



## FLASH NEWS

2/25

# EUROPEAN COURT OF HUMAN RIGHTS

## OVERVIEW FROM 17/2 TO 28/3

### BE / F.B. v. BELGIUM

**Right to respect for private and family life -  
Determination of the age of unaccompanied minors  
- Decision-making process not surrounded by  
sufficient safeguards**

**Infringement** of Article 8 (right to respect for private life) of the ECHR.

The case concerns the decision to terminate the care of the applicant as an unaccompanied foreign minor following the age assessment procedure.

Without ruling on the reliability of the bone tests or the applicant's proven minority, the European Court of Human Rights (ECtHR) concluded that the decision-making process that led to the decision to terminate her care as an unaccompanied foreign minor was not surrounded by sufficient procedural safeguards under Article 8 of the ECHR. In particular, it noted that it did not appear from the file that the applicant had been effectively informed of the need to give her consent to the medical test.

It also stressed that, in view of their invasive nature, medical examinations should only be carried out as a last resort if other means of determining the age of the person concerned have not produced conclusive results. In that regard, it noted that the applicant's interview with a probation officer specially trained in dealing with minors did not take place until after the bone tests had been carried out. However, a preliminary interview could have made it possible, where necessary, to ascertain whether the doubts about the minority of the person concerned could be dispelled by other, less intrusive means and to enable the qualified professional to satisfy himself or herself that the person concerned had received all the information necessary to validly assert her rights.

Judgment of 6/3/2025 (application No 47836/21) ([ER](#))  
Press release ([FR/EN](#))

### FI / TULOKAS and TAIPALE v. FINLAND

**Prohibition of discrimination - Difference in  
treatment based on age in relation to income tax -  
National legislation providing, in certain cases, for  
higher taxation of income from retirement  
pensions than of income from employment**

**Inadmissibility** of the complaint alleging a violation of Article 14 (prohibition of discrimination) and Article 1 of Protocol No 12 (general prohibition of discrimination) of the ECHR on the grounds that it is manifestly ill-founded [Article 35 §§ 3 (a) and 4 of the ECHR].

The cases concern additional income tax on the applicants' income. In their view, the additional tax constituted prohibited discrimination based on age.

On 1 January 2013, amendments to the Income Tax Act came into force. These changes were intended to increase the contribution of those with the highest tax capacity, reduce the tax treatment gap between pension income and wage income, and encourage older people to remain in work longer.

The European Court of Human Rights (ECHR) concluded that the applicants had not demonstrated that, as taxpayers subject to pension tax, they were in a situation sufficiently comparable to that of taxpayers subject to income tax.

Decision communicated on 6/3/2025 (applications Nos 5854/18 and 5855/18) ([EN](#))  
Press release ([FR/EN](#))

On this subject, see also the judgment of the Court of 16 June 2016, C, C-122/15 ([EU:C:2016:391](#)).



## OTHER INFORMATION

### **Application for interim measures against Germany and the United Kingdom – Alleged supply of arms and ammunition to Israel – Application outside the scope of Article 39 (interim measures) of the Rules of the European Court of Human Rights**

The European Court of Human Rights, sitting as a panel, unanimously decided to refuse to grant interim measures in the case of Alhaj v. Germany and the United Kingdom (application No 4229/25).

The case concerns the alleged supply of arms and ammunition to Israel by Germany and the United Kingdom. The applicant is a Palestinian doctor who reportedly lives in Gaza. He requested that interim measures be indicated, pursuant to Article 39 of the Rules of the European Court of Human Rights, in particular to order Germany and the United Kingdom to cease the alleged supply of arms and ammunition to Israel.

The applicant claims that members of his family, including his sons, his daughter, his sister, their spouses and their children, were killed during attacks on Gaza. In addition, two of his grandchildren were reportedly seriously injured.

The applicant submits that, despite the order issued by the International Court of Justice on 26 January 2024, Israel has continued its genocidal attacks in Gaza. He alleges that Germany and the United Kingdom supplied arms and ammunition to Israel, thereby contributing to massacres.

The European Court of Human Rights (ECtHR) ruled that the applicant's request did not fall within the scope of Article 39 of its Rules and decided not to make any reference to the German and British governments regarding the interim measures requested. The decision was made unanimously by a panel of seven judges.

Press release ([FR/EN](#))

### **New inter-state request submitted by Slovakia against Belgium – Allegations concerning a death following the use by the police of physical restraint measures against a detainee in a cell at Brussels-Charleroi Airport – Allegations concerning the effectiveness of the investigation**

The Government of the Republic of Slovakia has lodged a new inter-state application against the Kingdom of Belgium under Article 33 (inter-state cases) of the ECHR (application No 6187/25).

The case concerns allegations that J.C., a Slovak national, died as a result of the use of physical restraint by the Belgian police while he was being held in a cell at Brussels-Charleroi Airport, as well as allegations relating to the effectiveness of the investigation conducted in Belgium in that regard. J.C. had been arrested on the grounds that he had boarded a plane without a passport.

The Slovak Government invoked Articles 2 (right to life/investigation), 3 (prohibition of inhuman and degrading treatment/investigation), 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the ECHR.

In accordance with Article 51 § 1 of the Rules of the European Court of Human Rights (ECtHR) (assignment of applications and subsequent procedure), the President of the ECtHR assigned the case to Division I of the ECtHR and notified the respondent State of the application on 3 March 2025. The 12-week period for filing any third-party applications began on the date on which the application was notified.

This is the 31st inter-state application received by the ECtHR since 1956. A complete list of pending and completed inter-state cases is available [here](#). For more detailed explanations regarding inter-state requests, please refer to [this document](#).

Press release ([FR/EN](#))