



FLASH NEWS

2/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 20/01 TO 31/01/2020

HU / MAGYAR KÉTFARKÚ KUTYA PÁRT v HUNGARY [GC]

Freedom of expression - Referendum on the resettlement of migrants - Mobile application allowing voters to share invalid ballot papers

Infringement of Article 10 (right to freedom of expression) of the ECHR.

The applicant, a Hungarian political party, complained about the fine imposed on it for providing voters with a mobile phone application allowing them to share and comment on photos of their invalid ballot papers during the 2016 referendum on EU plans for the resettlement of migrants. The applicant also challenged the prohibition imposed on the application.

Judgment of 20/01/2020 (application no. 201/17) ([FR](#) / [EN](#))

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

See also, in Flash News no. 2/18, the judgment of 23/01/2018, [Magyar Kétfarkú Kutya Párt v Hungary](#), in which the the European Court of Human Rights (Fourth Section) had also found an infringement of Article 10 of the ECHR.

DE / BREYER v GERMANY

Right to respect for private and family life - Retention of personal data enabling the identification of users of prepaid SIM cards

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

The applicants, two German nationals using prepaid SIM cards, complained about the collection and storage of their personal data by telecommunications operators following the amendment of a German law in 2004. They alleged that the measure in question constituted a serious interference with the exercise of their rights.

Judgment of 30/01/2020 (application no. 50001/12) ([EN](#))

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

FR / J.M.B. ET AL. v FRANCE

Right to an effective remedy - Prohibition of inhuman or degrading treatment - Prison overcrowding - Conditions of detention - Ineffective preventive remedy - Structural phenomenon

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

Infringement of Article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

On the basis of Article 46 (binding force and execution of judgments) of the ECHR, the European Court of Human Rights held that the respondent State must take **general measures** to alleviate prison overcrowding and establish an effective preventive remedy in practice.

The thirty-two applicants, held in various French prisons, criticised their conditions of detention and complained that they did not have an effective remedy to stop or improve those conditions. In view of the French prison situation, the applicants also asked the European Court of Human Rights to enact general measures.

Judgment of 30/01/2020 (application no. 9671/15 and 31 others) ([FR](#))

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

GE / STUDIO MONITORI ET AL. v GEORGIA

Freedom of expression - Access to information held by a public authority - Information concerning criminal cases

Non-infringement of Article 10 (right to freedom of expression) of the ECHR.

The complainants, an NGO engaged in investigative journalism, a journalist and a lawyer, all three Georgian, alleged that the judicial authorities had denied them access to information of public interest concerning criminal cases.

Judgment of 30/01/2020 (applications nos. 44920/09 and 8942/10) ([EN](#))

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

OTHER INFORMATION

Referral of a case to the Grand Chamber

On 27 January 2020, the case **Savran v Denmark** (application no. 57467/15) was referred to the Grand Chamber.

In this case, the applicant, a Turkish national residing in Denmark with his family since 1991, had been the subject of a deportation order following a conviction for aggravated violence causing the death of the victim. He alleged that, in view of his mental health, his removal to Turkey would violate his rights under Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the ECHR (see ECHR Flash News no. 13/19 for the Chamber judgment).

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

Annual activity report of the European Court of Human Rights and statistics for 2019

On 29 January 2020, the European Court of Human Rights published its annual activity report and statistics for 2019. During 2019, 884 judgments were delivered and 38,480 applications were declared inadmissible or struck off the cause list. The European Court of Human Rights and its Registry continue to implement new methods and procedures to speed up the processing of pending cases, which numbered 59,800 at the end of 2019. Moreover, the States in respect of which the greatest number of judgments finding at least one violation of the ECHR were delivered were Russia, Ukraine, Turkey and Romania.

In the annual report, the President of the European Court of Human Rights also referred to the key events of the year, including the first advisory opinion (issued under Protocol no. 16) and the first action for failure to fulfil obligations. He also stressed that the dialogue had continued with the Court of Justice of the European Union.

Annual report 2019 ([FR](#) / [EN](#))

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