



## FLASH NEWS

02/21

# EUROPEAN COURT OF HUMAN RIGHTS

## OVERVIEW FROM 15/01 TO 12/02/2021

### BG / X AND OTHERS v BULGARIA [GC]

**Prohibition of inhuman or degrading treatment - Appropriate legislative and regulatory framework to protect vulnerable children from sexual abuse - Failure to investigate effectively**

**Non-infringement** of the substantive part of Article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

**Infringement** of the procedural aspect of Article 3 of the ECHR.

The applicants, Italian nationals of Bulgarian origin, alleged that they had suffered sexual abuse and violence at the Bulgarian orphanage where they had been staying prior to their adoption by an Italian couple. They considered that the Bulgarian authorities had failed to fulfil their obligations to protect them from such treatment and to conduct an effective investigation on the basis of the evidence they had provided, which had been considered credible by the Italian authorities.

Judgment of 02/02/2021 (application No 22457/16) ([FR](#) / [EN](#))

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

### DK / STRØBYE AND ROSENLIND v DENMARK

**Right to free elections - Prohibition of discrimination - Deprivation of the right to vote due to legal incapacity**

**Non-infringement** of Article 3 of Protocol No 1 (right to free elections) to the ECHR.

**Non-infringement** of Article 14 (prohibition of discrimination) of the ECHR.

The applicants, Danish nationals, complained that they had been unlawfully deprived of their right to vote following the withdrawal of their legal capacity. Whereas in 2016, a legislative reform had given them the right to vote in European and local elections, their right to vote in general elections was only restored to them in 2019. They felt that this deprivation of their right to vote was unjustified and arbitrary.

Judgment of 02/02/2021 (applications No 25802/18 and No 27338/18) ([EN](#))

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

### AL / XHOXHAJ v ALBANIA

**Right to a fair trial - Independent and impartial tribunal - Removal of a judge - Perpetual ban on re-entering the judicial system**

**Non-infringement** of Article 6 §1 (right to a fair trial) of the ECHR.

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

The applicant, a judge of the Albanian Constitutional Court, had been dismissed from the judiciary following a constitutional reform that had led to a 'reassessment' by an independent commission of the assets, background and competences of all Albanian judges and prosecutors. The decisions of this commission were subject to appeal before the competent appeal board. The applicant complained about the lack of independence and impartiality of these re-evaluation bodies. In particular, she criticised the fact that their members had been appointed without the involvement of judicial bodies in the process. She also complained about the unfairness of the procedure concerning her and the arbitrary nature of her dismissal.

Judgment of 09/02/2021 (application No 15227/19) ([EN](#))

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



## CH / LĂCĂTUȘ v SWITZERLAND

**Right to respect for private life - General prohibition of begging - Serious penalty having violated human dignity**

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

The applicant, illiterate and from an extremely poor family, was begging on the public highway in Geneva, which is prohibited by Geneva criminal law. Convicted of begging and sentenced to pay a fine, she was subsequently remanded in custody for a period of 5 days for non-payment of the fine. The applicant argued, inter alia, that this prohibition had inadmissibly infringed her privacy by depriving her of the source of income that enabled her to meet her vital needs.

Judgment of 19.01.2021 (application No 14065/15) ([FR](#))

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

## HR / JURČIĆ v CROATIA

**Prohibition of discrimination - Protection of property - Occupational health insurance for pregnant workers - Refusal to grant following in vitro fertilisation**

**Infringement** of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 1 of Protocol No 1 (protection of property) to the ECHR.

The applicant, a Croatian national, complained that the Croatian authorities had refused to grant her occupational health insurance cover during her pregnancy. She argued that this refusal was the result of discrimination against her as a woman who had undergone in vitro fertilisation treatment.

Judgment of 04/02/2021 (application No 54711/15) ([EN](#))

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

## EL / ANTONOPOULOU v GREECE

**Protection of property - Credit agreement denominated in Swiss francs - Repayment of a sum in euros greater than the capital initially borrowed - Adequate means of recourse**

**Inadmissibility** of the application on the grounds that it is manifestly unfounded [Article 35 §§ 3(a) and 4 of the ECHR].

The applicant, a Greek national who had concluded a loan agreement denominated in Swiss francs, complained that she had been obliged to repay to the bank a sum in euros far greater than that which she had borrowed in Swiss francs. The applicant also considered that the clause in the loan agreement providing for the possibility of repayment of her debt in euros on the basis of parity with the Swiss franc at the exchange rate in force on the day of repayment was unreasonable.

Decision communicated on 11/02/2021 (application No 46505/19) ([FR](#))

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