



FLASH NEWS

13/17

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 04/12 TO 17/12/2017

SI / RIBAČ v. SLOVENIA

Prohibition of discrimination – Equal treatment in employment and occupation – Refusal to grant an old-age pension on the grounds of nationality

Violation of Article 14 (Prohibition of discrimination) of the Convention taken in conjunction with Article 1 of Protocol No. 1 (Protection of property).

The applicant, a former Serbian citizen who has lived in Slovenia since 1964 and gained Slovenian citizenship in 2003, complained that the refusal to grant him an old-age pension between 1998 and 2003 on the grounds that he had not had Slovenian citizenship was discriminatory.

*Judgement of 05.12.2017 (application no. 57101/10) ([EN](#))
Press release ([FR](#) / [EN](#))*

IT / ORLANDI AND OTHERS v. ITALY

Right to respect for private and family life – Prohibition of discrimination on the grounds of sexual orientation – Refusal to recognise marriages contracted abroad

Violation of Article 8 (Right to respect for private and family life) of the Convention.

The applicants, six same-sex couples, complained that they had been unable to have their marriages, which they had contracted abroad, registered or recognised in any form as a union in Italy. They alleged discrimination on the grounds of their sexuality.

*Judgement of 14.12.2017 (applications nos. 26431/12, 26742/12, 44057/12 and 60088/12) ([EN](#))
Press release ([FR](#) / [EN](#))*

BG / S.F. AND OTHERS v. BULGARIA

Prohibition of inhuman and degrading treatment – Conditions of immigration detention

Violation of Article 3 (Prohibition of inhuman and degrading treatment) of the Convention.

The applicants, an Iraqi couple and their three young sons, complained about the conditions in which they had been kept in short-term immigration detention. They alleged that the cell in which they had been held was run-down with no toilet. They also complained that the authorities had failed to provide them with food and drink for the first 24 hours of their custody.

*Judgement of 07.12.2017 (application no. 8138/16) ([EN](#))
Press release ([FR](#) / [EN](#))*

BA / HAMIDOVIĆ v. BOSNIA AND HERZEGOVINA

Freedom of religion – Refusal to wear a religious symbol within national jurisdictions

Violation of Article 9 (Freedom of religion) of the Convention.

The applicant, a Bosnian-Herzegovinian citizen, a witness in a criminal trial, was convicted of contempt of court and fined for refusing to remove his skullcap, a religious symbol. He alleged in particular that the punishment was disproportionate.

*Judgement of 05.12.2017 (application no. 57792/15) ([EN](#))
Press release ([FR](#) / [EN](#))*

BG / YONCHEV v. BULGARIA

Right to respect for private and family life – Personal data protection – Refusal to access personal data

Violation of Article 8 (Right to respect for private and family life) of the Convention.

The applicant, a Bulgarian police officer, complained that the authorities refused access to his personnel file assessing him as unfit to work owing to the presence of some classified documents. He complained that the refusal to let him have access to his personal data had not been properly justified as, during the domestic proceedings, the Ministry of the Interior had never shown that the psychological assessments had been classified.

Judgement of 07.12.2017 (application no. 12504/09) [\(EN\)](#)
Press release [\(FR / EN\)](#)

NL / P. PLAISIER B.V. v. THE NETHERLANDS

Tax policy – Budget austerity measures – Tax on high salaries

Application declared inadmissible due to its manifestly ill-founded nature [Article 35 §§ 3 a) and 4 of the Convention].

The applicants, three companies registered in the Netherlands, complained that an additional tax that employers had to pay on annual salaries above 150,000 euros, which was adopted and applied retrospectively as part of budget austerity measures approved during an economic crisis to meet obligations under European Union budget rules, was unforeseeable, unfair and discriminatory.

Decision communicated on 07.12.2017 (application no. 46184/16) [\(EN\)](#)
Press release [\(FR / EN\)](#)