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

FIFTH SECTION

DECISION

Application no. 42734/09
E.
against Ireland

The European Court of Human Rights (Fifth Section), sitting on 1 October 2013 as a Chamber composed of:

Mark Villiger, *President,*
Angelika Nußberger,
Boštjan M. Zupančič,
Ann Power-Forde,
Ganna Yudkivska,
Helena Jäderblom,
Aleš Pejchal, *judges,*
and Claudia Westerdiek, *Section Registrar,*

Having regard to the above application lodged on 29 July 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, E, is an Irish national, who was born in 1977 and lives in Dublin. The President granted the applicant's request for her identity not to be disclosed to the public (Rule 47 § 3). She was represented before the Court by Ms C. Matthews, a lawyer practising in Dublin. The Irish Government ("the Government") were represented by their Agent, Mr P. White, of the Department of Foreign Affairs.

2. The applicant took proceedings against the father of their son seeking financial awards in respect of accommodation and maintenance expenses. She complained under Article 6 about the length and fairness of those proceedings. She also complained under Article 8, alone and in conjunction with Article 14 of the Convention, that she had been discriminated against,

claiming that she was refused a lump sum for accommodation because her son was a non-marital child.

3. On 30 January 2012, the President of the Section to which the case had been assigned decided to communicate questions to the parties on the admissibility and merits of the application.

4. By letter dated 6 September 2013, from the Government to the Court and copied to the applicant, the Government requested the Court to strike the application out of its list of cases on the basis of the following terms of settlement:

> "1. The Respondent acknowledges that certain aspects of the judgment of the High Court on 5 February 2009 in the matter of *Mc E v. O'S* [2009] IEHC 52, gave rise to a situation incompatible with the right of applicant to respect for her family and private life under Article 8 taken in conjunction with Article 14 and the prohibition of discrimination as regards the enjoyment of the rights and freedoms set forth in the Convention.
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> 2. The Respondent agrees to pay the sums set out below within three months of the date of notification of the decision of the Court pursuant to Article 37§1, with simple interest accruing from the expiry of that date until payment at a rate equal to the marginal lending rate of the ECB during the default period, plus three percentage points :
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> - €12,000 in non-pecuniary damage to be divided equally between the Applicant and her son;
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> - €3,500 plus VAT in respect of costs and expenses of the application to the European Court of Human Rights;
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> - €20,000 plus VAT in respect of the costs of the domestic family law proceedings.
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> 3. Further, the Programme for Government contains a commitment to modernise and reform outdated elements of family law. Legislation developed to implement this commitment will respect the public policy objective of treating children equally, regardless of the marital status of their parents. Because this legislation will have a significantly broader scope than the detailed issues identified, the Respondent is not in a position to make specific and time-bound commitments but will look to bring forward this legislation at the earliest opportunity."

5. By letter dated 6 September 2013 the applicant confirmed her agreement to her application being struck out on the basis of these settlement terms.

THE LAW

6. The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Claudia Westerdiek
Registrar

Mark Villiger
President