

# List of cases selected for publication in Reports of Judgments and Decisions 2017<sup>1</sup>

[Update: July 2017]

#### Notes on citation:

Cases are listed alphabetically by applicant and by respondent State.

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by "[GC]". Decisions are indicated by "(dec.)".

Chamber judgments that are not yet "final" within the meaning of Article 44 of the Convention<sup>2</sup> are marked "(not final)". In the event that any such judgment is accepted for referral to the Grand Chamber in accordance with Article 43,3 it will not be published in the Reports of Judgments and Decisions 2017, but will be replaced by a judgment or decision from the "Reserve list".

The volume composition for the years 2017 has not yet been determined. Until further notice, cases of 2017 may be cited simply by indicating the year of publication e.g. ECHR 2017, without adding a volume number. For further information on the manner of citing the Court's case-law, please see here.

The Court reserves the right to report some or all of the judgments and decisions listed below in the form of extracts. The full original language version or versions of any such judgment or decision will remain available for consultation in the HUDOC database.

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<sup>3.</sup> If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment."



<sup>&</sup>lt;sup>1</sup> List approved by the Bureau following recommendation by the Court's Jurisconsult.

<sup>&</sup>lt;sup>2</sup> Article 44 § 2 of the Convention provides:

<sup>&</sup>quot;The judgment of a Chamber shall become final

<sup>(</sup>a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or

<sup>(</sup>b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or

<sup>(</sup>c) when the panel of the Grand Chamber rejects the request to refer under Article 43."

3 Article 43 of the Convention provides:

<sup>&</sup>quot;1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.

<sup>2.</sup> A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the Protocols thereto, or a serious issue of general importance.

# I. Cases listed alphabetically by applicant

Α.

6.4.2017

## A.P., Garçon and Nicot v. France, nos. 79885/12 and 2 others

#### **ARTICLE 8**

Respect for private life Positive obligations

Legal requirements for rectification of civil status for transgender persons: *violation; no violations* 

В

20.6.2017

## Bayev and Others v. Russia, nos. 67667/09 and 2 others

#### **ARTICLE 10**

Freedom of expression

Legislative prohibition on the promotion of homosexuality among minors reinforcing stigma and prejudice and encouraging homophobia: *violation* 

## **ARTICLE 14**

Discrimination (Article 10)

Unjustified difference in treatment between heterosexual majority and homosexual minority: *violation* 

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30.03.2017

## Chowdury and Others v. Greece, no. 21884/15

#### **ARTICLE 4**

Trafficking in human beings, forced labour, positive obligations

Inadequate response to human-trafficking through exploitation of vulnerability of unauthorised migrant workers: *violation* 

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30.5.2017

## Davydov and Others v. Russia, no. 75947/11

## **ARTICLE 3 OF PROTOCOL NO. 1**

Free expression of the opinion of the people

Failure by domestic authorities to adequately investigate complaints of serious electoral irregularities: *violation* 

23.2.2017

## **De Tommaso v. Italy [GC], no. 43395/09**

#### **ARTICLE 5**

## Article 5 § 1

Deprivation of liberty

Imposition of preventive measures entailing restrictions on freedom of movement on individual considered to be a danger to society: *Article 5 not applicable* 

## Article 6 § 1 (civil)

Civil rights and obligations

Public hearing

Imposition of preventive measures without public hearing: Article 6 applicable; violation

## **ARTICLE 2 OF PROTOCOL No. 4**

#### Article 2 § 1

Freedom of movement

Lack of clarity of Italian legislation regarding imposition of "special police supervision" orders on persons considered a danger to society: *violation* 

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4.4.2017

## Güzelyurtlu and Others v. Cyprus and Turkey, no. 36925/07

## **ARTICLE 2**

Effective investigation

Positive obligations (procedural aspect)

Failure of Turkish and Cypriot authorities to cooperate in murder investigation: violations

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17.1.2017

## Hutchinson v. the United Kingdom [GC], no. 57592/08

## **ARTICLE 3**

Inhuman or degrading punishment

Continued detention under whole life order following clarification of Secretary of State's powers to order release: *no violation* 

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17.1.2017

## J. and Others v. Austria, no. 58216/12

#### **ARTICLE 4**

## Article 4 § 1

Trafficking in human beings, positive obligations

Decision of prosecutor not to pursue investigation into alleged human trafficking offences committed abroad by non-nationals: *no violation* 

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24.1.2017

## Khamtokhu and Aksenchik v. Russia [GC], nos. 60367/08 and 961/11

## **ARTICLE 14**

Discrimination (Article 5)

Alleged discrimination in provisions governing liability to life imprisonment: no violations

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Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina [GC], no. 17224/11

#### **ARTICLE 10**

Freedom of expression

NGOs bound by requirement to verify factual statements defamatory of private individuals: *no violation* 

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10.1.2017

## Osmanoğlu and Kocabaş v. Switzerland, no. 29086/12

## **ARTICLE 9**

Manifest religion or belief

Imposition of fine on parents for refusing, on religious grounds, to allow their daughters to attend compulsory mixed swimming lessons at their primary school: *no violation* 

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24.1.2017

## Paradiso and Campanelli v. Italy [GC], no. 25358/12

#### **ARTICLE 8**

Respect for private life

Removal of a child born abroad as a result of a surrogacy arrangement entered into by a couple later found to have no biological link with the child: *no violation* 

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27.6.2017

## Satakunnan Markkinapörssi Oy and Satamedia Oy v. Finland [GC], no. 931/13

#### **ARTICLE 10**

Freedom to impart information

Order restraining mass publication of tax information: no violation

12.5.2017

## Simeonovi v. Bulgaria [GC], no. 21980/04

## **ARTICLE 6**

Article 6 § 1

Fair hearing

Article 6 § 3 (c)

Defence through legal assistance

Lack of access to lawyer during first three days of police custody not affecting overall fairness of the trial: *no violation* 

28.3.2017

## Škorjanec v. Croatia, no. 25536/14

#### **ARTICLE 3**

Positive obligations (procedural aspect)

Failure to investigate racially motivated act of violence against victim by association: *violation* 

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13.4.2017

## Tagayeva and Others v. Russia, nos. 26562/07 and 6 others

#### **ARTICLE 2**

Use of force Positive obligations (substantive aspect) Effective investigation Positive obligations (procedural aspect)

Breach of State's obligations to protect life during hostage taking crisis in Beslan in 2004 and lack of effective investigation: *violations* 

#### **ARTICLE 13**

Effective remedy

Special importance of compensation and access to information under Article 13: no violation

#### **ARTICLE 46**

Execution of judgment – general measures Execution of judgment – individual measures

Respondent State to take measures to ensure adequate legal framework for use of lethal force during security operations

# II. Cases listed alphabetically by respondent State

## Austria

17.1.2017

## J. and Others v. Austria, no. 58216/12

## **ARTICLE 4**

#### Article 4 § 1

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