



FLASH NEWS

1/17

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW OF MARCH 2017

UK / AHMED v. THE UNITED KINGDOM

Detention pending extradition – Facilitated return measures – Standard of lawfulness

No violation of Article 5, § 1, f) (Right to liberty and security) and 34 (Right of individual petition) of the Convention.

The applicant, a Somali national, complained that the domestic law governing administrative detention of immigrants prior to expulsion had not been sufficiently precise, accessible and foreseeable for it to meet the standard of lawfulness, and disputed measures that would voluntarily return him to Somalia and his continued detention despite an interim measure granted by the European Court of Human Rights.

Judgement of 02.03.2017 (application no. 59727/13) - -

Press release

IS / OLAFSSON v. ICELAND

Defamation – Publication in good faith, in compliance with journalistic standards – Public interest

Violation of Article 10 (Freedom of expression) of the Convention.

The applicant, an Icelandic national who was an editor of a web-based media site, published an article on a political candidate. Claiming that the article had been published in good faith, in compliance with ordinary journalistic standards, he complained that the Icelandic Supreme Court's judgment against him had unlawfully interfered with his right to freedom of expression.

Judgement of 16.03.2017 (application no. 58493/13)

Press release - -

IT / TALPIS v. ITALY

Inaction of the Italian authorities – Discrimination – Protection against domestic violence

Violation of Article 14 (Prohibition of discrimination) taken in conjunction with Articles 2 (Right to life) and 3 (Prohibition of inhuman or degrading treatment) of the Convention.

The applicant complained of the failure of the Italian authorities in their obligation to provide protection against domestic violence that had led to the death of her son and her own attempted murder, as well as discrimination as a woman on account of the inaction of the authorities, criticising the inadequacy of the Italian legislation on domestic violence.

Judgement of 02.03.2017 (application no. 41237/14)

Press release

FR / GOURI v. FRANCE

Sickness insurance – Disability allowance – Requirement of residence

Application declared inadmissible as there are no grounds of discrimination prohibited by Article 14 (Prohibition of discrimination) of the Convention: the applicant was not in a situation comparable to that of people living in France.

The applicant, an Algerian national living in Algeria, argued that the imposition of the requirement of residence in France by a Sickness Insurance Department for receipt of a supplementary disability allowance was discriminatory.

Decision of 23.03.2017 (application no. 41069/11)

Press release

HU / ILIAS AND AHMED v. HUNGARY

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

Violation of Articles 5 §§ 1 and 4 (Right to liberty and security) and 13 (Right to an effective remedy) of the Convention. **No violation** of Article 3 (Prohibition of inhuman or degrading treatment) of the Convention as concerned the conditions of the applicants' detention but **violation** on account of their expulsion.

The applicants, Bangladeshi nationals, had been held in the Hungarian border zone for 23 days before being sent to Serbia. They alleged that their detention in the transit zone amounted to a deprivation of liberty and that their expulsion exposed them to possible chain-refoulement to Greece, where they were at risk of inhuman and degrading reception conditions.

Judgement of 14.03.2017 (application no. 47287/15)

Press release

HR / ŠKORJANEC v. CROATIA

Anti-Roma hate crime – Victim attacked because of her association with a Roma – Lack of effective procedural response

Violation of Article 3 (Prohibition of inhuman or degrading treatment) taken in conjunction with Article 14 (Prohibition of discrimination) of the Convention.

The applicant, a Croatian national, had been attacked when she went to the aid of her partner, who had himself been attacked on the grounds of his Roma origin. As the applicant is not of Roma origin, the Croatian authorities refused to prosecute her attackers for a hate crime against her.

Judgement of 28.03.2017 (application no. 25536/14)

Press release

DE / WOLTER AND SARFERT v. GERMANY

Children born out of wedlock – Entitlement to inheritance – Discrimination

Violation of Article 14 (Prohibition of discrimination) of the Convention taken in conjunction with Articles 1 of Protocol No. 1 (Protection of property) and 8 (Right to respect for private and family life).

A German law stated that children born out of wedlock prior to 1 July 1949 were not entitled to inherit. The difference in inheritance was amended in 2009, although only in cases where the deceased had died after 28 May 2009. As both applicants' fathers had died before the cut-off date, they complained that the rulings by the German courts not to apply the legislative change retrospectively was discriminatory.

Judgement of 23.03.2017 (applications nos. 59752/13 and 66277/13); see also the judgement of 09.02.2017 (application no. 29762/10)

Press release

GR / CHOWDURY AND OTHERS v. GREECE

Trafficking in human beings – Forced labour – Migrants forced to work in extreme conditions and without payment

Violation of Article 4 § 2 (Prohibition of forced labour) of the Convention.

The applicants, 42 Bangladeshi nationals who did not have work permits, were recruited to pick strawberries on a farm in Greece. Their employers failed to pay their wages and obliged them to work in difficult physical conditions under the supervision of armed guards. The applicants complained about the Greek courts' decision to acquit their employers of the charge of trafficking in human beings.

Judgement of 30.03.2017 (application no. 21884/15)

Press release