

2020

INDEX

to the Information Notes
on the Court's case-law



Index of the Court's case-law summarised
in the Information Notes during 2020

European Court of Human Rights

The Information Note contains legal summaries of the cases examined during the month in question which the Registry considers to be of particular interest. The summaries are drafted by lawyers under the authority of the Jurisconsult and are not binding on the Court. They are normally drafted in the language of the case concerned. The translation of the legal summaries into the other official language can be accessed directly through hyperlinks in the Note. These hyperlinks lead to the HUDOC database, which is regularly updated with new translations.

An annual index provides an overview of all the judgments and decisions summarised in each calendar year, filtered by Convention Articles and relevant keywords. To facilitate access to materials in the Information Notes, a running cumulative index will be updated online with each new edition of the Note.

The electronic versions of the Note and the index may be downloaded at www.echr.coe.int/NotelInformation/en. Legal summaries published in the Case-law Information Notes are also available in HUDOC under the filter and links “Legal Summaries”.

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European Court of Human Rights
Council of Europe
67075 Strasbourg Cedex
France
Tel: +33 (0)3 88 41 20 18 / Fax: +33 (0)3 88 41 27 30
publishing@echr.coe.int
www.echr.coe.int
https://twitter.com/ECHR_CEDH
RSS feeds

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[P.N. v. Germany, 74440/17, 11.6.2020](#) [Judgment](#) | [Legal summary](#)

Time-bar precluding DNA test of deceased man and review of final judgment approving his disavowal of paternity, without applicant's knowledge, before such tests became available: *violation*

[Boljević v. Serbia, 47443/14, 16.6.2020](#) [Judgment](#) | [Legal summary](#)

Unjustified refusal to allow a transsexual to have his change of sex recorded in the civil-status register, although his physical appearance and social and family identity had been altered for a long time: *violation*

[Y.T. v. Bulgaria, 41701/16, 9.7.2020](#) [Judgment](#) | [Legal summary](#)

- Obligation for children born under surrogacy arrangement to be adopted in order to ensure recognition of legal mother-child relationship: *no violation*
[D v. France, 11288/18, 16.7.2020](#).....[Judgment](#) | [Legal summary](#)
- Unjustified intrusion of a male police officer into the toilet resulting in a female applicant being exposed to him in a state of undress: *violation*
[Yunusova and Yunusov v. Azerbaijan \(no. 2\), 68817/14, 16.7.2020](#).....[Judgment](#) | [Legal summary](#)
- Denial of residence permit to alien unlawfully staying in host State from an early age, who became recidivist once adult and aware of precarious immigration status: *no violation*
[Pormes v. the Netherlands, 25402/14, 28.7.2020](#).....[Judgment](#) | [Legal summary](#)
- Inappropriate choice of urgent rectification procedure, rather than a compensation claim, for a complex complaint of harm to reputation: *inadmissible*
[Gülen v. Turkey \(dec.\), 38197/16 et al., 8.9.2020](#).....[Decision](#) | [Legal summary](#)
- Refusal, in a corruption case against a mayor, to hear in private an application for release on health grounds: *violation*
[Frâncu v. Romania, 69356/13, 13.10.2020](#)[Judgment](#) | [Legal summary](#)
- Refusal to prosecute for allegedly defamatory comments about applicant's late son, a private individual who had not exposed himself to outside scrutiny: *victim status upheld*
[Jakovljević v. Serbia \(dec.\), 5158/12, 13.10.2020](#).....[Decision](#) | [Legal summary](#)
- Dismissal of an action challenging paternity on the grounds of the interests of the child, who had been recognised by the mother's husband, without sufficient safeguards for the alleged biological father: *violation*
[Koychev v. Bulgaria, 32495/15, 13.10.2020](#)[Judgment](#) | [Legal summary](#)
- Dismissal of compensation claim by authors of public report against MP for speech allegedly insulting them: *no violation*
[Kaboğlu and Oran v. Turkey \(no. 2\), 36944/07, 20.10.2020](#)[Judgment](#) | [Legal summary](#)
- Insufficient measures taken to remedy noise and other nuisances emanating from police station situated under applicant's home: *violation*
[Yevgeniy Dmitriyev v. Russia, 17840/06, 1.12.2020](#)[Judgment](#) | [Legal summary](#)
- Sound reasons justifying deportation for five years of adult foreign national born in Switzerland, following criminal conviction, under legislation on mandatory expulsion: *no violation*
[M.M. v. Switzerland, 59006/18, 8.12.2020](#).....[Judgment](#) | [Legal summary](#)
- Inadequate judicial review of the dismissal of an employee of a public institute, under an emergency legislative decree, on account of his presumed for his alleged ties to a terrorist organisation: *violation*
[Pişkin v. Turkey, 33399/18, 15.12.2020](#).....[Judgment](#) | [Legal summary](#)
- Unjustified dismissal of Serbian ethnic origin teacher for failing to use standard Croatian in class, considered unable to adapt due to pre-retirement age: *violation*
[Mile Novaković v. Croatia, 73544/14, 17.12.2020](#).....[Judgment](#) | [Legal summary](#)
- Disproportionate and arbitrary annulment of citizenship for omitting information about siblings when applying ten years earlier: *violation*
[Usmanov v. Russia, 43936/18, 22.12.2020](#)[Judgment](#) | [Legal summary](#)

Respect for family life

Temporary lack of access for prisoner to online communication with family members: *inadmissible*

[Ciupercescu v. Romania \(no. 3\), 41995/14 and 50276/15, 7.1.2020](#) Judgment | Legal summary

Political interventions and procedural vagaries to impede court-ordered return of child unlawfully retained by other parent on respondent State's territory: *violation*

[Rinau v. Lithuania, 10926/09, 14.1.2020](#) Judgment | Legal summary

Restriction on applicant's contact rights based on his mental disorder, without assessing the latter's impact on his caring skills or child's safety: *violation*

[Cînța v. Romania, 3891/19, 18.2.2020](#) Judgment | Legal summary

Drug addict on treatment disproportionately deprived of parental authority over her children who were not neglected or in danger, and the youngest two of whom placed in public care: *violation*

[Y.I. v. Russia, 68868/14, 25.2.2020](#) Judgment | Legal summary

Refusal to allow reunion of father with his two small children, placed *de facto* in administrative detention by arbitrary association with an unrelated adult: *violation*

[Moustahi v. France, 9347/14, 25.6.2020](#) Judgment | Legal summary

Natural father divested of parental rights due to voluntary and prolonged separation from child who was well integrated into mother's new family from an early age: *no violation*

[Ilya Lyapin v. Russia, 70879/11, 30.6.2020](#) Judgment | Legal summary

Respect for home

Insufficient measures taken to remedy noise and other nuisances emanating from police station situated under applicant's home: *violation*

[Yevgeniy Dmitriyev v. Russia, 17840/06, 1.12.2020](#) Judgment | Legal summary

Respect for correspondence

Failure of the courts to examine the merits of a complaint of cyberbullying closely linked to a complaint about domestic violence: *violation*

[Buturugă v. Romania, 56867/15, 11.2.2020](#) Judgment | Legal summary

Lack of legal basis for restrictions on detainee's right to receive and subscribe to socio-political magazines and newspapers: *violation*

[Mirgadirov v. Azerbaijan and Turkey, 62775/14, 17.9.2020](#) Judgment | Legal summary

Insufficient legal framework and safeguards for protecting data subject to legal professional privilege during police seizure of smart phone and search of its mirror image copy: *violation*

[Saber v. Norway, 459/18, 17.12.2020](#) Judgment | Legal summary

Positive obligations

Political interventions and procedural vagaries to impede court-ordered return of child unlawfully retained by other parent on respondent State's territory: *violation*

[Rinau v. Lithuania, 10926/09, 14.1.2020](#) Judgment | Legal summary

Failure of the courts to examine the merits of a complaint of cyberbullying closely linked to a complaint about domestic violence: *violation*

[Buturugă v. Romania, 56867/15, 11.2.2020](#) Judgment | Legal summary

Allegedly insufficient measures to ensure access to safe drinking water and sanitation for Roma communities: *no violation*

[Hudorovič and Others v. Slovenia, 24816/14 and 25140/14, 10.3.2020](#) Judgment | Legal summary

Protracted difficulties for stateless person to regularise legal position: *violation*

[Sudita Keita v. Hungary, 42321/15, 12.5.2020](#) Judgment | Legal summary

Courts' refusal to examine the merits of request to exhume remains of spouse for transfer to new resting place: *violation*.

[Drašković v. Montenegro, 40597/17, 9.6.2020](#) Judgment | Legal summary

Time-bar precluding DNA test of deceased man and review of final judgment approving his disavowal of paternity, without applicant's knowledge, before such tests became available: *violation*

[Boljević v. Serbia, 47443/14, 16.6.2020](#) Judgment | Legal summary

Dismissal of an action challenging paternity on the grounds of the interests of the child, who had been recognised by the mother's husband, without sufficient safeguards for the alleged biological father: *violation*

[Koychev v. Bulgaria, 32495/15, 13.10.2020](#) Judgment | Legal summary

Dismissal of compensation claim by authors of public report against MP for allegedly insulting speech: *no violation*

[Kaboğlu and Oran v. Turkey \(no. 2\), 36944/07, 20.10.2020](#) Judgment | Legal summary

Possibility of civil proceedings and supplementary measures providing adequate redress for women subjected to symphysiotomies, in light of time elapsed: *inadmissible*

[K.O'S. v. Ireland, 61836/17 \(dec.\), 10.11.2020](#) Decision | Legal summary

[W.M. v. Ireland, 61872/17 \(dec.\), 10.11.2020](#) Decision | Legal summary

[L.F. v. Ireland, 62007/17 \(dec.\), 10.11.2020](#) Decision | Legal summary

Expulsion

Refusal to allow reunion of father with his two small children, placed *de facto* in administrative detention by arbitrary association with an unrelated adult: *violation*

[Moustahi v. France, 9347/14, 25.6.2020](#) Judgment | Legal summary

Denial of residence permit to alien unlawfully staying in host State from an early age, who became recidivist once adult and aware of precarious immigration status: *no violation*

[Pormes v. the Netherlands, 25402/14, 28.7.2020](#) Judgment | Legal summary

Sound reasons justifying deportation for five years of adult foreign national born in Switzerland, following criminal conviction, under legislation imposing expulsion: *no violation*

[M.M. v. Switzerland, 59006/18, 8.12.2020](#) Judgment | Legal summary

ARTICLE 9

Freedom of conscience

Dismissal of request for replacement of compulsory military service with its civilian alternative for lack of substantiation of the seriousness of the applicant's conscientious objection: *no violation*

[Dyagilev v. Russia, 49972/16, 10.3.2020](#) Judgment | Legal summary

Freedom of religion

Midwife denied employment because of her religion-motivated refusal to assist in abortions: *inadmissible*

[Grimmark v. Sweden \(dec.\), 43726/17, 11.2.2020](#) [Decision](#) | [Legal summary](#)

Muslim prisoner reprimanded for performing acts of worship at night time in breach of prison schedule: *violation*

[Korostelev v. Russia, 29290/10, 12.5.2020](#) [Judgment](#) | [Legal summary](#)

Appropriate measures taken by prison authorities in the execution of a judgment recognising the right of Jewish prisoners to have kosher meals: *no violation*

[Erlich and Kastro v. Romania, 23735/16, 9.6.2020](#) [Judgment](#) | [Legal summary](#)

Refusal to exempt religious organisation from taxation on regular imports of religious material, not fundamentally undermining its activity: *inadmissible*

[Christian Religious Organization of Jehovah's Witnesses v. Armenia \(dec.\), 73601/14, 29.9.2020](#) [Decision](#) | [Legal summary](#)

No effects from mere presence of seven-year-old child at one-off short religious ceremony in municipal school, without indoctrination aims: *no violation*

[Perovy v. Russia, 47429/09, 20.10.2020](#) [Judgment](#) | [Legal summary](#)

Change religion or belief

Prisoners required to prove religious conversion during detention, through a document issued by faith representatives, to receive meals compatible with their new religion: *violation*

[Neagu v. Romania, 21969/15, 10.11.2020](#) [Judgment](#) | [Legal summary](#)

[Saran v. Romania, 65993/16, 10.11.2020](#) [Judgment](#) | [Legal summary](#)

Manifest religion or belief

Birth certificate revealing parents' choice not to christen their child: *violation*

[Stavropoulos and Others v. Greece, 52484/18, 25.6.2020](#) [Judgment](#) | [Legal summary](#)

Refusal to rectify entry in prison file automatically giving wrong religion for inmate: *inadmissible*

[Mariş v. Romania \(dec.\), 58208/14, 29.9.2020](#) [Decision](#) | [Legal summary](#)

Positives obligations

Appropriate measures taken by prison authorities in the execution of a judgment recognising the right of Jewish prisoners to have kosher meals: *no violation*

[Erlich and Kastro v. Romania, 23735/16, 9.6.2020](#) [Judgment](#) | [Legal summary](#)

Prisoners required to prove religious conversion during detention, through a document issued by faith representatives, to receive meals compatible with their new religion: *violation*

[Neagu v. Romania, 21969/15, 10.11.2020](#) [Judgment](#) | [Legal summary](#)

[Saran v. Romania, 65993/16, 10.11.2020](#) [Judgment](#) | [Legal summary](#)

ARTICLE 10

Freedom of expression

Insufficiently foreseeable legal basis for a fine on political party for making available a mobile application allowing voters to share anonymous photographs of their ballot papers: *violation*

[Magyar Kétfarkú Kutya Párt v. Hungary \[GC\], 201/17, 20.1.2020](#) [Judgment](#) | [Legal summary](#)

Criminal conviction, fine and two-year ban on journalistic or publishing activities imposed on businessman for hate speech against ethnicities: *no violation*

[Atamanchuk v. Russia, 4493/11, 11.2.2020](#) [Judgment](#) | [Legal summary](#)

Grossly arbitrary prosecution for drug-related crimes in retaliation for political expression: *violation*

[Ibrahimov and Mammadov v. Azerbaijan, 63571/16, 13.2.2020](#) [Judgment](#) | [Legal summary](#)

Limited functionality of applicant's cultural website due to unnecessary prolonged retention of his computer server in the context of criminal proceedings against third parties: *violation*

[Pendov v. Bulgaria, 44229/11, 26.3.2020](#) [Judgment](#) | [Legal summary](#)

TV company prohibited from describing political party as "far-right" on the basis of unforeseeable application of statutory ban on the communication of any "opinion" by a newsreader: *violation*

[ATV Zrt v. Hungary, 61178/14, 28.4.2020](#) [Judgment](#) | [Legal summary](#)

Premature termination of chief prosecutor's mandate following public criticism of legislative reforms: *violation*

[Kövesi v. Romania, 3594/19, 5.5.2020](#) [Judgment](#) | [Legal summary](#)

Lack of adequate safeguards for suspending journalists' accreditation to enter Parliament on account of interviews and video recordings with MPs outside designated areas: *violation*

[Mándli and Others v. Hungary, 63164/16, 26.5.2020](#) [Judgment](#) | [Legal summary](#)

Militant action to boycott products from Israel was considered as a discriminatory crime without relevant and sufficient reasons: *violation*

[Baldassi and Others v. France, 15271/16, 11.6.2020](#) [Judgment](#) | [Legal summary](#)

Lawyer suspended for public criticism of police brutality and later disbarred for disrespectful remarks about a judge made in courtroom when representing Ilgar Mammadov: *violation*

[Bagirov v. Azerbaijan, 81024/12 and 28198/15, 25.6.2020](#) [Judgment](#) | [Legal summary](#)

Conviction for defamation on account of statements made in the context of defence in another set of criminal proceedings and accusing a third party of witness tampering: *violation*

[Miljević v. Croatia, 68317/13, 25.6.2020](#) [Judgment](#) | [Legal summary](#)

Refusal to award title of court expert to applicant, who had succeeded in examination, on basis of his blog and complaints criticising State authorities: *violation*

[Cimperšek v. Slovenia, 58512/16, 30.6.2020](#) [Judgment](#) | [Legal summary](#)

Statements alleging corruption directed at certain of members of parliament made by politician in support of her view of incompatibility of that role with that of lawyer: *violation*

[Monica Macovei v. Romania, 53028/14, 28.7.2020](#) [Judgment](#) | [Legal summary](#)

Order for a journalist to disclose the identity of a drug dealer after publishing a report on him, without any balancing of the specific interests: *violation*

[Jecker v. Switzerland, 35449/14, 6.10.2020](#) [Judgment](#) | [Legal summary](#)

Prosecutor's unfettered discretion to issue warnings, cautions and orders under "anti-extremism" legislation lacking foreseeability and safeguards: *violation*

[Karastelev and Others v. Russia, 16435/10, 6.10.2020](#) [Judgment](#) | [Legal summary](#)

Criminal proceedings, not leading to conviction but excessive in length, against authors of public report promoting minority rights: *violation*

[Kaboğlu and Oran v. Turkey \(no. 2\), 36944/07, 20.10.2020](#) Judgment | Legal summary

Suspended prison sentence imposed on journalist, in disregard of Convention standards, for calling a school headmaster “neo-Nazi” in reply to his publicly expressed views: *violation*

[Balaskas v. Greece, 73087/17, 5.11.2020](#) Judgment | Legal summary

Prolonged detention of journalists/publishers owing to unreasonable equation of their editorial stance with propaganda in favour of terrorist organisations: *violation*

[Sabuncu and Others v. Turkey, 23199/17, 10.11.2020](#) Judgment | Legal summary

Fair balance struck in imposing code-of-conduct penalty on judge for publishing unsubstantiated allegations calling into question moral and professional integrity of a fellow judge: *no violation*

[Panioglu v. Romania, 33794/14, 8.12.2020](#) Judgment | Legal summary

Unforeseeable lifting member of parliament’s immunity and pre-trial detention on terrorist charges for political speeches: *violation*

[Selahattin Demirtaş v. Turkey \(no. 2\) \[GC\], 14305/17, 22.12.2020](#) Judgment | Legal summary

Freedom to receive information

Courts’ denial of applicants’ unmotivated requests to access criminal files concerning unrelated third parties, not instrumental for exercise of freedom-of-expression rights: *no violation*

[Studio Monitori and Others v. Georgia, 44920/09 and 8942/10, 30.1.2020](#) Judgment | Legal summary

NGO denied access to academic opinions forming part of case-file and relied upon by the Constitutional Court, not instrumental for exercise of freedom-of-expression rights: *inadmissible*

[Centre for Democracy and the Rule of Law v. Ukraine \(dec.\), 75865/11, 3.3.2020](#) Decision | Legal summary

NGO denied access to information about education and work history contained in CVs of political leaders running for parliamentary elections: *violation*

[Centre for Democracy and the Rule of Law v. Ukraine, 10090/16, 26.3.2020](#) Judgment | Legal summary

Access blocked to entire website because of one piece of prohibited material and continued blocking even after material had been removed: *violation*

[Bulgakov v. Russia, 20159/15, 23.6.2020](#) Judgment | Legal summary

Website owner compelled to remove information on filter-bypassing tools, which was arbitrarily banned by court, in order to avoid blocking of his entire website: *violation*

[Engels v. Russia, 61919/16, 23.6.2020](#) Judgment | Legal summary

Unjustified wholesale blocking of opposition online media outlets in breach of requirement to specify offending content: *violation*

[OOO Flavus and Others v. Russia, 12468/15 et al., 23.6.2020](#) Judgment | Legal summary

Website blocked as automatic consequence of blocking order against another with same IP address: *violation*

[Vladimir Kharitonov v. Russia, 10795/14, 23.6.2020](#) Judgment | Legal summary

Withdrawal of a journalist’s accreditation to conduct archival research following failure to respect the private life of third parties: *no violation*

[Gafiuc v. Romania, 59174/13, 13.10.2020](#) Judgment | Legal summary

Freedom to impart information

Insufficiently foreseeable legal basis for a fine on political party for making available a mobile application allowing voters to share anonymous photographs of their ballot papers: *violation*

[Magyar Kétfarkú Kutya Párt v. Hungary \[GC\], 201/17, 20.1.2020](#) Judgment | Legal summary

Courts' denial of applicants' unmotivated requests to access criminal files concerning unrelated third parties, not instrumental for exercise of freedom-of-expression rights: *no violation*

[Studio Monitori and Others v. Georgia, 44920/09 and 8942/10, 30.1.2020](#) Judgment | Legal summary

NGO denied access to academic opinions forming part of case-file and relied upon by the Constitutional Court, not instrumental for exercise of freedom-of-expression rights: *inadmissible*

[Centre for Democracy and the Rule of Law v. Ukraine \(dec.\), 75865/11, 3.3.2020](#) Decision | Legal summary

NGO denied access to information about education and work history contained in CVs of political leaders running for parliamentary elections: *violation*

[Centre for Democracy and the Rule of Law v. Ukraine, 10090/16, 26.3.2020](#) Judgment | Legal summary

Access blocked to entire website because of one piece of prohibited material and continued blocking even after material had been removed: *violation*

[Bulgakov v. Russia, 20159/15, 23.6.2020](#) Judgment | Legal summary

Website owner compelled to remove information on filter-bypassing tools, which was arbitrarily banned by court, in order to avoid blocking of his entire website: *violation*

[Engels v. Russia, 61919/16, 23.6.2020](#) Judgment | Legal summary

Unjustified wholesale blocking of opposition online media outlets in breach of requirement to specify offending content: *violation*

[OOO Flavus and Others v. Russia, 12468/15 et al., 23.6.2020](#) Judgment | Legal summary

Website blocked as automatic consequence of blocking order against another with same IP address: *violation*

[Vladimir Kharitonov v. Russia, 10795/14, 23.6.2020](#) Judgment | Legal summary

Withdrawal of a journalist's accreditation to conduct archival research following failure to respect the private life of third parties: *no violation*

[Gafiuc v. Romania, 59174/13, 13.10.2020](#) Judgment | Legal summary

ARTICLE 11

Freedom of peaceful assembly

Arbitrary prosecution and conviction of opposition supporters, linked to their participation in a protest movement: *violation*

[Jhangiryan v. Armenia, 44841/08 and 63701/09, 8.10.2020](#) Judgment | Legal summary

[Smbat Ayzazyan v. Armenia, 49021/08, 8.10.2020](#) Judgment | Legal summary

Police brutality against peaceful participants of the Bolotnaya Square political rally: *violation*

[Zakharov and Varzhabetyan v. Russia, 35880/14 and 75926/17, 13.10.2020](#) Judgment | Legal summary

Police failure to ensure LGBTI event disrupted by counter-demonstrators proceeded peacefully, in breach of State's positive obligations: *violation*

[Berkman v. Russia, 46712/15, 1.12.2020](#).....Judgment | Legal summary

Freedom of association

Refusal to register a political party declaring itself as the successor to the communist party dissolved in 1989 for imposing a totalitarian regime: *no violation*

[Ignatencu and Romanian Communist Party v. Romania, 78635/13, 5.5.2020](#)....Judgment | Legal summary

Criminal proceedings unnecessary vis-à-vis attempt to set up political party on religious basis: *violation*

[Yordanovi v. Bulgaria, 11157/11, 3.9.2020](#).....Judgment | Legal summary

Dissolution of a paramilitary-type far-right association following violence and public-order disturbances by its members: *no violation*

[Ayoub and Others v. France, 77400/14 et al., 8.10.2020](#)Judgment | Legal summary

ARTICLE 13

Effective remedy

Discriminatory attitudes impacting on the effectiveness of remedies in the application of domestic law: *violation*

[Beizaras and Levickas v. Lithuania, 41288/15, 14.1.2020](#).....Judgment | Legal summary

Preventive remedy ineffective in practice as a means of putting an end to inadequate conditions of detention linked to prison overcrowding: *violation*

[J.M.B. and Others v. France, 9671/15, 30.1.2020](#).....Judgment | Legal summary

Systemic flaws rendering constitutional redress proceedings ineffective in respect of length-of-proceedings complaints: *violation*

[Marshall and Others v. Malta, 79177/16, 11.2.2020](#)Judgment | Legal summary

Failure to exhaust new remedy dealing with prolonged non-enforcement of final decisions awarding compensation for property expropriated during the communist regime: *inadmissible*

[Beshiri and Others v. Albania \(dec.\), 29026/06, 17.3.2020](#).....Decision | Legal summary

Requirement, not unreasonable, to establish serious negligence to engage the State's responsibility for shortcomings in the justice system: *non-violation*

[Association Innocence en Danger and Association Enfance et Partage v. France, 15343/15 and 16806/15, 4.6.2020](#)Judgment | Legal summary

Remedies against expulsion rendered ineffective by rapidity of enforcement: *violation*

No need for suspensive remedy in respect of mere practical arrangements for expulsion, a compensatory remedy being sufficient: *violation*

[Moustahi v. France, 9347/14, 25.6.2020](#)Judgment | Legal summary

Failure to provide effective remedy by which to challenge election results and seek recount: *violation*

[Mugemangango v. Belgium \[GC\], 310/15, 10.7.2020](#)Judgment | Legal summary

Refusal to grant compensation for non-pecuniary damage resulting from unlawful random strip searches of prisoner receiving visitors : *violation*

Roth v. Germany, 6780/18 and 30776/18, 22.10.2020 Judgment | Legal summary

ARTICLE 14

Discrimination (Article 2)

Azerbaijan's failure to enforce prison sentence for hate crime against Armenian victims, imposed abroad on its officer, who was glorified as hero, promoted and awarded benefits upon return: *violation*

Makuchyan and Minasyan v. Azerbaijan and Hungary, 17247/13, 26.5.2020..... Judgment | Legal summary

Discrimination (Article 3)

Abusive police conduct during search of premises of an LGBT NGO motivated by homophobic and/or transphobic hatred: *violation*

Aghdgomelashvili and Japaridze v. Georgia, 7224/11, 8.10.2020 Judgment | Legal summary

Discrimination (Article 8)

Refusal to prosecute authors of serious homophobic comments on Facebook including undisguised calls for violence, without effective investigation beforehand: *violation*

Beizaras and Levickas v. Lithuania, 41288/15, 14.1.2020 Judgment | Legal summary

Restriction on applicant's contact rights based on his mental disorder, without assessing the latter's impact on his caring skills or child's safety: *violation*

Cînța v. Romania, 3891/19, 18.2.2020 Judgment | Legal summary

Obligation for children born under surrogacy arrangement to be adopted in order to ensure recognition of legal mother-child relationship: *no violation*

D v. France, 11288/18, 16.7.2020 Judgment | Legal summary

Termination, when youngest child reaches adulthood, of pension entitlement for surviving parent with full-time childcare responsibilities where the beneficiary is a man: *violation*

B. v. Switzerland, 78630/12, 20.10.2020 Judgment | Legal summary

Discrimination (Article 9)

Midwife denied employment because of her religion-motivated refusal to assist in abortions: *inadmissible*

Grimmark v. Sweden (dec.), 43726/17, 11.2.2020 Decision | Legal summary

Discrimination (Article 11)

Police failure to ensure LGBTI event disrupted by counter-demonstrators proceeded peacefully, in breach of State's positive obligations: *violation*

Berkman v. Russia, 46712/15, 1.12.2020 Judgment | Legal summary

Discrimination (Article 1 of Protocol No. 1)

Alleged discrimination in provision of disability benefits to civilian as opposed to military beneficiaries: *no violation*

Popović and Others v. Serbia, 26944/13 et al., 30.6.2020 Judgment | Legal summary

Discrimination (Article 2 of Protocol No. 1)

Inability for autistic child to receive specialised learning support to which she was entitled by law, in first two years of primary school: *violation*

G.L. v. Italy, 59751/15, 10.9.2020..... Judgment | Legal summary

Discrimination (Article 3 of Protocol No. 1)

Lack of judicial scrutiny to protect against arbitrariness regarding an eligibility requirement which disadvantaged national minority organisations not yet represented in Parliament: *violation*

Cegolea v. Romania, 25560/13, 24.3.2020..... Judgment | Legal summary

Positive obligations

Refusal to prosecute authors of serious homophobic comments on Facebook including undisguised calls for violence, without effective investigation beforehand: *violation*

Beizaras and Levickas v. Lithuania, 41288/15, 14.1.2020..... Judgment | Legal summary

ARTICLE 15

Derogation in time of emergency

Detention based on mere suspicion of membership of an illegal organisation, without any specific incriminating evidence: *not "strictly required"*

Baş v. Turkey, 66448/17, 3.3.2020 Judgment | Legal summary

ARTICLE 17

Prohibition of abuse of rights

Dissolution of paramilitary-type far-right associations engaged in racist and antisemitic indoctrination: *inadmissible*

Ayoub and Others v. France, 77400/14 et al., 8.10.2020 Judgment | Legal summary

ARTICLE 18

Restriction for unauthorised purposes

Detention of opposition activists in order to punish them for painting anti-government graffiti on statue of former president: *violation*

Ibrahimov and Mammadov v. Azerbaijan, 63571/16, 13.2.2020 Judgment | Legal summary

Detention of human rights defenders for the purpose of silencing and punishing them for their NGO activities: *violation*

Yunusova and Yunusov v. Azerbaijan (no. 2), 68817/14, 16.7.2020 Judgment | Legal summary

Prolonged detention of journalists/publishers owing to unreasonable equation of their editorial stance with propaganda in favour of terrorist organisations, without an identifiable ulterior purpose: *no violation*

Sabuncu and Others v. Turkey, 23199/17, 10.11.2020 Judgment | Legal summary

Member of parliament prevented from discharging his duties as a result of his prolonged pre-trial detention, for the purpose of stifling pluralism: *violation*

Selahattin Demirtaş v. Turkey (no. 2) [GC], 14305/17, 22.12.2020.....Judgment | Legal summary

ARTICLE 33

Inter-State application

Lack of jurisdiction to examine inter-State application vindicating the rights of a legal entity which does not qualify as “non-governmental”

Slovenia v. Croatia (dec.) [GC], 54155/16, 18.11.2020 Decision | Legal summary

ARTICLE 34

Victim

Compensation for poor conditions of detention by specific and measurable reduction in sentence leading to applicants’ release: loss of victim status: *loss of victim status*

Dirjan and Ştefan v. Romania (dec.), 14224/15 and 50977/15, 15.4.2020..... Decision | Legal summary

Impact on individual shareholders of legislation putting banks under central supervising authorities and resulting in significant loss of their operational autonomy: *inadmissible*

Albert and Others v. Hungary [GC], 5294/14, 7.7.2020 Judgment | Legal summary

Relative of convict possessing moral interest in a potential Article 6 violation based on police incitement: *preliminary objection dismissed*

Akbay and Others v. Germany, 40495/15 et al., 15.10.2020 Judgment | Legal summary

Lack of jurisdiction to examine inter-State application vindicating the rights of a legal entity which does not qualify as “non-governmental”

Slovenia v. Croatia (dec.) [GC], 54155/16, 18.11.2020 Decision | Legal summary

Cancellation and revocation of shares in private bank directly affecting shareholders’ property rights: *victim status upheld*

Project-Trade d.o.o. v. Croatia, 1920/14, 19.11.2020 Judgment | Legal summary

ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedies

NGO pursuing criminal complaints in the interest of applicants targeted by homophobic comments on Facebook: *admissible*

Beizaras and Levickas v. Lithuania, 41288/15, 14.1.2020 Judgment | Legal summary

Failure to exhaust new remedy dealing with prolonged non-enforcement of final decisions awarding compensation for property expropriated during the communist regime: *inadmissible*

Beshiri and Others v. Albania (dec.), 29026/06, 17.3.2020 Decision | Legal summary

Requirement to lodge an appeal with the Constitutional Court in all cases raising an issue of unconstitutionality of a legal rule or the interpretation thereof: *inadmissible*

Failure to lodge an objection before a three-judge committee of the Constitutional Court against a summary decision declaring a constitutional appeal inadmissible, given by a single judge: *inadmissible*

[Dos Santos Calado and Others v. Portugal, 55997/14 et al., 31.3.2020..... Judgment | Legal summary](#)

No final decision in main proceedings, leaving open the possibility of *in concreto* examination notwithstanding the reply to a priority question of constitutionality: *inadmissible*

[Graner v. France \(dec.\), 84536/17, 5.5.2020..... Decision | Legal summary](#)

Inappropriate choice of urgent rectification procedure, rather than a compensation claim, for a complex complaint of harm to reputation: *inadmissible*

[Gülen v. Turkey \(dec.\), 38197/16 et al., 8.9.2020..... Decision | Legal summary](#)

Requirement to exhaust the compensatory remedy ("Pinto" remedy) in respect of complaints concerning the time taken to examine special appeals to the President of the Republic (Italy)

[Mediani v. Italy \(dec.\), 11036/14, 8.9.2020..... Decision | Legal summary](#)

Effective domestic remedy – Albania

Failure to exhaust new remedy dealing with prolonged non-enforcement of final decisions awarding compensation for property expropriated during the communist regime: *inadmissible*

[Beshiri and Others v. Albania \(dec.\), 29026/06, 17.3.2020..... Decision | Legal summary](#)

Effective domestic remedy – Portugal

Requirement to lodge an appeal with the Constitutional Court in all cases raising an issue of unconstitutionality or interpretation of a substantive rule: *inadmissible*

Failure to lodge an objection before a three-judge committee of the Constitutional Court against a summary decision declaring a constitutional appeal inadmissible, given by a single judge: *inadmissible*

[Dos Santos Calado and Others v. Portugal, 55997/14 et al., 31.3.2020..... Judgment | Legal summary](#)

Effective domestic remedy – Russia

Failure to exhaust newly introduced compensatory remedy in respect of improper conditions of past pre-trial and correctional detention in breach of domestic standards: *inadmissible*

[Shmelev and Others v. Russia \(dec.\), 41743/17 et al., 17.3.2020..... Decision | Legal summary](#)

Failure to lodge vicarious liability claim against authorities owning property used by institutions which had not paid judgment debts to applicants: *inadmissible*

[Solonskiy and Petrova v. Russia \(dec.\), 3752/08 and 22723/09, 17.3.2020..... Decision | Legal summary](#)

Article 35 § 2 (b)

Matter already submitted to another international procedure

Complaint to specialised Committee of the Inter-Parliamentary Union not similar to Convention mechanism: *preliminary objection dismissed*

[Selahattin Demirtaş v. Turkey \(no. 2\) \[GC\], 14305/17, 22.12.2020..... Judgment | Legal summary](#)

ARTICLE 41

Just satisfaction

Respondent State invited to guarantee applicant's ownership of property bequeathed to her in Greece, or else to compensate her for its value in proportion to the percentage of which she was deprived

No jurisdiction for the Court to determine the applicant's claims concerning property in Turkey

Molla Sali v. Greece (just satisfaction) [GC], 20452/14, 18.6.2020 Judgment | Legal summary

ARTICLE 46

Pilot judgment – General measures

Respondent State required to reduce prison overcrowding, improve conditions of detention and introduce preventive and compensatory remedies

Sukachov v. Ukraine, 14057/17, 30.1.2020 Judgment | Legal summary

Execution of judgment

Dismissal on procedural grounds of request to reopen civil proceedings following European Court's judgment finding violation of the Convention: *inadmissible*

Munteanu v. Romania (dec.), 54640/13, 11.2.2020 Decision | Legal summary

Execution of judgment – General measures

Respondent State required to take general measures to permanently eliminate overcrowding in prisons and establish a preventive remedy that is effective in practice

J.M.B. and Others v. France, 9671/15, 30.1.2020 Judgment | Legal summary

ARTICLE 1 OF PROTOCOL No. 1

Possessions

Refusal to compensate the former owners or to reassign to them land that had been expropriated and subsequently privatised, after 30 years of use in the public interest: *inadmissible*

Joint Stock Company Çiftçiler and Göksun v. Turkey (dec.), 62323/09 and 64965/09, 24.11.2020 Decision | Legal summary

Peaceful enjoyment of possessions | Positive obligations

Inconclusive criminal investigation into arson of applicants' house, without "flagrant and serious" deficiencies: *no violation*

Abukauskai v. Lithuania, 72065/17, 25.2.2020 Judgment | Legal summary

Control of the use of property

Unnecessary prolonged retention of the applicant's computer server in the context of criminal proceedings against third parties: *violation*

Pendov v. Bulgaria, 44229/11, 26.3.2020 Judgment | Legal summary

ARTICLE 2 OF PROTOCOL No. 1

Right to education

Proportionate ban, reviewed by domestic court, on detainee who was suspected of terrorism taking university exams during state of emergency: *inadmissible*

Uzun v. Turkey (dec.), 37866/18, 10.11.2020 Decision | Legal summary

Respect for parents' religious convictions

No effects from mere presence of seven-year-old child at one-off short religious ceremony in municipal school, without indoctrination aims: *no violation*

Perovy v. Russia, 47429/09, 20.10.2020 Judgment | Legal summary

ARTICLE 3 OF PROTOCOL No. 1

Free expression of the opinion of the people

Member of parliament excluded from parliamentary proceedings as a result of his prolonged pre-trial detention without sufficient justification: *violation*

Selahattin Demirtaş v. Turkey (no. 2) [GC], 14305/17, 22.12.2020 Judgment | Legal summary

Stand for election

Complaint calling for recount of ballot papers examined by body lacking impartiality, through procedure lacking adequate and sufficient safeguards: *violation*

Mugemangango v. Belgium [GC], 310/15, 10.7.2020 Judgment | Legal summary

Arbitrary disqualification of a party three days before parliamentary elections on account of alleged use of undeclared foreign funds: *violation*

Political Party "Patria" and Others v. the Republic of Moldova, 5113/15 et al., 4.8.2020 Judgment | Legal summary

ARTICLE 4 OF PROTOCOL No. 4

Prohibition of collective expulsion of aliens

Immediate and forcible return of aliens from a land border, following an attempt by a large number of migrants to cross it in an unauthorised manner and *en masse*: *no violation*

N.D. and N.T. v. Spain [GC], 8675/15, 13.1.2020 Judgment | Legal summary

Collective nature of expulsion stemming from failure to examine situation of unaccompanied minors, arbitrarily associated with unrelated adult for the purpose of being deported with him: *violation*

Moustahi v. France, 9347/14, 25.6.2020 Judgment | Legal summary

Refusal of border guards to receive asylum applications and summary removal to a third country, with a risk of *refoulement* to and ill-treatment in the country origin: *violation*

M.K. and Others v. Poland, 40503/17 et al., 23.7.2020 Judgment | Résumé juridique

ARTICLE 1 OF PROTOCOL No. 7

Procedural safeguards relating to expulsion of aliens

Expulsion on national security grounds decided by court on the basis of classified information not disclosed to applicants, without sufficient counterbalancing safeguards: *violation*

Muhammad and Muhammad v. Romania [GC], 80982/12, 15.10.2020 Judgment | Legal summary

ARTICLE 2 OF PROTOCOL No. 7

Right of appeal in criminal matters

No appeal available against a heavy customs fine imposed without any consideration of proportionality: *violation*

Saqueti Iglesias v. Spain, 50514/13, 30.6.2020 Judgment | Legal summary

ARTICLE 4 OF PROTOCOL No. 7

Right not to be tried or punished twice

Deprivation of nationality of respondent State on the basis of old terrorism conviction: *inadmissible*

Ghoumid and Others v. France, 52273/16 et al., 25.6.2020 Judgment | Legal summary

ARTICLE 1 OF PROTOCOL No. 12

General prohibition of discrimination

Alleged discrimination in final high school exams of pupils belonging to national minorities studying in their mother tongue: *no violation*

Ádám and Others v. Romania, 81114/17 et al., 13.10.2020 Judgment | Legal summary

Justified necessity of recalling applicant from diplomatic post abroad after announcing pregnancy: *no violation*

Napotnik v. Romania, 33139/13, 20.10.2020 Judgment | Legal summary

PROTOCOL No. 16

Advisory opinions

Use of the “blanket reference” or “legislation by reference” technique in the definition of an offence and standards of comparison between the criminal law in force at the time of the commission of the offence and the amended criminal law

Advisory opinion requested by the Armenian Constitutional Court [GC], P16-2019-001, 29.5.2020 Opinion | Legal summary