



## FLASH NEWS

04/22

# EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 2/5 TO 10/6/2022

### LV / SAVICKIS and OTHERS v. LATVIA [GC]

**Prohibition of discrimination - Exclusion of periods of work accumulated in other States of the former USSR from the calculation of pensions of non-citizens who are permanent residents - Difference in treatment justified by legitimate aims**

**Non-infringement** of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 1 of Protocol No 1 (protection of property).

The applicants, born in different territories of the Soviet Union, settled in Latvia at a time when it was still a Soviet Socialist Republic of the Soviet Union. After the re-establishment of Latvia's independence, the applicants became 'permanent resident non-citizens'. When the applicants retired, the years they had worked outside Latvia during the Soviet era were excluded from the total period of work taken into account for the calculation of their pensions. The applicants alleged that their status as 'permanent resident non-citizens' had resulted in them being treated less favourably than Latvian citizens in terms of the amount of their pensions and their eligibility for early retirement.

Judgment of 9/6/2022 (application No 49270/11) ([FR](#)/[EN](#))  
Press release ([FR](#)/[EN](#))

### HR / MESIĆ v. CROATIA

**Freedom of expression - Defamation of a lawyer during a press conference - Statement by a former president having a 'dissuasive' effect on the exercise of the lawyer's professional duties**

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

**Infringement** of Article 6 §1 (right to a fair trial within a reasonable time) of the ECHR.

The applicant, a former Croatian president, had stated during a televised press conference that a lawyer of Croatian origin practising in France, who had brought a criminal complaint against him for complicity in, among other things, an attempted murder, needed psychiatric treatment. For this statement, the applicant was ordered to pay damages to the lawyer for tarnishing his reputation. However, according to the applicant, his statement was a figure of speech intended to respond ironically to unfounded and serious accusations that had been made against him. He alleged that his conviction had violated his freedom of expression, that it did not pursue a legitimate aim and that it was not proportionate. He also argued that the damages he had to pay were punitive in nature and that the length of the civil proceedings was incompatible with Article 6 §1 of the ECHR.

Judgment of 5/5/2022 (application No 19362/18) ([EN](#))  
Press release ([FR](#)/[EN](#))

### HU / L.F. v. HUNGARY

**Right to respect for private and family life - Alleged receipt of housing benefit - Inspection of the home of a Roma family without legal basis**

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

**Inadmissibility** of the complaint alleging violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 of the ECHR on account of failure to exhaust domestic remedies [Article 35 §§1 and 4 of the ECHR].

The applicant, a deceased Hungarian national, had lodged two unsuccessful criminal complaints about the inspection of his home by a delegation from the town hall, accompanied by the police, without having been informed of the purpose of the visit. Officially, the purpose of the inspection was to review a housing benefit in accordance with the rules of a new law. The applicant alleged that there was no legal basis authorising the mayor to enter his home and that the authorities' investigation of his complaints had not been effective. According to him, the purpose of the inspection was to harass him because of his Roma background and the investigating authorities had not taken the necessary steps to examine the possible racist motivation of the inspection.

Judgment of 19/5/2022 (application No 621/14) ([EN](#))  
Press release ([FR](#) / [EN](#))

## TR / TANER KILIÇ v. TURKEY (No 2)

### Right to liberty and security - Unlawful and arbitrary pre-trial detention - Lack of a remedy to obtain redress - Freedom of expression

**Infringement** of Article 5 §1 (lack of plausible reasons for remand and continued pre-trial detention).

**Infringement** of Article 5 §3 (lack of motivation of decisions on pre-trial detention).

**Infringement** of Article 5 §5 (lack of redress for unjustified pre-trial detention) of the ECHR.

**Infringement** of Article 10 (freedom of expression) of the ECHR.

The case concerns the arrest and continued pre-trial detention of a Turkish national who, at the time of the events, was the President of the Turkish branch of Amnesty International. He was arrested in June 2017 on suspicion of membership of FETÖ/PDY (referred to by the Turkish authorities as the 'Fetullahist Terrorist Organisation/Parallel State Structure'). The authorities accused him, in particular, of having used the ByLock messaging system, of having subscribed to certain publications, such as the daily Zaman (allegedly linked to FETÖ/PDY), and of having sent his children to schools allegedly run by FETÖ/PDY. The applicant complained about his detention on remand and its continuation for almost 14.5 months, arguing, inter alia, that there were no plausible grounds for suspecting him of having committed a criminal offence. Furthermore, he considered that his remand in pre-trial detention, and its continuation, had violated Article 10 of the ECHR.

Judgment of 31/5/2022 (application No 208/18) ([FR](#))

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

## RO / PRETORIAN v. ROMANIA

### Freedom of expression - Civil conviction of a journalist for publishing an article about a politician - Balancing competing rights

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

The applicant, a Romanian national and editor of the regional weekly newspaper, had published two articles criticising a well-known local politician. The latter had brought civil proceedings for defamation before a court, which had found that the applicant had made value judgments without a factual basis and had used coarse language, and that these remarks therefore did not enjoy the protection of Article 10 of the ECHR. The applicant alleged that, by convicting him, the domestic courts had infringed his right to freedom of expression.

Judgment of 24/5/2022 (application No 45014/16) ([FR](#))

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

## HU / H.M. and OTHERS v. HUNGARY

### Prohibition of inhuman or degrading treatment - Right to liberty and security - Asylum seekers - Detention in a transit zone

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

**Infringement** of Article 5 §§1 (right to liberty and security) and 4 (right to a prompt decision by a court on the lawfulness of detention) of the ECHR.

In 2017, the applicants, an Iraqi couple and four of their children, arrived at the Trompa transit zone on the Serbian-Hungarian border, where they applied for asylum. They were housed in a container, from which they were only allowed to leave to attend medical or other appointments, and always under police escort. The mother of the family's pregnancy was deemed to be high risk, and she had to be taken to hospital several times. During one of these visits, she was accompanied by her husband, who had been handcuffed and restrained in front of their children. The applicants complained about the conditions of their detention, which they claimed was unlawful, and about the way they were treated in the transit zone.

Judgment of 2/6/2022 (application No 38967/17) ([EN](#))

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

## BG / I.G.D. v. BULGARIA

### Right to liberty and security - Placement of an 11-year-old minor in specialised institutions - Periodic judicial review in the best interests of the child

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

**Infringement** of Article 8 (right to respect for private and family life) of the ECHR, alone and in conjunction with Article 13 (right to an effective remedy) of the ECHR.

The applicant, a Bulgarian national, was a victim of domestic violence from a very young age. Between 2011 and 2015, he had been placed in specialised institutions on the grounds that he had committed various offences. At the time of his initial placement, the applicant was 11 years old. The applicant complained that Bulgarian law did not allow him to have the legality of his placement in a residential facility reviewed at regular intervals. He also considered that his placement, including the lack of meaningful contact with his mother, could be construed as a violation of his right to respect for his private and family life.

Judgment of 7/6/2022 (application No 70139/14) ([FR](#))

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