

1-Right to Fair Trial

<https://www.coe.int/en/web/impact-convention-human-rights/-/no-lawyer-was-present-when-police-interrogated-17-year-old-yusuf-salduz-after-he-was-arrested-at-a-protest-yusuf-was-convicted-based-on-evidence-that->

THEMES: Right to a fair trial Turkey

Salduz v. Turkey | 2008

Judgment of the European Court of Human Rights, November 2008

Background

Yusuf Salduz was just 17 years old when he was arrested at an unlawful protest. He was also accused of writing a slogan on a banner. Police interrogated Yusuf on the night of his arrest. No lawyer was present during the police interview because the offence fell under the remit of the state security courts. Yusuf admitted that he had taken part in the protest and had produced the banner. Yusuf later retracted the statement he made to police, alleging that he had been forced to give it. He claimed he had been beaten and insulted while in police custody. A Turkish court later relied mainly on Yusuf's statements to the police when it convicted him and sentenced him to two and a half years in prison.

Judgment of the European Court of Human Rights

The European court found that the absence of a lawyer during Yusuf's time in police custody had harmed his defence. This resulted in a breach of Yusuf's right, because his statements to the police were used to convict him.

THEMES: Right to equality and freedom from discrimination Right to a fair trial Romania Kalanyos and Others v. Romania | 2007

<https://www.coe.int/en/web/impact-convention-human-rights/-/failure-to-investigate-attack-on-roma-settlement-leads-to-local-reforms>

Failure to investigate attack on Roma settlement leads to local reforms

the houses of the Roma villagers were destroyed, the Roma were chased away, [and] some were beaten up...

Constantin Cojocariu, lawyer of the applicants. Retrieved from Pe drept vorbind

Background

There was a dispute between Roma and non-Roma residents in nearby villages. A notice was displayed by the non-Roma residents, saying that the Roma residents' houses would be burnt down the following day. The local authorities were informed about the threat but refused to intervene. The non-Roma villagers then burnt down all of the Roma villagers' houses. The Roma villagers were forced to live in dreadful conditions in nearby stables, without heating or running water. They complained to the prosecutor and the local courts about the attack but their case was rejected. The Roma villagers were told that they were to blame for what had happened.

Judgment of the European Court of Human Rights

After the applicants had sent their case to the Strasbourg court, the Romanian government issued a declaration. This accepted that the Roma villagers' rights had been violated. The authorities had failed to examine their case properly, and the local courts had failed to give

them a fair trial. The government promised to pay each of the applicants around 30,000 euros in compensation and undertake widespread reforms.

Karin Andersson and others v. Sweden | 2014

<https://www.coe.int/en/web/impact-convention-human-rights/-/justice-for-homeowners-unable-to-challenge-plans-for-a-railway-in-a-protected-nature-area>

Judgment of the European Court of Human Rights, December 2014

Background

In the early-2000s, homeowners expressed alarm at government-approved plans for a railway to be built close to where they lived in Umeå, Sweden, near a European network of special nature protection areas. The residents demanded that the government's decision be overturned. They asked Sweden's highest court to carry out a full legal review, arguing that the decision breached environmental rules. The court dismissed the homeowners' complaint. It said they would have the chance for a legal review when the authorities presented a complete plan. But when the plan was finalised, the court said it was legally bound by the government's decision to allow the project to go ahead and a full legal review would not be possible. The construction of the railway went ahead. Some of the homeowners were compensated. Noise barriers were put up near some of the properties affected.

Judgment of the European Court of Human Rights

The European court found that Sweden had denied the homeowners the right to a full legal review of the authorities' decisions, including whether the location of the railway affected their rights as property owners. This breached their right to access a court.

THEMES: Right to liberty and security Right to a fair trial Netherlands

Winterwerp v. the Netherlands | 1979

<https://www.coe.int/en/web/impact-convention-human-rights/-/arbitrary-detention-in-psychiatric-hospital-leads-to-reforms-to-protect-liberty>

Opening words of Article 5 of the European Convention on Human Rights

Background

In 1968, Frits Winterwerp was put into a psychiatric hospital. Local courts had ordered him to be kept there, and throughout the 1970s they gave annual orders to ensure that he could not leave. When entering the institution Mr Winterwerp had automatically lost control of his money and his assets. Mr Winterwerp insisted that he had no mental illness, that he was not a danger to himself or others, and that he should not be locked up in an institution. He made four different requests to be released – all of which were refused. Mr Winterwerp argued that he had been prevented from making his case in the courts, and that they kept extending his detention without hearing his objections.

Judgment of the European Court of Human Rights

The European court ruled that, whilst the authorities may detain a person with a mental illness, the person should have the right to challenge the decision before the courts. They should also have the chance to be heard in court and be represented by a lawyer. However, Mr Winterwerp had been repeatedly refused permission to make his case in court as to why

he should be released. There had also been no representative in the Dutch courts to make his case for him. Indeed, he was never told when the proceedings were happening, or what the outcome was. Therefore, although there had been court reviews of Mr Winterwerp's detention, he had been almost totally prevented from making his case against it. This had violated his rights.

2-Right to liberty and security

THEMES: Right to liberty and security Russian Federation

Sergey Solovyev v. Russia | 2012

<https://www.coe.int/en/web/impact-convention-human-rights/-/illegal-detention-of-innocent-man-and-reforms-to-protect-the-right-to-liberty>

Judgment of the European Court of Human Rights

Background

Falsely accused of manslaughter, Sergey Solovyev was locked up in a cell where he lost three years of his life. His pre-trial detention was extended even when this had not been ordered by a judge and had not been allowed under Russian law.

Mr Solovyev was eventually acquitted of the crime and released.

Judgment of the European Court of Human Rights

The European court found that Mr Solovyev's detention had been extended without a valid judicial order, contrary to Russian law. This meant that he had been locked up arbitrarily, in violation of his basic rights.

A series of similar cases before the European Court involved arbitrary, unlawful or improper detention in Russia.

As a result [of these cases], Russian courts are justifying the lawfulness and the length of detention on remand with greater precision, while the number of alternative measures of restraint is steadily growing.

Report on the group of cases in 20 cases that have changed the Russian legal system

THEMES: Right to liberty and security Poland

Leszczak v. Poland | 2006

<https://www.coe.int/en/web/impact-convention-human-rights/-/almost-three-years-imprisonment-for-a-crime-he-did-not-commit-and-reforms-to-protect-liberty>

Judgment of the European Court of Human Rights, March 2006

Background

Wrongfully accused of murder and attempted burglary, Andrzej Leszczak was detained for almost three years before he was finally acquitted. He continually protested his innocence and insisted that he would attend trial, but his requests to be released before his trial were refused.

Judgment of the European Court of Human Rights

The European court ruled that the Polish authorities had not given proper reasons for holding Mr Leszczak for over two years and ten months. His applications for release had not been properly assessed. In particular, other methods had not been explored for making sure the he attended his trial. This meant that Mr Leszczak had been detained for almost three years in circumstances that violated his right to liberty.

THEMES: Right to liberty and security Estonia

Harkmann v. Estonia | 2006

<https://www.coe.int/en/web/impact-convention-human-rights/-/reforms-to-prevent-detention-without-a-court-s-permission>

Extract from Article 5 of the European Convention on Human Rights

Background

Allar Harkmann was arrested and taken into custody. He was held for 15 days, without a court hearing his case or examining the legality of his detention. After he was released, the criminal proceedings against him were discontinued.

Judgment of the European Court of Human Rights

The court ruled that the failure to have Mr Harkmann's detention promptly reviewed by a judge - and the lack of any chance for him to obtain compensation - had breached his right to liberty.

THEMES: Right to liberty and security Monaco

Prencipe v. Monaco | 2009

<https://www.coe.int/en/web/impact-convention-human-rights/-/woman-s-4-year-detention-without-trial-leads-to-freedom-protections>

Extract from Article 5(3) of the European Convention on Human Rights

Background

Josette Prencipe was a bank employee in her mid-sixties. She was arrested and detained by the government for almost 4 years, without facing trial. She had been accused of making illegal bank transfers.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the authorities in Monaco had failed to properly justify detaining Mrs Prencipe for such a long time before trial. The national courts had also failed to consider Mrs Prencipe's guarantee that she would attend trial, without being locked up. This breached her right to liberty.

3-Freedom from slavery and human trafficking

THEMES: Freedom from slavery and human trafficking Greece

Chowdury and Others v. Greece | 2017

<https://www.coe.int/en/web/impact-convention-human-rights/-/mass-shooting-of-strawberry-pickers-leads-to-ongoing-reforms>

One of the victims of the attack, as reported by Amnesty International - © Photo Amnesty International

Background

Hundreds of Bangladeshi workers were recruited to pick strawberries on a farm in Manolada, Greece. They had been promised a wage of 22 euros per day. For months they worked without pay, under the supervision of armed guards, between 7 a.m. and 7 p.m. every day. The workers went on strike, demanding payment of their wages. Their employers refused, threatening them with detention and deportation. The employers then recruited new migrants. The old workers feared they would never be paid. 100 to 150 workers started approaching their employers to demand their wages. One of the armed guards opened fire and seriously injured 30 workers. The employers and two armed guards were arrested and charged. However, they were acquitted of human trafficking and only convicted of grievous bodily harm and unlawful use of firearms. They were ordered to pay damages to some of the workers – but only amounting to 43 euros for each victim. Over 40 of the workers brought their case to the European Court of Human Rights.

Judgment of the European Court of Human Rights

The court ruled that the workers had been victims of human trafficking and forced labour. The Greek authorities had known about their situation, as it had featured in the media and parliamentary debates. Nevertheless, no effective measures had been taken to address it. The government had failed in its obligations to prevent human trafficking and forced labour, to protect the victims, to conduct an effective investigation and to punish those responsible. Although there were laws to address these problems, the practical measures carried out had been insufficient.

Siliadin v. France | 2005

Freedom from slavery and human trafficking Freedom from torture and ill-treatment
<https://www.coe.int/en/web/impact-convention-human-rights/-/14-year-old-girl-kept-in-domestic-servitude-in-paris>

Henriette Akofa Siliadin, interview with Human Rights Europe - © Photo Council of Europe

Background

Henriette Akofa Siliadin arrived in France from Togo when she was 14 years old. She was vulnerable and dependent on others. However, the people accompanying her took away her passport and made her work as an unpaid servant, all day long, 7 days a week for over four years. When the authorities intervened, she had to stay in hospital for six months to recover. Legal proceedings followed her release, which allowed Ms Siliadin to be awarded unpaid wages. However, the people responsible were never convicted of a crime in the French courts.

Judgment of the European Court of Human Rights

The court found that, according to French law at the time, keeping a person in domestic servitude or slavery was not explicitly outlawed. Therefore, the law had not properly

protected Ms Siliadin or criminalised the actions of her captors – in violation of her basic rights.

Rantsev v. Cyprus and Russia | 2010

<https://www.coe.int/en/web/impact-convention-human-rights/-/human-trafficking-must-be-criminalised>

Death of an alleged victim of human trafficking

Background

At age 20, Oxana Rantseva was allegedly trafficked from Russia to Cyprus for the purpose of sexual exploitation. Two weeks later, she was found dead beneath a fifth floor balcony, after trying to escape. The Cypriot authorities found that nobody was criminally responsible for the events and refused to investigate further. Human trafficking for sexual exploitation had repeatedly been raised as a major problem in Cyprus.

Judgment of the European Court of Human Rights

The Strasbourg court found that Ms Rantseva had visited a police station a few hours before her death in circumstances suggesting that she was a victim of human trafficking. Yet the Cypriot authorities had failed to do anything to protect her, just before she died. They also failed to properly investigate the circumstances of her death. This was partly due to a lack of laws requiring the Cypriot authorities to tackle human trafficking. The Russian authorities had also failed to investigate how Ms Rantseva had been recruited and who had been responsible for taking her to Cyprus.

THEMES: Freedom from slavery and human trafficking Greece

L.E. v. Greece | 2016

<https://www.coe.int/en/web/impact-convention-human-rights/-/practical-reforms-to-combat-human-trafficking>

Judgment of the European Court of Human Rights, January 2016

Background

When L.E. was 22 she was tricked into travelling to Greece with a human trafficker. When they arrived, the trafficker took away her passport and L.E. was made to work as a prostitute for two years. She was repeatedly prosecuted for breaking prostitution laws, and was eventually detained awaiting expulsion. The authorities were then told that she had been the victim of human trafficking. An investigation began and L.E.'s expulsion was suspended. However, there were significant delays before the prosecutors formally recognised L.E. as being a victim of human trafficking, which meant that she was denied certain protections for nine months. The prosecutor also failed to start criminal proceedings against the suspected trafficker for five months, despite the authorities having the relevant evidence. After the investigation was started, there were significant shortcomings and delays. Apart from entering the suspect's name on a register, the police took no real steps to find him and bring him to justice.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that Greek law at the time had been strong enough to protect L.E. as a victim of human trafficking. However, a series of shortcomings and delays meant that the authorities' response had fallen short of the standards required by the convention to combat human trafficking – breaching L.E.'s basic rights.

4-Right to equality and freedom from discrimination

THEMES: Right to equality and freedom from discrimination Right to a fair trial Video Freedom from violence against women Ireland

<https://www.coe.int/en/web/impact-convention-human-rights/-/legal-aid-system-introduced-after-woman-suffering-from-domestic-violence-was-unable-to-access-the-courts>

Airey v. Ireland | 1979

Johanna Airey on 'Frontline' - © Photo RTE

Background

Johanna Airey complained to the authorities that her husband was a violent alcoholic. She claimed that he subjected her and her four children to mental and physical violence for many years. Mrs Airey sought a legal separation to protect herself and the children. However, no lawyer would represent her because she could not afford the fees. This meant that Mrs Airey's husband could enter or stay in the family home.

Judgment of the European Court of Human Rights

The European Court of Human Rights ruled that it would have been impossible for Mrs Airey to represent herself in court. In these circumstances, the lack of any legal aid from the government meant that she was effectively denied access to a court. This breached her basic rights.

THEMES: Right to equality and freedom from discrimination Bosnia and Herzegovina

Baralija v. Bosnia and Herzegovina | 2020

<https://www.coe.int/en/web/impact-convention-human-rights/-/democracy-returns-to-mostar-after-local-resident-s-historic-european-court-case>

Irma Baralija, writing in liberalforum.eu

Background

Like other Mostar residents, Irma Baralija was unable to vote or stand in local elections because of a legal void that left the city without a functioning democracy for over a decade. In 2010, Bosnia and Herzegovina's Constitutional Court ruled that Mostar's post-war voting arrangements were unconstitutional. The court told parliament to change the election law. But after parliament failed to act, the court invalidated certain parts of the law. Mostar residents were unable to vote in the elections of 2012 and 2016. During this time, the city was governed by a mayor who lacked democratic legitimacy. High-school teacher Irma Baralija, who is also active in local politics in Mostar, decided to take a case against her government to Strasbourg.

Judgment of the European Court of Human Rights

The court ruled that Bosnia and Herzegovina's failure to enable democratic elections to take place in Mostar amounted to discrimination against Irma because of where she lived.

THEMES: Right to equality and freedom from discrimination Freedom from violence against women
Lithuania

Valiulienė v. Lithuania |
2013 <https://www.coe.int/en/web/impact-convention-human-rights/-/librarian-strangled-and-beaten-by-her-partner-wins-justice-for-domestic-violence-victims>

Judgment of the European Court of Human Rights, March 2013

Background

Loreta Valiulienė was 25 when she complained to the authorities about suffering domestic violence at the hands of her live-in partner. She said that he had strangled her, pulled her by her hair, hit her in the face and kicked her all over her body. Ms Valiulienė had provided specific descriptions of the incidents and the names of witnesses. Nevertheless, the prosecutor repeatedly failed to investigate properly and tried to shut the investigation down. These attempts were blocked by a judge. However, delays in the case meant that the prosecution eventually became time-barred. Ms Valiulienė argued that the authorities' failure to act had denied her justice and given her partner impunity to carry out more violence.

Judgment of the European Court of Human Rights

The court ruled that Ms Valiulienė had done everything in her power to get justice. Nevertheless, the failures of the authorities had meant that her partner had never had to face the allegations of committing violence against her. This had violated her basic rights.

THEMES: Right to equality and freedom from discrimination United Kingdom

<https://www.coe.int/en/web/impact-convention-human-rights/-/man-persecuted-for-his-sexuality-wins-landmark-judgment-transforming-the-law-in-northern-ireland-and-beyond>

Dudgeon v. the United Kingdom | 1981

Jeffrey Dudgeon, in the documentary 'The Secret's Out' by Northern Visions - © Photo Jeffrey Dudgeon

Background

In the early 1980s, homosexuality was still a crime in Northern Ireland. Jeffrey Dudgeon had known that he was homosexual since the age of 14. He experienced fear of harassment, blackmail, suffering and psychological distress. One day, Jeffrey's house was raided by police, who confiscated his letters and diaries. Jeffrey was brought into a police station, where he was interrogated about his sexual life for four and a half hours. A year later, when his personal belongings were returned to him, the papers had annotations all over them.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that by criminalising homosexuality, Northern Ireland had violated people's right to a private life. He has experienced fear, suffering and psychological distress directly caused by the very existence of the laws in question ...

5 Right to Family life

THEMES: Right to family life Italy

Godelli v. Italy | 2013

<https://www.coe.int/en/web/impact-convention-human-rights/-/woman-s-legal-fight-to-find-out-about-her-origins>

Woman's legal fight to find out about her origins

Background

Anita Godelli never knew her mother. Abandoned at birth, she was placed in an orphanage and then taken in by a foster family. At the age of ten, Anita found out she was adopted. She asked her adoptive parents about her birth mother, but they did not tell Anita anything. Anita's difficult childhood was made worse by her inability to find out about her origins. It was only after her adoptive parents passed away that Anita, who had by this time grown old, asked the local registry office for answers. She received a copy of her birth certificate, but it did not include her birth mother's name. After taking legal action, Anita learned that Italian law prevented her from accessing information about her origins because her biological mother wanted her identity kept secret when she gave birth.

Judgment of the European Court of Human Rights

The European court found that the relevant Italian law did not strike a fair balance between, on the one hand, Anita's right to access information about her origins and, on the other, her birth mother's right to stay anonymous, to which preference was given. Italy violated Anita's rights.

THEMES: Right to family life Czech Republic

Zavřel v. Czech Republic | 2007

<https://www.coe.int/en/web/impact-convention-human-rights/-/father-wins-battle-to-see-his-son-and-rights-for-all-czech-parents>

Judgment of the European Court of Human Rights, January 2007

Background

Vladimír Zavřel and his wife had a son. However, his wife left the family home in 2001, taking the six-year-old boy with her. Soon she prevented Vladimir from seeing his son. A court had ordered that it was in the child's best interests to see his father, and that the two should have time together on a regular basis. Vladimir tried to get this court order enforced. However, the authorities failed to put it into effect. They did almost nothing to allow Vladimir to re-establish contact with his boy. With no other options left, Vladimir took his case to the European Court of Human Rights. By this time, he had not seen his son for over two years.

Judgment of the European Court of Human Rights

When the Czech courts had ordered that Vladimir should get to see his son, an expert assessment had found that his parenting skills were good. Meanwhile, it had found that the mother had a negative influence on the child and that she sought to turn him against his father. It had therefore been clear that the prolonged separation of Vladimir and his boy would have negative consequences. Nevertheless, the Czech authorities had taken no properly effective steps to ensure that Vladimir would get to see his child. This had violated his right to family life. Article 8 therefore includes the right of a parent to effective measures to reunite them with their child and the obligation of the national authorities to take the measures in practice.

THEMES: Right to family life Finland

Hokkanen v. Finland | 1994

Reforms to protect family life after a father was separated from his daughter <https://www.coe.int/en/web/impact-convention-human-rights/-/reforms-to-protect-family-life-after-a-father-was-separated-from-his-daughter>
Judgment of the European Court of Human Rights, September 1994

Background

Teuvo Hokkanen was a farmer. He and his wife had a daughter, Sini. Two years later Teuvo's wife died. Sini's maternal grandparents then looked after her. According to Teuvo, this was a temporary arrangement whilst he dealt with problems caused by his wife's death. Soon afterwards, Sini's grandparents told Teuvo that they did not intend to give her back to him. Legal disputes took place over custody of the child, lasting for seven years. During this time, the grandparents refused to let Teuvo have any contact with Sini. Teuvo obtained court rulings ordering there to be meetings – but they were not enforced. Eventually the courts decided that it was in Sini's best interests to stay with her grandparents.

Judgment of the European Court of Human Rights

The European court found no grounds to question the Finnish courts' decision that it was in Sini's best interests to stay with her grandparents. However, it ruled that Teuvo should have been able to have contact with his daughter. Indeed, the Finnish courts had ruled that such contact was in Sini's best interests. Yet the authorities had failed to make sure that there were regular meetings between father and daughter.

THEMES: Right to family life Freedom of religion and belief Austria

Hoffman v. Austria | 1993

<https://www.coe.int/en/web/impact-convention-human-rights/-/reforms-made-after-mother-lost-custody-of-her-children-simply-because-of-her-religion>

Judgment of the European Court of Human Rights, 23 June 1993

Background

Ingrid Hoffmann was a Jehovah's Witness. When she and her husband divorced, a court ruled that Ingrid should have custody of the couple's two children. Relying on evidence from an expert child psychologist, the court found that Ingrid had stronger emotional ties with the children and that separating them could cause emotional harm. However, this ruling was overturned by the Supreme Court. The Supreme Court accepted that it was usually best for the mother to look after young children. However, the court ruled that this did not apply in this case, on the grounds that the mother was a Jehovah's Witness and her faith could have harmful consequences on the children's well-being. She lost custody of her children and the father was given custody instead.

Judgment of the European Court of Human Rights

The European court ruled that the decision to deny Ingrid custody of her children had been based on her religion and this difference in treatment had not been acceptable. The decision had been discriminatory and without proper justification, in violation of Ingrid's rights.

6- Freedom of speech

THEMES: Freedom of speech Human rights and the environment Montenegro

Šabanović v. Montenegro | 2011

<https://www.coe.int/en/web/impact-convention-human-rights/-/man-acquitted-of-defamation-after-responding-to-allegations-of-contaminated-drinking-water>

Judgment of the European Court of Human Rights, May 2011

Background

As the head of a public water company, Zoran Šabanović felt he had a duty to respond to newspaper allegations that the local water supply was unsafe to drink. The contamination claims were based on a report drawn up at the request of a public official. Zoran called a press conference. He told the public that the water was safe to drink. Zoran claimed that the public official who requested the study was working to promote the interests of private companies. The public official started libel proceedings against Zoran, claiming that his statements were untrue. Zoran denied this. The Montenegrin courts found Zoran guilty of defamation and gave him a three-month suspended prison sentence.

Judgment of the European Court of Human Rights

The European court ruled that Zoran's criminal conviction for making a "robust clarification" on an issue of great public interest, the safety of drinking water, violated his freedom of speech.

THEMES: Freedom of speech Malta

Falzon v. Malta | 2018

<https://www.coe.int/en/web/impact-convention-human-rights/-/media-law-changed-after-columnist-fined-for-criticising-politician>

Media law changed after columnist fined for criticising politician

Background

Michael Falzon is a former Maltese politician. Since leaving politics, he has written a weekly opinion column for the newspaper MaltaToday. In 2007 Michael wrote an article in which he criticised the behaviour of a member of parliament. The MP started libel proceedings against him. A court ordered Michael to pay the MP €2,500 in damages. His subsequent appeals before the Maltese courts were rejected.

Judgment of the European Court of Human Rights

The European court ruled that the decisions of the Maltese courts had been “very narrow in scope” and the courts had not struck a fair balance when they upheld the MP’s right to reputation without explaining why this outweighed Michael’s right to free speech. Michael had not acted in bad faith by raising legitimate questions, in the public interest, about the behaviour of a politician.

THEMES: Freedom of speech Germany

<https://www.coe.int/en/web/impact-convention-human-rights/-/whistle-blowers-must-b>

eprotected Heinisch v. Germany | 2011

‘Interview with Brigitte Heinisch’, published by ‘A Change of Direction’, 9 February 2017 - ©

Photo ansTageslicht.de

Background

Brigitte Heinisch, a nurse in an old people’s home, blew the whistle on alleged staff shortages and low standards. She said that this situation was putting patients at risk and being covered up by her employer. Mrs Heinisch was then fired. She challenged this in court, claiming that it had been unlawful to dismiss her for whistleblowing. The German courts rejected her claim, ruling that the sacking was lawful.

Judgment of the European Court of Human Rights

Mrs Heinisch’s whistleblowing had concerned an issue of significant public interest. Her dismissal could have had a serious chilling effect on others reporting shortcomings in institutional care. By upholding her dismissal, the German authorities had failed to protect her right to report wrongdoing in her place of work, which was also of great importance to society at large. This had violated her right to free speech.

THEMES: Freedom of speech Serbia

Lepojić v. Serbia | 2007

<https://www.coe.int/en/web/impact-convention-human-rights/-/the-right-to-criticise-public-officials-must-be-protected>

Justice for man made to pay huge fine for publishing criticism of a public official

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7-Freedom from torture and ill-treatment

THEMES: Freedom from torture and ill-treatment Human rights and health Poland

Kaprykowski v. Poland | 2009

Improvements to prison healthcare after inmate with epilepsy denied proper treatment
<https://www.coe.int/en/web/impact-convention-human-rights/-/improvements-to-prison-healthcare-after-inmate-with-epilepsy-denied-proper-treatment>

Judgment of the European Court of Human Rights, May 2009

Background

Robert Kaprykowski has had severe epilepsy since 1996. He has daily seizures and several other disorders that affect how his brain functions. Between 1998 and 2007, Robert was in and out of prison. He claimed that he was not given proper medical treatment during his time there. Throughout Robert's time in prison, doctors warned that he needed specialist treatment and constant care, without which his health and life were at risk. Robert was put in a general wing of the prison, not the medical wing. He shared cells with healthy prisoners, who, he said, ignored his seizures and did not offer to help him. Robert often felt humiliated because he lost consciousness and wet himself whilst having a seizure. He also struggled to access the medicine he needed. Robert complained to the prison authorities, but nothing ever happened.

Judgment of the European Court of Human Rights

The European court ruled that Robert suffered ill-treatment in prison because the Polish authorities did not provide him with proper medical care. [Robert] must have known that he risked at any moment a medical emergency with very serious results and that most of the time no immediate medical assistance was available.

THEMES: Freedom from torture and ill-treatment Turkey

Jabari v. Turkey | 2000

Young woman saved from being stoned to death in Iran

<https://www.coe.int/en/web/impact-convention-human-rights/-/young-woman-saved-from-being-stoned-to-death-in-iran>

Judgment of the European Court of Human Rights, July 2000

Background

Hoda Jabari was 22 when she fell in love. She had met the man at college in Iran. The couple decided that they should get married. However, their love was forbidden by his family. His parents stopped the marriage, and two years later he ended up marrying someone else. Nevertheless, Ms Jabari continued to see him in secret. They were soon both arrested by the Iranian police. The officers gave Ms Jabari a virginity examination. She was suspected of participating in adultery, for which she could be stoned to death under Iranian law. With the help of her family, Hoda was released a few days later. Still under threat of stoning, she fled to Istanbul. Ms Jabari tried to seek asylum in Turkey, but her request was denied because it had been made too late. The Turkish authorities were about to send her back to Iran when she appealed to the European Court of Human Rights for help.

Judgment of the European Court of Human Rights

The court ruled that sending Hoda back to Iran to face a possible stoning would violate her basic rights.

... punishment of adultery by stoning still remains on the statute book [in Iran] and may be resorted to by the authorities...

THEMES: Freedom from torture and ill-treatment Czech Republic

Kummer v. the Czech Republic | 2014

<https://www.coe.int/en/web/impact-convention-human-rights/-/stronger-protections-for-detainees-after-police-mistreat-dental-technician>

Judgment of the European Court of Human Rights, 25th July 2013 - © Photo Blesk

Background

Vladimir Kummer was a dental technician. One night in May 2010 he was walking home from a bar when he was stopped by police – allegedly for urinating in the street. The police asked for Mr Kummer's identity card, which he said he could give them if they accompanied him to his house, which was 50 metres away.

Instead, Mr Kummer was taken to the local police station. He claimed that he was put in a cell, shackled, and punched in the back of the head and in the face. He was then left hanging from his outstretched arms, which were shackled to different walls. After 30 minutes in this agonising position, he was told to go home. As a result of his injuries, Mr Kummer was unable to work for 16 days.

A criminal investigation concluded that the police officers involved had not done anything wrong. A later report by the Ombudsman found that a police officer had committed a disciplinary offence but there was no finding that Mr Kummer had been physically ill-treated.

Judgment of the European Court of Human Rights

Given the evidence before it, the European court could not rule on whether Mr Kummer had been beaten. However, due to the painful and unnecessary way in which he had been left hanging by his arms in the cell, the court concluded that he had been subjected to degrading treatment.

The court also found that the investigation into the incident had suffered from unnecessary delays and had not been properly independent. In the circumstances, Mr Kummer's right to an effective investigation had also been breached.

THEMES: Freedom from torture and ill-treatment Latvia

Kadiķis v. Latvia (No. 2) | 2006

<https://www.coe.int/en/web/impact-convention-human-rights/-/new-rules-on-detention-after-man-subjected-to-inhuman-prison-conditions>

Judgment of the European Court of Human Rights, 4th May 2006 - © Photo Arnis Kadiķis

Background

Arnis Kadiķis was sentenced to 15 days' detention for a minor offence. He served his sentence with four other detainees in a cell measuring only 6m². There was no window in the cell, no ventilation and he was not allowed out. As a result, Mr Kadiķis saw no daylight

and had no access to fresh air for 15 days. There was also no mattress, blanket or bedding of any kind. He was given only one meal per day.

Judgment of the European Court of Human Rights

The court ruled that these conditions amounted to degrading treatment, violating Mr Kadiķis' rights.

8- Right to privacy

THEMES: Right to privacy United Kingdom

S. and Marper v. the United Kingdom | 2008

Background

In 2001, two people from Sheffield – known as S. and Michael Marper – had DNA samples taken by the police after being arrested. Criminal charges were dropped in both cases, but under British law at the time the police were allowed to keep the DNA samples on record forever. S. and Michael Marper brought a case to the Strasbourg court, arguing that the law breached their right to privacy.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the blanket and indefinite retention of DNA profiles by the authorities - in cases where a defendant was acquitted or discharged - was a disproportionate interference with

THEMES: Right to privacy Sweden

Segerstedt-Wiberg and Others v. Sweden | 2006

Bengt Frejd, as reported by SVT

Background

Five Swedes were watched by the Swedish secret services due to their political activities. Per Nygren, a journalist at the Gothenburg Post, had written several articles on Nazism and on the secret service. Ingrid Segerstedt-Wiberg was a prominent human rights activist. Bengt Frejd, Staffan Ehnebon and former European Parliamentarian Herman Schmid had been active on the political left in the 1960s and 70s. All five complained that material about them was still being held by the security services. Some information had also been shared between public bodies.

Judgment of the European Court of Human Rights

The court ruled that the government's continued storage of personal surveillance information about Mr Ehnebon, Mr Nygren, Mr Frejd and Mr Schmid had not been justified. The material related to historical political activities, many of which had occurred over 30 years beforehand. The storage of the information had been disproportionate and had violated the applicants' right to privacy.

Keeping certain information on Ingrid Segerstedt-Wiberg had been justified, to protect her against a threat to her life. However, she and the other four applicants had not been able to challenge other unjustified storage of information – in violation of their basic rights.their private life. This violated the applicant.

THEMES: Right to privacy Switzerland

Kopp v. Switzerland | 1998

Judgment of the European Court of Human Rights, 25th March 1998 - © Photo Lys Wiedmer-Zingg

Background

Hans Kopp was a lawyer. The authorities tapped the telephone lines of his firm during an investigation into his wife. The investigation discovered no evidence of wrongdoing. However, the authorities had recorded private legal conversations between Mr Kopp, his law partners and their clients. Mr Kopp complained that this had violated his rights and the rights of his clients, given the need to keep professional legal conversations confidential.

Judgment of the European Court of Human Rights

Swiss law did not clearly define which conversations the authorities were allowed to intercept between a lawyer and his/her clients, or set up a process where this could be supervised by a judge. This meant that the government had too much scope to intercept confidential communications, violating Mr Kopp's basic rights.

THEMES: Right to privacy Netherlands

R.V. and Others v. the Netherlands | 1991

Report by the European Commission of Human Rights

Background

R.V. lived in Utrecht and worked as a postman. He discovered that, along with almost 200 others, he was kept under secret surveillance by a group of government security services. The civilians were allegedly being monitored because they were part of the Peace Movement.R.V. and others asked to see the information which had been collected about them. They claimed that it could have harmful effects on their future employment, and could be easily stolen. Their requests were all refused.

Report by European Commission of Human Rights

The body which used to help the Strasbourg court assess cases, the European Commission of Human Rights, found that the applicants' right to privacy had been violated. The law covering security and intelligence activities had been extremely broad. It had not specified who could be monitored, the conditions under which the surveillance must operate, limits on the powers of the security services or a system to supervise them.

9-Right to property

Human rights and the environment Bulgaria Right to property

Dimitar Yordanov v. Bulgaria | 2018

Judgment of the European Court of Human Rights, December 2018

Background

The Bulgarian state wanted to seize Dimitar Yordanov's home to make space for an open-pit coalmine. But when the authorities failed to compensate Dimitar with another plot of land, he managed to get the decision cancelled. Dimitar and his family were able to stay in their home. Yet with each passing year, the expanding coalpit crept closer and closer to the property. Detonations used in the coal extraction process shook the family home every day. Cracks appeared in the walls. An outside barn and animal pen collapsed. The family were eventually forced to leave their home. It had become too dangerous to stay. Dimitar took the mining company to court. He wanted compensation for the damage caused to his home. Even though experts found the house to be uninhabitable, and that its close proximity to the coalpit was against the law, the Bulgarian courts dismissed Dimitar's claims because they were uncertain whether the detonations from the mine had caused the damage. Dimitar's house ultimately collapsed.

Judgment of the European Court of Human Rights

The European court found the Bulgarian government responsible for the fact that Dimitar's home remained in an environmental hazard zone. This was due to the failed expropriation of the house and the work of the mine, which was managed by a state-owned company. This ultimately caused Dimitar to abandon his home with his family, violating his right. The court awarded Dimitar €8,000 in compensation.

THEMES: Right to property Luxembourg

Schneider v. Luxembourg | 2007

Judgment of the European Court of Human Rights, 10th July 2007

Background

Catherine Schneider was ethically opposed to hunting. She owned some land on which hunting took place. She wanted this to stop. However, under a law from 1925 she was obliged to be a member of a hunting syndicate and to allow hunting on her land.

Judgment of the European Court of Human Rights

The court recognised that Mrs Schneider had strong feelings against hunting. Forcing her to be part of a hunting syndicate therefore violated her right to freedom of association. Similarly, forcing her to

allow hunting on her land breached her right to use her property as she wished.

THEMES: Right to property Greece

Azas v. Greece | 2002

Changes to fair compensation laws after families were forced to give up their land

Judgment of the European Court of Human Rights, 19 September 2002

Background

Two families owned some land in Thessaloniki. The government took away part of the land, in order to build a new avenue in the town. However, the authorities refused to give the families compensation in line with the value of the land that they had lost.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the two families had been forced to give up land, but they were only paid a fraction of the loss that they sustained – without any proper explanation. The court awarded them compensation. This case was one example of a wider problem. The procedure for valuing expropriated property was not able to establish the true loss experienced by the owner.

THEMES: Right to property Estonia

Rummi v. Estonia | 2015

Judgment of the European Court of Human Rights, January 2015

Background

Karol Rummi's husband was a geologist. He had a valuable collection of precious metals. When he died, the rights to his property passed to Mrs Rummi and her two sons. However, the precious metals were confiscated by the police. Mrs Rummi tried to get them back, but she was not allowed to make her case in court. She was told that the precious metals now belonged to the state and she would never see them again.

Judgment of the European Court of Human Rights

The court ruled that the authorities had violated Mrs Rummi's right to property by confiscating the precious metals without a properly-justified reason. By refusing to let her make her case in front of a judge, they had also breached her right to access a court.

10- Freedom from violence against women

Freedom from violence against women Belgium

B.V. v. Belgium | 2017

Judgment of the European Court of Human Rights, August 2017

Background

In 1998, B.V. told her managers that a work colleague had raped and sexually assaulted her on several occasions. They referred her to a unit for sexual harassment in the workplace. B.V. later went to the police, who interviewed the man she had accused. Investigators asked a psychology student, who was working as an intern, to give an opinion on B.V.'s mental state. The police decided not to take B.V.'s complaint further - but they did not tell her. Several years later B.V. learned, by chance, that the police had not followed up her complaint. She demanded that the authorities act. Taking her case to an investigative judge, B.V. tried for years to have her claims properly examined, but few steps were taken to determine what had happened. Her case was finally dropped in 2008.

Judgment of the European Court of Human Rights

The European court found that the Belgian authorities' investigation into B.V.'s allegations had not been conducted in a serious or thorough way, which was in breach of her rights.

Freedom from violence against women Sweden

N. v. Sweden | 2010

Judgment of the European Court of Human Rights, October 2010

Background

N. taught women in her native Afghanistan. This put her at odds with religious hard-liners among Kabul's leading elite. She eventually had to flee to Sweden with her husband to escape persecution. Sweden refused to grant asylum to N. The authorities were not satisfied that there was a real risk of her being harmed if she returned to Afghanistan. N. separated from her husband, who was also facing expulsion, not long after arriving in Sweden. Her own family disowned her because of this. They said she had brought shame on them. N.'s husband opposed her wish to divorce him, and N. feared reprisals from his family. She faced being shunned for having broken with tradition if she went back to Afghanistan.

Judgment of the European Court of Human Rights

The European court found sufficient evidence of risks of reprisals from N.'s husband, his family, her own family, and from Afghan society if she was to be deported from Sweden, which would lead to a violation of the human rights convention.

THEMES: Freedom from violence against women Slovenia

Y. v. Slovenia | 2015

Judgment of the European Court of Human Rights, August 2015

Background

Y. fought for years to bring her alleged abuser to justice, only for him to be given an opportunity to humiliate her in a court of law. At the age of 14, Y. told her mother that she had been repeatedly sexually assaulted by a family friend. Y.'s mother went to the police. But she found it very difficult to get answers from them about the progress of the investigation into her daughter's claims. It took almost seven years for Y.'s case to come to trial, by which time she was a young woman who had been forced to relive her trauma over and over again. At one court hearing, Y.'s alleged abuser directly asked her over a hundred questions, some of which were offensive. The cross-examination lasted for four hours. The man was cleared of all charges.

Judgment of the European Court of Human Rights

The European court found that the Slovenian authorities had failed to protect Y.'s personal integrity during the criminal investigation and trial. They should have prevented her alleged abuser from using offensive and humiliating remarks while cross-examining her. The authorities also failed to promptly investigate Y.'s complaints. These failures violated her rights.

THEMES: Right to equality and freedom from discrimination Freedom from violence against women Lithuania

Valiulienė v. Lithuania | 2013

Judgment of the European Court of Human Rights, March 2013

Background

Loreta Valiulienė was 25 when she complained to the authorities about suffering domestic violence at the hands of her live-in partner. She said that he had strangled her, pulled her by her hair, hit her in the face and kicked her all over her body. Ms Valiulienė had provided specific descriptions of the incidents and the names of witnesses. Nevertheless, the prosecutor repeatedly failed to investigate properly and tried to shut the investigation down. These attempts were blocked by a judge. However, delays in the case meant that the prosecution eventually became time-barred. Ms Valiulienė argued that the authorities' failure to act had denied her justice and given her partner impunity to carry out more violence.

Judgment of the European Court of Human Rights

The court ruled that Ms Valiulienė had done everything in her power to get justice. Nevertheless, the

failures of the authorities had meant that her partner had never had to face the allegations of committing violence against her. This had violated her basic rights.

11- Right to life

THEMES: Right to life Russian Federation

Tagayeva and Others v. Russia | 2017

Background

In September 2004, more than thirty heavily-armed terrorists carried out an attack on a school in Beslan, North Ossetia. For over fifty hours they held more than 1,000 people captive, the majority of them children. Following explosions, fire and an armed intervention, over 330 people – including more than 180 children - lost their lives and over 750 people were injured. It later emerged that local authorities had enough information to know that there would be a terrorist attack against an educational institution on or around the day in question. However, they did not try to intercept the terrorists, increase security at the school or warn the public. The authorities' response to the incident suffered from a lack of formal leadership, resulting in serious flaws in decision-making and coordination. In the absence of proper rules governing how the security forces should engage with the terrorists, indiscriminate weapons had been used on the buildings where hostages were still being held. Those weapons included flame-throwers, grenade launchers and a tank cannon, which contributed to the heavy casualties among the hostages. 409 victims or family members brought their case to the European Court of Human Rights, arguing that there had been numerous failings by the Russian authorities in relation to the attack. Many wanted to obtain the truth about the incident and lessons to be learnt to avoid future tragedies.

Judgment of the European Court of Human Rights

Under the European Convention on Human Rights, national authorities are obliged to prevent threats to life whenever possible and to take reasonable steps to minimise harm in dangerous situations. However, in this incident the authorities had failed to carry out their obligations in a number of ways. The court ruled that, given their knowledge about an upcoming attack, the authorities' efforts to prevent the hostage-taking and warn the public had been inadequate. The planning and control of the security operation had been disorganised and suffered from a lack of leadership. In the absence of proper legal rules, indiscriminate weapons had been used on the school, adding to the number of casualties. Finally, the investigation into the events had been insufficient for finding the truth about what happened. The court indicated the need for a variety of measures aimed at drawing lessons from the past, raising awareness of relevant legal and operational standards, and preventing similar violations in the future. The applicants were awarded almost 3 million euros in compensation.

THEMES: Right to life Latvia

Jasinskis v. Latvia | 2010

Failure to investigate death of a disabled man in police custody leads to reforms

Background

Valdis Jasinskis was deaf and mute. He was outside a student party when he was pushed and fell down some stairs. When police attended the scene they were told of his disability, that he had lost consciousness after hitting his head against the ground and that an ambulance was on its way. However, the police took Mr Jasinskis to a police station. Believing him to be drunk, they put him in a sobering-up cell. Mr Jasinskis knocked on the doors and walls of his cell for some time before going to sleep. However, he could not communicate with police officers because none of them understood sign language and they had taken his notepad away. Seven hours after Mr Jasinskis had been taken into custody, officers tried but failed to wake him up. Another seven hours later, an ambulance was called to bring him to hospital – but the crew refused to take him, as they thought he was “faking” his condition. Valdis Jasinskis was eventually taken to hospital a number of hours later, but died shortly afterwards. Valdis’ father Aleksandrs Jasinskis took the case to the European Court of Human Rights.

Judgment of the European Court of Human Rights

Despite being told about Mr Jasinskis’ fall and his disability, the police had not called for medical attention when he was first detained, or arranged for a way for him to communicate with them. They had also let seven hours pass between failing to revive him and calling an ambulance. In these circumstances, police officers had failed in their duty to safeguard Valdis Jasinskis’ life whilst he was in their care. The authorities also failed to properly investigate the incident. The initial inquiry was repeatedly passed between different authorities, resulting in significant delays. It was eventually carried out by the same police department which had detained Mr Jasinskis, meaning that it had not been independent. Though an investigation had later been carried out by an independent bureau, it only started 18 months after the incident – meaning that witnesses’ memories had faded, the scenes could not be examined and the pathologist could not be questioned. Moreover, no effort was made to investigate particular shortcomings in the police officers’ actions. In these circumstances, the court ruled that Mr Jasinskis’ right to life had been violated.

THEMES: Right to life Poland

Jasińska v. Poland | 2010

Judgment of the European Court of Human Rights, 1 June 2010

Background

A young man was left in the care of his grandmother after his mother died and his father was imprisoned. As a boy he suffered from meningitis, was treated for psychosis and depression and made repeated suicide attempts. He was later convicted of theft. Despite the man’s history of suicidal behaviour, a court held that he did not need to serve his sentence in a special institution. Whilst in prison, his mental health got worse. He took an overdose of his medicine and died.

Judgment of the European Court of Human Rights

The court ruled that there had been clear failings in a system that had allowed a fragile prisoner, with deteriorating mental health, to get hold of a lethal dose of his medication and commit suicide. The court ruled that the authorities had failed in their duty to protect the man.

THEMES: Right to a fair trial Right to life Romania

Trufin v. Romania | 2009

Tatiana Trufin, quoted by Botosani News, October 2009.

Background

A man was found unconscious in the outskirts of Botoşani. His wallet was found nearby, and there were blood stains all around him. A medical examination found that he had suffered a blow to the head with a hard object, and multiple blows to other parts of his body. Despite evidence of an attack, the police initially found that the man had died after falling. For almost twelve years, very little was done to investigate what had really happened.

Judgment of the European Court of Human Rights

The Strasbourg court found that the evidence strongly indicated the death had been suspicious. Despite this, the investigation into the incident had been totally insufficient and incapable of finding out who had been responsible.

12- Freedom of religion and belief

THEMES: Freedom of religion and belief Armenia

Bayatyan v. Armenia | 2011

Background

Vahan Bayatyan is a Jehovah's Witness. At age 18 he refused to do military service, on the grounds of his Christian beliefs. He asked to do civilian service instead. The Armenian authorities prosecuted Mr Bayatyan, convicted him of draft evasion and sentenced him to two-and-a-half years' imprisonment.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the Armenian authorities had failed to make any allowance for Mr Bayatyan's deeply held beliefs, such as allowing him to carry out alternative civilian service. Instead, they imposed a heavy criminal sanction. This had violated Mr Bayatyan's right to religious freedom.

THEMES: Freedom of religion and belief Bulgaria

Hasan and Chaush v. Bulgaria | 2000

Judgment of the European Court of Human Rights, 26 October 2000 -

Background

In 1995 the government deposed the Chief Mufti of Bulgarian Muslims, Fikri Hasan, who had been elected at a national conference. The government registered a rival as leader of the community. Mr Hasan's staff were evicted from their offices and replaced. Mr Hasan obtained court orders stating that he was the genuine leader, but the government refused to comply with them.

Judgment of the European Court of Human Rights

The court ruled that the government had interfered with the internal organisation of the Muslim community, by replacing its elected leader. This had been arbitrary and breached the right to freedom of religion.

Freedom of religion and belief Republic of Moldova

Metropolitan Church of Bessarabia v. Republic of Moldova | 2001

Judgment of the European Court of Human Rights, December 2001

Background

The Metropolitan Church of Bessarabia (MCB) is an Orthodox Christian Church, which split from the Metropolitan Church of Moldova in 1992. The Moldovan authorities refused to recognise or register the MCB. The country's Supreme Court of Justice backed this decision, on the grounds that only the Metropolitan Church of Moldova could decide upon recognition of the MCB. The refusal to recognise the MCB meant that its priests could not give services and its members could not meet to practice their religion. The MCB was not protected, as it did not legally exist.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that, whilst the government had shown some tolerance to the MCB, this could not substitute for full recognition. For example, on a number of occasions, members of the MCB had been subjected to intimidation. The authorities did not protect MCB members, because they had ruled that the MCB's activities were unlawful. In the circumstances, the refusal to recognise the MCB was disproportionate and violated the applicants' right to freedom of religion.

Freedom of religion and belief United Kingdom

Eweida v. United Kingdom | 2013

Background

Nadia Eweida worked as a member of check-in staff for British Airways (BA). She wore a small silver cross on a chain around her neck, as a sign of her commitment to her Christian faith. One day Nadia was sent home and suspended without pay, on the grounds that her cross violated company uniform policy. She complained that she had been punished because of her religion. However, the UK courts rejected her claims and upheld BA's decision to suspend her.

Judgment of the European Court of Human Rights

The European court ruled that the cross had been discreet and cannot have detracted from Ms Eweida's professional appearance. In these circumstances, there was no real evidence that it encroached on the rights of others. The UK courts had given too much weight to BA's desire to project a certain corporate image and not enough weight to Ms Eweida's right to manifest her religion.

13- Freedom of assembly

Freedom of assembly Ukraine

Vyerentsov v. Ukraine | 2013

as reported by Conflicts and Laws

Background

Oleksiy Vyerentsov is a human rights defender, working in Lviv. He wanted to raise awareness about corruption in the prosecution service. On behalf of a local NGO, he organised a regular series of peaceful demonstrations outside the Regional Prosecutor's Office. The local council complained about the demonstrations and the Ukrainian courts banned them. Oleksiy Vyerentsov was also arrested, charged and convicted for breaching the procedural rules for holding a demonstration – despite the fact that such rules did not exist. He was sentenced to three days' detention.

Judgment of the European Court of Human Rights

The European court ruled that Mr Vyerentsov had been arrested and convicted without a proper legal basis. This had violated his right to free assembly, but also demonstrated a significant wider problem. Ukraine had no proper laws protecting the right to hold peaceful demonstrations, or regulating how to get permission for them. This was a significant challenge to the right to free assembly, which required urgent reforms.

Right to equality and freedom from discrimination Freedom of assembly Poland

Bączkowski and Others v. Poland | 2007

Background

Five members of an NGO wanted to organise public gatherings in Warsaw. The aim was to draw public attention to discrimination against women, minorities and the disabled. The mayor gave an interview saying that the assemblies would be banned, because they included support for homosexual rights. His office then refused permission for the gatherings, in a series of decisions relying on administrative technicalities.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the decisions to ban the different marches in Warsaw had either been against Polish law, or had been based on laws which failed to protect the protestors' rights. In both cases, the right had been violated. The decisions risked having a chilling effect on people taking part in public life.

Freedom of assembly Republic of Moldova

Hyde Park and Others v. Moldova | 2009

Oleg Brega, the first President of Hyde Park, as reported by Azi.md

Background

Hyde Park is an NGO that works to protect free speech and the right to freedom of assembly. It is named after Speaker's Corner in London's Hyde Park, a site famous for free speech. Hyde Park organised a number of public protests in Chişinău in 2005 and 2006. One was designed to protect the right to free speech in Moldova. Another was organised in front of the Romanian embassy, to protest against Romania's policy concerning Moldovan students. A series of these protests were banned by the city authorities. The reasons given included the government's disagreement with the point the protest was trying to make and the damage a protest might do to the image of the Moldovan government.

Judgment of the European Court of Human Rights

The court recalled that the convention was designed to protect free democratic societies. The right to public assembly is a crucial component of any such society and must include the tolerance of different ideas being expressed in public. The Moldovan authorities had banned an expression of differing opinions in public, but had not given proper reasons for doing so.

This had violated the right to freedom of assembly.

Freedom of assembly Republic of Moldova

Christian Democratic People's Party v. Republic of Moldova | 2006

Reforms to protect free assembly after protest was banned

Background

The Christian Democratic People's Party (CDPP) is a political party from Moldova. In 2001 – when the CDPP was in opposition – the Communist Party government announced that it intended to make Russian language compulsory in schools. This caused heated public debate. In response, the CDPP organised regular political gatherings calling for early political elections, European democratic values and democratic dialogue. The Ministry of Justice banned the gatherings, and the ban was upheld by the country's courts. Following an intervention by the Council of Europe's Secretary General, the ban was later lifted – but only after it had been in place for three weeks.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that the gatherings had been entirely peaceful and the ban had not been proportionate in the circumstances. Despite being temporary, the ban could still have had a chilling effect on the CDPP's free speech – particularly on the eve of local elections. The court therefore found that the ban had violated the party's right to freedom of assembly.

14- Human rights and the environment

THEMES: Human rights and the environment Croatia

Udovičić v. Croatia | 2014

Ljubica's Udovičić's husband, Bože, quoted on Večernji list

Background

Ljubica Udovičić's life became a misery when her neighbour decided to transform the property directly beneath her apartment into a bar and shop. Ljubica first complained to the authorities when her neighbour started making major changes to the building, like

demolishing supporting walls. She said that she was then shut out of the decision-making process and her many complaints to the authorities were not properly dealt with. For more than ten years, Ljubica and her family had to deal with excessive noise from the bar. This included loud music, shouting, singing and the sounds of glasses smashing and chairs being dragged along the floor. Customers often got drunk and violent. They sometimes urinated outside. Police were called to the bar dozens of times because of such disturbances.

Judgment of the European Court of Human Rights

The European court found that the Croatian authorities had allowed the situation to continue for more than ten years without reaching a solution. They failed to comply with Croatian court decisions which took into account some of Ljubica's complaints and which had ordered her case to be re-examined, with her full participation. This was a breach of Ljubica's rights.

Human rights and the environment Montenegro

Šabanović v. Montenegro | 2011

Judgment of the European Court of Human Rights, May 2011

Background

As the head of a public water company, Zoran Šabanović felt he had a duty to respond to newspaper allegations that the local water supply was unsafe to drink. The contamination claims were based on a report drawn up at the request of a public official. Zoran called a press conference. He told the public that the water was safe to drink. Zoran claimed that the public official who requested the study was working to promote the interests of private companies. The public official started libel proceedings against Zoran, claiming that his statements were untrue. Zoran denied this. The Montenegrin courts found Zoran guilty of defamation and gave him a three-month suspended prison sentence.

Judgment of the European Court of Human Rights

The European court ruled that Zoran's criminal conviction for making a "robust clarification" on an issue of great public interest, the safety of drinking water, violated his freedom of

speech.

Human rights and the environment Romania

Tătar v. Romania | 2009

Background

Vasile and Paul Tătar, father and son, lived near a gold mine in the city of Baia Mare, the site of one of the worst ecological disasters in modern history. On 30 January 2000, a massive cyanide spill occurred at the mine after a dam burst. The company operating the plant used cyanide in its extraction process. Poison flooded the waterways of central Europe – from the Tisza to the Danube. Hungary estimated that the leak had killed 1,000 tonnes of fish. After the accident, the Romanian government issued new environmental permits to the company operating at Baia Mare. It authorised the firm to continue to store chemicals in the reservoir where the dam had been breached.

Vasile Tătar believed that the company's storage and use of cyanide put the health of local inhabitants at risk. He claimed that his son Paul had developed asthma because of the toxic pollution. Vasile lodged complaints with the authorities, seeking to have the company's operating license withdrawn and action taken against the company's management. His complaints were dismissed.

Judgment of the European Court of Human Rights

The European court found that Romania had failed in its duty to assess the risks of the company's activity and take suitable measures to safeguard Vasile and Paul's right to enjoy a healthy and protected environment. According to the court, members of the public should have been informed of potential risks and had the right to participate in the decision-making

process concerning environmental issues. They were instead denied access to the conclusions of key investigations and studies.

Right to family life Human rights and the environment Ukraine

Grimkovskaya v. Ukraine |2011

Harm to family life from motorway pollution prompts better environmental protections

From intensive traffic, the walls cracked, houses collapsed. Food in the cities became poisonous. People began to get sick...

Klara Grishchenko, Natalya Grimkovskaya's mother, quoted on Deutsche Welle, 2011

Background

In 1998, local authorities decided to re-route a motorway through the quiet street where Natalya Grimkovskaya lived with her parents and young son. The family home soon became uninhabitable. Hundreds of lorries passed by every hour of the day. The air became thick with car fumes. Vibrations caused the furniture in the house to shake. Plaster fell off the ceiling and walls. When potholes began to form on the road, the local authorities filled them in with coal dust, which was then lifted into the air by passing cars. Natalya's young son started to suffer from frequent breathing problems. He was found to have high levels of copper and lead in his body. Doctors recommended that he should be resettled. Complaints from local residents prompted the authorities to test pollution levels on the street. Experts found that car emissions were above safe standards. A court later gave little reasoning when it dismissed a civil claim lodged by Natalya's mother, Klara, who wanted the government to resettle her family and compensate them for the damage to their house and health.

Judgment of the European Court of Human Rights

The European court ruled that the Ukrainian government had failed to carry out an environmental impact study before turning the street where Natalya and her family lived into a motorway. No efforts were made to reduce the road's harmful impact. Natalya was excluded from the decision-making process. This was a violation of her rights.

