



FLASH NEWS

9/17

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 01/10 TO 15/10/2017

RO / ALEXANDRU ENACHE v. ROMANIA

Prohibition of discrimination on the grounds of sex – Respect for private and family life – Stay of execution of a prison sentence denied to a man

No violation of Article 14 (Prohibition of discrimination) taken in conjunction with Article 8 (Right to respect for private and family life) of the Convention.

The applicant, the father of a child under the age of one, had requested a stay of execution of his prison sentence on the basis of a provision enabling convicted mothers to obtain one until their child's first birthday. As his application was dismissed, he complained about discrimination on grounds of sex.

Judgement of 03.10.2017 (application no. 16986/12)
([FR](#))
Press release ([FR](#) / [EN](#))

NO / BECKER v. NORWAY

Freedom of expression – Protection of journalistic sources – Journalist ordered to give evidence on a source

Violation of Article 10 (Freedom of expression) of the Convention.

The applicant, a journalist for a daily newspaper, complained about the decision ordering her to give evidence in a criminal case brought against one of her sources for market manipulation and insider trading. The applicant refused to testify, alleging that this would have most likely led to other sources being identified too.

Judgement of 05.10.2017 (application no. 21272/12)
([EN](#))
Press release ([FR](#) / [EN](#))

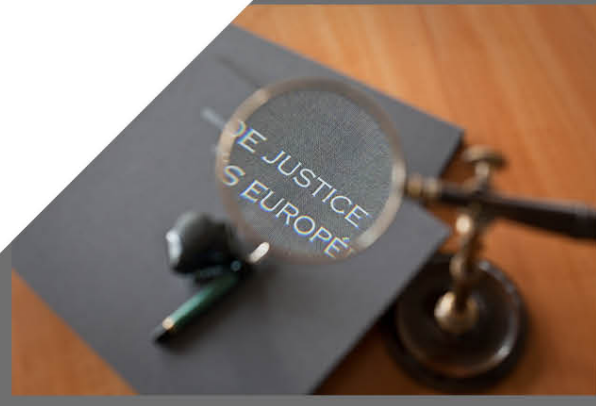
ES / N.D. and N.T. v. SPAIN

Prohibition of collective expulsions of aliens – Immediate return of migrants who were attempting to enter a Member State – Absence of any prior administrative or judicial decision

Violation of Article 4 of Protocol No. 4 (Prohibition of collective expulsions of aliens) of the Convention. **Violation** of Article 13 (Right to an effective remedy) taken in conjunction with Article 4 of Protocol No. 4

The applicants, sub-Saharan migrants, had attempted to enter Spain illegally with a group of other migrants via the Melilla border crossing on the North-African coast. They were immediately arrested and returned to Morocco. At no point were their identities checked and they did not have an opportunity to explain their personal circumstances. In their complaint to the European Court of Human Rights, the applicants claimed that they had been subjected to a collective expulsion without an individual assessment of their situation, with no basis in law and without the provision of any legal advice or the opportunity to challenge their return to Morocco before the Spanish authorities.

Judgement of 03.10.2017 (applications nos. 8675/15 and 8697/15) ([FR](#))
Press release ([FR](#) / [EN](#))



UA / VILENCHIK v. UKRAINE

Hague Convention on the Civil Aspects of International Child Abduction – Appropriate measures to prevent irreparable harm – Diligence required

Violation of Article 8 (Right to respect for family life) of the Convention as regards the requirement of promptness of The Hague Convention proceedings.

The applicant, a national of the United States of America who lives in Minneapolis, Minnesota (USA), complained that the Ukrainian authorities had refused to order his son's return to the USA. He alleged in particular that they had failed to properly examine all the circumstances of his case and that the overall length of the proceedings had been excessive.

Judgement of 03.10.2017 (application no. 21267/14) (EN)
Press release (FR / EN)

LV / ĀBELE v. LATVIA

Prohibition of inhuman or degrading treatment – Detention conditions of a deaf and mute prisoner

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

The applicant, a deaf and mute prisoner, alleged that he had been held in overcrowded cells and that the authorities had failed to cater for his disability. That had led to his being isolated.

Judgement of 05.10.2017 (applications nos. 60429/12 and 72760/12) (EN)
Press release (FR / EN)

OTHER INFORMATION

Forthcoming Grand Chamber hearing

On 18 October 2017 at 9.15 a.m., there will be a Grand Chamber hearing in the case *Denisov v. Ukraine* (application no. 76639/11). The applicant, a Ukrainian national, was dismissed from his role as President of the Kyiv Administrative Court of Appeal due to his failure to duly perform the duties of the president. Before the European Court of Human Rights, the applicant complains that his dismissal was not considered by an independent and impartial tribunal. He also complains that his private life was substantially affected by his dismissal.

Press release (FR / EN)