



## ECHR recognises the right of parents to be informed of their son's death

In today's **Chamber judgment**<sup>1</sup> in the case of **Lozovyye v. Russia** (application no. 4587/09) the European Court of Human Rights held, unanimously, that there had been:

**a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.**

The case concerned a Russian couple's complaint that the authorities had failed to inform them that their son had been murdered.

The Court found in particular that neither the investigator in charge of the murder case nor the police had used avenues which had been open to them, such as telephone records and the victim's official documents, which could have easily led them to locate the victim's parents. The couple's son had even been buried and a local official had been given the status of victim in the criminal case before the search for his relatives had actually officially ended. The Court therefore concluded that the authorities had not done what could have been reasonably expected of them to locate the parents and inform them of their son's death.

### Principal facts

The applicants, Andrey Lozovoy and Tamara Lozovaya, husband and wife, are two Russian nationals who were born in 1952 and 1954 respectively. They live in the town of Belomorsk in the Republic of Karelia (Russia).

The couple's son was murdered in St Petersburg on 1 December 2005. They eventually learned that criminal proceedings had been instituted against their son's killer and contacted the investigator in charge of the case in February 2006. Their son had however in the meantime been buried as unclaimed and a local official given the status of victim in the criminal case. A few weeks later they were allowed to exhume their son's remains and have him transported to Belomorsk where they had a burial.

In June 2006 the Primorskiy District Court issued an interim decision, finding that the investigator in charge of the murder case had not done enough to find the relatives of the deceased, despite the criminal case file containing information (such as telephone records and the victim's official documents) which could have easily led the authorities to locate the applicants.

However, when the parents brought proceedings for compensation in respect of pecuniary and non-pecuniary damage resulting from the investigator's failure to promptly notify them of their son's death, the Tverskoy District Court of Moscow found that the investigator had not committed any unlawful actions and their claims were dismissed.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its 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. 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).

## Complaints, procedure and composition of the Court

The applicant parents complained in particular that the authorities had failed to notify them in due time of their son's death, arguing that this had left them in a situation of uncertainty as to their son's whereabouts and had deprived them of the possibility to give him a proper burial. The Court decided to examine the parents' complaint under Article 8 (right to respect for private and family life).

The application was lodged with the European Court of Human Rights on 10 November 2008.

Judgment was given by a Chamber of seven judges, composed as follows:

Helena **Jäderblom** (Sweden), *President*,  
Branko **Lubarda** (Serbia),  
Helen **Keller** (Switzerland),  
Dmitry **Dedov** (Russia),  
Pere **Pastor Vilanova** (Andorra),  
Georgios A. **Serghides** (Cyprus),  
Jolien **Schukking** (the Netherlands),

and also Stephen **Phillips**, *Section Registrar*.

## Decision of the Court

First, the Court considered that the authorities' failure to notify the applicants, or even to take steps to inform them, of their son's death before he had been buried had affected their right to respect for their private and family life. Article 8 was therefore applicable in the case.

Given the nature and gravity of the interests at stake in the case, it could have been expected of the authorities that they would make reasonable efforts to locate the parents and inform them of their son's death. However, neither the investigator nor the police had used avenues which had been open to them to locate the parents, as was apparent from the interim decision of June 2006. The Government had not submitted any explanation as to why those steps had not been taken.

The Court, also noting that the domestic legal framework on the matter of notifying relatives of a relative's death lacked clarity, concluded that the authorities had not acted with reasonable diligence in the applicants' case, in violation of Article 8.

### Just satisfaction (Article 41)

The Court held that Russia was to pay the couple 539 euros (EUR) in respect of pecuniary damage, EUR 10,000 in respect of non-pecuniary damage and EUR 374 for costs and expenses.

*The judgment is available only in English.*

---

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on [www.echr.coe.int](http://www.echr.coe.int). To receive the Court's press releases, please subscribe here: [www.echr.coe.int/RSS/en](http://www.echr.coe.int/RSS/en) or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

### Press contacts

[echrp@echr.coe.int](mailto: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.