



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

FIRST SECTION

CASE OF ROMANI AND CANCELLI v. ITALY

(Applications nos. 54213/19 and 61041/19)

JUDGMENT

STRASBOURG

7 May 2026

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

In the case of Romani and Cancelli v. Italy,

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

Erik Wennerström, *President*,

Raffaele Sabato,

Artūrs Kučs, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 54213/19 and 61041/19) against the Italian Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by the applicants listed in the appended table (“the applicants”), on the various dates indicated therein;

the decision to give notice of the complaint concerning Article 2 of the Convention in its procedural limb to the Italian Government (“the Government”), represented by their Agent, Mr L. D’Ascia, and to declare the remainder of the applications inadmissible;

the parties’ observations;

Having deliberated in private on 2 April 2026,

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

SUBJECT MATTER OF THE CASE

1. The present case concerns the effectiveness and duration of civil proceedings concerning alleged medical negligence which resulted in the deaths of the applicants’ next of kin.

2. As regards application no. 54213/19, the applicants’ mother was hospitalised from 2 until 17 January 2004, and died on 18 January 2004. On 29 April 2005 the applicants brought a civil action against the hospital, seeking compensation for the damage resulting from their mother’s death, which had allegedly been caused by the negligence of the medical staff. The proceedings, which lasted a total of 14 years for three levels of jurisdiction, ended by a judgment of the Court of Cassation delivered on 15 April 2019.

3. As regards application no. 61041/19, the applicant’s daughter – who had been affected since birth by congenital heart problems – was hospitalised from 12 until 20 December 1999. On 29 December 1999 the hospital decided not to readmit her, and she died on the same day. On 18 January 2001 the applicant brought a civil action against the hospital, seeking compensation for the damage sustained on account of the alleged medical negligence in the treatment of his child. The proceedings ended by a judgment of the Court of Appeal of 14 May 2019, after the case had been remitted to that court by the Court of Cassation on 10 January 2017. The civil proceedings lasted a total of 16 years and 7 months for four levels of jurisdiction.

4. In parallel to the application submitted to the Court, the applicant in application no. 61041/19 sought and obtained 3,660 euros as compensation for the excessive length of the proceedings under Law no. 89 of 24 March 2001 (“the Pinto Act”). That compensation was awarded in 2020.

5. The applicants, relying on Articles 2 and 6 of the Convention, complained of the ineffectiveness and length of the domestic civil proceedings concerning the alleged medical negligence which had resulted in the deaths of their next of kin.

THE COURT’S ASSESSMENT

I. JOINDER OF THE APPLICATIONS

6. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

II. PRELIMINARY CONSIDERATIONS

7. The Court notes that, in their observations, the applicants maintained complaints under Article 2 of the Convention in its substantive limb and under Article 8 (application no. 54213/19) and Article 6 § 1 regarding a lack of impartiality of court-appointed experts (application no. 61041/19). The Court observes that these complaints had been declared inadmissible by the President of the Section, acting as a Single Judge, at the communication stage, of which the parties were informed. Thus, these complaints are not part of the case now being examined by the Court.

III. ALLEGED VIOLATION OF ARTICLE 2 OF THE CONVENTION IN ITS PROCEDURAL LIMB

8. Being master of the characterisation to be given in law to the facts of the case, the Court finds it appropriate to examine the applicants’ complaints under Articles 2 and 6 of the Convention only under the procedural limb of Article 2 of the Convention.

A. Admissibility

9. The Government objected to the admissibility of the applications, arguing that the applicants had failed to exhaust all the relevant domestic remedies. In particular, they argued that the applicants should have claimed compensation for the excessive length of the judicial proceedings under the Pinto Act. They pointed out that the applicant in application no. 61041/19 had made use of that remedy only after receiving the Government’s observations, and that the compensation awarded to him (see paragraph 4 above) demonstrated the effectiveness of that remedy.

10. The Court notes that in *G.N. and Others v. Italy* (no. 43134/05, § 101, 1 December 2009), it found that the remedy provided by the Pinto Act was not a sufficient one by which to complain of a breach of the State's procedural obligations under Article 2 of the Convention. The Court sees no reason to depart from that conclusion. Nevertheless, it considers that the sums awarded under the Pinto Act may be taken into account in the context of any just satisfaction award.

11. In respect of application no. 61041/19, the Government further argued that the applicant had failed to lodge an appeal with the Court of Cassation against the Court of Appeal's judgment of 14 May 2019 (see paragraph 3 above). The Court considers that the remedy indicated by the Government cannot be regarded as effective, because it could not remedy the delays that had characterised the previous stages of the procedure.

12. In so far as the Government argued that the applicants were complaining of alleged errors of fact or law and that the applications were therefore of a fourth-instance nature, the Court reiterates that the subject matter of the case concerns the State's compliance with its procedural obligations under Article 2 of the Convention (see paragraph 8 above) and not the merits of domestic decisions.

13. The Court therefore dismisses the Government's preliminary objections and finds that the complaints are not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. They must therefore be declared admissible.

B. Merits

14. The Court notes at the outset that the present case falls to be examined from the perspective of the State's procedural obligations under Article 2 of the Convention in the specific sphere of medical negligence. The relevant general principles have been summarised in *Šilih v. Slovenia* ([GC], no. 71463/01, §§ 192-96, 9 April 2009) and *G.N. and Others v. Italy* (cited above, §§ 96-102).

15. In the instant case, the Court takes note of the long duration of the two sets of civil proceedings, which lasted respectively 14 years and 16 years and 7 months (see paragraphs 2 and 3 above). Additionally, it considers that the civil proceedings brought by the applicants were characterised by significant and unjustified delays. In particular, in respect of application no. 54213/19, the Court notes that the civil proceedings were brought by the applicants in April 2005, that the first-instance judge appointed an expert only in April 2008, and that the subsequent examination lasted for almost two years, until February 2010. As for application no. 61041/19, the Court observes that the first-instance judge appointed an expert only two years and three months after the applicant had brought the civil proceedings; additionally, during the appeal proceedings that started in May 2006, the assessment of the court-appointed expert only began in December 2010.

16. The Court takes note of the argument raised by the Government that, during the proceedings, some hearings had been postponed following requests by the applicants. However, those requests for postponement could not justify scheduling the subsequent hearings several months, if not a year, later. For instance, in application no. 54213/19, following the applicants' request for the postponement of the hearing of December 2008, the subsequent one was held in November 2009. Furthermore, even without considering the delays owing to the applicants' requests for postponement, the length of the civil proceedings remained excessive and could not be solely justified by the complexity and sensitivity of the matter, particularly given the promptness and reasonable expedition that the context required (see *Şilih*, cited above, § 195).

17. Furthermore, contrary to what the Government argued in respect of application no. 54213/19, the Court considers that the sole fact that the second-instance judgment was in favour of the applicants does not justify the excessive length of the proceedings, particularly in the sphere of medical negligence.

18. Accordingly, the Court finds that, even taking into account the complexity and sensitivity of the matter and the need to ensure respect for the applicants' defence rights, the domestic courts failed to act with the required level of diligence and promptness.

19. There has accordingly been a violation of Article 2 of the Convention in its procedural limb.

APPLICATION OF ARTICLE 41 OF THE CONVENTION

20. The applicants in application no. 54213/19 claimed a total of 303,327.88 euros (EUR) in respect of non-pecuniary damage and EUR 22,699.92 in respect of the costs and expenses incurred before the domestic courts and the Court. The applicant in application no. 61041/19 claimed EUR 21,333 in respect of non-pecuniary damage, EUR 99,714.64 in respect of the costs and expenses incurred before the domestic courts and EUR 6,252.32 in respect of the costs and expenses before the Court.

21. The Government contested those claims and argued that the applicants had failed to demonstrate the actual damage they had suffered.

22. As concerns non-pecuniary damage, with regard to application no. 54213/19, the Court awards the applicants jointly the sum of EUR 20,000, plus any tax that may be chargeable. With regard to application no. 61041/19, the Court, taking into account the compensation he received under the Pinto Act (see paragraph 3 above), awards the applicant EUR 16,340, plus any tax that may be chargeable.

23. The Court considers that there is no causal link between the violation in respect of the excessive length of the domestic proceedings and the costs and expenses sustained during those proceedings. Having regard to the documents in its possession, the Court considers it reasonable to award, for

each application, EUR 3,000 to cover the costs for the proceedings before it, plus any tax that may be chargeable to the applicants.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Declares* the applications admissible;
3. *Holds* that there has been a violation of the procedural limb of Article 2 of the Convention;
4. *Holds*
 - (a) that the respondent State is to pay the applicants, within three months, the following amounts:
 - (i) jointly to the applicants in application no. 54213/19, EUR 20,000 (twenty thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage and EUR 3,000 (three thousand euros), plus any tax that may be chargeable to the applicants, in respect of costs and expenses;
 - (ii) to the applicant in application no. 61041/19, EUR 16,340 (sixteen thousand three hundred and forty euros), plus any tax that may be chargeable, in respect of non-pecuniary damage and EUR 3,000 (three thousand euros), plus any tax that may be chargeable to the applicant, 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;
5. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 7 May 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Liv Tigerstedt
Deputy Registrar

Erik Wennerström
President

APPENDIX

List of applications:

No.	Application no. Case name	Date of introduction	Applicant Year of birth Place of residence	Representative's name Location
1.	54213/19 Romani v. Italy	10/10/2019	Nazzareno ROMANI 1964 Pesaro Stefano ROMANI 1967 Pesaro	Fabrizio DINI Fermignano
2.	61041/19 Cancelli v. Italy	14/11/2019	Giovanni CANCELLI 1959 Maglie	Lilia Lucia PETRACHI Lecce Federico DI SALVO Firenze