



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

THIRD SECTION

CASE OF SHIRINOVA v. AZERBAIJAN

(Application no. 19381/16)

JUDGMENT

STRASBOURG

22 September 2026

This judgment is final but it may be subject to editorial revision.

In the case of Shirinova v. Azerbaijan,

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

Mateja Đurović, *President*,

Lətif Hüseynov,

Canòlic Mingorance Cairat, *judges*,

and Olga Chernishova, *Deputy Section Registrar*,

Having regard to:

the application (no. 19381/16) against the Republic of Azerbaijan lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 5 April 2016 by a German national, Ms Emma Mirsalevna Shirinova (*Şirinova Emma Miraselvna*), and an Azerbaijani national, Ms Dilshad Mirsaleh gızı Shirinova (*Şirinova Dilşad Mirsaleh qızı*) (“the applicants”), whose relevant details are listed in the appended table and who were represented by Mr F. Agayev, a lawyer based in Azerbaijan;

the decision to give notice of the complaints concerning Articles 6, 8 and 13 of the Convention and Article 1 of Protocol No. 1 to the Convention to the Azerbaijani Government (“the Government”), represented by their Agent, Mr Ç. Əsgərov, and to declare the remainder of the application inadmissible;

the decision of the German Government not to exercise their right to intervene in the proceedings (Article 36 § 1 of the Convention);

the parties’ observations;

Having deliberated in private on 1 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The present case mainly concerns the applicants’ complaint regarding the allegedly unlawful demolition of their flat.

2. The first applicant was the sole owner of a flat with a total surface area of 61 sq. m in a residential building in the Narimanov district of Baku. At the time of the events described below, she lived in Germany. The second applicant – the first applicant’s sister – lived in the flat.

3. In December 2010, the first applicant received a letter from the State authorities inviting her to contact them regarding “the demolition of the building”. By an order of 6 April 2011, the head of the Narimanov District Executive Authority (“the NDEA”) established a commission, composed of representatives of several State authorities, to demolish three buildings, including the one in which the flat in question was situated, and relocate the residents. It appears that the residents were offered other flats in a newly constructed residential building in the same district. The applicants were offered fully renovated flats of 116.1 sq. m and 125.1 sq. m. However, they

rejected those offers, noting their dissatisfaction with the condition of the buildings in which the flats offered were situated, and demanded financial compensation, which was rejected by the relevant authorities.

4. The applicants brought administrative proceedings in Baku Economic-Administrative Court No. 2 against the State Committee on Property Issues, the Baku City Executive Authority (“the BCEA”), the NDEA and two private construction companies A. and M. which were involved in the demolition and in the relocation of residents. They asked the court, *inter alia*, to declare the administrative acts in respect of their relocation null and void and to award the applicants 500,000 Azerbaijani manats (AZN) in respect of pecuniary damage, and AZN 10,000 to the first applicant and AZN 20,000 to the second applicant in respect of non-pecuniary damage.

5. Following the applicants’ request for an injunction, the court granted it on 22 June 2011 and prohibited the defendants from carrying out any demolition, construction, reconstruction or other works liable to damage the flat or hinder its use. On 26 August 2011 the Baku Court of Appeal dismissed the appeal lodged by the State Committee on Property Issues against the injunction. However, the injunction was not complied with and the flat was demolished while the proceedings were pending.

6. By a judgment of 16 May 2012, the court allowed the applicants’ claim in part. It referred to the injunction and established that the building in which the flat in question was situated was demolished in August 2011. It held that there had been a breach of the applicants’ right to peaceful enjoyment of their property and their right to respect for their home. On the basis of the valuation report presented by the applicants, according to which the market value of the flat was AZN 84,000, the court awarded jointly to the applicants that amount, to be paid by company A., and AZN 2,000 for damaged possessions, to be paid by the NDEA, in respect of pecuniary damage. It further awarded AZN 1,000 to the first applicant and AZN 2,000 to the second applicant in respect of non-pecuniary damage. The court also fined the BCEA for failing to comply with the injunction.

7. According to the information provided by the applicants in the application form, on an unspecified date after the first-instance court’s judgment, company A. transferred to them “funds equivalent to AZN 83,000”.

8. The applicants and the BCEA lodged an appeal. By a decision of 1 November 2013, which was subsequently upheld by a decision of the Supreme Court on 29 January 2014, the Baku Court of Appeal quashed the first-instance court’s judgment. It decided that the claims against the private companies should be examined in civil proceedings and declared the rest of the claims inadmissible.

9. Following that decision, the applicants brought civil proceedings against the same respondents (see paragraph 4 above) in the Sabail District Court, asking the court to recognise, *inter alia*, violations of their right to

peaceful enjoyment of their property and their right to respect for their home, and to award them AZN 300,000 in respect of pecuniary damage, and AZN 15,000 to the first applicant and AZN 27,000 to the second applicant in respect of non-pecuniary damage. They further submitted that, although they had received “funds equivalent to AZN 83,000”, that amount had been insufficient.

10. By a judgment of 1 October 2014, the Sabail District Court dismissed the applicants’ claim. Referring, among other provisions, to Article 28 of the Housing Code, the court found that the respondents’ actions had been lawful, as the flat had been in a state of urgent disrepair. It further held that the owner of the flat, that is the first applicant, had already received compensation (see paragraph 7 above) and had had no objection in that regard.

11. The applicants appealed, arguing, among other things, that under Article 28 of the Housing Code the fact that a property was in a state of urgent disrepair had to be confirmed by a court.

12. On 7 April 2015 the Baku Court of Appeal dismissed their appeal, reiterating the first-instance court’s reasoning.

13. The applicants lodged a cassation appeal reiterating their previous arguments. The applicants also complained that the domestic courts had unreasonably interpreted the transfer of “funds of approximately AZN 80,000 to the applicants’ account” as indicating their acceptance of the compensation, despite the fact that they had maintained that their rights had been violated and had persistently pursued their claims.

14. On 5 October 2015 the Supreme Court dismissed the cassation appeal. It held, *inter alia*, that the first applicant had received AZN 80,000 for the flat and that that amount had been determined on the basis of the valuation report commissioned by the applicant herself (see paragraph 6 above).

15. The applicants complained under Article 6 § 1 of the Convention that the civil proceedings instituted by them in connection with the demolition of the flat in question had been unfair; in particular that the domestic courts had delivered unreasoned judgments. They further complained under Article 8 of the Convention and Article 1 of Protocol No. 1 to the Convention that the unlawful demolition of the flat had amounted to a violation of their right to respect for their home and right of property. They also complained under Article 13 of the Convention that they had not been afforded a remedy providing effective protection against the violation of their rights.

THE COURT’S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 1 OF PROTOCOL No. 1 TO THE CONVENTION

16. It is not disputed by the parties that the demolished flat was in the first applicant’s ownership and, as such, constituted her “possession”. In respect

of the second applicant, although she lived in the flat, it has not been substantiated that she had any property rights to it. The second applicant's complaint is therefore incompatible *ratione materiae* with the provisions of the Convention and its Protocols thereto and must be rejected in accordance with Article 35 § 4.

17. The complaint in respect of the first applicant is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

18. In the present case, there was an interference with the first applicant's possessions, as the building in which her flat was situated was demolished by the State authorities. This interference amounted to a "deprivation of possessions" within the meaning of the second sentence of Article 1 of Protocol No. 1.

19. The applicable principles concerning Article 1 of Protocol No. 1 have been summarised, *inter alia*, in *Akhverdiyev v. Azerbaijan* (no. 76254/11, §§ 79-82, 29 January 2015); *Khalikova v. Azerbaijan* (no. 42883/11, §§ 134-36, 22 October 2015); and *Maharramov v. Azerbaijan* (no. 5046/07, §§ 56-60, 30 March 2017). In particular, Article 1 of Protocol No. 1 requires that any interference by a public authority with the peaceful enjoyment of possessions should be lawful: the second sentence of the first paragraph of that Article authorises the deprivation of possessions "subject to the conditions provided for by law" (see *Maharramov*, cited above, § 60).

20. The Court first observes that Article 28 of the Housing Code, referred to by the domestic courts (see paragraph 10 above), establishes an explicit procedure consisting of several steps for the reconstruction and renovation of flats and residential buildings in a state of urgent disrepair. The fact that a flat or building is indeed in such a condition and impossible to renovate has to be confirmed by a court decision. If the owner refuses to demolish or rebuild the property within the time-limit set by the court, it can be sold at a public auction or purchased directly by the State.

21. In the present case, no court decision regarding the condition of the building in which the flat was situated or the impossibility of its renovation was obtained prior to its demolition, and, consequently, the relevant domestic procedure was not followed. To the contrary, the State authorities demolished the flat in question despite an injunction issued by the court, prohibiting the respondents to carry out demolition or any other works liable to damage the flat or hinder its use (see paragraphs 5 and 6 above; compare *Sharxhi and Others v. Albania*, no. 10613/16, § 172, 11 January 2018).

22. The foregoing considerations are sufficient for the Court to conclude that the interference in the present case was not carried out in compliance with "conditions provided for by law" (compare *Akhverdiyev*, cited above, § 99). That conclusion makes it unnecessary to ascertain whether the interference in question pursued a legitimate aim in the public interest or whether a fair balance was struck between the demands of the general interest

of the community and the requirements of the protection of the first applicant's fundamental rights.

23. There has accordingly been a violation of Article 1 of Protocol No. 1 to the Convention in respect of the first applicant.

II. ALLEGED VIOLATION OF ARTICLE 8 OF THE CONVENTION

24. The Government submitted that the first applicant did not reside in the flat in question. The applicants maintained their complaint.

25. The relevant principles concerning the concept of "home" are summarised in, *inter alia*, *Ahmadova v. Azerbaijan* (no. 9437/12, § 41, 18 November 2021).

26. It is clear from the case file that the second applicant lived in the flat in question. It therefore constituted her "home" within the meaning of Article 8 of the Convention.

27. The first applicant lived in Germany. It has been neither argued nor demonstrated that she occasionally stayed in the flat. The Court does not find it established that the applicant retained sufficient and continuous links with the flat for it to be considered her home (compare *Hasanali Aliyev and Others v. Azerbaijan*, no. 42858/11, § 38, 9 June 2022, with a further reference). It therefore rejects the first applicant's complaint as being incompatible *ratione materiae* with the provisions of the Convention, pursuant to Article 35 §§ 3 (a) and 4 of the Convention.

28. The Court notes that the complaint in respect of the second applicant is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

29. The demolition of the flat, which constituted the second applicant's home, interfered with her right to respect for her home (compare *Simonova v. Bulgaria*, no. 30782/16, § 46, 11 April 2023).

30. The Court found above that the demolition of the flat in question was not carried out in compliance with "conditions provided for by law", as the relevant domestic procedure had not been followed (see paragraphs 20-22 above). For the same reasons, the Court finds that the interference with the second applicant's right to respect for her home cannot be considered to be "in accordance with the law", as required by Article 8 § 2 of the Convention (compare *Kolona v. Cyprus*, no. 28025/03, §§ 82-83, 27 September 2007). Having reached this conclusion, the Court is not required to determine whether the interference was "necessary in a democratic society" for one of the aims enumerated in paragraph 2 of Article 8 (see *Khalikova*, cited above, § 129).

31. There has accordingly been a violation of Article 8 of the Convention in respect of the second applicant.

III. OTHER COMPLAINTS

32. As to the applicants' remaining complaints (see paragraph 15 above), having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has dealt with the main legal questions raised by the case and that there is no need to examine the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

33. The first applicant claimed 147,300 euros (EUR) in respect of pecuniary damage, EUR 10,000 in respect of non-pecuniary damage and 4,607 Azerbaijani manats (AZN) in respect of costs and expenses. The second applicant claimed EUR 35,000 in respect of pecuniary damage, EUR 50,000 in respect of non-pecuniary damage and AZN 500 in respect of costs and expenses. Their claims in respect of pecuniary damage contained claims for the market value of the flat and an additional 20% compensation under Presidential Decree no. 689 of 26 December 2007 (see *Aliyeva and Others v. Azerbaijan*, nos. 66249/16 and 6 others, § 70, 21 September 2021). The first applicant further claimed compensation for hardship under Article 66 of the Law on the Expropriation of Land for State Needs (*ibid.*, § 69), and compensation for medical, travel and other expenses. She also submitted that adjustments for inflation and interest rates should be awarded.

34. The Government submitted that the applicants' claims were unsubstantiated and excessive.

35. The Court firstly notes that no direct causal link can be established between the violation found and the part of the first applicant's claim in respect of medical, travel and other expenses (compare *Akhverdiyev v. Azerbaijan* (just satisfaction), no. 76254/11, § 32, 21 March 2019).

36. As to the parts of the claims concerning the additional compensation, the first applicant has never claimed compensation for hardship before the domestic courts. Furthermore, the provisions relied on by the applicants concern the expropriation of property for State needs. The applicants did not raise the issue of the applicability of the above-mentioned provisions in their application submitted to the Court. Moreover, they failed to substantiate the relevance of those provisions to the circumstances of the present case in their observations on the merits of the complaint under Article 1 of Protocol No. 1 to the Convention and their claims for just satisfaction (*ibid.*, § 31).

37. As regards the market value of the demolished flat, the Court firstly refers to its conclusion that the flat constituted only the first applicant's possession (see paragraph 16 above). It further observes that the first applicant received compensation while the first set of proceedings were pending. As to the amount of that compensation, although in their initial claim

in the second set of proceedings and in their application lodged with the Court the applicants submitted that they had received “funds equivalent to AZN 83,000”, in their cassation appeal they referred to the amount as “approximately AZN 80,000” (see paragraphs 7, 9 and 13 above). When dismissing the applicants’ claims, the Supreme Court held that the first applicant had received AZN 80,000, an amount determined on the basis of the valuation report commissioned by her (see paragraph 14 above). The first applicant did not provide the Court with a copy of the report in question (see paragraph 6 above) nor submitted any other supporting evidence demonstrating that the compensation received was not reasonably related to the value of the flat at the relevant time. In the light of these considerations, the Court dismisses both applicants’ claims in respect of pecuniary damage.

38. However, the Court accepts that the applicants suffered some distress as a result of the violations found and awards each applicant EUR 3,000 in respect of non-pecuniary damage, plus any tax that may be chargeable on that amount.

39. Having regard to the documents submitted, the Court considers it appropriate to award the applicants jointly EUR 1,500 in respect of costs and expenses.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 1 of Protocol No. 1 to the Convention admissible in respect of the first applicant, and inadmissible in respect of the second applicant;
2. *Declares* the complaint under Article 8 of the Convention admissible in respect of the second applicant, and inadmissible in respect of the first applicant;
3. *Holds* that there has been a violation of Article 1 of Protocol No. 1 to the Convention in respect of the first applicant;
4. *Holds* that there has been a violation of Article 8 of the Convention in respect of the second applicant;
5. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints;
6. *Holds*
 - (a) that the respondent State is to pay, within three months, the following amounts to be converted into the currency of the respondent State at the rate applicable at the date of settlement:

- (i) EUR 3,000 (three thousand euros) to each applicant, plus any tax that may be chargeable, in respect of non-pecuniary damage;
- (ii) EUR 1,500 (one thousand five hundred euros) jointly to the applicants, plus any tax that may be chargeable to them, in respect of costs and expenses;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

7. *Dismisses* the remainder of the applicants' claim for just satisfaction.

Done in English, and notified in writing on 22 September 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Olga Chernishova
Deputy Registrar

Mateja Đurović
President

SHIRINOVA v. AZERBAIJAN JUDGMENT

APPENDIX

No.	Applicant's name	Year of birth	Nationality	Place of residence
1.	Emma Mirsalaevna SHIRINOVA	1952	German	Fulda, Germany
2.	Dilshad Mirsaleh gizi SHIRINOVA	1959	Azerbaijani	Wetzlar, Germany