



Russian authorities took appropriate action in the face of tragic death of three-year-old

In its decision in the case of [Plotnikov v. Russia](#) (application no. 74971/10) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned the death of the applicant's daughter from a meningitis infection and his complaint of the lack of an effective investigation.

The Court found that there was no evidence to suggest that the Russian authorities had not met their obligation under Article 2 (right to life) to protect the life of the applicant's daughter. An investigation had been instigated three days after her death; it had lasted a year and had been conducted in an appropriately thorough manner. Moreover, the applicant had had recourse to an independent judicial system in the wake of his daughter's death.

Principal facts

The applicant, Sergey Nikolayevich Plotnikov, is a Russian national who lives in Abakan (Russia).

Mr Plotnikov's daughter, V., born in 2005, contracted meningitis and died at the end of May 2008. The applicant and his wife found out that another boy from the same nursery school had been admitted to hospital a few days earlier and had later been diagnosed with the same illness. The boy eventually died in early June 2008.

The authorities began an investigation into Ms Sh., the head of the nursery school, for aggravated negligence, in particular for failing to alert health professionals and the parents of children attending the nursery school about the infection, and to take measures to close the school.

The investigation, which included expert reports, interviews with the nursery school staff and doctors, lasted a year, but was discontinued in June 2009. The investigator found that the constituent elements of a crime had not been made out in her actions. V. had received appropriate medical treatment once she had fallen ill and Ms Sh. had followed the relevant rules and regulations. Indeed, she had pre-empted the official notice from authorities when taking the decision to close the nursery.

The applicant challenged that decision in court, but the Abakan Town Court of the Republic of Khakasia and the Supreme Court of the Republic of Khakasia upheld it in 2010. The courts found in particular that the investigation had been thorough and had accurately established the circumstances of the case, and that the decision to discontinue the proceedings against Ms Sh. had been justified.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 25 November 2010.

Mr Plotnikov complained that the failure of the nursery school's management to close the school immediately after a child had been admitted to hospital had led to his daughter being infected and dying, and that therefore the State had failed to comply with its obligation under Article 2 (right to life) of the Convention to preserve her life.

Relying on Article 2 in combination with Article 13 (right to an effective remedy), Mr Plotnikov complained that the criminal investigation had been ineffective and that the decision to close the criminal case against the head of the nursery school had been unlawful. He alleged that he had had no effective remedies for that issue.

The decision was given by a Committee of three judges, composed as follows:

Alena **Poláčková** (Slovakia), *President*,
Dmitry **Dedov** (Russia),
Jolien **Schukking** (the Netherlands),

and also Fatoş **Aracı**, *Deputy Registrar*.

Decision of the Court

The Court recalled that the obligation to safeguard the right to life requires the authorities to take appropriate action when they know, or ought to know, of the existence of a real and immediate risk to an individual's life, and where that action is within their powers and can reasonably be expected to avert the risk.

However, the Court found that appropriate action had been taken by the authorities in this case. An investigation had been initiated three days after V.'s death, and on the same day as that of her classmate. It had lasted a year and had been thorough and detailed, involving wide-ranging witness interviews and in-depth laboratory tests of biological material. The evidence obtained led the investigator to discontinue the criminal proceedings against Ms Sh., after concluding that she had not neglected her professional duties and was not at fault for either death.

The Court observed that the authorities' obligation with respect to the right to life also requires the existence of an effective independent judicial system which allows for: the facts to be established; those at fault to be held accountable; and victims to receive appropriate redress. The Court found that, based on the evidence submitted, there was nothing to suggest that the authorities had not been sufficiently diligent and efficient in their efforts to investigate the circumstances of Mr Plotnikov's daughter's death. Nor did the evidence suggest that they had failed to take any important steps to establish the relevant facts.

Moreover, Mr Plotnikov had had victim status in the proceedings to challenge the investigator's decision. His complaints were examined at two levels of jurisdiction, and the courts had concluded that the investigation had been thorough and accurate. Indeed, Mr Plotnikov had not indicated what other measures the authorities could have taken.

The Court concluded that, although the circumstances of the case were tragic, the authorities had not failed to take appropriate steps to safeguard Mr Plotnikov's daughter's life. It found that his application was manifestly ill-founded, and therefore inadmissible.

The decision is available only in English.

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Press contacts

echrp@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)
Patrick Lannin (tel: + 33 3 90 21 44 18)
Somi Nikol (tel: + 33 3 90 21 64 25)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.