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

THIRD SECTION

DECISION

Application no. 20839/22
Eva Hristova OBESNIKOVA
against Bulgaria

The European Court of Human Rights (Third Section), sitting on 19 November 2024 as a Committee composed of:

Darian Pavli*, President*,
Oddný Mjöll Arnardóttir,
Diana Kovatcheva*, judges*,
and Olga Chernishova, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 April 2022,

Having regard to the declaration submitted by the respondent Government on 17 May 2024 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Ms Eva Hristova Obesnikova, is a Bulgarian national, who was born in 2000 and lived in Vidin at the time of the events complained of. She was represented before the Court by Ms I. Savova, a lawyer practising in Sofia.

2. The Bulgarian Government ("the Government") were represented by their Agent, Ms M. Dimitrova, of the Ministry of Justice.

3. The applicant complained, in particular under Article 14 in conjunction with Article 8 of the Convention, about having been discriminated against as a result of the authorities' refusal to enrol her in the local age-appropriate football team because it was for boys and she was a girl.

4. The application had been communicated to the Government.

THE LAW

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

6. The declaration, submitted on 17 May 2024, provided as follows:

> "I hereby declare that, as regards the case of *Obesnikova v. Bulgaria,* no. 20839/22, pending before the European Court of Human Rights, the Government of the Republic of Bulgaria acknowledge violation of Article 14 read in conjunction with Article 8 of the European Convention on Human Rights in relation to the refusal of the domestic authorities to enrol the applicant, at that time (2017) aged 17, in the local age-appropriate football team because it was for boys and she was a girl. The Government offer to pay to the applicant EUR 4,000 (four thousand euros), plus any tax that may be chargeable to the applicant, to cover any and all pecuniary and non-pecuniary damage, and EUR 1,000 (one thousand euros), plus any tax that maybe chargeable to the applicant, to cover any and all costs and expenses, for the fact that she was discriminated against on the basis of her sex in the exercise of her right to respect for private life.
>
> These sums will be converted into Bulgarian levs at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on them, 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. The payment will constitute the final resolution of the case."

7. By a letter of 13 June 2024, the applicant indicated that she was not satisfied with the terms of the unilateral declaration on the ground there was a systemic problem in Bulgaria in relation to girls sports. Because of that, only a judgment of the Court would overcome this, since gender-based discrimination is best addressed by measures that are general, rather than individual compensation.

8. The Court reiterates that Article 37 § 1 (c) enables it 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".

9. Thus, 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.

10. To this end, the Court has examined the declaration in the light of the principles emerging from its case-law, in particular the judgment in the case of *Tahsin Acar v. Turkey* ((preliminary objections) [GC], no. 26307/95, § 75, ECHR 2003-VI).

11. 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 application (Article 37 § 1 (c)).

12. Moreover, in light of the above considerations and given that it has not been demonstrated that the present application raises an issue which might be part of a systemic problem before the national jurisdictions, 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*).

13. 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 (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

14. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration under Article 14 in conjunction with Article 8 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.

Done in English and notified in writing on 12 December 2024.

Olga Chernishova	Darian Pavli
Deputy Registrar	President