

### 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.



### 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.



### 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. However, a series of shortcomings and delays meant that the authorities' response had fallen short of the standards required by the convention – breaching L.E.'s basic rights.



### Background

I.I. was charged with a crime that he did not commit and put in pre-trial detention. The court which ordered his detention refused to examine the substance of the case, as it failed to examine issues related to the sufficiency of evidence against the applicant. I.I.'s detention facility was overcrowded, and his damp, underground cell had no access to sunlight or fresh air. He slept on a wooden plank in a 6m<sup>2</sup> cell that he shared with two or three other detainees. There was no proper shower or toilet and he had to relieve himself in a bucket in front of his cellmates. I.I. also had a skin condition which required good hygiene and exposure to sunlight. His condition became much worse and he also developed eczema and arthritis. Nevertheless, he was refused proper access to his medication. After three months, the case against I. I. was dropped and he was released.

### Judgment of the European Court of Human Rights

The European court ruled that the decision to put I.I. in detention had been taken without examining whether the evidence against him was sufficient, or the other relevant arguments about whether he should be deprived of his right. The process had also not been properly independent and impartial. Finally, the prison conditions in which I.I. had been kept had been inadequate. This breached his basic rights.





### 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.



### 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, which required urgent reforms.



### Background

Sara Lind Eggertsdóttir was born in 1998. It became clear soon after her birth that she was severely physically and mentally disabled. Her parents, Eggert and Sigurmunda, took legal action against the state, claiming that hospital staff had made mistakes during the birth which had caused Sara Lind to suffer brain damage. In 2002, Reykjavik district court partly agreed with Eggert and Sigurmunda's claims. It ruled that mistakes were made immediately after their daughter's birth. The court awarded compensation to Sara Lind. The state appealed against the judgment. The case went to Iceland's highest court, which asked the State Medico-Legal Board for an opinion. Sara Lind's parents strongly opposed this request because several doctors who had seats on the board were associated with the hospital where their daughter was born. The State Medico-Legal Board told the court there was no reason to criticise Sara Lind's treatment at the hospital following her birth. In 2004, Iceland's highest court overturned the earlier judgment in Sara Lind's case. It ruled that the brain damage she suffered was not caused by medical mistakes.

### Judgment of the European Court of Human Rights

The European court ruled that Iceland's highest court had not given Sara Lind a fair hearing. There were good reasons to fear, as Sara Lind's parents did, that the State Medico-Legal Board had not acted in a neutral way, not least because several board members were employed at the hospital where Sara Lind was born. These people had not previously been involved in the case, but as board members they had to evaluate the performance of their colleagues. In addition, their own superior at the hospital had supported critical statements about the district court's judgment. The State Medico-Legal Board also had a special legal role as a provider of medical opinions to the Icelandic courts, which meant that its views carried greater weight than ordinary expert witnesses. This compromised the impartiality of Iceland's highest court, which caused a violation of her right.



### 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.



### Background

Thousands of people were left unable to access their 'old' foreign-currency savings after the breakup of Yugoslavia and the collapse of its banking system. The savers held deposits at branches in Bosnia-Herzegovina of banks that were based in Serbia and Slovenia. Serbia and Slovenia were unable to reach an agreement with other former Yugoslavian states over the settlement of old debts for which the newly nationalised banks were liable. This left savers unable to access their money.

### Judgment of the European Court of Human Rights

The European court ruled that the savers' inability to freely access their funds for over twenty years was in breach of their right to the peaceful enjoyment of their property. It ordered Serbia and Slovenia to make changes to enable depositors to recover their 'old' foreign-currency savings.

### Background

Nahide Opuz was abused by her husband for years. He also beat and threatened her mother, whom he blamed for being the cause of their problems. The violence tragically led to the murder of Nahide's mother in 2002. She had told police that her son-in-law had threatened to kill her and her family. There were many warning signs. Yet, at least twice, prosecutors decided not to proceed with a criminal case as there was not enough evidence. On three occasions, Nahide and her mother withdrew their complaints because of pressure and death threats. For certain offences, withdrawing a complaint meant that a prosecution could not take place. However, Nahide's husband was convicted twice before the murder took place, due to the seriousness of his offences. In the first incident, he rammed Nahide and her mother with his car, leaving them both with severe injuries. He was sentenced to three months in prison, which was changed to a fine after he spent 25 days behind bars. In the second incident, he stabbed Nahide seven times. He was punished with just a fine. In 2008, the man was sentenced to a life term for the murder of Nahide's mother. But he was released from prison pending appeal. Nahide feared for her life. Her ex-husband continued to make death threats, and she said that the authorities were not doing anything to protect her. It was only after Nahide appealed to the European Court of Human Rights that measures were taken to protect her from her ex-husband.

### Judgment of the European Court of Human Rights

The European court ruled that, despite knowing about the worsening situation, the Turkish authorities did not take reasonable steps to prevent violence against Nahide and her mother. The investigation into the murder of Nahide's mother was also flawed. The authorities' actions did not deter the man, and even showed a certain amount of tolerance towards his conduct. This passive attitude created a climate that encouraged domestic violence in Turkey.



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