



## Judgments and decisions of 17 February 2022

The European Court of Human Rights has today given notification in writing of two judgments<sup>1</sup> and one decision<sup>2</sup>:

a Chamber judgment is summarised below;

a separate press release has been issued for another Chamber judgment in the case of *Y v. Poland* (application no. 74131/14);

a separate press release has also been issued for a decision in the case of *Gribben v. the United Kingdom* (no. 28864/18);

*The judgment summarised below is available only in English.*

### D'Amico v. Italy (application no. 46586/14)

The applicant, Immacolata Filomena D'Amico, is an Italian national who was born in 1938 and lives in Matera (Italy).

Ms D'Amico has been in receipt of her husband's pension as his survivor since his death. She received that as a percentage of his overall pension payments. The case concerns the enactment of Law no. 296/2006, which changed the methods of calculation of her pension, while a court case that she took in that connection was pending before the national courts. The changes to the relevant law brought in by the Italian authorities between her successful first-instance claim and the pending appeal caused the original judgment in her favour to be overturned.

Relying on Article 6 (right to a fair trial) of the European Convention on Human Rights, she complains that the new Law, which departed from well-established case-law while the proceedings in her case were still pending, violated her right to a fair hearing.

#### Violation of Article 6 § 1

##### Just satisfaction:

pecuniary damage: 9,700 euros (EUR)

non-pecuniary damage: EUR 6,000

The Court rejected the applicants' claim for costs and expenses

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<sup>1</sup> Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: [www.coe.int/t/dghl/monitoring/execution](http://www.coe.int/t/dghl/monitoring/execution).

<sup>2</sup> Inadmissibility and strike-out decisions are final.

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**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.