



FLASH NEWS

7/22

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 3/10 TO 11/11/2022

CH / BEELER v. SWITZERLAND [GC]

Prohibition of discrimination - Right to respect for family life - Social benefits - Surviving spouse's pension received by a widower - Differential treatment based on gender

Infringement of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 8 (right to respect for family life) of the ECHR.

The applicant, a Swiss national, complained that he was the victim of discrimination compared with widowed mothers who were the sole carers of their children under the Federal Law on Old Age and Survivors' Insurance. This law provides for the extinction of the right to a widower's pension when the last child reaches the age of 18, which it does not provide for in the case of a widow. He therefore argued that he had been discriminated against compared with widows who, in the same situation, would not have lost their entitlement to a pension.

Judgment of 11/10/2022 (application No 78630/12) ([FR](#))
Press release ([FR/EN](#))

GB / SANCHEZ-SANCHEZ v. UNITED KINGDOM [GC]

Prohibition of inhuman and degrading treatment - Request for extradition to the United States - Real risk of life imprisonment without parole - Burden of proof

Non-infringement of Article 3 (prohibition of inhuman or degrading treatment) of the ECHR in the event of the applicant's extradition to the United States.

This case concerns the request for extradition of a Mexican national, detained in Wandsworth prison (United Kingdom), to the United States of America, to be tried there for drug distribution and trafficking. The applicant argued that there was a possibility that, if convicted, he would be sentenced to life imprisonment without parole.

Judgment of 3/11/2022 (application No 22854/20) ([FR/EN](#))
Press release ([FR/EN](#))

BE / MORTIER v. BELGIUM

Right to life - Right to respect for private and family life - Positive obligations of the State - Lack of independence of the Commission controlling a posteriori acts of euthanasia

Non-infringement of Article 2 (right to life) of the ECHR due to the legislative framework for pre-euthanasia procedures and the conditions under which the euthanasia of the applicant's mother was carried out.

Infringement of Article 2 (right to life) of the ECHR due to deficiencies in the ex-post control of euthanasia carried out.

Non-infringement of Article 8 (right to respect for private and family life) of the ECHR.

In April 2012, the applicant's mother, who had been diagnosed as suffering from chronic depression for some 40 years, was euthanised in a public hospital. This euthanasia was carried out without the applicant's knowledge, as his mother did not wish to inform her children. The applicant claimed that the State had failed in its obligation to protect his mother's life insofar as the procedure provided for in the law on euthanasia had not been followed in this case. Furthermore, he alleged that, by failing to effectively protect his mother's right to life, the State had violated his right to respect for private and family life.

Judgment of 4/10/2022 (application No 78017/17) ([FR](#))
Press release ([FR/EN](#))

DE / BASU v. GERMANY

Prohibition of discrimination - Right to privacy - Identity check - Discriminatory grounds for the check - Need to investigate effectively allegations of racial profiling

Infringement of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 8 (right to privacy) of the ECHR.

The applicant, a German national of Indian origin, claimed that the identity check he underwent while crossing the border between the Czech Republic and Germany with his daughter on a train constituted discrimination on the basis of his skin colour, and that the domestic courts had refused to investigate or consider his allegations on the merits.

Judgment of 18/10/2022 (application No 215/19) ([EN](#))
Press release ([FR/EN](#))

NL / DE LEGÉ v. NETHERLANDS

Right to a fair trial - Right not to incriminate oneself - Forced disclosure of documents relating to foreign bank accounts for tax purposes

Non-infringement of Article 6 §1 (right to a fair trial) of the ECHR.

The applicant, a Dutch national, had been fined for failure to comply with his legal obligation to provide all relevant information for tax purposes, including documents relating to a bank account he held in Luxembourg. These documents had finally been obtained from him under threat of a substantial penalty payment. He alleged that he had been forced to provide evidence against himself in violation of the right not to incriminate himself.

Judgment of 4/10/2022 (application No 58342/15) ([EN](#))
Press release ([FR/EN](#))

ES / MUHAMMAD v. SPAIN

Prohibition of discrimination - Right to privacy - Identity check - Allegedly discriminatory grounds for the check - Need to investigate effectively allegations of racial profiling

Non-infringement of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 8 (right to privacy) of the ECHR in relation to the claim that the national authorities failed to carry out an effective investigation.

Non-infringement of Article 14 (prohibition of discrimination) of the ECHR in conjunction with Article 8 (right to privacy) of the ECHR in relation to the claim that the police's stop and questioning of the applicant was based on allegedly discriminatory grounds.

The applicant, a Pakistani national, complained about the allegedly discriminatory motivation of the police officers who checked his identity on the basis of his skin colour in a busy area of Barcelona, as well as the lack of sufficient and effective investigation by the Spanish authorities into his alleged racial discrimination.

Judgment of 18/10/2022 (application No 34085/17) ([EN](#))
Press release ([FR/EN](#))

OTHER INFORMATION

Temporary measure - Asylum seeker without accommodation - Refusal of reception place due to saturation of the reception network for asylum seekers in Belgium

On 31 October 2022, the ECtHR decided to indicate an interim measure in the case of **Camara v. Belgium** (application No 49255/22), under Article 39 of the [Regulations](#) of the ECtHR. The latter court decided to order the Belgian State to execute the order issued by the French-speaking Labour Court of Brussels and to provide the applicant, an applicant for international protection, with accommodation and material assistance to meet his basic needs. This is the first case of its kind. The ECtHR continues to receive similar requests.

Press release ([FR](#))