



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

SECOND SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 56869/00
by Aleksandra LARIOSHINA
against Russia

The European Court of Human Rights (Second Section), sitting
on 23 April 2002 as a Chamber composed of

Mr J.-P. COSTA, *President*,

Mr A.B. BAKA,

Mr GAUKUR JÖRUNDSSON,

Mr K. JUNGWIERT,

Mr V. BUTKEVYCH,

Mr M. UGREKHELIDZE,

Mr A. KOVLER, *judges*

and Mrs S. DOLLÉ, *Section Registrar*,

Having regard to the above application lodged on 25 June 1999,

Having deliberated, decides as follows:

THE FACTS

The applicant is a Russian national, born in 1918. She lives in Ardatov, Republic of Mordoviya of the Russian Federation.

A. The circumstances of the case

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

The applicant receives her old-age pension and certain other social benefits from the social security authorities. At the time when the applicant lodged the application the total amount of the social payments that she received was 653 Russian roubles per month.

She claimed that from 1995 to 1998 the amount of these benefits had not been properly calculated. In particular, she alleged that during this period she had been entitled to a special benefit as a widow of a Second World War participant, in accordance with a statute of 7 May 1995 (see the ‘Relevant domestic law’ part below). She applied to the Ardatov District Court of the Mordoviya Republic, claiming pecuniary and non-pecuniary damages in this respect.

On 11 November 1998 the court dismissed the action on the ground that the applicant had been entitled to the social benefit in question, but that before July 1998 she had not applied for it in accordance with the procedure established by that law. The court also noted that since July 1998 the applicant had received the claimed benefit. On 29 December 1998 the Supreme Court of the Mordoviya Republic dismissed the applicant’s appeal against the judgment, finding that the lower court had properly decided the case.

B. Relevant domestic law

The Russian Constitution (Article 39) and the State Pensions Act entitle a person to an old-age pension, the amount of which depends on the employment and related activities record.

The Act of 7 May 1995 entitles Second World War participants and their widows to additional monthly payments.

COMPLAINTS

1. Under Article 6 § 1 of the Convention, the applicant complains that the courts wrongly established the facts and applied the wrong legal norm to her claim for damages.

2. Under Article 1 of Protocol No. 1 to the Convention, she complains about the outcome of the proceedings. In particular, she alleges that the failure of the courts to recognise her property claims and award damages against the social security authorities unjustifiably interfered with her “possessions”. Under this provision the applicant also complains about the insufficient amount of her pension and the other social benefits that she receives in order to maintain a proper standard of living.

THE LAW

1. The applicant alleges a violation of Article 6 § 1 of the Convention, which provides, insofar as relevant, as follows:

“In the determination of his civil rights and obligations ... everyone is entitled to a fair hearing by [a] tribunal”

In particular, she alleges that the courts’ assessment of evidence and their interpretation of domestic law was wrong.

The Court recalls that, in principle, it is not called upon to examine the alleged errors of law and fact committed by the domestic judicial authorities, insofar as no unfairness of the proceedings can be detected (see, *inter alia*, *Daktaras v. Lithuania* (dec.), no. 42095/98, 11/01/2000).

The Court observes that in the present case the domestic courts at two levels of jurisdiction carefully examined the materials in their possession and reached reasoned conclusions as to the merits of the applicant’s claim. Throughout the proceedings the applicant was fully able to state her case and contest the evidence that she considered false. The applicant has therefore not substantiated her complaint of unfairness.

It follows that this aspect of the case is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. This part of the application must therefore be rejected pursuant to Article 35 § 4 of the Convention.

2. The applicant further complains that the outcome of the proceedings in question violated her property rights under the Article 1 of the Protocol No. 1, which provides as follows:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.”

The Court observes that the applicant was recognised as being entitled to claim the additional social benefit under the statute of 7 May 1995. However, it was also established that until July 1998 she had failed to apply for this benefit in accordance with the procedure established by that law. There is no indication that during the period from 1995 to July 1998 there was an interference with her right to receive the social benefit in question. The Court further notes that since July 1998 the applicant has received the benefit.

It follows that the applicant’s claim about a violation of her property rights is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. Accordingly, this part of the application must also be rejected pursuant to Article 35 § 4 of the Convention.

3. As to the applicant’s complaint about the insufficient amount of pension and the other social benefits which she receives, the Court recalls that, in principle, it cannot substitute itself for the national authorities in assessing or reviewing the level of financial benefits available under a social assistance scheme (see, *mutatis mutandis*, *Pancenکو v. Latvia* (dec.), no. 40772/98, 28.10.1999).

The Court observes that the applicant receives her old-age pension and the additional social benefits to which she is entitled in accordance with the relevant domestic legislation. It has not been alleged that there have been delays in the payment of those benefits or that there has been any other interference with the applicant’s “possessions” in this respect, within the meaning of Article 1 of Protocol No. 1.

This being said, the Court considers that a complaint about a wholly insufficient amount of pension and the other social benefits may, in principle, raise an issue under Article 3 of the Convention which prohibits inhuman or degrading treatment. However, on the basis of the material in its possession, the Court finds no indication that the amount of the applicant’s pension and the additional social benefits has caused such damage to her physical or mental health capable of attaining the minimum level of severity falling within the ambit of Article 3 of the Convention.

It follows that this aspect of the case is manifestly ill-founded within the meaning of Article 35 § 3 of the Convention, and that it must be rejected pursuant to Article 35 § 4 of the Convention.

For these reasons, the Court unanimously

Declares the application inadmissible.

S. DOLLÉ
Registrar

J.-P. COSTA
President