



FLASH NEWS

8/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 16/07 TO 11/09/2020

BG / VELKOV v BULGARIA

Ne bis in idem - Offence of disturbing public order during a sports competition - Administrative and criminal proceedings

Infringement of Article 4 of Protocol No 7 (right not to be tried or punished twice) of the ECHR.

The applicant, a Bulgarian national, complained that he had been convicted twice for the same offence of disturbing public order during a football match. In particular, he felt that the two proceedings (criminal and administrative) brought against him were not connected by a sufficiently close material link. In his view, these two proceedings were punitive in nature and, therefore, did not pursue complementary goals.

Judgment of 21/07/2020 (application No 34503/10) ([FR](#))
Press release ([FR](#) / [EN](#))

CH / VELJKOVIC-JUKIC v SWITZERLAND

Right to respect for private life - Immigration - Revocation of a settlement permit of a foreign national who has committed an offence

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

The applicant, a Croatian national residing in Switzerland since the age of 14, had had her settlement permit revoked because she had been sentenced to a custodial sentence for a narcotics offence. Her removal from Switzerland had also been ordered, as well as a temporary ban on entry into the country. She argued that the dismissal would result in a separation from her husband and three children, which was a very severe measure.

Judgment of 21/07/2020 (application No 59534/14) ([FR](#))
Press release ([FR](#) / [EN](#))

PL / M.K. AND OTHERS v POLAND

Prohibition of inhuman or degrading treatment - Asylum procedure - Submission of asylum applications prevented by border guards - Non-execution by the State of interim measures

Infringement of Article 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR, Article 4 of Protocol No 4 (prohibition of collective expulsion of aliens) to the ECHR and Article 13 (right to an effective remedy) of the ECHR, in conjunction with Article 3 of the ECHR and Article 4 of Protocol No 4.

Failure by Poland to fulfil its obligations under Article 34 (individual applications) of the ECHR.

The applicants, Russian nationals of Chechen origin, complained that the Polish border control authorities had repeatedly refused to allow them to enter Poland from Belarus to lodge an asylum application. They claimed that they had thus been deprived of access to asylum procedures and feared that they would be returned to Chechnya where they would be at risk of treatment contrary to Article 3 of the ECHR. They also complained that they had been subject to collective expulsion, as well as the lack of an effective remedy to challenge the disputed decisions. Furthermore, they argued that the Polish government had failed to comply with the interim measures adopted by the Court in June 2017, according to which they should not be returned to Belarus.

Judgment of 23/07/2020 (applications Nos 40503/17, 42902/17 and 43643/17) ([EN](#))
Press release ([FR](#) / [EN](#))

See ECHR Flash News No 19/18 for another case concerning the applicants [M. A. and others v Lithuania, judgment of 11/12/2018, application No 59793/17 ([EN](#))]

NL / PORMES v NETHERLANDS

Right to respect for private life – Immigration – Refusal to grant a residence permit – Foreign national posing a danger to society

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

The applicant, an Indonesian national, complained about the refusal of the Dutch authorities to grant him a residence permit even though he had lived in the Netherlands since his early childhood. His application had been rejected on the grounds that he had been a danger to society since a recent criminal conviction. The applicant alleged that, in refusing to grant him a residence permit, the national authorities had given excessive weight to his criminal record and failed to take into account his family life with his adoptive parents and his strong social and cultural ties with the Netherlands.

Judgment of 28/07/2020 (application No 25402/14) ([EN](#))

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

BE / MAHI v BELGIUM

Freedom of expression – Comments incompatible with a teacher's duty of reserve – Disciplinary sanction

Inadmissibility of the application on the grounds that it is manifestly ill-founded [Article 35 §§ 3 and 4 of the ECHR].

Citing Articles 8 (right to respect for private and family life) and 10 (freedom of expression) of the ECHR, the applicant, a Belgian national, a professor of Islamic religion, complained that he had been subject to a sanction of disciplinary transfer to another establishment, because of remarks contained in an open letter. In this letter addressed to the press, he expressed himself, in particular, on the attacks in 2015 in France against the newspaper *Charlie Hebdo*, on homosexuality and referred to an author convicted in France for denial of the Holocaust, whom he presented as his "master of thought".

Decision communicated on 3/09/2020 (application No 57462/19) ([FR](#))

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

FR / B.G. AND OTHERS v FRANCE

Prohibition of inhuman or degrading treatment – Asylum seekers – Decent material reception conditions – Absence of material deprivation reaching the required threshold of seriousness

Non-infringement of Article 3 (prohibition of torture and inhuman or degrading treatment) of the ECHR.

Inadmissibility of the complaint alleging a violation of Article 8 (right to respect for private and family life) of the ECHR on the grounds that it is manifestly ill-founded [Article 35 §§ 3 and 4 of the ECHR].

The applicants, asylum seekers, Albanian, Bosnian and Kosovar nationals, forming four families accompanied by minor children, complained that they had been accommodated by the French authorities for several months in a tent camp, on concrete, in a car park and that they had not benefited from the material and financial support provided for by national law. They pointed out that these living conditions during this period were particularly inappropriate for very young children.

Judgment of 10/09/2020 (application No 63141/13) ([FR](#))

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