



FLASH NEWS

5/24

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 1/7 TO 12/7

TR / SELÇUK v TÜRKİYE

Right to life - Suicide terrorist attack at a demonstration - Reasonable precautions taken by the police - Effective judicial remedies

Non-infringement of Article 2 (right to life) from both the substantive and procedural standpoints of the ECHR.

The case concerns the suicide bombing in Ankara on 10 October 2015. In particular, the European Court of Human Rights (ECtHR) held that, in the absence of a specific, concrete and imminent threat to the lives of the participants in the demonstration on 10 October 2015, the authorities had taken reasonable and necessary precautions to guarantee the safety of persons and property. The Turkish authorities did not therefore neglect their material obligations under Article 2 of the ECHR.

With regard to the procedural aspect of Article 2, the ECtHR notes that the Turkish legal system offered the applicant, in addition to criminal proceedings, remedies for compensation based on Law No 5233, Article 125 of the Constitution and Articles 11 to 13 of Law No 2577 on Administrative Procedure. The remedies offered by the administrative courts in this case can therefore be regarded as meeting the criterion of an 'effective judicial system'. The ECtHR also finds that the compensation awarded to the applicant is adequate and sufficient in the circumstances of the case.

The ECtHR therefore rules that there was no infringement of Article 2 of the ECHR, from either a substantive or procedural point of view.

Judgment of 9/7/2024 (application No 23093/20) ([FR](#))

OTHER INFORMATION

A new President of the European Court of Human Rights

On 13 May 2024, the European Court of Human Rights elected Marko Bošnjak (Slovenian) as its new president. Marko Bošnjak took over from Síofra O'Leary (Irish). His term of office began on 2 July 2024.

RU / SAVINOVSKIKH AND OTHERS v RUSSIA

Right to respect for private and family life - Termination of foster-care contract - Parent who has begun a gender transition process - Lack of an individualised expert report or scientific study on the impact of a change of gender identity on the children's psychological health and development

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

The case concerns the withdrawal of custody of two children aged four and five at the time, and the termination of the foster-care contract concerning them, on the grounds that their foster parent was a transgender person and had begun a process of gender transition.

The European Court of Human Rights (ECtHR) notes that the children in question suffer from serious medical problems, that they were abandoned at birth and that until they were placed with the applicant's family, at the ages of one and three respectively, they lived in public institutions. The decision to remove them from the applicant's custody was not supported by any individualised expert report or by any scientific study concerning the impact of a change of gender identity on the children's psychological health and development. The domestic courts based their reasoning primarily on the fact that it was legally impossible for a same-sex couple to obtain approval to become foster parents. They failed to take into account the affection that the children might have had for the applicant and for the other members of his family.

The ECtHR rules that the national authorities failed in their obligation to carry out a thorough examination of the family situation as a whole and to balance correctly the respective interests of each person, while seeking the best solution for the children.

Judgment of 9/7/2024 (application No 16206/19) ([EN](#))
Press release ([FR/EN](#))

