



FLASH NEWS

16/19

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 11/11 TO 22/11/2019

HU / ILIAS AND AHMED vs. HUNGARY [GC]

Prohibition of inhuman or degrading treatment - Asylum seekers - Detention at the border and expulsion

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR due to the expulsion of applicants to Serbia.

Non-violation of Article 3 of the ECHR because of the living conditions in the transit zone.

Inadmissibility of the complaints of violation of Article 5 §§ 1 and 4 (right to liberty and security) of the ECHR for incompatibility *ratione materiae* with the Convention [Article 35 §§ 3 a) and 4 of the ECHR].

The applicants, who were Bangladeshi nationals, were detained at the Hungarian border for 23 days, and after the rejection of their application for asylum, were deported to Serbia. They maintained that their detention at the border transit zone constituted a deprivation of liberty and that their expulsion exposed them to the risk of a chain refoulement to Greece, where they would have been kept under inhuman and degrading conditions. They also complained about the detention conditions of the transit zone.

Ruling of 21.11.2019 (application no. 47287/15) ([FR](#) / [EN](#))

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

Also see, in Flash News no. 1/17, ruling of 14.03.2017, [Ilias and Ahmed vs. Hungary](#), in which the ECHR (Section 4) had established a violation of Articles 5 §§ 1 and 4, and 13 of the ECHR, and a non-violation of Article 3 of the ECHR regarding the conditions of detention, but a violation of this provision due to the expulsion of the applicants.

In this respect, refer to the case pending before the Court [Commission / Hungary](#) (C-808/18).

RU / Z.A. AND OTHERS v. RUSSIA [GC]

Prohibition of inhuman or degrading treatment - Right to liberty and security - Asylum seekers - Confinement in an airport transit zone

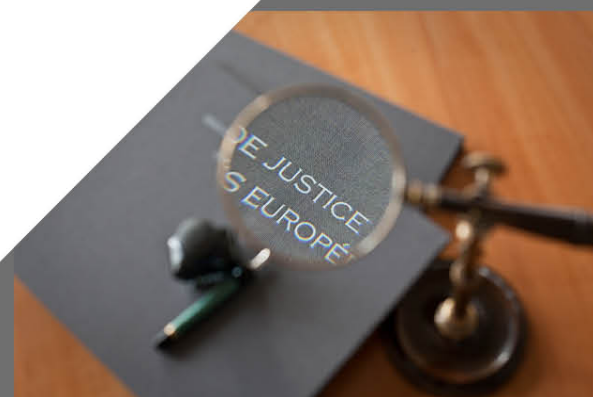
Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR.

Violation of Article 5 § 1 (right to liberty and security) of the ECHR.

The applicants, asylum seekers who arrived at the Sheremetyevo airport, Moscow, spent many months in the transit zone of this airport, before being relocated by the Office of the United Nations High Commissioner for Refugees (UNHCR) to other countries or voluntarily leaving Russia. The applicants claimed that their confinement in the transit zone constituted an unlawful deprivation of liberty and also complained about their living conditions in this zone.

Ruling of 21.11.2019 (application nos. 61411/15, 61420/15, 61427/15 and 3028/16) ([FR](#) / [EN](#))

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



FI / N.A. v. FINLAND

Right to life - Prohibition of inhuman or degrading treatment - Expulsion of an asylum seeker - Victim of an attack after returning to the country of origin

Violation of Article 2 (right to life) of the ECHR.

Violation of Article 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR.

The father of the applicant, an Iraqi national, had requested asylum in Finland, after having been the target of two attacks in Iraq due to tensions between the Muslim groups of Shiites and Sunnis. The Finnish authorities had denied his application on the grounds that Sunni Muslims were not persecuted as such in Iraq and that the applicant was not exposed to a real risk of persecutions. After returning to his country of origin, he was killed. According to the applicant, the assessment of risks conducted by the Finnish authorities did not meet the requirements of the case-law of the ECHR.

Ruling of 14.11.2019 (application no. 25244/18) ([EN](#))
Press release ([FR](#) / [EN](#))

NO / K.O. and V.M. v. NORWAY

Right to respect for family life - Restrictions on contact between parents and their child - Best interests of the child

Non-violation of Article 8 (right to respect for private and family life) of the ECHR as regards the placement of the applicants' daughter.

Violation of Article 8 of the ECHR as regards the right of access granted to the parties concerned.

The daughter of the applicants, a Norwegian couple, was placed with a foster family in 2015, a few weeks after her birth. Additionally, according to social welfare services and the competent court, it was not in the best interests of the child to grant the parents an extended right of access. The family was reunited in 2018. The applicants are challenging the decision of placement, as well as the granting of a very restricted right of access, limited to two hours, four times, and then six times a year.

Ruling of 19.11.2019 (application no. 64808/16) ([EN](#))
Press release ([FR](#) / [EN](#))

Also see, in Flash News no.12/19, ruling of 10.09.2019, [Strand Lobben and others vs. Norway](#), in which the ECHR (grand chamber) recalled the general principles applicable to child protection measures.