

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 he attended his trial. This meant that Mr Leszczak had been detained for almost three years in circumstances that violated his right to liberty.



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. The Russian authorities had also failed to investigate how Ms Rantseva had been recruited and who had been responsible for taking her to Cyprus.



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.



Background

Vladimír Závřel 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 Vladimír 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. Vladimír tried to get this court order enforced. However, the authorities failed to put it into effect. They did almost nothing to allow Vladimír to re-establish contact with his boy. With no other options left, Vladimír 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 Vladimír 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 Vladimír and his boy would have negative consequences. Nevertheless, the Czech authorities had taken no properly effective steps to ensure that Vladimír would get to see his child. This had violated his right. 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.



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.

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.

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.

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.



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.



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.





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