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

THIRD SECTION

DECISION

Application no. 6590/13
Jana DUBOVSKÁ
against Slovakia

The European Court of Human Rights (Third Section), sitting on 9 February 2016 as a Committee composed of:

Helen Keller, *President,*
Johannes Silvis,
Alena Poláčková, *judges,*
and Marialena Tsirli, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 January 2013,

Having regard to the declaration submitted by the respondent Government on 18 June 2015 requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Ms Jana Dubovská, is a Slovak national, who was born in 1963 and lives in Bratislava. She was represented before the Court by Mr A. Baránik, a lawyer practising in Bratislava.

The Government of the Slovak Republic ("the Government") were represented by their Agent, Ms M. Pirošíková.

The applicant complained under Article 6 § 1 of the Convention about the length of civil proceedings concerning a labor dispute which had been initiated before the Bratislava II District Court on 22 March 2006. The proceedings have been held before two levels of jurisdiction and are still pending. The applicant also alleged a violation of Article 13 of the Convention.

In relation to the impugned proceedings, on 13 June 2012 the Constitutional Court found that there had been a violation of the applicant's

right to a hearing within a reasonable time and awarded her 600 euros as just satisfaction in respect of non-pecuniary damage. It also ordered the court involved to avoid any further delay in the proceedings and to reimburse the applicant's legal costs.

The part of the application regarding the length of the proceedings was communicated to the Government.

THE LAW

A. Complaint under Article 6 § 1 of the Convention

After the failure of attempts to reach a friendly settlement, by a letter of 18 June 2015 the Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issue raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "The Government acknowledge both the applicant's status of the victim within the meaning of the Article 34 of the Convention and the unreasonable duration of the domestic proceedings in which the applicant was involved.
>
> I, Marica Pirošíková, the Agent of the Government of the Slovak Republic before the European Court of Human Rights, declare that the Government offer to pay to Ms Jana Dubovská the sum of EUR 1,800 (one thousand eight hundred euros), plus any tax that may be chargeable to the applicant.
>
> The Government would suggest that the above information be accepted by the Court as "any other reason" justifying the striking out of the case of the Court's list of cases, as referred to in Article 37 § 1 (c) of the Convention.
>
> In the event of the Court's decision pursuant to Article 37 § 1 of the Convention, the Government undertake to pay to the applicant the declared sum within the three months from the date of notification of the decision. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. This payment will constitute the final settlement of the case."

By a letter of 8 July 2015, the Court invited the applicant to submit any comments on the Government's terms of the unilateral declaration, but the applicant failed to respond.

The Court reiterates that Article 37 of the Convention provides that it may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to one of the conclusions specified, under (a), (b) or (c) of paragraph 1 of that Article. Article 37 § 1 (c) enables the Court in particular to strike a case out of its list if:

"for any other reason established by the Court, it is no longer justified to continue the examination of the application".

It also reiterates that in certain circumstances, it may strike out an application under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued.

To this end, the Court has examined the declaration carefully in the light of the principles emerging from its case-law, in particular the *Tahsin Acar* judgment (*Tahsin Acar v. Turkey* [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI; *WAZA Spółka z o.o. v. Poland* (dec.), no. 11602/02, 26 June 2007; and *Sulwińska v. Poland* (dec.), no. 28953/03, 18 September 2007).

The Court has established in a number of cases, including those brought against Slovakia, its practice concerning complaints about the violation of one's right to a hearing within a reasonable time (see, for example, *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII; *Scordino v. Italy (no. 1)* [GC], no. 36813/97, §§ 178-227, ECHR 2006-V; *Rapoš v. Slovakia*, no. 25763/02, §§ 32-34, 20 May 2008; *Bič v. Slovakia*, no. 23865/03, §§ 39-41, 4 November 2008 or *Komár v. Slovakia*, no. 25951/06, §§ 30-33, 26 October 2010).

Having regard to the nature of the admissions contained in the Government's declaration, as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the relevant part of the application (Article 37 § 1 (c)).

Moreover, in light of the above considerations, and in particular given the clear and extensive case-law on the topic, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application could be restored to the list in accordance with Article 37 § 2 of the Convention (*Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the relevant part of the application out of the list.

B. Other complaint

The applicant further complained about a violation of her rights under Article 13 of the Convention.

Having regard to all the evidence in its possession, and in so far as it has jurisdiction to examine the allegation, the Court has not found any appearance of a breach of the applicant's rights under the provision invoked.

It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 1, 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Article 37 § 1 of the Convention and of the modalities for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention, to the extent that it concerns the complaint under Article 6 § 1 of the Convention about the length of the proceedings;

Declares the remainder of the application inadmissible.

Done in English and notified in writing on 10 March 2016.

Marialena Tsirli	Helen Keller
Deputy Registrar	President