



FLASH NEWS

15/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 01/10 TO 12/10/2018

CH / MUTU AND PECHSTEIN vs. SWITZERLAND

Right to a fair trial - Arbitration before the Court of Arbitration for Sport (CAS)

Non-violation of Article 6 § 1 (right to a fair trial) of the ECHR with respect to the alleged lack of independence and impartiality of the CAS.

Violation of Article 6 § 1 (right to a fair trial) of the ECHR with regard to the lack of a public hearing before the CAS.

The applicants, a professional football player and speed skater, complained about the arbitration proceedings before the CAS in which they were involved. They argued that the CAS cannot be considered an independent and impartial tribunal and that a public hearing must be held when a request is made in this regard.

Judgment of 02.10.2018 (applications nos. 40575/10 and 67474/10) ([FR](#))
Press release ([FR](#) / [EN](#))

ES / AUMATELL I ARNAU vs. SPAIN

Right to a fair trial - No punishment without law - Participation in the organisation of the referendum on the independence of Catalonia

Inadmissibility of the application owing to its clearly unfounded nature [article 35 §§ 3 a) and 4 of the ECHR].

The applicant, a member of an electoral office set up for the referendum on the independence of Catalonia, was subject to a daily penalty so that it ceases to participate in the preparation of the referendum, deemed illegal by the Constitutional Court. She alleged, before the ECtHR, that the penalty was not notified to her, that being a member of an electoral office was not a crime and that she had been subjected to political persecution.

Decision communicated on 04.10.2018
(application no. 70219/17) ([FR](#))
Press release ([FR](#) / [EN](#))

IT / SV vs. ITALY

Right to respect for private and family life - Request for change of first name of a transgender person

Violation of article 8 (right to respect for private and family life) of the ECHR.

The applicant, bearing a male given name at birth but having lived as a woman under a female name, complained of the refusal of Italian authorities to change her name on the ground that she had not yet undergone a gender reassignment surgery (already authorised by the competent court) and that a final judicial decision indicating the gender transition had not been made.

Judgment of 11.10.2018
(Application no. 55216/08) ([FR](#))
Press release ([FR](#) / [EN](#))

RO / BIVOLARU vs. ROMANIA (no. 2)

Right to a fair trial - Right to respect for private and family life - Interception of telephone conversations - Moral damage

Non-violation of Article 6 § 1 (right to a fair trial) of the ECHR with regard to the absence of a hearing in person of the applicant.

Inadmissibility of the complaint of a violation of Article 8 (right to respect for private and family life) of the ECHR for incompatibility *ratione personae* with the Convention [Article 35 §§ 3 (a) and 4 of the ECHR].

The applicant, a Romanian national staying in Sweden as a political refugee for a criminal conviction in Romania, complained, in particular, that he had not been heard in person by the Romanian court. Moreover, in an action for damages against the State for telephone tapping, he claimed to be a victim of a violation of his right to respect for private life, although the national court accepted his action by granting him a symbolic 1 Romanian leu for the moral damage he suffered.

Judgment of 02.10.2018 (Application no. 66580/12) ([FR](#))
Press release ([FR](#)/[EN](#))