

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.

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.

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.

Background

Residents of an apartment block in central Tbilisi began to complain to the local authorities about toxic fumes from a thermal power plant just metres from their homes. Ivane Jugheli, Otar Gureshidze, and Liana Alavidze were among those harmed by the plant's activities, which were not then subject to environmental rules. Tbilisi City Hall told the plant to install chimney filters to reduce air pollution – but the request was ignored. Residents decided to take legal action against the plant and the authorities, claiming compensation for the harm caused to their health and well-being. Experts commissioned by a Tbilisi court to assess the environmental pollution caused by the plant discovered that a "whole bouquet of emissions" was reaching residents' homes. There was no buffer zone between the plant and the apartment block. The lack of chimney filters increased the risk to residents, who were found to be suffering from similar health complaints. Doctors thought their illnesses could have been caused by the fumes. The Georgian courts were not satisfied with this evidence, and Ivane, Otar, and Liana's claims were dismissed.

Judgment of the European Court of Human Rights

The European court found that the lack of environmental rules meant the power plant could carry out potentially dangerous activities without necessary safeguards to avoid or reduce the air pollution and its impact on Otar and Liana's health and well-being. This, together with the Georgian Government's "passive attitude" to the pollution coming from the plant, breached their rights. Ivane Jugheli sadly passed away in 2016, before the European court issued its judgment.

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.

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.

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 their life. This violated the applicants' basic rights.

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.



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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.



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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 had been violated.



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