indicate that the findings reached by the domestic courts, which had the benefit of direct contact with all the persons concerned, were arbitrary or manifestly unreasonable and thus fell outside their margin of appreciation. Given that the national authorities are in principle better placed than an international judge to evaluate the evidence before them, it is not the Court's task to take their place in establishing and assessing the facts and deciding what is in the best interests of the child in the present case.

60. The Court further notes that the decision at issue was reached following adversarial proceedings in which the applicant was placed in a position enabling him to put forward all arguments in support of his application for a more extended contact and he also had access to all relevant information that was relied on by the courts.

61. The District Court heard the child in the presence of a psychologist. The questions were agreed upon between the parties (see paragraph 17 above). A representative of the childcare authority was present at all hearings and was actively involved in the proceedings. As regards the non-participation of the prosecutor in the proceedings before the District Court, the Court notes that the applicant did not demonstrate that the circumstances of the present case made such participation strictly necessary and justified by a well-founded, recognisable aim or public interest (see *Menchinskaya v. Russia*, no. 42454/02, § 35, 15 January 2009).

62. As regards the alleged failure of the domestic courts to appoint an expert opinion on the children's relationship with each of the parents, the Court observes that as a general rule it is for the national courts to assess the evidence before them, including the means to ascertain the relevant facts. It would be going too far to say that domestic courts are always required to involve a psychological expert on the issue of awarding contact to a parent residing apart from the child, but this issue depends on the specific circumstances of each case (see *Strand Lobben and Others,* cited above, § 213). In the present case the domestic courts had sufficient evidence allowing them to reach a conclusion reflecting the best interests of the child.

63. In view of the foregoing, the Court is satisfied that the domestic courts' procedural approach was reasonable in the circumstances: it provided sufficient material to reach a reasoned decision on the question of the applicant's contact with his son in the particular case and the applicant was involved in the decision-making process to a degree sufficient to provide him with the requisite protection of his interests. The Court can therefore accept that the procedural requirements implicit in Article 8 of the Convention were complied with.

64. Accordingly, the Court considers that the contested decision was based on reasons that were not only relevant but also sufficient for the purposes of paragraph 2 of Article 8. In particular, regard being had to the authorities' margin of appreciation in the matter, the interference complained of was not disproportionate to the legitimate aim pursued. There has been therefore no violation of Article 8 of the Convention on that account.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that there has been no violation of Article 8 of the Convention.

Done in English, and notified in writing on 6 July 2021, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

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Milan Blaško
Registrar

Paul Lemmens
President