

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

FIRST SECTION

CASE OF RĘCŁAWOWICZ v. POLAND

(Application no. 10911/23)

JUDGMENT

STRASBOURG

16 January 2025

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



In the case of Ręcławowicz v. Poland,

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

Georgios A. Serghides*, President*,
Erik Wennerström,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 5 December 2024,

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

PROCEDURE

1. The case originated in an application against Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 5 March 2023.

2. The applicants were represented by Ms M. Gąsiorowska, a lawyer practising in Warsaw.

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

THE FACTS

4. The list of applicants and the relevant details of the application are set out in the appended table.

5. The applicants complained of the excessive length of civil proceedings and of the lack of any effective remedy in domestic law.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION

6. The applicants complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement and that they had no effective remedy in this connection. They relied on Article 6 § 1 and Article 13 of the Convention.

7. The Government raised a preliminary objection that the applicants could no longer be considered, within the meaning of Article 34 of the Convention, "victims" of a violation of their right to a hearing within a reasonable time because each of them had been awarded 2,000 Polish zlotys (PLN). The applicants disagreed, arguing that that the redress obtained was not adequate and that the complaint had not led to the acceleration of the proceedings in question. The Court notes that this issue falls to be determined in the light of the principles established under the Court's case-law (see

Cocchiarella v. Italy [GC], no. 64886/01, §§ 69-107, ECHR 2006-V, and *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-213, ECHR 2006-V).

8. The Court notes that the Warsaw Court of Appeal analysed the course of the impugned proceedings in the light of the criteria which the Court itself applies. It concluded that there had been delays for which the domestic authorities should be held responsible, that the applicants' right to a hearing without unjustified delay had been breached and awarded them, in total, the equivalent of 820 euros (EUR) in respect of compensation for the excessive length of the proceedings. The Court finds that the redress provided to the applicants at the domestic level, considered on the basis of the facts of which they complain before the Court, was insufficient (see *Janulis v. Poland*, no. 31792/15, § 21, 16 January 2020, with further examples). In these circumstances, the argument that the applicants have lost their victim status cannot be upheld.

9. 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 applicants and the relevant authorities and what was at stake for the applicants in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

10. In the leading case of *Rutkowski and Others v. Poland,* nos. 72287/10 and 2 others, 7 July 2015, the Court already found a violation of Article 6 of the Convention in relation to the length of judicial proceedings.

11. 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.

12. The Court further notes that the applicants did not have at their disposal an effective remedy in respect of these complaints.

13. These complaints are therefore admissible and disclose a breach of Article 6 § 1 and of Article 13 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

14. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rutkowski and Others,* 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 and Article 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law;

3. *Holds*
   (a) that the respondent State is to pay the applicants, within three months, the amounts indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (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 16 January 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 and Article 13 of the Convention (excessive length of civil proceedings and lack of any effective remedy in domestic law)

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 decision on complaint under the 2004 Act Domestic award (in Polish zlotys)	Amount awarded for pecuniary and non-pecuniary damage per household (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
10911/23 05/03/2023	Household **Paulina RĘCŁAWOWICZ** 1980 **Jacek RĘCŁAWOWICZ** 1980	Monika Małgorzata Gąsiorowska Warsaw	29/07/2019	pending	More than 5 year(s) and 3 month(s) and 21 day(s) 1 level(s) of jurisdiction	Warsaw Court of Appeal, 07/11/2022, case no. V S 415/22, PLN 4,000	1,800 (jointly to both applicants)	250 (jointly to both applicants)

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