



FLASH NEWS

10/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 15/10/2020 TO 15/11/2020

RO / MUHAMMAD AND MUHAMMAD v ROMANIA [GC]

Procedural safeguards in case of expulsion of aliens - Expulsion on grounds of national security - Classified information - Right to be informed of the relevant factual elements underlying the expulsion decision

Infringement of Article 1 of Protocol No 7 (procedural safeguards in case of expulsion of aliens) to the ECHR.

The applicants, Pakistani nationals lawfully resident in Romania, complained that they had not been afforded adequate procedural safeguards and had not been able to defend themselves effectively in the proceedings in which they had been declared undesirable and removed from Romanian territory. They maintained, in that regard, that neither they nor their lawyers had had the opportunity to acquaint themselves with the concrete facts of which they were accused, since the proceedings against them were based on documents classified as 'secret'.

Judgment of 15/10/2020 (application No 80982/12) ([FR](#) / [EN](#))

Press release ([FR](#) / [EN](#))

PL / ĆWIK v POLAND

Right to a fair trial - Admission of evidence obtained through ill-treatment by private individuals - Lack of fairness of the proceedings as a whole

Infringement of Article 6 §1 (right to a fair trial) of the ECHR.

The applicant, a Polish national on trial for trafficking in cocaine, alleged that the domestic courts should not have admitted as evidence the transcript of a third party's statements obtained through the ill-treatment of that third party by members of a criminal gang.

Judgment of 5/11/2020 (application No 31454/10) ([EN](#))

Press release ([FR](#) / [EN](#))

RO / NAPOTNIK v ROMANIA

Prohibition of discrimination - Reference to CJEU case law - Recall, on grounds of pregnancy, of a diplomat posted abroad - Necessity for the proper functioning of the consular section of the embassy

Non-infringement of Article 1 of Protocol No 12 (general prohibition of discrimination) to the ECHR.

The applicant, a diplomat, claimed to be a victim of gender discrimination. She alleged that, because of her pregnancy, she had been recalled from her post at the Romanian Embassy in Ljubljana, where she dealt with requests for assistance from Romanian nationals in an emergency situation.

Judgment of 20/10/2020 (application No 33139/13) ([EN](#))

Press release ([FR](#) / [EN](#))

FR / HONNER v FRANCE

Right to respect for family life - Right of access to a child born by MAP to a former companion - Preservation of the link between a child and persons other than his or her ascendants

Non-infringement of Article 8 (right to respect for family life) of the ECHR.

The applicant, a French national who had entered into a civil solidarity pact and then separated from her partner, complained that the refusal to grant her access to the child that her former partner had had by medically assisted procreation (MAP) in Belgium when they were a couple, the result of a joint parental project and which she had raised during the first years of its life, violated her right to respect for her family life.

Judgment of 12/11/2020 (application No 19511/16) ([FR](#))

Press release ([FR](#) / [EN](#))