



FLASH NEWS

4/24

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 20/5 TO 26/6

RU / UKRAINE v RUSSIA (CRIMEA) [GC]

Inter-State case – Administrative practices of the Russian authorities adopted principally in Crimea – Multiple violations of treaty rights – Individual measures

Infringements of several articles of the ECHR, in particular: Article 2 (right to life), Article 3 (prohibition of inhuman treatment and torture), Article 5 (right to liberty and security), Article 6 (right to a fair trial), Article 7 (no punishment without law), Article 8 (right to privacy), Article 9 (freedom of religion), Article 10 (freedom of expression), Article 11 (freedom of assembly), Article 14 (prohibition of discrimination), Article 18 (limitations on the use of restrictions on rights), Article 38 (obligation to provide any facilities necessary for the examination of the case) of the ECHR, as well as Article 1 of Protocol No 1 (protection of property), Article 2 of Protocol No 1 (right to education) and Article 2 of Protocol No 4 (freedom of movement) to the ECHR.

In this case, Ukraine alleges that the Russian Federation committed a series of violations ('administrative practice') of the ECHR in Crimea from February 2014 onwards. It also denounces the systematic persecution of Ukrainians based on their political positions and/or pro-Ukrainian activities, mainly in Crimea but also in other regions of Ukraine or in the Russian Federation.

The European Court of Human Rights considers that it has sufficient evidence to conclude beyond any reasonable doubt that the facts are sufficiently numerous and interrelated to form a pattern or system of violations. Furthermore, the apparent lack of an effective investigation into the facts and/or the general application of the measures to all the persons concerned proves in particular that these practices were officially tolerated by the Russian authorities.

The Court of Human Rights also states that Russia must take measures as soon as possible to ensure the safe return of the prisoners concerned, who have been transferred from Crimea to penal establishments located on the territory of the Russian Federation.

Judgment of 25/6/2024 (applications No 20958/14 and 38334/18) ([FR/EN](#))
Press release ([FR/EN](#))
Legal summary ([EN](#))

IT / CONTRADA v ITALY

Right to respect for private life and correspondence – Telephone tapping of an individual outside the criminal proceedings and search of the home – Available and adequate remedy in respect of the search of the home followed by seizures – Obligation of effective review of the lawfulness and necessity of the interception of conversations

Inadmissibility of the complaint concerning the search of the home for failure to exhaust domestic remedies (Article 35(1) of the ECHR).

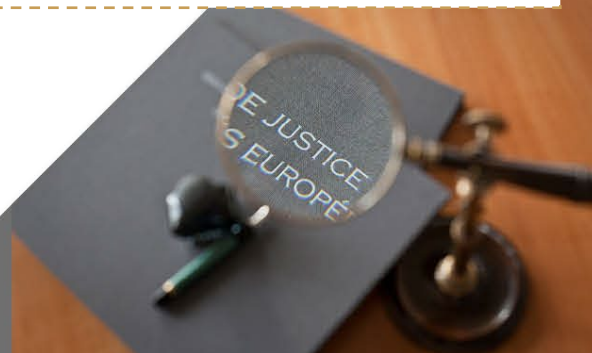
Infringement of Article 8 (right to respect for private life and correspondence) of the ECHR.

The case concerns the lawfulness of the interception of the applicant's telephone conversations and the search of his home and premises (these measures were ordered in the context of criminal proceedings in which the applicant was not directly involved).

The European Court of Human Rights finds that Italian law does not include adequate and effective safeguards to protect from the risk of abuse persons subject to an interception measure who, not being suspected of being involved in an offence or charged, remain outside the proceedings.

In particular, these people do not have the possibility of referring the matter to a judicial authority in order to obtain an effective review of the legality and necessity of the measure, and to be offered appropriate redress if necessary.

Judgment of 23/5/2024 (application No 2507/19) ([FR](#))
Press release ([FR/EN](#))
Legal summary ([FR](#))



IT / MORABITO AND OTHERS v ITALY

Protection of property – Doctors in specialised training – Transposition of Directive 82/76/EEC – Delay by the legislator in transposing the directive – Appropriate remuneration

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

The case concerns doctors who underwent specialist medical training between 1982 and 1991 and who complained that the Italian legislator had delayed transposing a European directive into national law and, more specifically, that they had not received the ‘appropriate remuneration’ that the directive recommended to EU Member States.

The European Court of Human Rights notes in particular that the difference in economic treatment at issue is the direct consequence of the difference in the annual working hours worked by the applicants and the other colleagues concerned. Before Directive 82/76/EEC was transposed into national law, doctors undergoing specialist training, including the applicants, were required to work 800 hours a year, whereas from the entry into force of Law No 370/1999 doctors were required to work 1 500 hours a year.

The Court of Human Rights finds that the measure at issue undoubtedly interfered with the applicants’ right to respect for their property. It notes that this interference was provided for by Article 11 of Law No 370/1999 with the legitimate aim of bringing domestic law into line with Directive 82/76/EEC. As regards the proportionality of the measure, it points out that, in applying European Union law, the national authorities enjoy a certain margin of discretion as to what constitutes the general interest.

Accordingly, having regard to the legitimate aim pursued by the legislator, the Court of Human Rights finds that the measure at issue, which results from a reasonable assessment of the specific commitment required of doctors during their specialisation, cannot be regarded as so disproportionate as to fall outside the State’s margin of discretion.

Decision of 20/6/2024 (application No 32829/19) ([FR](#))
Press release ([FR/EN](#))

OTHER INFORMATION

Seminar ‘The articulation between the ECHR and EU law: past, present and future’

On 14 June 2024, the European Court of Human Rights organised a seminar on ‘The articulation between the ECHR and EU law: past, present and future’.

This event brought together members of European and national courts, European institutions and the academic world.

The Vice-President of the Court of Justice of the European Union, Mr Lars Bay Larsen, gave a speech on the Court’s views on the protection of fundamental rights in a multi-level European system.

To mark the seminar, the Court of Human Rights has launched a new page entitled ‘ECHR/EU’ on its knowledge-sharing platform (ECHR-KS). This new page devoted to the ECHR and the European Union will be supplemented over time by a series of fact sheets, drawn up jointly by the Court of Human Rights and the European Union Agency for Fundamental Rights (FRA), which will establish links between the case-law of the European Court of Human Rights and that of the European Court of Justice.

A key theme: the ECHR’s major judgments on European Union law was also presented at the conference. This key theme brings together the major judgments, classified by field, through which the Court of Human Rights has developed its approach to European Union law. Its aim is to provide a general overview of the key points and principles of case-law.

Video of the seminar ([ORIGINAL LANGUAGE/FR/EN](#))

Key theme: The ECHR’s major judgments on European Union law ([FR/EN](#))

ECHR/EU page ([FR/EN](#))