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

FIRST SECTION

DECISION

Application no. 25011/20
Daniela VASSOVÁ
against Slovakia

The European Court of Human Rights (First Section), sitting on 25 August 2022 as a Committee composed of:

Krzysztof Wojtyczek, *President*,
Erik Wennerström,
Lorraine Schembri Orland, *judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 20 June 2020,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Ms J. Černá, a lawyer practising in Jahodná.

The proceedings in question started upon the applicant's action of 8 July 2009 for division of the matrimonial property. They ended on 6 July 2020 when the judgment of the court of appeal was served on the applicant's lawyer.

On 30 September 2019 the applicant lodged a constitutional complaint, challenging the length of the proceedings. Asserting that there was a violation of the reasonable time requirement, she claimed just satisfaction, to be awarded by the Constitutional Court "at its own discretion" (*podľa vlastnej úvahy*).

On 18 February 2020 the Constitutional Court found a violation as it pertained to the proceedings before the first-instance court. When considering the applicant's claim for just satisfaction, it made a reference to section 123(2) of the Constitutional Court Act (Law no. 314/2018 Coll., as amended) pursuant to which it is for complainants to specify the scope of and reasons

for their just satisfaction claims. It held that the applicant had failed to specify the exact amount of her just-satisfaction claim and therefore the Constitutional Court could not examine it.

THE LAW

Complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

1. The period prior to the Constitutional Court's judgment

The Government submitted that the constitutional judgment deprived the applicant of her victim status. The Constitutional Court could not examine the applicant's just-satisfaction claim as she had failed to specify the amount. In that regard the Government underlined that in order to fulfil the exhaustion requirement, a constitutional complaint must be lodged in accordance with the procedural rules.

In her reply, the applicant asserted that she had submitted her just satisfaction claim in accordance with the relevant legal provisions, leaving the specific amount to the Constitutional Court's discretion. She contested having received adequate satisfaction for the violation of her rights.

The Court reiterates that a decision or measure favourable to the applicant is not in principle sufficient to deprive the applicant of his or her status as a "victim", within the meaning of Article 34 of the Convention, unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for, the breach of the Convention (see *Rosselet-Christ v. Slovakia*, no. 25329/05, § 49, 26 October 2010).

In the present case, on 18 February 2020 the Constitutional Court found that the first-instance court had breached the applicant's right to a hearing within a reasonable time. Referring to section 123(2) of the Constitutional Court Act, it ruled that it could not examine her just satisfaction claim as she had failed to specify the exact amount.

The Court notes that, in order to comply with Article 35 § 1 of the Convention, applicants must use domestic remedies in accordance with formal requirements, as interpreted and applied by domestic courts (see, for example, *Lawyer Partners a.s. v. Slovakia*, nos. 54252/07 and 14 others, § 39, ECHR 2009).

The applicant did not comply with the formal requirement stemming from the relevant legal provision which requires complainants to specify both the scope of and reasons for their just satisfaction claims (see, by contrast, *Salmanov v. Slovakia*, no. 40132/16, §§ 60-62, 20 January 2022). Therefore, the Constitutional Court was formally prevented from examining the merits of her just satisfaction claim.

It follows that this complaint must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

2. The period following the Constitutional Court's judgment

The Government raised an objection of non-exhaustion arguing that the applicant had failed to lodge a fresh constitutional complaint.

The Court does not need to address this objection as the remaining part of the application is in any event inadmissible for the following reasons.

The outstanding part of the proceedings to be examined is the period during which the case was pending before the court of appeal in the second round, i.e. from 21 June 2019 to 6 July 2020. Such a length does not constitute an issue in the light of the Court's jurisprudence.

In view of the above, the Court finds that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 15 September 2022.

Viktoriya Maradudina Acting Deputy Registrar	Krzysztof Wojtyczek President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

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 court File number Domestic award (in euros)
25011/20 20/06/2020	**Daniela VASSOVÁ** 1973	Jolana Černá Jahodná	08/07/2009	06/07/2020	10 years, 11 months and 29 days 2 levels of jurisdiction	Constitutional Court III. ÚS 110/2019 0