



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

THIRD SECTION

DECISION

Application no. 32903/22
Mirveta ISUFI
against Serbia

The European Court of Human Rights (Third Section), sitting on 31 March 2026 as a Committee composed of:

Darian Pavli, *President*,

Úna Ní Raifeartaigh,

Mateja Đurović, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 32903/22) against Serbia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 28 June 2022 by Ms Mirveta Isufi (“the applicant”), who was born in 2022, lives in Bujanovac and was represented by Mr M. Radojev on behalf of Praxis, a non-governmental organisation based in Belgrade;

the decision to give notice of the application to the Serbian Government (“the Government”), represented by their Agent, Ms Zorana Jadrijević Mladar;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the written comments submitted by the AIRE Centre and the European Network on Statelessness, which were granted leave to intervene by the President of the Section;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns the alleged failure of the Serbian authorities to enter the applicant’s name into the birth register on account of the fact that

her mother, who had herself been born in Kosovo¹, had no Serbian identity document to provide in support of the relevant request and that such a document was an explicit legal requirement for registering a birth.

2. The applicant is of Romani origin and was born on 3 March 2022 in Vranje Hospital, a State-run medical facility. The applicant lodged her application with the Court through her mother, who retained legal representation on her behalf.

3. On 4 March 2022 Vranje Hospital submitted an electronic birth registration request with the relevant municipal authorities, in accordance with Article 47 § 1 of the Public Registers Act.

4. On 21 September 2022, in accordance with Article 344 § 4 and Article 345 § 3 of the Family Act, the Bujanovac Social Care Centre provided the applicant with a name and a surname, her parents having failed to do so earlier.

5. By 1 February 2023, on the basis of the Non-Contentious Proceedings Act, a court of law ordered that the applicant's mother's birth be entered into the birth register. Previously, as part of a separate set of proceedings concerning the same matter, the court had refused to do so on evidentiary grounds.

6. On 15 May 2023 the applicant's mother was provided with a Serbian identity card.

7. On 22 May 2023 the applicant's father acknowledged his paternity. That declaration was affirmed by the applicant's mother.

8. On 24 May 2023 the municipal authorities informed the applicant of her personal identification number (JMBG).

9. On 22 January 2024 the applicant was provided with a birth certificate containing all of her relevant personal information. The certificate also stated, *inter alia*, that she was a national of the Republic of Serbia.

10. On 20 February 2024 the municipal authorities confirmed that the applicant's mother had retroactively been paid the child support allowance that she had accrued. She was paid, in Serbian dinars, an amount equivalent to approximately 2,601 euros.

11. Article 16 of the Health Insurance Act provided, *inter alia*, that children up to the age of 18, regardless of their circumstances, would have the status of an insured person and as such be entitled to the healthcare guaranteed to all other insured persons. The same applied to all women during pregnancy, delivery and maternity for a period of 12 month after delivery.

12. The Court notes that the AIRE Centre and the European Network on Statelessness, as third-party intervenors, submitted observations on, *inter alia*, the States' obligations under Articles 8 and 14 of the Convention regarding birth registration, identity documents, and nationality. They

¹ All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

emphasised the consequences of non-registration and of the lack of timely registration for the enjoyment of rights and the prevention of statelessness. They also referred to relevant international standards and highlighted alleged discriminatory barriers faced by Romani communities in this context in Serbia, as well as in the Western Balkans more generally.

13. The applicant complained under Article 8 of the Convention that she had suffered a violation of her right to respect for her private and/or family life as a consequence of the “refusal to enter her name into the birth register”. This had allegedly created problems regarding her identity in her relations with her family members and wider society and had deprived her of any legal capacity. The deprivation of her legal capacity had also made it impossible for her to benefit from health insurance or social security schemes, have any property rights, or be recognised as a Serbian national. The applicant also complained under Article 8 of the Convention that the respondent State had had a positive obligation to provide for a legal and practical framework which would have allowed for children to be registered “immediately after birth”, in accordance with the relevant international standards (the applicant referred to Article 7 of the United Nations Convention on the Rights of the Child, Article 24 of the United Nations International Covenant on Civil and Political Rights, and Article 6 of the African Charter on the Rights and Welfare of the Child). The applicant emphasised that “immediately after birth” implied “a defined period of days rather than months” (she referred to UNICEF’s *Implementation Handbook for the Convention on the Rights of the Child*, 3rd edn, September 2007, p. 100) or a period of a “few days or weeks after birth and not months or years later” (she referred to ACERWC’s “General Comment on Article 6 of the African Charter on the Rights and Welfare of the Child”, April 2014, paragraph 79).

14. Under Article 14 of the Convention, read in conjunction with Article 8, the applicant complained that she had been discriminated against in the enjoyment of her private and/or family life as a result of the alleged refusal of the Serbian authorities to enter her name into the birth register. She compared her situation to that of other children whose parents, unlike her mother, had been in possession of valid Serbian identity documents. Moreover, the applicant maintained that she had suffered discrimination on the basis of her Romani origin, an ethnic minority group that had been “almost exclusively” affected by the situation in question.

THE COURT’S ASSESSMENT

15. The Government argued that, given the relevant developments in the present case, the applicant could no longer claim to be a victim within the meaning of Article 34 of the Convention. The applicant’s mother had also initially failed to properly make use of the relevant domestic judicial remedies, which had contributed to the time needed for the applicant’s birth

to be entered into the birth register. In any event, the Serbian legal framework provided for effective remedies in a situation such as the one faced by the applicant.

16. The applicant contested the Government's objections and maintained her complaints as outlined above. The ultimate registration of the applicant's birth could not be considered timely. The applicant also remained a victim within the meaning of the Convention, no acknowledgment of a violation or comprehensive redress having been provided by the Government. In any event, according to the applicant, there was no national legal framework which would have made it possible for children to be registered immediately after birth, and the applicant thus had to effectively use her mother's surname until this registration eventually happened.

17. The Court notes that Vranje Hospital submitted a birth registration request with the relevant municipal authorities on 4 March 2022 – that is, only one day following the applicant's birth in that institution (see paragraphs 2 and 3 above).

18. On 21 September 2022 the Bujanovac Social Care Centre formally provided the applicant with a name and a surname, her parents having failed to do so earlier (see paragraph 4 above).

19. On 24 May 2023, some eight months later, the applicant was provided with a personal identification number (JMBG), which constituted the last key requirement for the registration of her birth (see paragraph 8 above; see also Article 45 of the Public Registers Act). Both parties agreed that the birth registration procedure had been completed at that point – that is, somewhat less than 15 months after the applicant's birth.

20. The birth certificate of 22 January 2024 confirmed the applicant's relevant personal details, including that she was a Serbian national (see paragraph 9 above).

21. Furthermore, throughout this time the applicant and her mother had been entitled to Serbian public health insurance (see paragraph 11 above). The applicant certainly offered no evidence in the proceedings before the Court to the effect that they had ever faced any practical difficulties in that regard. In addition to that, on 25 May 2023 the Bujanovac Hospital had opened an official "health record" (*zdravstveni karton*) in the applicant's own name and, before that, the Vranje Hospital had provided the applicant's mother with medical care in connection with her pregnancy and delivery (see paragraph 2 above).

22. Importantly, on 20 February 2024 the municipal authorities confirmed that the applicant's mother had indeed been retroactively paid the child support allowance due to her in accordance with the applicable Serbian legislation (see paragraph 10 above).

23. Furthermore, the Court considers that the circumstances of the present case are clearly distinguishable from the very specific circumstances in *G.T.B. v. Spain* (no. 3041/19, 16 November 2023). In particular, in that case

the applicant's birth was not registered and he remained without identity documents for a total of 21 years, his mother having only applied for registration when he was 12 years old. Also, the applicant's birth was registered approximately seven years after the authorities became aware that his mother could not be summoned and four years after it became obvious that no further documents could be provided by her in the relevant domestic proceedings. In the Court's view, once it had become clear that no further documents could be provided, a positive obligation under Article 8 of the Convention had arisen for the respondent State to assist the applicant (who had been a vulnerable minor) in securing the registration of his birth (*ibid.*, § 124). It is further noted that the applicant in *G.T.B. v. Spain* had, *inter alia*, a record of psychological issues. As a consequence of not having identity documents, he also encountered difficulties in pursuing academic studies and training programmes and could not secure stable employment, all of which adversely affected his private and family life (*ibid.*, § 126). There are thus no relevantly comparable circumstances to the present case.

24. Lastly, the Court observes that the time taken to complete the birth registration procedure in the specific circumstances of the present case cannot be deemed excessive.

25. In view of the foregoing, the Court concludes that it is no longer justified to continue with the examination of the present application, within the meaning of Article 37 § 1 (c) of the Convention. It is clear from this provision that the Court enjoys a wide discretion in identifying grounds capable of being relied upon in striking out an application on this basis. Such grounds must reside in the particular circumstances of each case (see *Association SOS Attentats and de Boery v. France* [GC], (dec.), no. 76642/01, § 37, ECHR 2006-XIV, and *Kirov and Others v. Bulgaria* (dec.), no. 57214/09, § 40, 9 January 2018; see also, for example, *Mik and Jovanović v. Serbia* (dec.), nos. 9291/14 and 63798/14, § 52, 23 March 2021, and, *mutatis mutandis*, *Sisojeva and Others v. Latvia* (striking out) [GC], no. 60654/00, §§ 102-104, ECHR 2007-I). There are also no particular reasons regarding respect for human rights as defined in the Convention which would require the Court to continue its examination of the case under Article 37 § 1 *in fine*. Accordingly, the application should be struck out of the Court's list of cases.

26. It is, of course, understood in this connection that any issues which could arise in the wider context of the present case but are not directly related to the applicant's situation at the material time cannot be considered *in abstracto* but rather in the particular circumstances of a possible future application (see, *mutatis mutandis*, *Mik and Jovanović*, cited above, § 52, with further references).

27. It is also not necessary for the Court to examine separately the inadmissibility objections raised by the Government in paragraph 15 above

ISUFI v. SERBIA DECISION

(see, *mutatis mutandis*, *Mik and Jovanović*, cited above, § 54, with further references).

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases.

Done in English and notified in writing on 7 May 2026.

Olga Chernishova
Deputy Registrar

Darian Pavli
President