

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 Vasile lodged complaints with the authorities, seeking to have the company's operating license withdrawn and action taken against the company's management.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.



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.



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.



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.



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.



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.



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.



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 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.



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.

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. He has experienced fear, suffering and psychological distress directly caused by the very existence of the laws in question ...



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