



FLASH NEWS

5/18

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 26/02 TO 11/03/2018

HU / ROYER v. HUNGARY

Right to respect for family life - International child abduction - Non-enforcement of decisions concerning the rights of custody and requiring the return of the child

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

The applicant, a French national residing in France, who is the father of a child, who was abducted by the mother and taken to Hungary, complained about the refusal of the Hungarian courts to order the return of his son to France. These courts had refused to enforce the decisions of their French counterparts organising a shared custody between the parents in France, on the grounds that making the child leave Hungary would not be in his best interest.

Ruling of 06.03.2018 (application no. 9114/16) ([EN](#))
Press release ([FR](#) / [EN](#))

DE / EJIMSON v. GERMANY

Right to respect for family life - Immigration - Obligation of granting a residence permit

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

After having served a prison sentence of seven years in Germany, the applicant, a Nigerian national, who was the father of a German daughter, requested for a residence permit, although an expulsion order, which had become final, had been issued against him. He complained against the German authorities before the ECHR for having refused this residence permit, while he was leading a family life with his daughter in Germany.

Ruling of 01.03.2018 (application no. 58681/12) ([EN](#))
Press release ([FR](#) / [EN](#))

LV / R.Š. v. LATVIA

Right to life - Air accident - Compensation for physical injury of the passengers

Non-violation of article 2 (right to life) of the ECHR.

The applicant, a Latvian national who had been seriously injured during an aircraft crash, complained about the impossibility of obtaining compensation for his injuries. In fact, his appeal for compensation had been dismissed by the national courts on the grounds that neither the airline operating the aircraft nor the airline's owner could be held responsible for the human error of the pilot who caused the accident. The applicant stated before the ECHR that the State should be held responsible for any shortcomings in the regulations relating to the safety of private flights.

Ruling of 08.03.2018 (application no. 44154/14) ([EN](#))
Press release ([FR](#) / [EN](#))

RO / CERNEA v. ROMANIA

Right to free elections - Legislative by-elections - Exclusion of parties not represented in the Parliament

Non-violation of article 14 (prohibition of discrimination) of the ECHR combined with article 3 of Protocol no. 1 (right to free elections) to the ECHR.

The applicant, a member of the Romanian Ecological Party, complained that his candidacy to the legislative by-elections, organised to fill a seat of a Member that had become vacant, had been rejected, based on a law amended less than one year before these elections, on the grounds that his party was not represented in the Parliament.

Ruling of 27.02.2018 (application no. 43609/10) ([FR](#))
Press release ([FR](#) / [EN](#))

LT / MOCKUTĖ v. LITHUANIA

Right to privacy - Freedom of religion - Treatment in a psychiatric hospital - Broadcasting of personal information on television

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

Violation of article 9 (freedom of thought, conscience and religion) of the ECHR.

The applicant, a Lithuanian national who had been hospitalised against her will in a psychiatric hospital, was the subject of a documentary that was shown on national television, in which her case was shown under a pseudonym. She criticised the hospital for having disclosed extremely sensitive and personal confidential information about her private life. She also stated that the hospital had prevented her from practicing her religion.

Ruling of 27.02.2018 (application no. 66490/09) ([EN](#))

Press release ([EN](#))

TR / AGIT DEMIR v. TURKEY

Right to liberty and security - Freedom of assembly and of association - Manifestation relating to the Kurdish issue - Minor put in provisional detention

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

Violation of article 11 (freedom of assembly and of association) of the ECHR.

The applicant, a Turkish national who was 13 years old at the time of the events, complained of having been put under provisional detention and having been convicted later, for having participated in a manifestation showing support to Abdullah Öcalan (the head of the PKK), where he had thrown stones at the security forces. He also complained about the duration of his detention and for not having had an effective remedy to contest the same.

Ruling of 27.02.2018 (application no. 36475/10) ([FR](#))

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