



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

FIRST SECTION

DECISION

Application no. 23880/06  
Svetlana Vyacheslavovna KOVALEVA  
against Russia

The European Court of Human Rights (First Section), sitting on 13 March 2012 as a Committee composed of:

Linos-Alexandre Sicilianos, *President*,

Anatoly Kovler,

Erik Møse, *judges*,

and André Wampach, *Deputy Section Registrar*,

Having regard to the above application lodged on 27 March 2006,

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Svetlana Vyacheslavovna Kovaleva, is a Russian national who was born in 1966 and lives in the Novgorod region. She brought the application on her own behalf and on behalf of her daughter, Margarita Sergeyevna Kovaleva, born in 1989, also a Russian national. The Russian Government (“the Government”) were represented by Mr G. Matyushkin, Representative of the Russian Federation at the European Court of Human Rights.

The applicant sought to establish paternity of her daughter’s biological father and obtain child maintenance. The DNA test ordered by the domestic court showed that the probability that the presumed father was the biological father of the applicant’s daughter was 99,83 %. The domestic courts refused to take those results into account and dismissed the applicant’s claims. They held that according to domestic law, in the absence

of evidence of cohabitation and common household before the birth of the child, incidental intimate relationship and DNA test results had not produced any legal effects.

The applicant complained under Article 8 of the Convention that the domestic courts' refusal to grant her claims for establishing paternity had constituted an unjustified interference with her private life. She also considered that the Russian State had failed in its positive obligation to ensure effective respect for her and her daughter's private and family life.

The applicant's complaints were communicated to the Government, who submitted their observations on the admissibility and merits. The observations were forwarded to the applicant, who was invited to submit her own observations. No reply was received to the Registry's letter.

By letter dated 12 October 2011, sent by registered post, the applicant was notified that the period allowed for submission of her observations had expired on 20 July 2011 and that no extension of time had been requested. The applicant's attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant received this letter on 7 November 2011. However, no response has been received.

## THE LAW

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue her application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

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.

André Wampach  
Deputy Registrar

Linós-Alexandre Sicilianos  
President