



FLASH NEWS

1/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 09/12/2019 TO 17/01/2020

LT / RINAU v LITHUANIA

Right to respect for family life - Wrongful non-return of a child - Procedural fairness concerning the return of that child

Infringement of Article 8 (right to respect for private and family life) of the ECHR.

The applicants, a German national and his daughter, of Lithuanian and German nationality, complained about the manner in which the Lithuanian authorities had conducted the procedure for enforcing the German decision ordering the return of the child to Germany. They argued in particular that the case was politicised, politicians having tried to influence the decision-making process in favour of the mother, a Lithuanian national. In particular, the European Court of Human Rights underlines the public, political and institutional pressures exerted and is disturbed by what it considers to be concerted official steps, in particular by members of parliament and a member of the government, to ensure that the child remains in Lithuania.

Judgment of 14/01/2020 (application no. 10926/09) ([EN](#))

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

See, concerning the recognition of the return order, judgment of 11 July 2008, Rinau, [C-195/08 PPU](#), EU:C:2008:406

RU / X ET AL. v RUSSIA

Right to respect for private and family life - Shortcomings of the justice system - Disclosure of personal information on a court's website

Inadmissibility of the complaint under Article 6 §1 (right of access to a court) of the ECHR in its civil section.

Infringement of Article 8 (right to respect for private and family life) of the ECHR, as a result of the publication of a judgment disclosing information about the adoption of the applicants' children on the website of a national court.

Infringement of Article 13 (right to an effective remedy) of the ECHR, in conjunction with Article 8, in respect of the same applicants.

The applicants, Russian nationals who had adopted two children, complained in particular about the full publication on the Internet of the court decision containing their names and those of their adopted children, claiming that the authorities had violated the secrecy of adoption. They further considered that they had had no recourse enabling them to be compensated for the damage suffered.

Judgment of 14/01/2020 (applications nos. 78042/16 and 66158/14) ([ER](#))

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

RO / D ET AL. v ROMANIA

Right to an effective remedy - Measure to expel an Iraqi national to his country of origin - No suspensive effect of his appeal against said measure

Non-infringement of Articles 2 (right to life) and 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR in case of implementation of the decision to deport to Iraq.

Infringement of Article 13 (right to an effective remedy) of the ECHR, in conjunction with Articles 2 and 3.

The applicant, an Iraqi national convicted in Romania for facilitating the entry into the territory of persons involved in terrorist activities, alleged in particular that he would be exposed to the death penalty or torture if deported to Iraq. He further complained that he had not had the benefit of an appeal with suspensive effect before the domestic courts, arguing that such an appeal would have enabled him to have his claims concerning the risks he faced in the event of expulsion to his country of origin examined.

Judgment of 14/01/2020 (application no. 75953/16) ([ER](#))

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

TR / KAVALA v TURKEY

Right to liberty - Detention for attempted overthrow of government - Indication of an individual measure for immediate release

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

Infringement of Article 5 §4 (right to a prompt decision on the lawfulness of detention) of the ECHR.

Infringement of Article 18 (limitation of the application of restrictions of rights) in conjunction with Article 5 §1 of the ECHR.

On the basis of Article 46 (binding force and execution of judgments) of the ECHR, the European Court of Human Rights considers that the respondent State must take all necessary **measures** to put an end to the applicant's detention and secure his **immediate release**.

The applicant, a Turkish national, was suspected by the national authorities of attempting to overthrow the government and the constitutional order. Arrested and detained on this basis, he considered in particular that his arrest and detention on remand were arbitrary, in the absence of any evidence that would make the commission of such offences plausible. He further asserted that his detention had an ulterior motive, namely to punish him as a critic of the government and to silence him as a human rights defender.

Judgment of 10/12/2019 (application no. 28749/18)
([FR](#) / [EN](#))

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

LT / BEIZARAS AND LEVICKAS v LITHUANIA

Prohibition of discrimination based on sexual orientation - Right to respect for private and family life - Homophobic hate speech on Facebook - Refusal to open an investigation

Infringement of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life) of the ECHR.

Infringement of Article 13 (right to an effective remedy) of the ECHR.

The applicants, two young males in a couple, felt that they had been discriminated against on the basis of their sexual orientation. They complained that the Lithuanian authorities had refused to open a preliminary investigation into hate comments posted on the Facebook page of one of them, the latter having posted a photograph of them kissing on his Facebook page. They further argued that this refusal had deprived them of the possibility of obtaining legal redress.

Judgment of 14/01/2019 (application no. 41288/15)
([EN](#))

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