



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

FIRST SECTION

Application no. 45157/06
Karp Dmitriyevich RUSAVSKIY
against Russia
lodged on 17 October 2006

STATEMENT OF FACTS

The applicant, Mr Karp Dmitriyevich Rusavskiy, is a Russian national, who was born in 1975 and lives in Vladivostok. He is represented before the Court by Mr V. Kiselev, a lawyer practising in Vladivostok.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant and his wife are both military officers serving under a military service contract in military unit no. 2430.

On an unspecified date in January 2006 the applicant's wife gave birth to a son. Her maternity leave ended on 13 April 2006 and she resumed her military service.

The applicant asked the head of his military unit for three years' parental leave. The head of the military unit rejected his request because three years' parental leave could be granted only to female military personnel.

The applicant challenged that decision before a court.

On 21 July 2006 the Military Court of the Vladivostok Garrison dismissed the applicant's claim for three years' parental leave as having no basis in domestic law. The court held that only female military personnel were entitled to three years' parental leave, while male military personnel had no such entitlement. The court noted that the applicant's son had a mother who had not been deprived of parental authority, who served in the same military unit as the applicant and who was entitled to take three years' parental leave.

On 4 September 2006 the Military Court of the Pacific Fleet upheld the judgment on appeal, finding that it had been lawful, well-reasoned and justified.

B. Relevant domestic law

For a summary of relevant domestic law, a translation of the Constitutional Court's ruling on the issue, relevant international and comparative material, see the case of *Konstantin Markin v. Russia* ([GC], no. 30078/06, §§ 33, 34 and 42-75, ECHR 2012 (extracts)).

COMPLAINTS

The applicant complains under Article 14 of the Convention and Article 1 of Protocol No. 12 that the refusal to grant him parental leave amounted to discrimination on account of sex.

The applicant complains under Article 6 of the Convention that the proceedings were unfair.

QUESTIONS TO THE PARTIES

1. What was the applicant's post in unit no. 2430 at the material time? May equivalent posts be held by servicewomen? What was the post of the applicant's wife?

2. Did the refusal of three years' parental leave on account of the applicant's sex amount to discrimination against him, contrary to Article 14 of the Convention read in conjunction with Article 8 (see *Konstantin Markin v. Russia* ([GC], no. 30078/06, ECHR 2012 (extracts)))?