EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Information Note on the Court's case-law

No. 139 March 2011

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

The Information Note, compiled by the Court's Case-Law Information and Publications Division, contains summaries of cases examined during the month in question which the Registry considers as being of particular interest. The summaries are not binding on the Court. In the provisional version the summaries are normally drafted in the language of the case concerned, whereas the final single-language version appears in English and French respectively. The Information Note may be downloaded at <www.echr.coe.int/echr/NoteInformation/en>. A hard-copy subscription is available for 30 euros (EUR) or 45 United States dollars (USD) per year, including an index, by contacting the publications service via the on-line form at <www.echr.coe.int/echr/contact/en>.

The HUDOC database is available free-of-charge through the Court's Internet site (<www.echr.coe.int/ECHR/EN/hudoc>) or in a pay-for DVD version (<www.echr.coe.int/hudoccd/en>). It provides access to the full case-law and materials on the European Convention on Human Rights, namely the decisions, judgments and advisory opinions of the Court, the reports of the European Commission of Human Rights and the resolutions of the Committee of Ministers.

European Court of Human Rights
(Council of Europe)
67075 Strasbourg Cedex
France
Tel: 00 33 (0)3 88 41 20 18
Fax: 00 33 (0)3 88 41 27 30
www.echr.coe.int

ISSN 1996-1545

TABLE OF CONTENTS

ARTICLE 2

Life
Positive obligations
Use of force
Effective investigation

Fatal shooting of a demonstrator by a member of the security forces at a G8 summit: *no violations*

Giuliani and Gaggio v. Italy - 23458/02
Judgment 24.3.2011 [GC]

Facts – During an authorised demonstration at the G8 summit in Genoa, extremely violent clashes broke out between anti-globalisation activists and the law-enforcement agencies. A jeep with three *carabinieri* on board stalled and came under attack from demonstrators. One of the *carabinieri*, who was suffering from the effects of tear gas, had been given permission by his commanding officer to board the jeep in order to escape the clashes. Injured and panic-stricken, he fired two shots outside the vehicle and Carlo Giuliani was shot in the face and mortally wounded. In attempting to move the vehicle away the driver drove twice over the young man's motionless body. An investigation was opened immediately by the Italian authorities. Criminal proceedings for intentional homicide were brought against the officer who had fired the shots and the vehicle's driver. The autopsy revealed that the death had been caused by the shot. The public prosecutor's office ordered three expert reports and authorised the cremation of the body. The proceedings were discontinued by the investigating judge.

In its judgment of 25 August 2009 (see Information Note no. 122), a Chamber of the Court held unanimously that there had been no violation of Article 2 with regard to the excessive use of force. It held by five votes to two that there had been no violation of Article 2 regarding the State's positive obligation to protect life, and by four votes to three that there had been a violation with regard to the State's procedural obligations under that Article.

Law – Article 2: (a) *Substantive aspect*

(i) *The use of lethal force*: The moments leading up to and following the use of lethal force by the *carabiniere* had been photographed and filmed. The footage showed clearly that there had been an unlawful and very violent attack against the law-enforcement agencies' vehicle, which was simply attempting to leave the scene and did not pose any threat to the demonstrators. In this extremely tense situation, Carlo Giuliani had decided to pick up a fire extinguisher lying on the ground and had raised it to chest height with the apparent intention of throwing it at the vehicle's occupants. His actions could reasonably be interpreted by the *carabiniere* as an indication that, despite the latter having issued verbal warnings and shown his gun, the attack on the jeep was not about to cease or diminish in intensity. Moreover, the vast majority of the demonstrators had appeared to be continuing the assault. The officer's honest belief that his own life and those of his colleagues were in danger could only have been strengthened as a result. That had served to justify recourse to a potentially lethal means of defence such as the firing of shots. In addition, the direction of the shots had not been established with certainty. The *carabiniere* could only fire, in order to defend himself, into the narrow space between the spare wheel and the roof of the jeep. The fact that a shot fired into that space risked causing injury to one of the assailants, or even killing him, as had sadly been the case, did not in itself mean that the defensive action had been excessive or disproportionate. Hence, the use of lethal force had been absolutely necessary "in defence of any person from unlawful violence" within the meaning of Article 2 § 2 (a).

Conclusion: no violation (thirteen votes to four).

(ii) *The legislative framework governing the use of lethal force, and the weapons issued to the law-enforcement agencies*: The wording of the provisions governing the use of force in this case was not wholly identical to that of Article 2 but nevertheless echoed it, and the difference in wording could be overcome by the interpretation of the domestic courts. The argument that the law-enforcement agencies should have been issued with non-lethal weapons was not relevant in a case where the person had been killed during a sudden and violent attack which had posed an imminent and serious threat to the lives of three *carabinieri*.

Conclusion: no violation (ten votes to seven).

(iii) *Whether the organisation and planning of the operations had been compatible with the obligation to protect life*: The sudden attack on the jeep, a few minutes before the fatal shooting, had occurred during a moment of relative calm and could not have been predicted. Furthermore, large numbers of personnel had been deployed to police the event, who either belonged to specialised units or had received special training. In view of their numbers, they could not all have been required to have lengthy experience and/or to have been trained over several months or years. Such a requirement could be imposed only in a case where the law-

enforcement agencies were dealing with a precise and identifiable target. Accordingly, no violation of Article 2 could be found solely on the basis of the selection for the G8 summit in Genoa of a *carabiniere* who was only twenty years and eleven months of age at the time and had been serving for only ten months. Furthermore, the *carabiniere*'s actions during the attack on the jeep had been found not to amount to a violation of Article 2 in its substantive aspect. Lastly, the decisions taken by the *carabinieri* immediately before the attack on the jeep regarding the choice of vehicle, the route taken and the wearing of a weapon by an injured officer who had been deemed unfit to remain on duty were not open to criticism. As to the events following the fatal shooting, there was no evidence that the assistance rendered to Carlo Giuliani had been inadequate or delayed or that the jeep had driven over his body intentionally. In any event, as the autopsy report had shown, the injuries to the brain had been so severe that they had resulted in death within a few minutes. The Italian authorities had therefore not failed in their obligation to do all that could reasonably be expected of them to provide the level of safeguards required during operations potentially involving the use of lethal force.

Conclusion: no violation (ten votes to seven).

(b) *Procedural aspect* – The domestic investigation had been sufficiently effective to enable it to be determined whether the use of lethal force had been justified and whether the organisation and planning of the policing operations had been compatible with the obligation to protect life. While it was true that the applicants (the parents and sister of Carlo Giuliani) had been unable to apply to join the proceedings as civil parties, they had nevertheless had rights and powers as injured parties which they had exercised during the investigation. Furthermore, while giving notice of an autopsy scarcely three hours before the beginning of the examination could make it difficult in practice, if not impossible, for injured parties to exercise their power to appoint an expert of their choosing and secure the latter's attendance at the forensic examinations, Article 2 did not require, as such, that the victim's relatives be afforded that possibility. As to the failure by the forensic doctors to extract and record the fragment of bullet lodged in the victim's head, the use of force would have been justified in any case, as observed from the standpoint of the substantive aspect of Article 2. It followed that the metal fragment in question had not been crucial to the effectiveness of the investigation. The Court further noted that the cremation of the body, which had made any further forensic examination impossible, had been authorised at the applicants' request.

The evidence gathered by the prosecuting authorities, and in particular the footage of the attack on the jeep, had led to the conclusion beyond reasonable doubt that the *carabiniere* had acted in self-defence, which constituted a ground of justification under Italian criminal law. It could not be said that the prosecuting authorities had accepted without question the version supplied by the law-enforcement officers implicated in the events. The fact that the *carabinieri* had been given the task of conducting certain objective technical tests had not adversely affected the impartiality of the investigation. More delicate issues arose regarding the appointment by the prosecuting authorities of a ballistics expert who had openly defended the view, in an article written for a specialist journal, that the *carabiniere* had acted in self-defence. Given that the expert reports ordered in the context of the investigation had been designed, among other things, to provide evidence for or against that view, the presence of an expert who had preconceived ideas on the subject had been far from reassuring. Nevertheless, the expert in question had been just one member of a four-expert team and the tests he had been required to carry out for the purposes of the ballistics report had been of an essentially objective and technical nature. Accordingly, his presence had not been capable, in itself, of compromising the impartiality of the domestic investigation. Furthermore, it had not been established by the applicants that the investigation had lacked impartiality and independence. Lastly, the investigation had been conducted with the requisite diligence and could not be said to have been beset by excessive delays or lapses of time.

Conclusion: no violation (ten votes to seven).

The Grand Chamber also held, by thirteen votes to four, that there had been no violation of Article 13 and, unanimously, that there had been no breach of Article 38.

Use of force
Effective investigation

Excessive use of force by police and lack of effective investigation: *violations*

Alikaj and Others v. Italy - 47357/08
Judgment 29.3.2011 [Section II]

Facts – The son and brother of the four applicants died after being hit by a bullet fired by a policeman

while taking flight after a roadside police check. One night in December 1997, whilst the youth in question and three of his friends were driving along the motorway, the police ordered them to stop because the speed at which they were driving appeared suspicious. They stopped the car and ran away. The police fired two warning shots into the air, then one of the officers began to pursue the young men in slippery conditions, without a torch but armed, before firing a shot which hit the victim in the heart. He was killed on the spot.

An investigation was opened immediately by the authorities. The first investigative acts were carried out by officers belonging to the same administrative unit as the officer who fired the fatal shot. Subsequently, criminal proceedings were brought against the officer. In 2006 the Assize Court found the officer guilty of reckless manslaughter, but as the offence was time-barred it granted him a discharge. An appeal by the public prosecutor was dismissed by the Court of Cassation in 2008.

Law – Article 2

(a) *Substantive aspect* – It had not been alleged that the police officers stopped the car because they had reason to believe that the passengers had committed violent crimes or were dangerous, or that the failure to arrest them would have had irreversible harmful consequences. They were not armed and nothing in their conduct suggested that they represented a threat. In such circumstances, by pursuing them in the middle of the night, gun in hand on ground made slippery by rain, the police officer had put their lives at risk. The use of potentially lethal force could not be regarded as "absolutely necessary" when the person targeted did not represent a threat to others and was not suspected of committing a violent offence. In addition to that imprudent conduct, the Court noted the lack of regulation of the use of weapons by the Italian police.

Conclusion: violation (unanimously).

(b) *Procedural aspect* – The Court reiterated that, for an investigation into an allegation of unlawful homicide by State agents to be effective, the investigators had to be independent of the individuals involved in the incident. In the present case, the initial acts such as the forensic examination of the scene, the search for cartridge cases and the verification of the police officers' weapons, had been entrusted to officers belonging to the same unit as the officer who fired the fatal shot. In particular, the first officer to arrive at the scene was his superior. Consequently, the investigation had not been sufficiently independent. Moreover, eleven years after the incident the Assize Court had granted the officer a discharge, after finding him guilty of reckless homicide, because the charges had become time-barred. In view of the promptness and reasonable expedition required of the authorities in such a context, the application of the time bar fell within the category of measures that the Court regarded as "inadmissible", because they had the effect of preventing punishment. In addition, no disciplinary measures had ever been taken against the officer.

Consequently, the criminal-law system as applied in this case had not had sufficient deterrent effect to prevent effectively illegal acts of the type complained of by the applicants and had not afforded them appropriate redress for the violation of the right to life of their family member.

Conclusion: violation (unanimously).

Article 41: EUR 5,000 awarded jointly to the applicants for pecuniary damage; the victim's father and mother were to receive EUR 50,000 each, and his sisters EUR 15,000 each, for non-pecuniary damage.

ARTICLE 3

Inhuman or degrading treatment

Sterilisation of young mentally disabled women: *communicated*

Gauer and Others v. France - 61521/08
[Section V]

Between 1995 and 1998, five young women with mental disabilities underwent surgery resulting in their sterilisation for the purposes of contraception. They were not informed of the nature of the operations and their consent was not sought. The young women were employed at a local work-based support centre (*Centre d'aide pour le travail* – CAT) and placed under the responsibility of the Association for Adults and Young People with Disabilities (APAJH). Several years previously, the guardianship judge had placed them under the supervision of the CAT guardianship officer. In September 2000 the Yonne Association for the Protection of People with Disabilities (ADHY) lodged a complaint with the *tribunal de grande instance*, together with an application to join the proceedings as a civil party. The association's civil-party application was declared inadmissible. The applicants asked for an *ad hoc* administrator to be appointed so that they could be designated as civil parties and be represented in the proceedings. That request was refused in June 2003. In July 2004 the guardianship

judge appointed the chairman of the Union of Family Associations (UDAF) of the *département* of Yonne to represent the applicants, who then applied to join the proceedings as civil parties. In April 2006 the court discontinued the proceedings. None of the applicants' appeals was successful.

The application to the European Court was lodged by five young women with mental disabilities, who were represented by the chairman of the UDAF as *ad hoc* administrator. The applicants also included the parents of a young woman with disabilities resident at the CAT, members of the ADHY, and the husband of one of the applicants. They complained that the young women who had undergone the surgery had not been represented from the start of the proceedings; they also complained that the proceedings had been unfair and objected that their appeal to the Court of Cassation had been declared inadmissible. The young women submitted that there had been an interference with their physical integrity as a result of the sterilisation which had been carried out without their consent having been sought, and alleged a violation of their right to respect for their private life and their right to found a family. They submitted that they had been subjected to discrimination as a result of their disability.

Communicated under Articles 3, 6, 8 and 12 and under Article 14 in conjunction with Articles 3, 8 and 12.

ARTICLE 6

Article 6 § 1 (civil)

Access to court

Appeal struck out of the list because of failure to comply with first-instance judgment: *violation*

Chatellier v. France - 34658/07
Judgment 31.3.2011 [Section V]

Facts – In 2006 the applicant was ordered at first instance to repay a bank loan of more than EUR 600,000. The court ordered immediate enforcement of the judgment. The applicant lodged an appeal. The bank seeking the repayment applied to the judge responsible for preparing the case for hearing before the Court of Appeal to have the case struck out on the ground that the applicant had not complied with the first-instance ruling. Submitting a copy of his tax assessment, the applicant responded that he did not have the necessary funds to comply with the judgment. However, the judge responsible for preparing the case struck the proceedings out of the Court of Appeal's list, holding that garnishee notices for a substantial sum concerning recovery of amounts owed by the applicant to the tax authorities disclosed a practice of tax concealment on his part and that, besides his current declared income, he had sufficient assets to comply with the judgment.

Law – Article 6 § 1: The striking out of the case had deprived the applicant of the right of appeal, that is to say, the opportunity to take his dispute to the Court of Appeal and, if appropriate, the Court of Cassation, and as a result the first-instance judgment had become final. Having regard to the seriousness of the interference with the right of access to a court at that stage of the proceedings, the State had had a narrower margin of appreciation in the instant case than in cases concerning the striking out of appeals from the list of the Court of Cassation. The obligation to comply with a decision pursued legitimate aims, namely to ensure protection for judgment creditors, to avoid dilatory appeals and to ensure the proper administration of justice by relieving congestion in the courts' lists of cases. The respondent Government did not challenge the fact that the applicant's income was insufficient, but claimed that he had taken no steps to comply, even partially, with the judgment against him. In the instant case, there was a distinct lack of proportionality between the applicant's monthly income and the amount he had been ordered to pay (EUR 2,600 and more than EUR 600,000 respectively). Having regard to that lack of proportionality, it was unlikely that any attempt to make payments would have enabled him to pay off sufficiently large amounts to prevent the expiry of the time allowed for appealing. The reasoning of the judge responsible for preparation of the case in allowing the application for the case to be struck out relied on a presumption of tax evasion by the applicant, which had never been established. Furthermore, the garnishee notices issued by the tax authorities related to the applicant's declared income for the financial years 1991 to 1993 and, in any event, did not show that the income he had declared in 2005 had decreased. In conclusion, the decision to strike the case out of the Court of Appeal's list had been disproportionate to the aims pursued and the applicant's effective right of access to that "tribunal" had been infringed.

Conclusion: violation (unanimously).

Article 41: EUR 15,000 in respect of non-pecuniary damage.

ARTICLE 10

Freedom of expression

Criminal conviction for insulting the King: *violation*

Otegi Mondragon v. Spain - 2034/07
Judgment 15.3.2011 [Section III]

Facts – During a press conference, the applicant, as spokesperson for a Basque parliamentary group, commented on the recent closure of a Basque newspaper, the arrest of its main editors and their complaint of ill-treatment while in custody. Referring to the King of Spain's visit to the Basque Country, he stated: "How can one be photographed today in Bilbao with the King of Spain, when [he] is the supreme head of the Spanish army, that is, the person who commands torturers, defends torture and imposes his monarchical regime on our people through torture and violence?" The applicant was subsequently sentenced to one year's imprisonment for causing serious insult to the King. His appeals were unsuccessful.

Law – Article 10: The applicant's remarks had been made in the context of a public debate of general interest. The margin of appreciation enjoyed by the authorities in assessing the need for the sanction imposed on him had therefore been particularly narrow. The domestic courts had considered that the applicant's comments were value judgments rather than statements of fact. However, they had also held that the context in which those comments had been made could not justify their seriousness, given that the complaints of alleged torture had been dropped on the ground of insufficient evidence. In this connection, the Court noted that the phrases used could have been deemed to be part of a wider public debate on the potential responsibility of the State security forces in cases of ill-treatment. While it was true that the language used by the applicant could have been considered provocative, it was essential to bear in mind that, even if some of the words used in the applicant's comments had been hostile in nature, there had been no incitement to violence and they had not amounted to hate speech. Furthermore, these had been oral statements made in the course of a press conference, which meant that the applicant had been unable to reformulate, rephrase or withdraw them before they were made public. Reiterating its case-law on the issue of over-protection of Heads of State in republican regimes, the Court considered that the relevant principles were also valid with regard to a monarchical system. The fact that the King remained neutral in political debate and his position as arbitrator and symbol of the State could not shield him from criticism in the performance of his official duties or as representative of the State which he symbolised, particularly from those who legitimately challenged that State's constitutional structures, including its monarchical regime. Furthermore, the fact that the King was "not liable" under the Spanish Constitution, particularly with regard to criminal law, could not in itself prevent open debate on his possible institutional responsibility, albeit symbolic, within the bounds of respect for his reputation as an individual. It was to be noted that the impugned remarks had not concerned the King's private life or his personal honour, given that they concerned only the King's constitutional responsibility as Head and symbol of the State apparatus and the armed forces. Lastly, nothing in the circumstances of the instant case had justified the imposition of such a prison sentence. The applicant's criminal conviction had been accompanied by a suspension of his right to vote for the duration of the sentence, even though he was a politician. Consequently, the applicant's conviction and sentence had been disproportionate to the legitimate aim pursued, namely the protection of the King of Spain's reputation, as guaranteed by the Spanish Constitution.

Conclusion: violation (unanimously).

Article 41: EUR 20,000 in respect of non-pecuniary damage.

Temporary ban on broadcasting of a television news programme: *violation*

RTBF v. Belgium - 50084/06
Judgment 29.3.2011 [Section II]

Facts – The applicant company, a public-service broadcasting corporation, broadcast a monthly programme called "Au nom de la loi" (in the name of the law), which dealt with judicial issues. A programme scheduled in 2001 contained footage concerning medical risks and using, as an example, complaints made by patients about their doctor that had already been reported in the press. Further to an action brought by the doctor, the President of the Court of First Instance granted an interim injunction preventing the RTBF from broadcasting the relevant part of the programme pending a decision on the merits, subject to a fine of two million Belgian francs per broadcast. The applicant

company's appeals were unsuccessful. Proceedings on the merits brought by the doctor against the RTBF were still pending when the application was lodged with the European Court.

Law – Article 10: The injunction, until a decision on the merits, preventing the broadcasting of footage in a television programme concerning topical judicial issues constituted interference by the public authorities in the applicant company's freedom of expression. In ascertaining whether the interference at issue had a legal basis, the Court observed that the Belgian Constitution authorised the punishment of offences committed in the exercise of freedom of expression only once they had been committed and not before. As to the Judicial Code and the Civil Code, they did not clarify the type of restrictions authorised, nor their purpose, duration, scope or control. More specifically, whilst they permitted the intervention of the urgent-applications judge, there was some discrepancy in the case-law as to the possibility of preventive intervention by that judge. In Belgian law there was thus no clear and constant case-law that could have enabled the applicant company to foresee, to a reasonable degree, the possible consequences of the broadcasting of the programme in question. Without precise and specific regulation of preventive restrictions on freedom of expression, many individuals fearing attacks against them in television programmes – announced in advance – might apply to the urgent-applications judge, who would apply different solutions to their cases and this would not be conducive to preserving the essence of the freedom of imparting information. In addition, whilst the Court, by not preventing States from requiring the licensing of broadcasters, accepted the principle of affording them different treatment to that of the print media, the application by the Court of Cassation of different provisions of the Constitution, depending on whether print media or audiovisual media were concerned, appeared artificial. It did not provide a strict legal framework for prior restraint on broadcasting, especially as Belgian case-law did not settle the question of the meaning to be given to the notion of "censorship" as prohibited by the Constitution. The legislative framework, together with the case-law of the Belgian courts, as applied to the applicant company, did not therefore fulfil the condition of foreseeability required by the Convention.

Conclusion: violation (unanimously).

Article 41: Finding of a violation constituted sufficient just satisfaction in respect of any pecuniary and non-pecuniary damage.

ARTICLE 14

Discrimination (Article 8)

Difference in treatment of HIV-positive alien regarding application for residence permit: *violation*

Kiyutin v. Russia - 2700/10
Judgment 10.3.2011 [Section I]

Facts – Under Russian law aliens married with a Russian national or who have a Russian child are eligible for a temporary residence permit provided that they produce a medical certificate showing that they are not HIV-positive. Non-nationals found to be HIV-positive are liable to deportation. The applicant, an Uzbek national, arrived in Russia in 2003 and married a Russian national with whom he had a daughter. His application for a residence permit was refused on the grounds that he had been tested HIV-positive. He challenged the refusal in the domestic courts, claiming that the authorities had not taken into account his precarious state of health, which required highly active antiretroviral therapy, his lifestyle or his strong family ties in Russia. That challenge and his subsequent appeals were unsuccessful.

Law – Article 14 in conjunction with Article 8

(a) *Applicability* – The relationships that arose from the applicant's lawful and genuine marriage to a Russian spouse with whom he had a child constituted "family life" and thus fell within the ambit of Article 8 of the Convention. Although Article 14 did not expressly include health status or any medical condition among the grounds on which discrimination was prohibited, the Court had recently recognised that physical disability and various health impairments fell within the scope of that provision. That approach was in line with the views expressed by the international community.[1] Accordingly, a distinction made on account of health status, including HIV infection, was covered by the term "other status" and Article 14 in conjunction with Article 8 was applicable.

(b) *Merits* – Having established strong family ties in Russia the applicant was in an analogous situation to that of other foreign nationals seeking a family-

1. Parliamentary Assembly of the Council of Europe (Recommendation 1116 (1989)); United Nations Commission on Human Rights (Resolution nos. 1995/44 of 3 March 1995 and 2005/84 of 21 April 2005); United Nations (Convention on the Rights of Persons with Disabilities).

based residence permit there, but had been treated differently on account of his HIV-positive status. As to whether that difference in treatment was reasonably and objectively justified, the State's margin of appreciation in this sphere was narrow as people living with HIV were a particularly vulnerable group who had suffered considerable discrimination in the past and there was no established European consensus for the exclusion of HIV-positive applicants from residence. Accordingly, particularly compelling justification would be required for the difference in treatment.

While accepting that the impugned measure pursued the legitimate aim of protecting public health, the Court noted that health experts and international bodies agreed that travel restrictions on people living with HIV could not be justified by reference to public-health concerns. Although such restrictions could be effective against highly contagious diseases with a short incubation period such as cholera or yellow fever, the mere presence of an HIV-positive individual in the country was not in itself a threat to public health. HIV was not transmitted casually but rather through specific behaviour and the methods of transmission were the same irrespective of the duration of a person's stay in the country or his or her nationality. Despite this, HIV-related travel restrictions were not imposed on tourists or short-term visitors, or on Russian nationals returning to the country, even though there was no reason to assume that they were less likely to engage in unsafe behaviour than settled migrants. Further, while a difference in treatment between HIV-positive long-term settlers and short-term visitors could be objectively justified by the risk that the former could place an excessive demand on a publicly-funded health-care system, this argument did not apply in Russia as non-Russian nationals had no entitlement to free medical assistance other than emergency treatment. Finally, travel and residence restrictions on persons living with HIV could not only prove ineffective in preventing the spread of the disease, but might also actually be harmful to public health, for example, where migrants chose to remain illegally to avoid HIV screening or if the local population were to come to view HIV/AIDS as being solely a "foreign problem". A matter of further concern for the Court was the blanket and indiscriminate nature of the impugned measure. The provisions requiring applicants for a residence permit to show their HIV-negative status and the deportation of non-nationals found to be HIV-positive left no room for an individualised assessment based on the facts of a particular case. In the instant case, the domestic authorities had rejected the applicant's application solely by reference to the statutory provisions without taking into account his state of health or his family ties in Russia. In sum, taking into account the applicant's membership of a particularly vulnerable group, the absence of a reasonable and objective justification, and lack of an individualised evaluation, the Government had overstepped their narrow margin of appreciation and the applicant had been a victim of discrimination on account of his health status.

Conclusion: violation (unanimously).

Article 41: EUR 15,000 in respect of non-pecuniary damage.

ARTICLE 37

Article 37 § 1 (b)

Matter resolved

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *struck out*

Association of Real Property Owners in Łódź and Others v. Poland - 3485/02
Decision 8.3.2011 [Section IV]

Facts – The applicants were or represented some of the estimated 100,000 landlords in Poland who were affected by legislation concerning rent control, maintenance obligations and security of tenure. They complained to the European Court of a violation of their rights under Article 1 of Protocol No. 1, but their applications were adjourned as part of the procedure instituted in the pilot judgment in the case of *Hutten-Czapska v. Poland*[1] in which the Court noted the systemic malfunctioning of the Polish housing legislation and directed the State to secure in its domestic legal order a mechanism maintaining a fair balance between the interests of landlords and the general interest of the community. In its friendly-settlement judgment in the same case[2], the Court noted that a number of general remedial measures had been taken. Further measures have since been taken including a system

1. *Hutten-Czapska v. Poland* [GC], no. 35014/97, 19 June 2006, Information Note no. 87.
2. *Hutten-Czapska v. Poland* (friendly settlement) [GC], no. 35014/97, 28 April 2008, Information Note no. 107.

of subsidies for maintenance and renovation works, an obligation on local authorities to provide social accommodation and a special compensation scheme for persons adversely affected by the rent-control legislation. In the light of these developments, the Court, as a preliminary issue, invited the parties to the present case to indicate whether the matter had been resolved for the purposes of Article 37 § 1 (b) of the Convention.

Law – Article 37 § 1 (b): It was a fundamental feature of the pilot-judgment procedure that the Court's assessment of whether the matter involved in the case had been resolved was not limited to relief afforded to an individual applicant and to solutions adopted in his case, but necessarily encompassed general measures applied by the State to resolve the general underlying defect in the domestic legal order. In that connection, the Court noted that the global solutions adopted by the respondent State had addressed, in a satisfactory manner, the previous lack of legal provisions enabling landlords to recover costs involved in the maintenance of property, thus protecting them against financial losses in situations where the rent paid by tenants was insufficient. The new legal rules also allowed landlords to include in rent charged a gradual return of capital investment for the acquisition or modernisation of property, while their right to derive profit from rent had been expressly guaranteed by law. As regards redress for the past prejudice suffered by persons affected by the defective operation of the rent-control scheme, the Court reiterated that its role after the delivery of the pilot judgment and after the State had taken remedial action in conformity with the Convention could not be converted into providing individualised financial relief in each and every repetitive case arising from the same systemic situation. In the present case the redress scheme that had been introduced offered reasonable prospects of recovering compensation for damage caused by the systemic violation of Article 1 of Protocol No. 1 identified in the pilot case. Consequently, the authorities had established a mechanism enabling the practical treatment of reparation claims for the Convention breach. Accordingly, the matter giving rise to the present application and the remaining "rent-control" applications against Poland had been resolved for the purposes of Article 37 § 1 (b) and it was no longer justified to continue the examination of these cases.

Conclusion: struck out (unanimously).

Article 46: While it still remained for the Committee of Ministers to supervise the execution of the *Hutten-Czapska* merits and friendly-settlement judgments and the discharge by the Polish State of its obligation to ensure the implementation of the general measures indicated by the Court, the Court's task under Article 19 had been fulfilled. In these circumstances, the continued application of the pilot-judgment procedure was no longer justified and was closed in respect of Polish rent-control cases. That ruling was, however, without prejudice to any decision the Court might take to restore the present application and the remaining adjourned applications to the list of cases or to deal substantively with subsequent cases if the circumstances so justified.

Conclusion: pilot-judgment procedure closed (unanimously).

ARTICLE 46

Execution of a judgment

Implementation of general measures to remedy defects in housing legislation following pilot judgment and availability of redress at domestic level: *pilot-judgment procedure closed*

Association of Real Property Owners in Łódź and Others v. Poland - 3485/02
Decision 8.3.2011 [Section IV]

(See Article 37 § 1 (b) above, page 11)

Execution of a judgment – Measures of a general character

Respondent State required to amend relevant legislation to remedy defects in pension system

Šekerović and Pašalić v. Bosnia and Herzegovina - 5920/04 and 67396/09
Judgment 8.3.2011 [Section IV]

Facts – As in *Karanović v. Bosnia and Herzegovina* (no. 39462/03, 20 November 2007, Information Note no. 102), the applicants in the present case complained that the State had failed to comply with domestic court orders requiring their pension entitlements to be transferred from Republika Srpska, where they had been internally displaced during the war in Bosnia and Herzegovina, to the Federation of Bosnia and Herzegovina, the entity to which they had returned after the war and where pension levels were generally higher.

Law – In line with its judgment in *Karanović*, the Court held, unanimously, that the failure to transfer the applicants' pension entitlement from the Republika Srpska Fund to the Federation Fund had violated Article 6 of the Convention and Article 1 of Protocol No. 1. It also unanimously found a breach of Article 14 of the Convention read in conjunction with Article 1 of Protocol No. 1 in that, as a pensioner returning from Republika Srpska after the war, the second applicant had, without objective and reasonable justification, been treated differently from pensioners who had stayed in the Federation.

Article 46: The facts of the *Karanović* case had disclosed a shortcoming within the Bosnian pension system as a consequence of which a whole class of citizens had continued to receive Republika Srpska Fund pensions rather than Federation pensions despite their return to the Federation after the war. According to the figures supplied by the respondent Government, more than 3,500 people fell into this category, all of whom were potential applicants to the Court. Despite the *Karanović* judgment and a subsequent decision of the Constitutional Court that indicated that the domestic legislation needed amending to make such persons eligible for a Federation pension, no steps had been taken to transfer their pension rights. Given the threat this situation posed to the future effectiveness of the Convention machinery, the Court directed that the respondent State had to secure, within six months from the date in which the judgment became final, the amendment of the relevant legislation in order to render the applicants and others in that situation eligible to apply for Federation pensions. That order did not, however, apply to those who had not returned to the Federation after the war, although those who were granted Federation pensions after their return from the Republika Srpska were to keep their pension entitlements even if, like the second applicant, they later moved abroad.

Article 41: EUR 5,000 in respect of non-pecuniary damage to the second applicant, who had submitted a claim for just satisfaction.

ARTICLE 1 OF PROTOCOL No. 1

Peaceful enjoyment of possessions

Loss of lawyer's pension rights following disqualification from practice: *violation*

Klein v. Austria - 57028/00
Judgment 3.3.2011 [Section I]

Facts – The old-age pension scheme for lawyers in Austria is financed by compulsory contributions from members of the legal profession topped up by a contribution from the State as compensation for mandatory services rendered by lawyers under the legal-aid scheme. The applicant, who had been a lawyer and had paid his pension contributions for some thirty-two years before losing the right to practice as a result of bankruptcy proceedings, applied to his local Chamber of Lawyers for an old-age pension after reaching the retirement age. However, in a decision that was upheld by the domestic courts, his application was refused on the grounds that by the time he had reached the retirement age he had lost the right to practice and was no longer enrolled on the List of Lawyers.

Law – Article 1 of Protocol No. 1: Compulsory affiliation to an old-age pension scheme based on the equally compulsory membership of a professional organisation during the exercise of a profession could give rise to a legitimate expectation of an entitlement to pension benefits on retirement and constituted a possession within the meaning of Article 1 of Protocol No. 1. Further, since the Chamber of Lawyers was a public-law body, measures taken by it engaged the State's responsibility.

The refusal to grant the pension constituted an interference with the applicant's right to the peaceful enjoyment of his possessions. The reduction or forfeiture of a retirement pension acted neither as a control of use nor a deprivation of property, but fell to be considered under the first sentence of the first paragraph of Article 1. The Court therefore had to determine whether a fair balance had been struck between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. In that connection, while the Court had emphasised in two previous cases[1] concerning the reduction or loss of pension rights following criminal convictions that it was well within the State's margin of appreciation to bring forfeiture and disciplinary proceedings in addition to criminal proceedings, in the instant case the applicant's pension claim had been refused solely because he was no longer a member of the Chamber of Lawyers[2]. In the Court's view, even though the State had a legitimate interest in prohibiting insolvent lawyers

1. *Banfield v. the United Kingdom* (dec.), no. 6223/04, 18 October 2005, Information Note no. 79; and *Apostolakis v. Greece*, no. 39574/07, 22 October 2009, Information Note no. 123.
2. Although the applicant was also convicted of embezzlement, this had no direct effect on his pension claim.

from practising, that interest could not, in the absence of any punitive element, justify the forfeiture of all of their pension claims.

Given its compulsory nature, the lawyers' pension scheme was clearly intended to give lawyers reaching retirement age a pension which largely corresponded to the cover provided under the State pension scheme. It was not comparable, as the Government had suggested, to a form of damage insurance requiring a valid contractual relationship before a claim could be made. Indeed, the fact that a 2003 legislative amendment had removed the requirement for lawyers still to be enrolled on the List of Lawyers when they reached retirement age showed that that condition was no longer considered appropriate. Nor could a lawyer be expected to join the State scheme on a voluntary basis just to protect against the quite exceptional risk that he might be barred from practising and so lose his rights under the lawyers' scheme. While restricting the circle of potential beneficiaries of the lawyers' scheme may have served to keep the level of contributions down, when it came to a compulsory scheme, regulations had to take into account exceptional situations like the applicant's. By completely depriving the applicant of his entitlement to a pension after he had contributed both individually and collectively (through rendering services under the legal-aid scheme) to the pension scheme throughout his career the authorities had failed to strike a fair balance between the competing interests and had placed an excessive individual burden on him.

Conclusion: violation (unanimously).

Article 41: Reserved.

Inability to compel authorities to expropriate development land following its listing as an historic monument: *violation*

Potomska and Potomski v. Poland - 33949/05
Judgment 29.3.2011 [Section IV]

Facts – In 1974 the applicants purchased from the State a plot of land that had been reclassified as farming land after the closure of a Jewish cemetery there in 1970. Before going ahead with the purchase, the applicants informed the authorities that they wished to build a house and workshop on the land. In 1987 the authorities decided to list the property on the register of historic monuments, noting that it had been a Jewish cemetery since the beginning of the nineteenth century and was one of the few remaining vestiges of Jewish culture in the region. As a result the applicants were required to preserve and protect the land and prohibited from developing it without a permit. On three occasions (in 1992, 2001 and 2003) the regional inspector of historic monuments requested the local authority to expropriate the land but the mayor eventually declined citing a lack of funds. In the interim, the applicants had asked to be allocated alternative land in exchange, but were only offered a mixture of fields and swamps that did not, in their view, correspond to the value of their property.

Law – Article 1 of Protocol No. 1: There had been an interference with the peaceful enjoyment of the applicants' possessions which was provided for by law (Protection of the Cultural Heritage Act 1962) and pursued the legitimate aim of protecting Poland's cultural heritage. The evidence before the Court indicated that the authorities had been aware in 1973 that the applicants were purchasing the land for use as a building plot. The 1987 decision to list the property had resulted in a number of far-reaching restrictions on its use. In order to assess whether a fair balance had been struck between the general interest and the applicants' rights, the Court had to examine what measures had been taken to counterbalance the interference and in that connection it considered that the most fitting measure would have been expropriation with payment of compensation or the offer of a suitable alternative property. It noted, however, that under the domestic law, the expropriation of a monument of particular historic, scientific or artistic value could be carried out only at the instance and discretion of the authorities and there was no procedure by which the applicants could have compelled the authorities to expropriate their property. As to the applicants' refusal of the offers of land in exchange, in the absence of a valuation of the land on offer or a procedural mechanism to resolve disputes over the land's suitability, the applicants could not be blamed for refusing the offers as they had no guarantee that their interests would be sufficiently protected. Lastly, the state of uncertainty in which the applicants continued to find themselves, neither being able to develop their land or have it expropriated, had lasted a considerable amount of time. Accordingly, the fair balance between the demands of the general interest of the community and the requirements of the protection of property had been upset and the applicants had had to bear an excessive burden.

Conclusion: violation (unanimously).

Article 41: Reserved.

Deprivation of property

Compensation significantly lower than current cadastral value of land expropriated following restoration of Latvian independence: *no violation*

Vistiņš and Perepjolkins v. Latvia - 71243/01
Judgment 8.3.2011 [Section III]

Facts – By deeds of gift *inter vivos* signed in 1994 the applicants became the owners of several plots of land on an island forming part of Riga and consisting mainly of port facilities. The land had previously been unlawfully expropriated by the Soviet Union but the donors had recovered its ownership in the context of denationalisation at the beginning of the 1990s. The cadastral value of the land indicated at the time of the gift was low, but in 1996, following the inclusion of that land within the perimeter of the Port of Riga, the value of the first applicant's land was estimated to be approximately EUR 900,000 and that of the second applicant's land at EUR 5 million. In 1997 the Latvian parliament enacted the law on expropriation of land for State use within the Autonomous Commercial Port of Riga. The amounts of compensation due to the applicants were set at EUR 850 and EUR 13,500 in accordance with the new statutory provision, which imposed a ceiling on expropriation compensation for land at its cadastral value on 22 July 1940 multiplied by a conversion coefficient. In 1999 the applicants brought actions in the courts seeking to obtain arrears of rent payments for use of their land since 1994; they were awarded the equivalent of approximately EUR 85,000 and EUR 593,150 respectively. They also asked the courts to cancel the registration of the State's ownership in the land registers, submitting in particular that the procedure provided for in the 1923 General Expropriation Act had not been complied with. Their request was dismissed on the ground that the expropriation of their land had been based on the special law of 1997 rather than on the General Expropriation Act of 1923.

Law – Article 1 of Protocol No. 1: The impugned measure had been part of a much wider process of denationalisation following the restoration of Latvia's independence. The return of the land at issue to the former owners' heirs, their gift to the applicants and the expropriation of that land had occurred over a relatively short period of time. It was precisely in that sphere that the legislature required a particularly wide margin of appreciation in order to correct, on the grounds of equity and social justice, shortcomings or injustices created during denationalisation. The enactment of specific and targeted laws in such a situation could be justified having regard to Article 1 of Protocol No. 1. The Court saw nothing unreasonable or manifestly contrary to the fundamental objectives of that Article in the special law of 1997, and the expropriation of the land at issue had therefore been carried out "subject to the conditions provided for by law". Furthermore, the expropriation had pursued a legitimate public-interest aim, namely that of optimising the management of the facilities of the Autonomous Port of Riga, a question of transport policy and, more generally, of the country's economic policy.

As regards the proportionality of the measure, the Court found that the difference between the current cadastral value of the land and that (up to one thousand times lower) of the compensation finally obtained by the applicants had been disproportionate in the extreme. The Court noted, however, that the substantial increase in the value of the land had resulted from development of the port facilities located on it and a total change in the land's strategic importance over several decades, objective factors to which neither the applicants nor the former owners had contributed. Furthermore, the applicants had acquired the land free of charge and had owned it for only three years, without making any investments or paying any related taxes. In those circumstances, and given the considerations of equity and general policy, the Court considered that the Latvian authorities had been justified in not reimbursing the full cadastral or market value of the land. Moreover, the applicants had received significant amounts in respect of rent arrears and easements, which had been calculated on the basis of the current value of the land. Although those sums had been paid on a legal basis that was completely unrelated, the fact remained that they had profited from a "windfall effect" and, if the situation was considered as a whole, the amounts paid in respect of compensation did not appear disproportionate. The Court noted lastly that the impugned measure had been the direct result of a legislative act and that the applicants had enjoyed sufficient procedural guarantees before the Latvian courts. Accordingly, the national authorities had not overstepped their margin of appreciation, as the burden imposed on the applicants had been neither disproportionate nor excessive, and the "fair balance" between public interest and the protection of property had not been upset.

Conclusion: no violation (six votes to one).

Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1: The Court had serious doubts that the situation in which the applicants had found themselves was comparable to that of other owners of immovable property. Even had it been, given the public interest pursued and the margin of appreciation enjoyed by the State on account of the denationalisation process, the Court considered that the manner in which the applicants had been treated had had an objective and reasonable justification.

Conclusion: no violation (unanimously).

Control of the use of property

Termination without compensation by State of concession agreements for electricity transmission facilities operated by private companies: *inadmissible*

Uzan and Others v. Turkey - 18240/03
Decision 29.03.2011 [Section II]

Facts – Under a concession agreement signed in 1998 between the State and the applicant companies, the latter acquired the right to operate electricity transmission facilities, including the right to generate, distribute and trade electricity in certain regions of Turkey until 2058. In 2001 a new law on the electricity market entered into force. In 2003 the Council of Ministers terminated the concession agreement on the ground that the companies had failed to fulfil their contractual and statutory obligations, notably those arising out of the new law. Their electricity distribution sites were transferred to a public-sector company. Appeals by the applicant companies against those decisions were unsuccessful.

Law – Article 1 of Protocol No. 1: The concession agreements between the respondent State and the applicant companies concerning the electricity transmission facilities for the production, transmission, distribution and trade of electricity amounted to possessions for the purposes of Article 1 of Protocol No. 1. The termination of those agreements had constituted interference with the companies' property rights. This had arisen in part out of the new law, the purpose of which was to reform the energy sector to provide consumers with sufficient cheap and environmentally friendly electricity, and to open up the electricity market to competition in accordance with Turkey's international obligations. The law in question and the contractual clauses contained sufficiently accessible, precise and foreseeable provisions. The Court found no element of arbitrariness in the interpretation and application of the law and the concession agreements by the domestic courts, which had found that the termination of the contracts had been in conformity with domestic law. The interference had therefore been "in accordance with the law" and had pursued a legitimate aim in the public interest. In areas covered by economic, fiscal or social policy, the national authorities enjoyed a wider margin of appreciation. As regards the proportionality of the measures at issue, it was clear from the decisions of the domestic courts and the relevant clauses of the concession agreements that the applicant companies could not seek either reimbursement or compensation in the event of termination of the contracts for breach. They had been given notice on a regular basis to remedy the breaches of the concession agreements, in particular the refusal to make the expected investments and to apply the tariff laid down in the agreements. The domestic courts had found that those breaches had contributed to the deterioration of the electricity market. The Court could not find anything unfair in the judicial review carried out by the domestic courts. Accordingly, the termination of the agreements for breach without compensation could not be described as disproportionate to the control of the use of property in the public interest.

Conclusion: inadmissible (manifestly ill-founded).

ARTICLE 2 OF PROTOCOL No. 1

Respect for parents' religious and philosophical convictions

Display of crucifixes in State-school classrooms: *no violation*

Lautsi and Others v. Italy - 30814/06
Judgment 18.3.2011 [GC]

Facts – At a meeting of the governors of the state school attended by her children the applicant pointed out that the presence of crucifixes in the classrooms infringed the principle of secularism according to which she sought to educate her children. Following a decision by the school's governors to keep crucifixes in classrooms, she instituted proceedings in the Administrative Court. In the meantime the Minister of Education adopted a directive instructing school heads to ensure that crucifixes were displayed in classrooms. The applicant's claim was dismissed by a decision upheld at

final instance by the *Consiglio di Stato*. The applicant and her two sons (the second and third applicants) lodged an application with the European Court, which gave a judgment on 3 November 2009 finding unanimously that there had been a violation of Article 2 of Protocol No. 1 taken together with Article 9 of the Convention (see Information Note no. 124).

Law – Article 2 of Protocol No. 1: The decision whether crucifixes should be present in State-school classrooms formed part of the functions assumed by the respondent State in relation to education and teaching and, accordingly, fell within the scope of the second sentence of Article 2 of Protocol No. 1. That made it an area in which the State's obligation to respect the right of parents to ensure the education and teaching of their children in conformity with their own religious and philosophical convictions came into play. The crucifix was above all a religious symbol. Whilst it was understandable that the first applicant might see in the display of crucifixes in the classrooms of the State school formerly attended by her children a lack of respect on the State's part for her right to ensure their education and teaching in conformity with her own philosophical convictions, her subjective perception was not in itself sufficient to establish a breach of Article 2 of Protocol No. 1.

The decision whether crucifixes should be present in State-school classrooms was, in principle, a matter falling within the margin of appreciation of the respondent State. Moreover, the fact that there was no European consensus on the question of the presence of religious symbols in State schools spoke in favour of that approach. That margin of appreciation, however, went hand in hand with European supervision. It was true that by prescribing the presence of crucifixes in State-school classrooms – a sign which undoubtedly referred to Christianity – the regulations conferred on the country's majority religion preponderant visibility in the school environment. That was not in itself sufficient, however, to denote a process of indoctrination on the respondent State's part. Furthermore, a crucifix on a wall was an essentially passive symbol that could not be deemed to have an influence on pupils comparable to that of didactic speech or participation in religious activities. The Grand Chamber did not agree with the approach of the Chamber, which had found that the display of crucifixes in classrooms would have a significant impact on the second and third applicants, aged eleven and thirteen at the time. The effects of the greater visibility which the presence of the crucifix gave to Christianity in schools needed to be placed in perspective. Firstly, the presence of crucifixes was not associated with compulsory teaching about Christianity. Secondly, Italy opened up the school environment to other religions in parallel. In addition, the applicants had not asserted that the presence of the crucifix in classrooms had encouraged the development of teaching practices with a proselytising tendency; neither had they claimed that the second and third applicants had experienced a tendentious reference to that presence by a teacher in the exercise of his or her functions. Lastly, the first applicant had retained in full her right as a parent to enlighten and advise her children, to exercise in their regard her natural functions as educator and to guide them on a path in line with her own philosophical convictions. Accordingly, in deciding to keep crucifixes in the classrooms of the State school attended by the first applicant's children, the authorities had acted within the limits of the margin of appreciation left to the respondent State in the context of its obligation to respect, in the exercise of the functions it assumed in relation to education and teaching, the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

Conclusion: no violation (fifteen votes to two).

RULES OF COURT

Pilot-judgment procedure

New rule concerning the procedure for handling systemic and structural human rights violations

With effect from 1 April 2011 a new rule (Rule 61) has been inserted in the Rules of Court to codify the Court's "pilot-judgment procedure". The procedure may be initiated where the facts of an application reveal in the Contracting State concerned the existence of a structural or systemic problem or other similar dysfunction which has given rise or may give rise to similar applications.

Among other things, the new rule provides that:

• The pilot-judgment procedure may be initiated by the Court of its own motion or at the request of one or both parties; before initiating the procedure, the Court shall first seek the parties' views on whether the application results from a structural or systemic problem or other similar dysfunction and on the suitability of using the procedure; applications selected for pilot-judgment treatment shall be processed as a matter of priority.

• In the pilot judgment the Court shall identify the nature of the problem and type of remedial measures required at national level and may impose a time-limit and adjourn similar applications in the interim.

• Any friendly-settlement agreement reached by the parties to a pilot case shall comprise a declaration by the respondent Government on the implementation of the general measures identified in the pilot judgment as well as the redress to be afforded to other actual or potential applicants.

• If a State fails to abide by a pilot judgment, the Court will, unless it decides otherwise, resume examination of the adjourned cases.

• Information on pilot-judgment cases shall be made available to the Committee of Ministers, the Parliamentary Assembly, the Secretary General and the Human Rights Commissioner and published on the Court's website.

The full text of the new Rule is available on the Court's Internet site (www.echr.coe.int / Basic Texts / Rules / Rules of Court).

RECENT PUBLICATIONS

Handbook on European Non-Discrimination Law

This handbook, which is published jointly by the European Union Agency for Fundamental Rights (FRA) and the European Court of Human Rights, is the first comprehensive guide to European non-discrimination law. It is based on the case-law of the European Court of Human Rights and the European Court of Justice and covers the context and background to European non-discrimination law (including the UN human-rights treaties), discrimination categories and defences, the scope of the law (including who is protected) and the grounds protected, such as sex, disability, age, race and nationality. There is an accompanying CD-Rom dealing with the relevant legislation, specialist literature, case studies and case-law summaries.

The handbook is aimed at legal practitioners at national and European level, including judges, prosecutors, lawyers, law-enforcement officials, and others involved in giving legal advice, such as national human-rights institutions, equality bodies and legal-advice centres.

It can also be consulted on-line or downloaded at:

www.echr.coe.int / Case-Law / Case-law analysis / Handbook on non-discrimination
or
www.fra.europa.eu

The handbook is already available in English, French and German. Versions in Bulgarian, Czech, Greek, Hungarian, Italian, Polish, Romanian and Spanish will follow shortly and the material will eventually be available in almost all EU languages as well as Croatian and Turkish.