



FLASH NEWS

7/20

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 15/06 TO 15/07/2020

ES / SAQUETTI IGLESIAS v SPAIN

Right to a double degree of jurisdiction in criminal matters - Failure to declare a sum of money when passing through customs at the airport - Fine corresponding to the full amount seized

Infringement of Article 2 of Protocol No. 7 (right to a double degree of jurisdiction in criminal matters) of the ECHR.

The applicant, a Spanish national, complained that he had been unable to have examined by a higher court an administrative decision sanctioning him for failing to declare a sum of money when passing through customs at Madrid-Barajas airport. He invoked the impossibility of contesting before a “second-instance court” a severe customs fine without a proportionality check.

Judgment of 30/06/2020 (application no. 50514/13) ([FR](#))

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

FR / N.H. ET AL. v FRANCE

Prohibition of inhuman and degrading treatment - Adult asylum seekers - Living conditions of asylum seekers living on the street, isolated and deprived of means of subsistence

Infringement of Article 3 (prohibition of torture and inhuman and degrading treatment) of the ECHR, in respect of 3 of the applicants.

The applicants, adult asylum seekers who were isolated in France, alleged that, due to administrative delays, they had not been able to benefit from the material and financial support provided for by national law and Directive 2013/33/EU and had therefore been forced to sleep in the street for several months.

Judgment of 02/07/2020 (applications nos. 28820/13, 75547/13 and 13114/15) ([FR](#))

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

SI / CIMPERŠEK v SLOVENIA

Right to a fair trial - Absence of a hearing for the production of evidence - Freedom of expression - Blog and e-mail comments representing the direct reason for the rejection of the application - Lack of motivation

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

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

The applicant had been rejected as a candidate to obtain the title of court expert on the grounds that he did not have the required personal qualities due to the content of his blog and his complaints about the work of the Ministry of Justice. He complained of the rejection of his request for a hearing before the administrative court to allow him to produce evidence in his favour and also claimed that he had been sanctioned for having expressed a critical opinion in writing on his blog and complained about the work of the said ministry.

Judgment of 30/06/2020 (application no. 58512/16) ([EN](#))

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

HU / ALBERT ET AL. v HUNGARY [GC]

Protection of property - Savings banks - Control mechanism put in place by the State - Infringement of the rights attached to the status of shareholder

Inadmissibility of complaints of infringement of Article 1 of Protocol No. 1 (protection of property) of the ECHR for incompatibility *ratione personae* with the Convention [Article 35 §§ 3(a) and 4 of the ECHR].

The applicants, shareholders of two savings banks placed under the control of central authorities following a new law adopted in 2013, complained that this law restricted their right to influence the activities of the banks in which they owned shares.

Judgment of 07/07/2020 (application no. 5294/14) ([FR](#) / [EN](#))

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

DE / MUGEMANGANGO v BELGIUM [GC]

Right to free elections - Procedure for consideration of a complaint about the results of elections - Lack of guarantees of impartiality and effective review - Right to an effective remedy - Lack of judicial or quasi-judicial remedy

Infringement of Article 3 of Protocol No. 1 (right to free elections) to the ECHR.

Infringement of Article 13 (right to an effective remedy) of the ECHR.

The applicant, a Belgian national, a leading candidate for election to the Parliament of the Walloon Region, alleged that the Walloon Parliament's refusal to recount ballots declared blank, invalid or contested in the Charleroi constituency had infringed his right to stand as a candidate in free elections. He also alleged that the Walloon Parliament, which was the only body competent under domestic law to rule on his complaint, had acted as judge and party during the examination of the complaint, and that such a remedy could not therefore be regarded as effective.

Judgment of 10/07/2020 (application no. 310/15) ([FR](#) / [EN](#)) Press release ([FR](#) / [EN](#))

BG / Y.T. v BULGARIA

Right to privacy - Refusal to reassign the male sex to a male-looking transsexual

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

The applicant is a transsexual who has begun to change his physical appearance, even though his social and family identity had already been male for a long time. His request for reassignment of his sex (male instead of female) and for modification of his first name, surname and family name in the civil status registers had been rejected by the Bulgarian courts.

Judgment of 09/07/2020 (application no. 41701/16) ([FR](#))

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

OTHER INFORMATION

Grand Chamber hearing on compulsory vaccination and the consequences of parents' failure to comply with this obligation

On 1 July 2020, a hearing was held in the case of **Vavříčka v Czech Republic** (application no. 47621/13), concerning the general obligation to vaccinate children according to a timetable laid down by law and the consequences of parents' failure to comply with this obligation.

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

Request for an advisory opinion from the Bioethics Committee under Article 29 of the Oviedo Convention on Human Rights and Biomedicine

For the first time, the ECHR has received a request for interpretation from the Bioethics Committee of the Council of Europe with a view to clarifying the Committee's current and future work in this area. It will be examined by the Grand Chamber, pursuant, by analogy, to Chapter IX of the Rules of Court concerning advisory opinions under Articles 47, 48 and 49 of the ECHR.

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