

2021

INDEX

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



Index of the Court's case-law summarised
in the Information Notes during 2021

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/NoteInformation/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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[Reczkowitz v. Poland, 43447/19, 22.7.2021](#) [Judgment](#) | [Legal summary](#)

Manifest breaches in appointment of judges to newly established Supreme Court's Chamber of Extraordinary Review and Public Affairs following legislative reform: *violation*

[Dolińska-Ficek and Ozimek v. Poland, 49868/19 and 57511/19, 8.11.2021](#) [Judgment](#) | [Legal summary](#)

Article 6 § 1 (criminal)

Access to court

Excessive formalism by the Court of Cassation in ruling appeals on points of law inadmissible on account of the lawyer's failure to refer to his requisite certification: *violation*

[Willems and Gorjon v. Belgium, 74209/16 et al., 21.9.2021](#) [Judgment](#) | [Legal Summary](#)

Fair hearing

Applicants' conviction for minor offences based on decisive evidence of absent witnesses and lack of counterbalancing factors: *Article 6 applicable; violation*

[Buliga v. Romania, 22003/12, 16.2.2021](#) [Judgment](#) | [Legal summary](#)

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Failure to investigate applicants' status as potential trafficking victims affecting overall fairness of criminal proceedings: *violation*

[V.C.L. and A.N. v. the United Kingdom, 77587/12 and 74603/12, 16.2.2021](#) [Judgment](#) | [Legal summary](#)

Signing of judgment by court's president on behalf of the judge, having in the meantime retired, who presided over the bench which deliberated on the case: *no violation*

[Iancu v. Romania, 62915/17, 23.2.2021](#) Judgment | Legal summary

Failure by a court of appeal to hear prosecution witnesses before overturning the acquittal verdict given at first instance under summary procedure: *no violation*

[Di Martino and Molinari v. Italy, 15931/15 and 16459/15, 25.3.2021](#) Judgment | Legal summary

Police entrapment through drug test purchases, resulting from structural problems in domestic regulatory framework: *violation*

[Kuzmina and Others v. Russia, 66152/14 et al., 20.4.2021](#) Judgment | Legal summary

Failure by Court of Appeal to order fresh hearing of accused before overturning their acquittal at first instance: *violation*

[Maestri and Others v. Italy, 20903/15 et al., 8.7.2021](#) Judgment | Legal summary

Allegation of financial incapacity not taken into account in the imposition of administrative detention for non-compliance with judgments ordering repayment of debts: *violation*

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Unfairness of revision proceedings before Supreme Court due to distortion of European Court judgment which had found a violation of the applicant's right to a fair trial: *violation*

[Serrano Contreras v. Spain \(no. 2\), 2236/19, 26.10.2021](#) Judgment | Legal Summary

Statements given by applicants to French authorities on US base at Guantánamo not used as basis for criminal proceedings and convictions in France: *no violation*

[Sassi and Benchellali v. France, 10917/15 and 10941/15, 25.11.2021](#) Judgment | Legal summary

Public hearing

Holding appeal hearing in camera not strictly required as a safety consideration: *violation*

[Kilin v. Russia, 10271/12, 11.5.2021](#) Judgment | Legal summary

Reasonable time

Significant delays before the Supreme Court unacceptable despite the context of the far-reaching reform of the justice system: *violation*

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Impartial tribunal

Objective impartiality doubts as to judge presiding over applicant's case, who previously sat in separate proceedings which made extensive findings prejudging her guilt: *violation*

[Meng v. Germany, 1128/17, 16.2.2021](#) Judgment | Legal summary

Refusal to discharge jury members who had read online articles concerning the trial and who had discussed the trial with a person not involved in examining the case: *violation*

[Tikhonov and Khasis v. Russia, 12074/12 and 16442/12, 16.2.2021](#) Judgment | Legal summary

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Reasonable time

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[Bara and Kola v. Albania, 43391/18 and 17766/19, 12.10.2021](#) Judgment | Legal Summary

Article 6 § 1 (constitutional)

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Xero Flor W Polsce sp. z o.o v. Poland, 4907/18, 7.5.2021.....Judgment | Legal summary

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Objective impartiality not impaired when assigning the case to a judicial formation, although there was no randomised selection of all its members: *no violation*

Miroslava Todorova v. Bulgaria, 40072/13, 19.10.2021.....Judgment | Legal Summary

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Wording used by court in decisions concerning applicant's continued detention and committing him to trial: *no violation; violation*

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Unilateral declaration by the Government recognising the failure to provide legal assistance before criminal proceedings and offering compensation for non-pecuniary damage: *struck out of the list of cases*

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Applicants' conviction for minor offences based on decisive evidence of absent witnesses and lack of counterbalancing factors: *violation*

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Foreseeable prosecution of prison officer for providing information about prison to journalist in exchange for money: *no violation*

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Disqualification from standing for election and removal from elected office on account of criminal convictions for corruption and abuse of power, not equivalent to criminal penalties: *inadmissible*

Galan v. Italy (dec.), 63772/16, 18.5.2021 Decision | Legal summary

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Subsequent order for preventive detention amounting to retrospective imposition of a heavier penalty: *violation*

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Retroactivity

Administrative surveillance for preventive purposes, after convicted persons have served their sentences, not constituting a penalty and not subject to the principle of retroactivity: *inadmissible*

Timofeyev and Postupkin v. Russia, 45431/14 and 22769/15, 19.1.2021 Judgment | Legal summary

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ARTICLE 8

Respect for private and family life

Post-mortem and organ removal for preservation of prematurely born child with rare disease despite mother's objection and specific wishes for ritual burial: *violation*

Polat v. Austria, 12886/16, 20.7.2021 Judgment | Legal summary

Respect for private life

Justified publication of applicant's identifying data, including home address, on tax authority website portal, for failing to fulfil his tax obligations: *no violation*

L.B. v. Hungary, 36345/16, 12.1.2021 Judgment | Legal summary

Fine imposed on a poor and vulnerable Roma woman for unintrusive begging, and subsequent imprisonment for five days for non-payment: *violation*

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Refusal of national authorities to recognise male identity of transgender persons in the absence of gender reassignment surgery: *violation*

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Dismissal of criminal complaint against judges for statements forming part of judgment's factual contextualisation and not attaining a threshold of seriousness: *Article 8 not applicable; inadmissible*

[De Carvalho Basso v. Portugal \(dec.\), 73053/14 and 33075/17, 4.2.2021](#) [Decision](#) | [Legal summary](#)

Failure to protect the personal integrity of a vulnerable child in the course of excessively long criminal proceedings relating to sexual abuse: *violation*

[N.Ç. v. Turkey, 40591/11, 9.2.2021](#) [Judgment](#) | [Legal summary](#)

Justified dismissal of judge and lifetime ban from re-entering justice system as result of individualised and serious findings of vetting process: *no violation*

[Xhoxhaj v. Albania, 15227/19, 9.2.2021](#) [Judgment](#) | [Legal summary](#)

Fine on parent and exclusion of children from preschool for refusal to comply with statutory child vaccination duty: *no violation*

[Vavříčka and Others v. the Czech Republic \[GC\], 47621/13 et al, 8.4.2021](#) [Judgment](#) | [Legal summary](#)

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[F.O. v. Croatie, 29555/13, 22.4.2021](#) [Judgment](#) | [Legal summary](#)

Proportionate and foreseeable nature of the placement under protective supervision of an elderly and vulnerable person on the grounds of her extravagant spending, a concept interpreted by reference to the former French Civil Code: *no violation*

[M.K. v. Luxembourg, 51746/18, 18.5.2021](#) [Judgment](#) | [Legal summary](#)

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Convention compliance of secret surveillance regime including bulk interception of communications and intelligence sharing: *violation*

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"Secondary victimisation" of a victim of sexual assault on account of comments in the reasoning of the judgment that were guilt-inducing, moralising and conveyed sexist stereotypes: *violation*

[J.L. v. Italy, 5671/16, 27.5.2021](#) [Judgment](#) | [Legal summary](#)

Termination of pre-adoption foster placement "with a legal risk" in applicant's home and child's transfer to another family on grounds of child's best interests: *no violation*

[Jessica Marchi v. Italy, 54978/17, 27.5.2021](#) [Judgment](#) | [Legal summary](#)

Newspaper publication of private information and non-blurred images of applicant taken covertly and under pretences: *violation*

[Hájovský v. Slovakia, 7796/16, 1.7.2021](#) [Judgment](#) | [Legal summary](#)

Practically unfettered power exercised by intelligence service implementing surveillance operation, without adequate legal safeguards: *violation*

[Varga v. Slovakia, 58361/12 et al., 20.7.2021](#) [Judgment](#) | [Legal summary](#)

Unlawful prevention of former Supreme Court of Ukraine judges from exercising judicial functions after legislative reform: *violation*

[Gumenyuk and Others v. Ukraine, 11423/19, 22.7.2021](#) [Judgment](#) | [Legal summary](#)

Emails exchanged by the applicant on a dating website produced without her consent by her ex-husband in civil proceedings: *no violation*

[M.P. v. Portugal, 27516/14, 7.9.2021](#)[Judgment](#) | [Legal Summary](#)

Authorities' failure to protect victim of domestic violence from repeated acts of cyber-violence and bring perpetrator to justice: *violation*

[Volodina v. Russia \(no. 2\), 40419/19, 14.9.2021](#)[Judgment](#) | [Legal Summary](#)

Dismissal of action against tabloids, which published unverified tawdry statements on, and pictures of, applicant's son, a priest convicted of sexual offences, years after his death: *violation*

[M.L. v. Slovakia, 34159/17, 14.10.2021](#)[Judgment](#) | [Legal Summary](#)

No possibility of tailor-made response in deprivation of legal capacity proceedings: *violation*

[N. v. Romania \(no. 2\), 38048/18, 16.11.2021](#)[Judgment](#) | [Legal summary](#)

Justified dismissal of claim about disclosure of applicant's declared income data by television report on criminal case against her retired prosecutor husband: *no violation*

[Samoylova v. Russia, 49108/11, 14.12.2021](#)[Judgment](#) | [Legal summary](#)

Respect for family life

Taking into care of the Roma granddaughter of the applicant, who had had custody of her since birth, and failure to implement visiting rights: *violation*

[Terna v. Italy, 21052/18, 14.1.2021](#)[Judgment](#) | [Legal summary](#)

Trafficking victim of Nigerian origin deprived of any contact with her children, contrary to experts' recommendations and even before the final decision on their availability for adoption: *violation*

[A.I. v. Italy, 70896/17, 1.4.2021](#)[Judgment](#) | [Legal summary](#)

Decision to withdraw life-sustaining treatment for child suffering from a serious disease, based on the "best interests of the child": *inadmissible*

[Parfitt v. the United Kingdom \(dec.\), 18533/21, 20.4.2021](#)[Decision](#) | [Legal summary](#)

Non-recognition of parental link with non-biological child born abroad via surrogacy, while preserving bond through foster care: *"family life" applicable; no violation*

[Valdís Fjölnisdóttir and Others v. Iceland, 71552/17, 18.5.2021](#)[Judgment](#) | [Legal summary](#)

Insufficient assessment as to existence of "grave risk" in returning abducted child under the Hague Convention to a conflict zone in eastern Ukraine: *violation*

[Y.S. and O.S v. Russia, 17665/17, 15.6.2021](#)[Judgment](#) | [Legal summary](#)

Restriction of applicant's parental rights and deprivation of contact with her children without required scrutiny on gender identity grounds: *violation*

[A.M. and Others v. Russia, 47220/19, 6.7.2021](#)[Judgment](#) | [Legal summary](#)

Unjustified statutory three-year waiting period for family reunification of persons benefitting from subsidiary or temporary protection, not allowing individualised assessment: *violation*

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Unjustified and disproportionate general ban on telephone calls for life prisoners under strict regime: *violation*

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Failure of domestic authorities to take reasonable and timely measures to reunite mother and children after kidnapping by paternal grandfather: *violation*

[Tapayeva and Others v. Russia, 24757/18, 23.11.2021](#).....[Judgment](#) | [Legal summary](#)

Inability to obtain Polish nationality by descent by children born through surrogacy in USA to same-sex couple and residing in Israel, where legal parent-child link is recognised: *inadmissible*

[S.-H. v. Poland \(dec.\), 56846/15 and 56849/15, 16.11.2021](#).....[Decision](#) | [Legal summary](#)

Justified temporary suspension of parental authority and limitation of contact with vulnerable child, in context of uncooperative parent: *no violation*

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[Abdi Ibrahim v. Norway \[GC\], 15379/16, 10.12.2021](#).....[Judgment](#) | [Legal summary](#)

Respect for home

Order by domestic courts for eviction of a mother and her daughter from their home and for its demolition on the ground that it was an unauthorised construction built on State-owned land assigned for petroleum operations: *violation in case of eviction without proper review*

[Ahmadova v. Azerbaijan, 9437/12, 18.11.2021](#).....[Judgment](#) | [Legal summary](#)

Unjustified dismissal of claim about disclosure of applicant's address, tax ID number and house interior images by television report on criminal case against her retired prosecutor husband: *violation*

[Samoylova v. Russia, 49108/11, 14.12.2021](#).....[Judgment](#) | [Legal summary](#)

Respect for correspondence

Emails exchanged by the applicant on a dating website produced without her consent by her ex-husband in civil proceedings: *no violation*

[M.P. v. Portugal, 27516/14, 7.9.2021](#).....[Judgment](#) | [Legal Summary](#)

Lack of sufficient procedural safeguards to protect privileged data covered during the seizure and subsequent examination of a lawyer's laptop and mobile telephone: *violation*

[Särgava v. Estonia, 698/19, 16.11.2021](#).....[Judgment](#) | [Legal summary](#)

Positive obligations

Refusal of national authorities to recognise male identity of transgender persons in the absence of gender reassignment surgery: *violation*

[X and Y v. Romania, 2145/16 and 20607/16, 19.1.2021](#).....[Judgment](#) | [Legal summary](#)

Failure to protect the personal integrity of a vulnerable child in the course of excessively long criminal proceedings relating to sexual abuse: *violation*

[N.Ç. v. Turkey, 40591/11, 9.2.2021](#).....[Judgment](#) | [Legal summary](#)

New legal framework establishing mechanism to determine true status and provide redress for all parents of missing newborn children: *struck out of the list*

[Mik and Jovanović v. Serbia \(dec.\), 9291/14 and 63798/14, 23.3.2021](#).....[Decision](#) | [Legal summary](#)

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Failure to advise 4-year old child of her duty to tell the truth and her right not to testify against her father, leading to exclusion of her testimony and father’s acquittal of sexual abuse: *violation*
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Unjustified statutory three-year waiting period for family reunification of persons benefitting from subsidiary or temporary protection, not allowing individualised assessment: *violation*
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Lack of any opportunity to have same-sex relationships formally acknowledged: *violation*
Absence de toute possibilité de faire officialiser une relation entre personnes de même sexe : *violation*
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Emails exchanged by the applicant on a dating website produced without her consent by her ex-husband in civil proceedings: *no violation*
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Authorities’ failure to protect the applicant from bullying by colleagues: *violation*
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Expulsion

Permanent exclusion order on long-term settled migrant with schizophrenia, despite progress after years of compulsory care, on account of violent offences: *violation*
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Freedom of religion

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Manifest religion or belief

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[Polat v. Austria, 12886/16, 20.7.2021](#) Judgment | Legal summary

Rejection of identity photos of Pastafarian wearing a colander, due to non-recognition of Pastafarianism as a religion or belief: *Article 9 not applicable; inadmissible*

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ARTICLE 10

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Award of damages against a blogger journalist for defamation of another journalist, without relevant and sufficient reasons: *violation*

[Gheorghe-Florin Popescu v. Romania, 79671/13, 12.1.2021](#) Judgment | Legal summary

Order to remove from a website illegally recorded extracts of the private conversations of a vulnerable public figure was justified, notwithstanding the fact that they had been reproduced by other media: *no violation*

[Société éditrice de Mediapart and Others v. France, 281/15 and 34445/15, 14.1.2021](#) Judgment | Legal summary

Dismissal of doctor for lodging good faith but unfounded criminal complaint accusing colleague of active euthanasia, without verification to the extent permitted by circumstances: *no violation*

[Gawlik v. Liechtenstein, 23922/19, 16.2.2021](#) Judgment | Legal summary

Unjustified conviction and fine for placing Santa Claus accessories on a communist leader's statue in the context of political protest: *violation*

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Unjustified interference through unlawful detention, on the basis of statements and articles made by applicant: *violation*

[Ahmet Hüsrev Altan v. Turkey, 13252/17, 13.4.2021](#) Judgment | Legal summary

Warnings issued to MEP for displaying national-minority flags on the building housing his office without obtaining permission to advertise: *violation*

[Tókés v. Romania, 15976/16 and 50461/17, 27.4.2021](#) Judgment | Legal summary

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Criminal fine of EUR 1,000 for disclosing to the media confidential documents of a private-sector employer ("Luxleaks") of insufficient public interest to counterbalance the harm caused: *no violation*

[Halet v. Luxembourg, 21884/18, 11.5.2021](#) Judgment | Legal summary

Conviction for sharing content online within a small social-media group with intent to incite violence against non-Russian ethnicities, established in absence of commentary: *no violation*

[Kilin v. Russia, 10271/12, 11.5.2021](#) Judgment | Legal summary

Disciplinary and sporting sanctions and fines imposed by the Turkish Football Federation, without adequate justification, for comments made on a TV programme and the social networks: *violation*

[Ibrahim Tokmak v. Turkey, 54540/16, 18.5.2021](#).....Judgment | Legal summary
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Insufficient protection of confidential journalist material under electronic surveillance schemes: *violation*

[Big Brother Watch and Others v. the United Kingdom \[GC\], 58170/13 et al., 25.5.2021](#).....Judgment | Legal summary

Dismissal without entitlement to compensation of contractual employee of national education authority for putting “likes” on certain Facebook posts: *violation*

[Melike v. Turkey, 35786/19, 15.6.2021](#)Judgment | Legal summary

Speech given at a ceremony paying tribute to a member of the ETA terrorist organisation which did not directly or indirectly incite to terrorist violence: *violation*

[Erkizia Almandoz v. Spain, 5869/17, 22.6.2021](#).....Judgment | Legal summary

Newspaper publisher required to anonymise, under the “right to be forgotten” of a driver who had caused a fatal accident, the online archived version of an article published twenty years previously: *no violation*

[Hurbain v. Belgium, 57292/16, 22.6.2021](#)Judgment | Legal summary

Animus toward anti-government views in judgment imposing prison sentences, without individualised assessment, on protestors who occupied and damaged ministry premises: *violation*

[Yezhov and Others v. Russia, 22051/05, 29.6.2021](#).....Judgment | Legal summary

Lack of relevant and sufficient reasons to justify fine, forced product recall and ban on future use of condom packaging designs: *violation*

[Gachechiladze v. Georgia, 2591/19, 22.7.2021](#)Judgment | Legal summary

Civil defamation award disproportionate to harm caused from television reports on child sexual abusers wrongly alluding to well-known politician: *violation*

[SIC - Sociedade Independente de Comunicação v. Portugal, 29856/13, 27.7.2021](#).....Judgment | Legal summary

Imbalance in screen time to the disadvantage of association classed as a “political subject” in popular news programmes on public television: *violation*

[Associazione Politica Nazionale Lista Marco Pannella v. Italy, 66984/14, 31.8.2021](#).....Judgment | Legal Summary

Association classed as a “political subject” not denied the opportunity to disseminate its opinions following cancellation of a political communication programme on public television: *no violation*

[Associazione Politica Nazionale Lista Marco Pannella and Radicali Italiani v. Italy, 20002/13, 31.8.2021](#)Judgment | Legal Summary

Conviction of a local councillor for failing to take prompt action in deleting illegal comments by others on the wall of his Facebook account, which was freely accessible to the public and used during his election campaign: *no violation*

[Sanchez v. France, 45581/15, 2.9.2021](#).....Judgment | Legal Summary

- Conviction of the applicant for having slogans with a terrorist connotation printed on a T-shirt worn at his request by his three-year-old nephew at nursery school: *no violation*
[Z.B. v. France, 46883/15, 2.9.2021](#)[Judgment](#) | [Legal Summary](#)
- Unjustified ban on publication of opposition newspaper as a result of state of emergency declared in the context of massive post-election protests: *violation*
[Dareskizb Ltd v. Armenia, 61737/08, 21.9.2021](#)[Judgment](#) | [Legal Summary](#)
- No compensation awarded by domestic court despite acknowledgment in substance of an Article 10 breach on account of defamation liability: *violation*
[The Association of Investigative Reporters and Editorial Security of Moldova and Sanduța v. the Republic of Moldova, 4358/19, 12.10.2021](#)[Judgment](#) | [Legal Summary](#)
- Sanctioning of journalist in summary proceedings under the Election Code for publishing untrue statements about a local government election candidate: *no violation*
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- Disciplinary proceedings and sanctions against the President of the judges' association in retaliation against her criticism of the Supreme Judicial Council and the executive: *violation*
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- Various criminal-law measures for insulting the President of the Republic on account of defamatory content shared on Facebook: *violation*
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- Unjustified sanctioning of NGO for disseminating election-monitoring material on the basis of statutory ban on all election-related publications during pre-election "silence period": *violation*
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- Civil sanctioning of an editor for lengthy refusal to de-index article on a criminal case against private persons, easily accessible by typing the latter's names into Internet search engine: *no violation*
[Biancardi v. Italy, 77419/16, 25.11.2021](#) [Judgment](#) | [Legal summary](#)
- Unjustified conviction and fine for spray-painting a monument connected to communist regime in the context of political protest: *violation*
[Genov and Sarbinska v. Bulgaria, 52358/15, 30.11.2021](#) [Judgment](#) | [Legal summary](#)
- Unjustified court orders against media company to disclose data of authors of offensive comments posted on its internet news portal as part of a political debate: *violation*
[Standard Verlagsgesellschaft MBH v. Austria \(no. 3\), 39378/15, 7.12.2021](#) [Judgment](#) | [Legal summary](#)
- Unjustified prosecution of the first applicant for hate speech and placement on list of terrorists and extremists for publishing a note criticising the Russian Orthodox Church: *violation*
[Yefimov and Youth Human Rights Group v. Russia, 12385/15 and 51619/15, 7.12.2021](#) [Judgment](#) | [Legal summary](#)
- Unjustified conviction of newspaper editor and termination of newspaper's media-outlet status under anti-extremism laws: *violations*
[Mukhin v. Russia, 3642/10, 14.12.2021](#) [Judgment](#) | [Legal summary](#)

Freedom to receive information

Unjustified limitations on a prisoner's ability to access Internet sites publishing legal information, on security grounds: *violation*

[Ramazan Demir v. Turkey, 68550/17, 9.2.2021](#) Judgment | Legal summary

Effective review by the courts of the content and quality of information on the management of radioactive waste communicated by a public agency in line with its legal obligation to provide information: *Article 10 applicable; no violation*

[Association BURESTOP 55 and Others v. France, 56176/18 et al., 1.7.2021](#) Judgment | Legal summary

Refusal to provide a journalist with information not "ready and available" about the number of employees and collaborators of the Foreign Intelligence Service and its predecessor organisation who had been affiliated to Nazi organisations: *inadmissible*

[Saure v. Germany \(dec.\), 6106/16, 19.10.2021](#) Decision | Legal summary

Unlawful refusal to provide a journalist access to information of public interest on the environmental and health impact of a former Soviet military radar station: *violation*

[Rovshan Hajiyev v. Azerbaijan, 19925/12 and 47532/13, 9.12.2021](#) Judgment | Legal summary

Freedom to impart information

Newspaper publisher required to anonymise the archived version on Internet of an article published twenty years previously, on account of the "right to be forgotten" of a driver who had caused a fatal accident: *no violation*

[Hurbain v. Belgium, 57292/16, 22.6.2021](#) Judgment | Legal summary

Justified prosecution and conviction of prison officer for providing information about prison to journalist in exchange for money: *no violation*

[Norman v. the United Kingdom, 41387/17, 6.7.2021](#) Judgment | Legal summary

Unjustified ban on publication of opposition newspaper as a result of state of emergency declared in the context of massive post-election protests: *violation*

[Dareskizb Ltd v. Armenia, 61737/08, 21.9.2021](#) Judgment | Legal Summary

Refusal to provide a journalist with information not "ready and available" about the number of employees and collaborators of the Foreign Intelligence Service and its predecessor organisation who had been affiliated to Nazi organisations: *inadmissible*

[Saure v. Germany \(dec.\), 6106/16, 19.10.2021](#) Decision | Legal summary

Unlawful refusal to provide a journalist access to information of public interest on the environmental and health impact of a former Soviet military radar station: *violation*

[Rovshan Hajiyev v. Azerbaijan, 19925/12 and 47532/13, 9.12.2021](#) Judgment | Legal summary

ARTICLE 11

Freedom of peaceful assembly

Deliberate strategy to stop initially peaceful Maidan protest through excessive force resulting in escalation of violence and multiple abuses by non-State agents hired by police: *violation*

[Lutsenko and Verbytsky v. Ukraine, 12482/14 and 39800/14, 21.1.2021](#) Judgment | Legal summary

[Shmorgunov and Others v. Ukraine, 15367/14 et al, 21.1.2021](#) Judgment | Legal summary

Justified conviction for assaulting police officer during proportionate dispersal of protest:
inadmissible

[Knežević v. Montenegro \(dec.\), 54228/18, 2.2.2021](#) [Decision](#) | [Legal summary](#)

Unlawful and arbitrary refusal to allow Vaishnavism follower to hold peaceful public religious events: *violation*

[Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia, 37477/11, 23.11.2021](#) [Judgment](#) | [Legal summary](#)

Freedom of association

Well-founded decision to declare unlawful announced trade union boycott to pressure foreign company into collective agreement in breach of EEA freedom of establishment:
no violation

[Norwegian Confederation of Trade Unions \(LO\) and Norwegian Transport Workers' Union \(NTF\) v. Norway, 45487/17, 10.6.2021](#) [Judgment](#) | [Legal summary](#)

Requirement to remove person suspected of an extremist offence from participation in the applicant association and its dissolution not prescribed by law: *violation*

[Yefimov and Youth Human Rights Group v. Russia, 12385/15 and 51619/15, 7.12.2021](#) [Judgment](#) | [Legal summary](#)

Form and join trade unions

Trade-union federation ordered to expel a grassroots union of working prisoners because of a statutory ban on their unionisation: *no violation*

[Yakut Republican Trade-Union Federation v. Russia, 29582/09, 7.12.2021](#) [Judgment](#) | [Legal summary](#)

ARTICLE 13

Effective remedy

New legal framework establishing mechanism for redress for all parents of missing newborn children: *struck out of the list*

[Mik and Jovanović v. Serbia \(dec.\), 9291/14 and 63798/14, 23.3.2021](#) [Decision](#) | [Legal summary](#)

Hasty return to Turkey of a journalist 24 hours after his arrest at the border, rendering the available remedies ineffective in practice and therefore inaccessible: *violation*

[D v. Bulgaria, 29447/17, 20.7.2021](#) [Judgment](#) | [Legal summary](#)

Action in tort an effective remedy from 13 January 2021 for obtaining compensation for poor conditions of detention or transport that had now ended: *violation*

[Polgar v. Romania, 39412/19, 20.7.2021](#) [Judgment](#) | [Legal summary](#)

Use of four effective remedies, with suspensive effect, to challenge the return of an asylum seeker, who was heard and, in spite of tight deadlines, enjoyed safeguards to put forward his claims: *no violation*

[E.H. v. France, 39126/18, 22.7.2021](#) [Judgment](#) | [Legal summary](#)

New length-of-proceedings remedy, albeit effective in principle, ineffective in the instant case: *violation*

[Bara and Kola v. Albania, 43391/18 and 17766/19, 12.10.2021](#) [Judgment](#) | [Legal Summary](#)

Lack of effective remedy for disabled applicants' complaints as to accessibility of polling stations and voting procedure in a national referendum: *violation*

Toplak and Mrak v. Slovenia, 34591/19 and 42545/19, 26.10.2021Judgment | Legal Summary

ARTICLE 14

Discrimination (Article 2)

Failure to take preventive action to protect domestic violence victim and to investigate police inaction, against backdrop of systemic failures and gender-based discrimination: *violation*

Tkhelidze v. Georgia, 33056/17, 8.7.2021Judgment | Legal summary

Discrimination (Article 3)

Conviction for minor offence and EUR 40 fine for violent homophobic attack, without investigating hate motives, and subsequent discontinuation of criminal proceedings on *ne bis in idem* grounds: *violation*

Sabalić v. Croatia, 50231/13, 14.1.2021Judgment | Legal summary

Unlawful detention and ill-treatment of Avars by military servicemen of Chechen origin, failure to investigate possible motive of ethnic hatred: *violation*

Adzhigitova and Others v. Russia, 40165/07 and 2593/08, 22.6.2021Judgment | Legal summary

Discriminatory effects on women of continued failure to adopt legislation to combat domestic violence and provide any protective measures: *violation*

Tunikova and Others v. Russia, 55974/16 et al, 14.12.2021Judgment | Legal summary

Discrimination (Article 8)

Ethnic origin not the reason for the removal and placement in care of the Roma granddaughter of the applicant, who had had custody of her since birth: *no violation*

Terna v. Italy, 21052/18, 14.1.2021Judgment | Legal summary

Failure of domestic courts to discharge positive obligation to afford redress to Jewish and Roma individuals for discriminatory public statements made by politician: *violation*

Behar and Gutman v. Bulgaria, 29335/13, 16.2.2021Judgment | Legal summary

Budinova and Chaprazov v. Bulgaria, 12567/13, 16.2.2021Judgment | Legal summary

Discriminatory denial of surviving parent allowance to single mother of minor children of unknown father: *violation*

Yocheva and Ganeva v. Bulgaria, 18592/15 et al, 11.5.2021Judgment | Legal summary

State's failure to ensure LGBT event proceeded peacefully, without verbal abuse, and carry out effective investigation into homophobic motives of counter-demonstrators: *violation*

Association ACCEPT and Others v. Romania, 19237/16, 1.6.2021Judgment | Legal summary

Restriction of applicant's parental rights and deprivation of contact with her children without required scrutiny on gender identity grounds: *violation*

A.M. and Others v. Russia, 47220/19, 6.7.2021Judgment | Legal summary

Entitlement to parental leave of male police personnel conditional upon lack of maternal care for their children: *violation*

Gruba and Others v. Russia, 66180/09 et al., 6.7.2021Judgment | Legal summary

Paternal surname automatically preceding maternal surname in naming of child, where parents disagree, without consideration of specific circumstances: *violation*

León Madrid v. Spain, 30306/13, 26.10.2021 Judgment | Legal Summary

Failure to assist widow in being reunited with her children kidnapped by paternal grandfather against the background of regional gender stereotypes and patrilineal practices: *violation*

Tapayeva and Others v. Russia, 24757/18, 23.11.2021 Judgment | Legal summary

Discrimination (Article 9)

Denial of State recognition to a pagan religious association meeting eligibility criteria, on grounds incompatible with the State's duty of neutrality and impartiality: *violation*

Ancient Baltic religious association "Romuva" v. Lithuania, 48329/19, 8.6.2021 Judgment | Legal summary

Discrimination (Article 11)

State's failure to ensure LGBT event proceeded peacefully, without verbal abuse, and carry out effective investigation into homophobic motives of counter-demonstrators: *violation*

Association ACCEPT and Others v. Romania, 19237/16, 1.6.2021 Judgment | Legal summary

Discrimination (Article 1 of Protocol No. 1)

Unjustified, direct sex discrimination by refusing employment-related benefit to pregnant woman who underwent *in vitro* fertilisation shortly before employment: *violation*

Jurčić v. Croatia, 54711/15, 4.2.2021 Judgment | Legal summary

Upper age limit (35 years) for eligibility for "young families" housing subsidy based on objective data and justified: *no violation*

Šaltinytė v. Lithuania, 32934/19, 26.10.2021 Judgment | Legal Summary

Discrimination (Article 3 of Protocol No. 1)

Lack of voting machines not discriminatory for disabled voter allowed to be assisted by a person of his own choice under legal duty to respect secrecy: *no violation*

Toplak and Mrak v. Slovenia, 34591/19 and 42545/19, 26.10.2021 Judgment | Legal Summary

ARTICLE 15

Derogation in time of emergency

Declaration of national emergency in the context of 2008 massive post-election protests: *conditions for derogation not satisfied*

Dareskizb Ltd v. Armenia, 61737/08, 21.9.2021 Judgment | Legal Summary

ARTICLE 17

Prohibition of abuse of rights

Conviction of the applicant for having slogans with a terrorist connotation printed on a T-shirt worn at his request by his three-year-old nephew at nursery school: *admissible*

Z.B. v. France, 46883/15, 2.9.2021 Judgment | Legal Summary

ARTICLE 18

Restriction for unauthorised purposes

Pre-trial detention of opposition activists predominantly aiming to punish and silence them for active involvement in anti-government demonstrations: *violation*

[Azizov and Novruzlu v. Azerbaijan, 65583/13 et al, 18.2.2021](#).....Judgment | Legal summary

Freezing of bank accounts of a human rights defender and his NGO and imposition of travel bans for the purpose of punishing them for, and impeding, their work: *violation*

[Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan, 74288/14 and 64568/16, 14.10.2021](#)Judgment | Legal Summary

Disciplinary proceedings and sanctions against the President of the judges' association in retaliation against her criticism of the Supreme Judicial Council and the executive: *violation*

[Miroslava Todorova v. Bulgaria, 40072/13, 19.10.2021](#).....Judgment | Legal Summary

ARTICLE 33

Inter-State application

Alleged existence of an administrative practice by Russian authorities in Crimea resulting in multiple Convention violations: *admissible*

[Ukraine v. Russia \(re Crimea\) \(dec.\) \[GC\], 20958/14, 16.12.2020](#).....Decision | Legal summary

Jurisdiction of Russia over Abkhazia and South Ossetia during the active phase of hostilities and after their cessation

[Georgia v. Russia \(II\) \[GC\], 38263/08, 21.1.2021](#).....Judgment | Legal summary

ARTICLE 34

Victim

Compensation of a sufficient amount covering the entire period of the applicants' compulsory confinement in the psychiatric wing of a prison: *loss of victim status; inadmissible*

[Venken and Others v. Belgium, 46130/14 et al., 6.4.2021](#).....Judgment | Legal summary

Blanket ban on the dissemination of information on a parliamentary inquiry: *victim status granted to a journalist but not to academics using social media*

[Akdeniz and Others v. Turkey, 41139/15 and 41146/15, 4.5.2021](#)Judgment | Legal summary

Victim status recognised in respect of the complaint concerning the ineffectiveness of the investigation into a child's killing, despite a friendly-settlement award in the civil proceedings

[Penati v. Italy, 44166/15, 11.5.2021](#)Judgment | Legal summary

Application complaining *in abstracto* about the health pass system and other measures for managing the Covid-19 crisis, without specifying their effect on the applicant's personal situation: *inadmissible*

[Zambrano v. France \(dec.\), 41994/21, 21.9.2021](#)Decision | Legal Summary

No evidence of a real risk of having to take an oath with a religious element in the absence of realistic prospects to become President or a member of the Council of State: *inadmissible*
Shortall and Others v. Ireland (dec.), 50272/18, 19.10.2021 Decision | Legal summary

Hinder the exercise of the right of application

Interference with Court-applicant correspondence and ineffective legal representation through legal aid system for Court proceedings: *violation*
Feilazoo v. Malta, 6865/19, 11.3.2021 Judgment | Legal summary

ARTICLE 35

Article 35 § 1

Exhaustion of domestic remedies

Prisoners' failure to exhaust a new remedy to vindicate their right to family life in the context of their allocation to remote penal facilities: *inadmissible*
Dadusenko and Others v. Russia (dec.), 36027/19 et al, 7.9.2021 Decision | Legal Summary

Complaint aimed at not applying a federal statutory provision in applicant's case lodged with a constitutional court of a *Land*, instead of the Federal Constitutional Court: *inadmissible*
Köhler v. Germany (dec.), 3443/18, 7.9.2021 Decision | Legal Summary

Premature complaints on retrospective application of Constitutional Court case-law relating to inadequate prison condition remedies: *inadmissible*
Janković v. Croatia (dec.), 23244/16 et al., 21.9.2021 Decision | Legal Summary

Non-exhaustion of judicial review as a remedy in order to challenge the health pass system and other measures for managing the Covid-19 crisis: *inadmissible*
Zambrano v. France (dec.), 41994/21, 21.9.2021 Decision | Legal Summary

Effective domestic remedy – Russia

Newly reformed criminal cassation review procedure introduced by Federal Law no. 15-FZ an effective remedy requiring exhaustion: *inadmissible*
Anikeyev and Yermakova v. Russia (dec.), 1311/21 et al., 13.4.2021 Decision | Legal summary

Prisoners' failure to exhaust a new remedy to vindicate their right to family life in the context of their allocation to remote penal facilities: *inadmissible*
Dadusenko and Others v. Russia (dec.), 36027/19 et al, 7.9.2021 Decision | Legal Summary

Six-month period

Out of time application in respect of continuing conflict-based interference with home/property, introduced six years after State's Convention ratification: *inadmissible*
Samadov v. Armenia (dec.), 36606/08, 26.1.2021 Decision | Legal summary

Account taken of entire period of failure to enforce sex offender's sentence for purposes of six-month rule: *preliminary objection rejected*
E.G. v. the Republic of Moldova, 37882/13, 13.4.2021 Judgment | Legal summary

Article 35 § 3 (a)

Abuse of the right of application

Call to “paralyse” the Court by submitting a very high number of applications, using an automatically generated form on the applicant’s internet site and copying his application: *inadmissible*

Zambrano v. France (dec.), 41994/21, 21.9.2021Decision | Legal Summary

ARTICLE 37

Striking out applications

Unilateral declaration by the Government no obstacle to the admissibility of applications for a reopening of criminal proceedings

Liesmons and Others v. Belgium (dec.), 14412/12 et al., 23.3.2021Decision | Legal summary

Matter before the Court resolved by adequate remedial measures by domestic courts ending routine handcuffing: *striking out of Article 3 complaint*

Danilevich v. Russia, 31469/08, 19.10.2021Judgment | Legal Summary

Restore to list

Rejection by the Court of Cassation of a request for reopening of the proceedings, rendering meaningless the Government’s undertakings in their unilateral declaration: *case restored to the list*

Willems and Gorjon v. Belgium, 74209/16 et al., 21.9.2021Judgment | Legal Summary

ARTICLE 46

Pilot judgment – General measures

Respondent State required to take comprehensive measures to address structural and discriminatory lack of protection of women against domestic violence

Tunikova and Others v. Russia, 55974/16 et al., 14.12.2021Judgment | Legal summary

Execution of judgment – General measures

Respondent State required to implement further reform of regulatory framework for operational-search activities

Kuzmina and Others v. Russia/Russie, 66152/14 et al., 20.4.2021Judgment | Legal summary

Respondent State required to ensure pursuit of reforms aimed at reducing size of the prison population and keeping it at manageable levels

Polgar v. Romania, 39412/19, 20.7.2021Judgment | Legal summary

Respondent State required to continue to adopt measures to address structural problem relating to unjustified length of pre-trial detention and house arrest

Kovrov and Others v. Russia, 42296/09, 16.11.2021Judgment | Legal summary

ARTICLE 1 OF PROTOCOL No. 1

Peaceful enjoyment of possessions

Availability of adequate remedies to respond to an exchange-rate fluctuation between the euro and the currency of a loan, during a period of financial crisis: *inadmissible*

Antonopoulou v. Greece (dec.), 46505/19, 11.2.2021 Decision | Legal summary

Individual, reasoned assessment required to counterbalance deficiencies in legislation on forfeiture of crime proceeds: *violation; no violation*

Todorov and Others v. Bulgaria, 50705/11 et al., 13.7.2021 Judgment | Legal summary

Supreme Court's failure to follow its own clear line of case-law resulting in applicants' inability to obtain statutory additional compensation for expropriated property: *violation*

Aliyeva and Others v. Azerbaijan, 66249/16 et al., 21.9.2021 Judgment | Legal Summary

Disproportionate costs order against applicant in private civil proceedings amounting to double his compensation award: *violation*

Čolić v. Croatia, 49083/18, 18.11.2021 Judgment | Legal summary

Prolonged stay of proceedings in the context of succession of States preventing applicant from recovering money temporarily confiscated by the former Socialist Federal Republic of Yugoslavia: *violation*

Zaklan v. Croatia, 57239/13, 16.12.2021 Judgment | Legal summary

Control of the use of property/Réglementer l'usage des biens

No reasonable opportunity to challenge or seek compensation for national bank's extraordinary measures cancelling shares and bonds: *violation*

Pintar and Others v. Slovenia, 49969/14 et al., 14.9.2021 Judgment | Legal Summary

Positive obligations

Availability of adequate remedies to respond to an exchange-rate fluctuation between the euro and the currency of a loan, during a period of financial crisis: *inadmissible*

Antonopoulou v. Greece (dec.), 46505/19, 11.2.2021 Decision | Legal summary

ARTICLE 3 OF PROTOCOL No. 1

Right to free elections

Disenfranchisement of persons divested of legal capacity affecting only a small group and subject to thorough parliamentary and judicial review: *no violation*

Strøbye and Rosenlind v. Denmark, 25802/18 and 27338/18, 2.2.2021 Judgment | Legal summary

Free expression of the opinion of the people

Removal by the courts of an elected representative from her functions on a provincial council with legislative powers, in application of a regional law: *inadmissible*

Repetto Visentini v. Italy (dec.), 42081/10, 9.3.2021 Decision | Legal summary

Justified disenfranchisement of person with intellectual disability, based on thorough, individualised assessment by domestic courts: *no violation*

Caamaño Valle v. Spain, 43564/17, 11.5.2021 Judgment | Legal summary

Choice of the legislative

Removal by the courts of an elected representative from her functions on a provincial council with legislative powers, in application of a regional law: *inadmissible*

Repetto Visentini v. Italy (dec.), 42081/10, 9.3.2021 [Decision](#) | [Legal summary](#)

Vote

Disenfranchisement of persons divested of legal capacity affecting only a small group and subject to thorough parliamentary and judicial review: *no violation*

Strøbye and Rosenlind v. Denmark, 25802/18 and 27338/18, 2.2.2021 [Judgment](#) | [Legal summary](#)

Justified disenfranchisement of person with intellectual disability, based on thorough, individualised assessment by domestic courts: *no violation*

Caamaño Valle v. Spain, 43564/17, 11.5.2021 [Judgment](#) | [Legal summary](#)

Unjustified restriction on voting rights of applicant serving prison sentence outside the electoral constituency of his place of residence: *violation*

Mironescu v. Romania, 17504/18, 30.11.2021 [Judgment](#) | [Legal summary](#)

Stand for election

Disqualification from standing for election, and removal from elected office, on account of criminal convictions for corruption and abuse of power: *inadmissible; no violation*

Galan v. Italy (dec.), 63772/16, 18.5.2021 [Decision](#) | [Legal summary](#)

Miniscalco v. Italy, 55093/13, 17.6.2021 [Judgment](#) | [Legal summary](#)

ARTICLE 2 OF PROTOCOL No. 4

Article 2 § 1

Freedom of movement

Administrative practice as regards the inability of Georgian nationals to return to their respective homes in Abkhazia and South Ossetia: *violation*

Georgia v. Russia (II) [GC], 38263/08, 21.1.2021 [Judgment](#) | [Legal summary](#)

Proportionality of administrative surveillance measures imposed for six years after the sentence had been served, subject to periodical review of their necessity: *no violation*

Timofeyev and Postupkin v. Russia, 45431/14 and 22769/15, 19.1.2021 [Judgment](#) | [Legal summary](#)

Article 2 § 2

Freedom to leave a country

Imposition of a travel ban in connection with an alleged tax debt, without any measures taken to collect it: *violation*

Democracy and Human Rights Resource Centre and Mustafayev v. Azerbaijan, 74288/14 and 64568/16, 14.10.2021 [Judgment](#) | [Legal Summary](#)

ARTICLE 4 OF PROTOCOL No. 4

Prohibition of collective expulsion of aliens

Migrant's push-back to a narrow strip of State territory on external side of a border fence amounting to expulsion: *Article 4 of Protocol No. 4 applicable*

Applicant's removal, after irregular but undistruptive entry, without an individual decision, despite limited access to means of legal entry lacking formal procedure and safeguards: *violation*

Shahzad v. Hungary, 12625/17, 8.7.2021Judgment | Legal summary

Summary return of parent and six children by Croatian police outside official border crossing and without prior notification of Serbian authorities: *violation*

M.H. and Others v. Croatia, 15670/18 and 43115/18, 18.11.2021Judgment | Legal summary

ARTICLE 2 OF PROTOCOL No. 7

Right of appeal in criminal matters

Offence punishable by a fine, or imprisonment in default of its payment, regarded as "minor" in view of procedural safeguards governing enforcement of the latter sanction: *no violation*

Kindlhofer v. Austria, 20962/15, 26.10.2021Judgment | Legal Summary

ARTICLE 4 OF PROTOCOL No. 7

Right not to be tried or punished twice

Administrative surveillance of a convicted person in order to prevent recidivism after having served his sentence, not amounting to a second "criminal penalty": *inadmissible*

Timofeyev and Postupkin v. Russia, 45431/14 and 22769/15, 19.1.2021Judgment | Legal summary

Proceedings and penalties forming part of a coherent and proportionate whole to punish individual acts and patterns of domestic violence: *no violation*

Galović v. Croatia, 45512/11, 31.8.2021Judgment | Legal Summary

Limited reopening proceedings leading to subsequent preventive detention order not a reopening of the case for the purposes of Article 4 § 2 of Protocol No. 7: *violation*

W.A. v. Switzerland, 38958/16, 2.11.2021Judgment | Legal summary

ARTICLE 1 OF PROTOCOL No. 12

General prohibition of discrimination

Discriminatory refusal to allow internally displaced persons to vote in local elections at their place of actual residence: *violation*

Selygenenko and Others v. Ukraine, 24919/16 and 28658/16, 21.10.2021Judgment | Legal Summary

Adequate positive measures enabling disabled applicants to exercise their right to vote freely and by secret ballot at a national referendum: *no violation*

Toplak and Mrak v. Slovenia, 34591/19 and 42545/19, 26.10.2021Judgment | Legal Summary

Advisory opinions

Question raised under Article 6 not concerning an issue on which the requesting court would need the Court's guidance: *request rejected*

[Advisory opinion requested by the Supreme Court of the Slovak](#)

[Republic \(dec.\) \[GC\], P16-2020-001, 1.3.2021](#) [Decision](#) | [Legal summary](#)