

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.

Background

Dimitrios Larissis, Savvas Mandalarides and Ioannis Sarandis were all officers in the Greek air force. They were also members of the Pentecostal Church, whose members have a duty to talk to others about their understanding of the Christian faith and encourage them to join their church. All three airmen were prosecuted for evangelising their religion, which was treated as a criminal offence. They were all convicted and given suspended prison sentences of over a year. The men took their case to the European Court of Human Rights, claiming that it had been unfair to convict them simply for discussing their religious faith with others.

Judgment of the European Court of Human Rights

The court ruled that it may have been appropriate to discipline the officers for promoting their religion to soldiers under their command, but their criminal prosecution for discussing their faith in ordinary civilian life had violated their right.

Background

For years Dana Kontrová was subjected to psychological and physical attacks from her husband. She repeatedly warned the police that he was violent and mentally unstable. One complaint came after Ms Kontrová's husband beat her with an electric cable. Two months later, the police were telephoned and warned that he had a shotgun and was threatening to kill himself and the children. Under Slovak law, the police should have launched a criminal investigation and taken steps to protect the family. However, they did neither of these things. Two days later the man took a shotgun and murdered the couple's two children, aged five and one. He then turned the gun on himself.

Judgment of the European Court of Human Rights

Under the European Convention on Human Rights, the state has a duty to protect the lives of its citizens when they are under threat. The court ruled that the police had failed to do so in this case, even though they had received clear warnings and had been obliged to take action under Slovak law. The inaction of the authorities had breached the right.

Background

Jacques and Janine Huvig were a retired couple, who had used to run a fruit-and-vegetable business. The police tapped their telephone and listened to their conversations, in relation to alleged financial irregularities resulting from their sales. The powers available for the police to obtain such wire taps were almost limitless. The lack of legal restrictions meant that the police could obtain permission for wire taps on anyone, for almost anything, for a limitless length of time - and then keep the recordings forever. Mr and Mrs Huvig argued that the extensive powers given to the police to monitor their conversations had breached their right to privacy.

Judgment of the European Court of Human Rights

The European Court ruled that French law had allowed the police to obtain permission for extremely extensive surveillance on members of the public, without limits on why the surveillance was being carried out, how long it should last or what should be done with the material afterwards. Police surveillance is permitted and necessary in a democratic society, but its limits must be clearly set out in law in order to protect the right.

Background

In the early 1980s there were series of allegations of police brutality in Iceland, leading to the prosecution of members of the Reykjavik police. Thorgeir Thorgeirson was a writer and filmmaker. In 1983 he published two articles in the newspaper Morgunbladid, in which he claimed that there was a serious problem with police brutality in Reykjavik. He was prosecuted and convicted for defaming the Reykjavik police, and fined 10,000 Icelandic crowns.

Judgment of the European Court of Human Rights

The European court ruled that the articles had addressed a matter of serious public concern. The allegations of police brutality had circulated widely in society, and in one case had resulted in the conviction of a police officer. Prosecuting and convicting Mr Thorgeirson for writing about them could discourage public debate about serious issues affecting society. Therefore, the actions of the authorities had been disproportionate and had violated Mr Thorgeirson's right.

Background

In 2002, when she was four years old, Congolese national Tabitha Mitunga was travelling with her uncle to Canada, where her mother had obtained asylum. During her journey, Tabitha was detained at Brussels airport because she did not have the right papers to enter Belgium. Tabitha was detained by the Belgian authorities for almost two months. She had been taken away from her uncle and had no family or friends with her. She was kept in the same place as adults, with nobody assigned to look after her. She was eventually deported to the Democratic Republic of Congo. However, her mother was not informed in advance, so there was nobody waiting for Tabitha when she arrived back in her home country.

Judgment of the European Court of Human Rights

The Strasbourg court ruled that Tabitha's detention had had serious psychological effects on her. Furthermore, she had been deported regardless of the situation she would find upon arrival. Her detention and deportation had amounted to inhuman treatment – both for Tabitha and her mother. The violations had resulted from a lack of any legal provisions about how unaccompanied minors should be treated in Belgium.

Background

Y.Y., who is a transgender man, wanted to have gender reassignment surgery in line with his gender identity. He asked a court to approve his request to have surgery, but it was refused, even though doctors said it was best for his mental health. In its 2006 decision, the Turkish court said that Y.Y. was not allowed to have surgery because he was not infertile. Y.Y. appealed against this decision, arguing that the infertility requirement was unfair and irrelevant. It did not change the fact that he identified as a man. The court rejected Y.Y.'s appeal. Y.Y. made a new request to the court in 2013. This time he was successful. The Turkish court changed its approach and did not consider whether Y.Y. was infertile.

Judgment of the European Court of Human Rights

In its ruling, the European court said the infertility requirement for gender reassignment surgery did not seem necessary, as the Turkish Government had argued. The change of approach by the Turkish court, after it refused Y.Y.'s first request, supported the European court's position. The European court ruled that Turkey breached Y.Y.'s human rights by denying him the chance to have gender reassignment surgery for many years.

Background

Peter Frommelt was kept in detention whilst awaiting trial for financial crimes. He asked to be released before the trial. When this was considered on appeal, neither he nor his lawyer were allowed to put forward any legal arguments. The request was then rejected and the court ordered Mr Frommelt to be kept in pre-trial detention for a year.

Judgment of the European Court of Human Rights

The Strasbourg court noted that prisoners have a right to be heard by a court when they object to their pre-trial detention. The refusal to hear Mr Frommelt's arguments violated his rights.

Background

L.G. was a witness in a murder investigation. His death in police custody provoked an outcry among Armenian civil society. The Helsinki Committee of Armenia is a human rights NGO. One year after L.G.'s death, it informed the authorities that it intended to hold a commemorative march in Yerevan. The mayor banned the march, citing national security reasons. The NGO was not told about the ban and was prevented from holding the march by police. The NGO argued that the ban had violated its right.

Judgment of the European Court of Human Rights

The Mayor of Yerevan had banned the march on grounds of national security, referring to the fact that rallies after recent elections had led to clashes with the authorities. However, the court noted that the Helsinki Committee's march had been planned more than two months after the post-election clashes. There was also no evidence that the organisers and participants had been connected with the previous clashes, or that they intended to create disorder of any kind. The court said that the right to peaceful assembly is fundamental to a democratic society. It doubted that reasons given by the authorities to interfere with that right had been either necessary or sufficient. The decision to ban the march had therefore violated the Helsinki Committee's right.

The NGO had also been denied an effective way to challenge the ban in Armenia.

Background

One night in the village of Gánovce-Filice, a group of non-Roma residents forcibly entered three Roma houses. They beat the inhabitants with baseball bats and iron bars, whilst allegedly shouting racist slogans.

The victims identified a number of people who they said were responsible for the attack. However, the authorities refused to charge anyone with a crime.

Judgment of the European Court of Human Rights

The Strasbourg court found that the authorities had failed to properly investigate the incident or punish those responsible. The court said it was particularly important for attacks with racist overtones to be properly investigated.



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