EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Unit
Unité de la Presse

Press country profile
Fiche pays pour la presse

Last updated: January 2024

Germany

Ratified the European Convention on Human Rights in 1952

National Judge: Anja Seibert-Fohr (6 January 2020-)
Judges' CVs are available on the ECHR Internet site

Previous Judges: Hermann Mosler (1959-1980), Rudolf Bernhardt (1981-1998), Georg Ress (1998-2004), Renate Jaeger (2004-2010), Angelika Nußberger (2011-2019)

List of judges of the Court since 1959

The Court dealt with 472 applications concerning Germany in 2023, of which 459 were declared inadmissible or struck out. It delivered 9 judgments (concerning 13 applications), one of which found at least 3 violations of the European Convention on Human Rights.

Applications processed in	2021	2022	2023
Applications allocated to a judicial formation	575	535	450
Communicated to the Government	10	13	7
Applications decided:	587	509	472
- Declared inadmissible or struck out (Single Judge)	569	489	447
- Declared inadmissible or struck out (Committee)	13	12	11
- Declared inadmissible or struck out (Chamber)	2	0	1
- Decided by judgment	3	8	13

For information about the Court's judicial formations and procedure, see the ECHR internet site.
Statistics on interim measures can be found here.

Applications pending before the Court on 01/01/2024	
Applications pending before a judicial formation:	172
Single Judge	99
Committee (3 Judges)	46
Chamber (7 Judges)	27
Grand Chamber (17 Judges)	0

Germany and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently **618** Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

Humpert and Others v. Germany

16.02.2021

The case concerned the sanctions imposed on the applicants, teachers with civil servant status, for going on strike in order to improve their working conditions.

No violation of Article 11 (freedom of assembly and association)

Hanan v. Germany

16.02.2021

The case concerned the investigations carried out following the death of the applicant's two sons in an airstrike near Kunduz, Afghanistan, ordered by a colonel of the German contingent of the International Security Assistance Force (ISAF) commanded by NATO.

No violation of Article 2 (right to life)

Ilnseher v. Germany

04.12.2018

The case concerned the lawfulness of a convicted murderer's subsequent preventive detention.

No violation of Article 5 § 1 (right to liberty and security) on account of the applicant's preventive detention from 20 June 2013 onwards as a result of the impugned order for his subsequent preventive detention

No violation of Article 7 § 1 (no punishment without law) on account of the applicant's preventive detention from 20 June 2013 onwards as a result of the impugned order for his subsequent preventive detention

No violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court) on account of the duration of the proceedings for review of the applicant's provisional preventive detention

No violation of Article 6 § 1 (right to a fair trial) on account of the alleged lack of impartiality of Judge P. in the main proceedings concerning the order for the applicant's subsequent preventive detention

Khan v. Germany

21.09.2016

The case concerned an expulsion order against Ms Khan, who had committed a murder in Germany in a state of mental incapacity.

The Court decided to strike the application out of the list of cases in pursuance of Article 37 § 1 (c) of the Convention.

The Court considered that there was no justification for continuing the examination of the application, since the German Government had given an assurance that Ms Khan would not be expelled under the 4 June 2009 expulsion order against which her application had been directed.

Schatschaschwili v. Germany

15.12.2015

The case concerned the complaint by a man convicted of aggravated robbery and extortion, who maintained that his trial had been unfair, as neither he nor his counsel had had an opportunity at any stage of the proceedings to question the only direct witnesses to one of the crimes allegedly committed.

Violation of Article 6 §§ 1 and 3 (d) (right to a fair trial and right of a person charged with a criminal offence to examine or have examined witnesses against him)

Herrmann v. Germany

26.06.2012

The case concerned a landowner's complaint about being forced to accept hunting on his land, even though he is morally opposed to hunting.

Violation of Article 1 of Protocol No. 1 (protection of property)

The Court held in particular that the obligation to tolerate hunting on their property imposed a disproportionate burden on landowners in Germany who were opposed to hunting for ethical reasons. The Court thereby followed its findings in two previous judgments concerning hunting legislation in France and Luxembourg.

See also press release in German.

Concerning the publication of photographs in the press

Axel Springer AG v. Germany

07.02.2012

The case concerned the prohibition by the German courts of two newspaper articles about the arrest and the criminal conviction of a well-known TV actor. The applicant company invoked Article 10 (freedom of

press). Jurisdiction was relinquished in favour of the Grand Chamber.
Violation of Article 10 (freedom of expression)
See also press release in German for the cases Von Hannover and Springer.

von Hannover v. Germany

07.02.2012
Complaint about the refusal of the German courts to prohibit the publication of holiday photos of the applicants (Princess Caroline von Hannover – daughter of the late Prince Rainier III of Monaco – and her husband Prince Ernst August von Hannover) taken without their consent. The impugned decisions were delivered after the Court's Caroline von Hannover judgment of 24.06.2004 (see below). The applicants relied on Article 8 (right to respect for private and family life). Jurisdiction was relinquished in favour of the Grand Chamber.
No violation of Article 8 (right to respect for private and family life)

Gäfgen v. Germany (no. 22978/05)

01.07.2010
Convicted of kidnapping and killing a child, the applicant alleged that the police threatened him with torture to make him reveal where the child was (at a time when they believed the boy to be still alive), and that evidence obtained by coercion was used against him in trial.
Violation of Article 3 (prohibition of torture and inhuman treatment)
No violation of Article 6 (right to a fair trial)
See also press release in German.

Mooren v. Germany

09.07.2009
Lack of speedy review of the lawfulness of the applicant's pre-trial detention – on suspicion of tax evasion – and refusal to grant the applicant's counsel access to the case file in the proceedings.
Violation of Article 5 § 4 (right to have lawfulness of detention decided speedily by a court)
No violation of Article 5 § 1 (right to liberty and security)

Jalloh v. Germany

11.07.2006
Administration of an emetic by force to the applicant (who was suspected of drug trafficking) to make him regurgitate bags containing drugs he was believed to have swallowed when arrested. The drugs were subsequently used as evidence in the criminal proceedings against him.
Violation of Article 3 (prohibition of inhuman or degrading treatment)
Violation of Article 6 (right to a fair trial)

Sürmeli v. Germany

08.06.2006
The case concerned the length of proceedings before the national courts. The Court concluded that a constitutional complaint to the Federal Constitutional Court could not be considered an effective remedy against excessively long court proceedings that were still pending.
Violation of Article 13 (right to an effective remedy)
Violation of Article 6 § 1 (right to a fair hearing)

Jahn and others v. Germany

30.06.2005
The applicants were required after the German reunification to relinquish, without compensation, land allocated to their ascendants in the former Soviet-occupied zone.
No violation of Article 1 of Protocol No. 1 (protection of property) taken alone and in conjunction with Article 14 (prohibition of discrimination)

Sahin v. Germany & Sommerfeld v. Germany

08.07.2003
Refusal of German courts to grant two fathers access to their children born out of wedlock.
Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private and family life)
No violation of Article 8 taken alone

Prince Hans-Adam II of Liechtenstein v. Germany

12.07.2001
The monarch of Liechtenstein alleged in particular that he had no effective access to court concerning his claim for the restitution of a painting confiscated in 1946 by former Czechoslovakia, while it was in one of the family's castles on the territory of the now Czech Republic.
No violation of Article 6 § 1 (access to court and fairness of the proceedings)
No violation of Article 1 of Protocol No. 1 (protection of property)

No violation of Article 14 (prohibition of discrimination).

Streletz, Kessler, Krenz, and K.-H.W v. Germany

22.03.2001

The case concerned the post-reunification conviction of East German leaders for murder, because by taking part in high-level decision making they had been instrumental in the deaths of people who had tried to flee to the West between 1971 and 1989. The applicants submitted that the acts on account of which they had been prosecuted did not constitute offences at the time when they were committed and that their conviction by the German courts had therefore been unlawful.

No violation of Article 7 (no punishment without law)

Vogt v. Germany

26.09.1995

Applicant dismissed from civil service (Federal Republic of Germany – prior to reunification) because of her political activities within the German Communist Party (DKP).

Violation of Article 10 (freedom of expression)

Violation of Article 11 (freedom of assembly and association)

Noteworthy cases, judgments delivered

Chamber

Article 2 (right to life)

Gray v. Germany

22.05.2014

The case concerned the death of a patient in his home in the United Kingdom as a result of medical malpractice by a German doctor, who had been recruited by a private agency to work for the British National Health Service. The patient's sons complained that the authorities in Germany, where the doctor was tried and convicted of having caused the death by negligence, had not provided for an effective investigation into their father's death.

No violation of Article 2 (right to life)

Case dealing with Article 3 (prohibition of inhuman and degrading treatment)

Hentschel and Stark v. Germany

09.11.2017

The case concerned the complaint by two football supporters of having been ill-treated by the police following a match and of the inadequacy of the ensuing investigation.

No violation of Article 3 in respect of the applicants' treatment by the police

Violation of Article 3 in respect of the investigation into their allegations

Wenner v. Germany

01.09.2016

The case concerned the complaint by a long-term heroin addict that he had been denied drug substitution therapy in prison.

Violation of Article 3

Hellig v. Germany

07.07.2011

The case concerned the applicant's complaint about being placed naked in a security cell in prison for seven days.

Violation of Article 3

See also press release in German.

Article 5

Preventive detention

Bergmann v. Germany

07.01.2016

The case concerned Mr Bergmann's preventive detention which was retrospectively extended beyond the maximum period of ten years permissible at the time of his offences and conviction.

No violation of Article 5 (right to liberty and security)

No violation of Article 7 (no punishment without law)

This was the first case in which the Court examined the compatibility with the Convention of a convicted offender's preventive detention for therapeutic treatment purposes under the new legal framework governing preventive detention in Germany.

See also press release in German.

H.W. v. Germany (no 17167/11)

19.09.2013

The case concerned the review by the German courts of an offender's placement

in preventive detention, which had been ordered by the sentencing court together with his conviction for sexual offences more than twelve years previously.
Violation of Article 5 § 1 (right to liberty and security)

Haidn v. Germany

13.01.2011
The case concerned the detention of the applicant for preventive purposes ordered subsequent to his conviction *for an indefinite duration* after having served his full prison sentence.
Violation of Article 5 § 1 (right to liberty and security)
See also press release in German.

Grosskopf v. Germany

21.10.2010
The case concerned the applicant's placement in preventive detention after having served his full prison sentence. The Court held that a prisoner's preventive detention as ordered by the sentencing court does not in itself violate the Convention.
No violation of Article 5 § 1 (right to liberty and security)
See also press release in German.

M. v. Germany (n°19359/04)

17.12.2009
The Court concluded that the retroactive extension of the preventive detention (*Sicherungsverwahrung*), of a prisoner considered dangerous to the public violated the Convention.
Violation of Article 5 § 1 (right to liberty)
Violation of Article 7 § 1 (no punishment without law)
See also press release in German.
On 13.01.2011, the Court delivered judgments in three similar applications, Kallweit, Mautes and Schummer v. Germany. See also press release in German.

Short-term (police) custody

Schwabe and M.G. v. Germany

01.12.2011
The case concerned the detention of two young men for more than five days in June 2007, to prevent them from participating in demonstrations against the G8 summit of Heads of State and Government held in Heiligendamm near Rostock, Germany.
Violation of Article 5 § 1 (right to liberty and security)
Violation of Article 11 (freedom of assembly and association)
See also press release in German.

Ostendorf v. Germany

07.03.2013
The case concerned a football supporter's complaint about his four-hour police custody in order to prevent him from organising and taking part in a violent brawl between football hooligans.
No violation of Article 5 § 1 (right to liberty and security)

Complaints under Article 6

Right to a fair trial

Akbay and Others v. Germany

15.10.2020
The case concerned the conviction of the first applicant's husband (N.A.), now deceased, and of the second and third applicants for drug smuggling and their allegation of police entrapment.
Violation of Article 6 § 1 in respect of Yıldız Akbay and Hakki Soytürk
No violation of Article 6 § 1 in respect of Dervis Usul

Pastörs v. Germany

03.10.2019
The case concerned the conviction of a *Land* deputy for denying the Holocaust during a speech in the regional Parliament.
No violation of Article 6 § 1
The applicant's complaint under Article 10 (freedom of expression) was rejected as manifestly ill-founded

Rook v. Germany

25.07.2019
The case concerned the fairness of criminal proceedings where around 80,000 items of telecommunication surveillance data had been produced and 14 million electronic files seized.
No violation of Article 6 § 1 taken together with Article 6 § 3 (b) (right to adequate time and facilities for the preparation of the defence)

Harisch v. Germany

11.04.2019
The case concerned civil proceedings, during which the applicant requested a

referral to the Court of Justice of the European Union (CJEU).
No violation of Article 6

Madaus v. Germany

09.06.2016
The case concerned the complaint by a person who had brought proceedings under the Criminal Rehabilitation Act on behalf of his late father – who had been subject to expropriation measures in the Soviet Occupied Zone of Germany – that he was not granted the opportunity of an oral hearing.
Violation of Article 6 § 1

Furcht v. Germany

23.10.2014
The case concerned the complaint by a man convicted of drug trafficking that the criminal proceedings against him had been unfair, as he had been incited by undercover police officers to commit the offences of which he was convicted.
Violation of Article 6 § 1
Right to a fair trial within a reasonable time

Chiarello v. Germany

20.06.2019
The case concerned the length of criminal proceedings.
No violation of Article 6 § 1

Presumption of innocence

Demjanjuk v. Germany

24.01.2019
The case concerned the domestic courts' decision not to reimburse John Demjanjuk's necessary expenses although proceedings were discontinued.
No violation of Article 6 § 1 and Article 6 § 2

Wanner v. Germany

22.11.2018
The case concerned the applicant's conviction for giving false testimony as a witness in criminal proceedings against his former accomplices.
Application declared inadmissible as manifestly ill-funded.

El Kaada v. Germany

12.11.2015
The case concerned Mr El Kaada's complaint that the decisions of the German courts revoking the suspension of a prison sentence previously imposed on him had violated his right to be presumed innocent.
Violation of Article 6 § 2

Karaman v. Germany

27.02.2014
The case concerned Mr Karaman's complaint that his right to be presumed innocent was breached on account of references to his participation in a criminal offence in a judgment handed down by a German court in criminal proceedings against several of his co-suspects, who were tried separately from him.
No violation of Article 6 § 2

Cases concerning parental rights (Article 8)

Wunderlich v. Germany

10.01.2019
The case concerned the withdrawal of some aspects of the parents' authority and the removal of the four children from their family home for three weeks, after the applicants persistently refused to send their children to school.
No violation of Article 8

Cabucak v. Germany

20.12.2018
The case concerned the applicant's expulsion to Turkey by the German authorities following several criminal convictions.
No violation of Article 8
The Court found that Mr Cabucak had sufficiently demonstrated that he enjoyed a relationship on a regular basis with his daughter which constituted family life. However, he failed to substantiate that his daughter's interests were adversely affected by his expulsion or why it would significantly increase the risk of further trauma for him.

Tlapak and Others v. Germany
Wetjen and Others v. Germany

22.03.2018
The cases concerned the partial withdrawal of parental authority and the taking into care of children belonging to the Twelve Tribes Church (*Zwölf Stämme*), living in two communities in Bavaria.
No violation of Article 8
See press release in German.

Mitzinger v. Germany
09.02.2017
The case concerned inheritance rights of children born outside marriage. Ms Mitzinger, the applicant, complained that she could not assert her inheritance rights after her father's death in 2009, as she had been born out of wedlock and before a cut-off point provided for by legislation in force at the time. Notably, children born outside marriage before 1 July 1949 were excluded from any statutory entitlement to inherit and from the right to financial compensation.
Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8

Kuppinger (no. 2) v. Germany
15.01.2015
The case concerned the complaint by the father of a child born out of wedlock that the proceedings he had brought to enforce court decisions granting him contact rights with his son were excessively long and ineffective.
Violation of Article 8 as regards the execution of an interim decision of May 2010 granting Mr Kuppinger the right to see his son
No violation of Article 8 as regards both the execution of an order on contact custodianship of September 2010 and the proceedings on the review of the contact regulations
Violation of Article 13 (right to an effective remedy) in conjunction with Article 8

I.S. v. Germany (no. 31021/08)
05.06.2014
The case concerned a woman's complaint of not being able to have regular contact and receive information about her biological children who had been adopted by another couple.
No violation of Article 8
The Court considered that by consenting to the adoption, Ms S. had knowingly given up all rights as regards her biological children.

Ahrens and Kautzor v. Germany
22.03.12
The cases concerned the German courts' refusal to allow two men to respectively challenge another man's paternity, in one case of the applicant's biological daughter, in the other case of the applicant's presumed biological daughter.
No violation of Article 8
No violation of Article 8 in conjunction with Article 14 (prohibition of discrimination)
See also press release in German.

Schneider v. Germany
15.09.2011
The case concerned the German courts' refusal to grant the applicant access to a boy who he claims is his biological son and whose legal father is the mother's husband.
Violation of Article 8
See also press release in German.

Anayo v. Germany
21.12.2010
The case concerned the German courts' refusal to grant the applicant access to his biological children with whom he had never lived.
Violation of Article 8
See also press release in German.

Zaunegger v. Germany
03.12.2009
Impossibility for the applicant – under German law applicable at the time – to obtain joint custody of his child, born out of wedlock, against the mother's will.
Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for family life)
See also press release in German.

Brauer v. Germany
28.05.2009
Inability of applicant, who was born out of wedlock before 1949 and grew up in the former GDR (Eastern Germany) while her father lived in West Germany, to exercise inheritance rights following her father's death after German reunification.
Violation of Article 14 (prohibition of discrimination) in conjunction with Article 8

Görgülü v. Germany
26.02.2004
Refusal of domestic courts to grant the applicant custody of and access to his child, placed in foster care.
Violation of Article 8

Kutzner v. Germany
26.02.2002
Withdrawal of parental authority because the parents did not have the "intellectual capacity required" to bring up their children.
Violation of Article 8

Other cases concerning the respect for private life (Article 8)

A.H. and Others v. Germany
04.04.2023
The case concerned three applicants, the first of whom is a transgender parent (A.H.), who complained that the civil registration authorities had refused to record the first applicant in the register of births as mother of the third applicant (L.D.H.) on the grounds that A.H. had not given birth to the child – to whom G.H. (the second applicant) had given birth – who had in fact been conceived with A.H.'s sperm.
No violation of Article 8

O.H. and G.H. v. Germany
04.04.2023
The case concerned two applicants, a transgender parent (O.H.) and his child, the second applicant (G.H.), to whom he had given birth. They complained about a refusal of the German courts to allow O.H. to be recorded as father of G.H. on the grounds that O.H. had given birth to the child, even though the legal recognition of his gender change to male had already been obtained in 2011, i.e. before the child was conceived in 2013.
No violation of Article 8

Breyer v. Germany
30.01.2020
The case concerned the storage of pre-paid SIM card users' data by telecommunications companies.
No violation of Article 8

M.L. and W.W. v. Germany
(nos. 60798/10 and 65599/10)
28.06.2018
The case concerned the refusal by the Federal Court of Justice to issue an injunction prohibiting three different media from continuing to allow Internet users access to documentation concerning the applicants' conviction for the murder of a famous actor and mentioning their names in full.
No violation of Article 8
See press release in German.

Fuchsmann v. Germany
19.10.2017
The case concerned the German courts' rejection of the request by an internationally active entrepreneur for an injunction against certain statements about him in an article published in the online edition of the *New York Times*.
No violation of Article 8

Sommer v. Germany
27.04.2017
The case concerned a complaint brought by a criminal defence lawyer, Ulrich Sommer, about an inspection of his professional bank account by the public prosecution office. The prosecuting authorities' requests to inspect his account was made in the context of a criminal investigation into organised fraud, one of the suspects being a client of Mr Sommer.
Violation of Article 8

K.S. and M.S. v. Germany
(no. 33696/11)
06.10.2016
The case concerned a search of a couple's home because they were suspected of tax evasion.
No violation of Article 8 (right to respect for the home)

Kahn v. Germany
17.03.2016
The case concerned the repeated publication of photos of the children of Oliver Kahn, former goalkeeper of the German national football team in two magazines aimed at the general public, in spite of a blanket ban on publication ordered by a court.
No violation of Article 8

Bohlen v. Germany
Ernst August von Hannover v. Germany
19.02.2015
The cases concerned the use in humorous cigarette advertisements of the first names of two public figures in Germany and of news items about them, without their consent. The advertisements in question referred, respectively, to a book published by the musician Dieter Bohlen and to altercations in which Ernst August von Hannover had been involved.
No violation of Article 8

von Hannover v. Germany (no. 3)
19.09.2013
The case concerned a complaint lodged by Princess Caroline von Hannover relating to the refusal of the German courts to grant an injunction prohibiting any further

publication of a photograph of her and her husband taken without their knowledge while they were on holiday. The photograph was accompanied by an article about the trend amongst the very wealthy towards letting out their holiday homes.
No violation of Article 8
The Court held that the German courts had taken into consideration the essential criteria and the Court's case-law in balancing the different interests at stake in the case.

Koch v. Germany
19.07.2012
The case concerned the German authorities' refusal to grant Mr Koch's late wife, who was almost completely paralysed and in need of artificial ventilation, authorisation to acquire a lethal dose of medication enabling her to commit suicide.
Violation of Article 8
The Court held that the refusal of the German courts to examine the merits of Mr Koch's complaint about that decision, brought on behalf of his wife and on his own behalf, violated his procedural rights under Article 8.
See also press release in German.

Stübing v. Germany
12.04.2012
The case concerned the applicant's conviction and prison sentence for an incestuous relationship with his younger sister whom he had only met as an adult, having been adopted by his foster family, and with whom he had four children.
No violation of Article 8
See also press release in German

Obst and Schüth v. Germany
23.09.2010
Both cases concerned the applicants' dismissal from employment with a Church for engaging in an extra-marital relationship. Mr Obst held the post of European public relations officer within the Mormon Church; Mr Schüth was the organist and choirmaster in a Catholic parish in Germany.
No violation of Article 8 in the case of Mr Obst
Violation of Article 8 in the case of Mr Schüth
See also press release in German.

Storck v. Germany
16.06.2005
Applicant's confinement to a locked ward of a psychiatric clinic without a court having ordered her placement or treatment.
Violation of Articles 5 § 1 (right to liberty and security)
Violation of Article 8

Caroline von Hannover v. Germany
24.06.2004
Failure of German courts to afford applicant (daughter of the late Prince Rainier III of Monaco) adequate protection from the publication of photographs taken without her knowledge by paparazzi and showing her in her private life.
Violation of Article 8

Inadmissibility decision

Karl-TheodorZu Guttenberg v. Germany
18.07.2019
The case concerned the publication in the German press of photos of residences in Germany and in the USA belonging to Karl-Theodor zu Guttenberg and his family.
Application declared inadmissible as manifestly ill-founded.

Cases concerning freedom of thought, conscience and religion (Article 9)

Wasmuth v. Germany
17.02.2011
The applicant complained of the obligation, for the purpose of tax collection, to inform his employer and the authorities about his non-affiliation with any religious group authorised to levy church tax.
No violation of Articles 8 (right to respect for private and family life) or 9
See also press release in German.

Siebenhaar v. Germany
03.02.2011
The applicant complained of her dismissal as an employee of a Protestant kindergarten for active membership in another religious community.
No violation of Article 9
See also press release in German.

Cases concerning freedom of expression (Article 10)

Axel Springer SE c. Allemagne

17.01.2023

The case concerned a court decision ordering the Axel Springer company to publish a correction to a newspaper article of October 2013 about the executive director of the political party die Linke, and her connection to the former German Democratic Republic's ruling party (Sozialistische Einheitspartei Deutschlands (SED)).

No violation of Article 10

Saure v. Germany

08.11.2022

The case concerned the refusal to allow Mr Saure, a journalist, to have physical access to the files held by the German Foreign Intelligence Service (*Bundesnachrichtendienst*) on U.B., a former Prime Minister of the *Land* of Schleswig-Holstein who had died in a hotel in Geneva, Switzerland, in 1987.

No violation of Article 10

Bild GmbH & Co. KG and Axel Springer v. Germany

10.01.2019

The case concerned an order prohibiting the publishers of the mass-circulation daily newspaper *Bild* from publishing or distributing a photograph of a well-known Swiss journalist taken while he was in pre-trial detention.

Application declared inadmissible as manifestly ill-founded.

Annen v. Germany (nos. 2 to 5)

20.09.2018

The cases concerned a series of complaints by an anti-abortion activist, Klaus Günter Annen, over civil court injunctions on various actions he had taken as part of an anti-abortion campaign. The plaintiffs in the domestic proceedings were four doctors who performed abortions.

No violation of Article 10

Axel Springer SE and RTL Television GmbH v. Germany

21.09.2017

The case concerned the complaint by two media companies about a judicial order banning the publication of images in which the defendant in a criminal trial for murder could be identified.

No violation of Article 10

Annen v. Germany

26.11.2015

The case dealt with a civil injunction by the German courts which prohibited an activist from continuing to distribute anti-abortion leaflets in the vicinity of a day clinic which performed abortions, and from continuing to list on his website the names of the doctors running the clinic.

Violation of Article 10 on account of the order to stop distributing the leaflets in question

Violation of Article 10 in its procedural aspect, on account of the order to stop listing the names of the doctors on the website in question

Axel Springer AG (no. 2) v. Germany

10.07.2014

The case concerned a German courts' banning order against the publisher of the daily newspaper *Bild* to further publish newspaper articles about suspicions and doubts on the part of Mr Thiele – deputy president of the Liberal Democratic Party's (FDP) parliamentary group – with regard to the conditions and circumstances preceding former Chancellor Schröder's appointment as chairman of the supervisory board of the German-Russian consortium *Konsortium Nordeuropäische Gaspipeline* (NEGP).

Violation of Article 10

Brosa v. Germany

17.04.2014

The case concerned a court injunction prohibiting Mr Brosa from distributing a leaflet in which he called not to vote for a candidate for local mayor who allegedly provided cover for a neo-Nazi organisation.

Violation of Article 10

The Court held in particular that the German courts had failed to establish that it was necessary to put the protection of the candidate's personality rights above Mr Brosa's freedom of expression.

Peta Deutschland v. Germany

08.11.2012

The case concerned a civil injunction which prevented the animal rights organisation PETA from publishing a poster campaign featuring photos of concentration camp

inmates along with pictures of animals kept in mass stocks.
No violation of Article 10
The Court held in particular that a reference to the Holocaust had to be seen in the specific context of the German past. In that light, the Court accepted that the German courts had given relevant and sufficient reasons for granting the civil injunction.

Heinisch v. Germany

21.07.2011
The case concerned the dismissal without notice of a geriatric nurse after having brought a criminal complaint against her employer alleging deficiencies in the care provided.
Violation of Article 10
See also press release in German.

Aydin v. Germany

27.01.2011
The applicant, a Turkish national of Kurdish origin, complained about her criminal conviction for having signed a declaration in support of the Workers' Party of Kurdistan (PKK), an organisation which had been banned by the German authorities.
No violation of Article 10

Hoffer and Annen v. Germany

13.01.2011
The case concerned the applicants' conviction of defamation for statements made in an anti-abortion pamphlet they distributed in front of a medical centre.
No violation of Article 10
Violation of Article 6 § 1 (right to a fair trial within a reasonable time)

Inadmissible applications

Pastörs v. Germany

03.10.2019
The case concerned the conviction of a *Land* deputy for denying the Holocaust during a speech in the regional Parliament.
The applicant's complaint under Article 10 was rejected as manifestly ill-founded

Alternative für Deutschland (AfD) v. Germany

04.07.2019
The case concerned public comments by the Federal Office for the Protection of the Constitution about its suspicion of endeavours hostile to the constitution by the applicant party.
Application declared inadmissible for non-exhaustion of domestic remedies.

Williamson v. Germany

31.01.2019
The case concerned the applicant's complaint about his criminal conviction of incitement to hatred.
Application declared inadmissible as manifestly ill-founded.

Article 11
(freedom of assembly and association)

Association of Civil Servants and Union for Collective Bargaining and Others v. Germany

05.07.2022
The case concerned trade-union rights and notably legislation in Germany regulating conflicting collective agreements. In particular, in the event of a conflict, only the collective agreement of the largest trade union remained applicable.
No violation of Article 11

Geotech Kancev GmbH v. Germany

02.06.2016
The case concerned a company's complaint about its obligation to participate in a social welfare fund jointly set up by employers' associations and the trade union in the building industry.
No violation of Article 11
No violation of Article 1 of Protocol No. 1 (protection of property)

First pilot judgment in respect of Germany

Rumpf v. Germany

02.09.2010
The case concerned the excessive length of proceedings before the domestic courts, a recurring problem underlying the most frequent violations of the Convention found in respect of Germany. The Court held that Germany had to introduce within one year an effective domestic remedy against excessively long court proceedings.
Violation of Article 6 § 1 (right to a fair hearing within a reasonable time)
Violation of Article 13 (right to an effective remedy)
See also press release in German.

Case dealing with the protection of property (Article 1 of Protocol No. 1)

Althoff and Others v. Germany

08.12.2011

The case was brought by a group of heirs of an owner of property, which was expropriated at the time of the socialist German Democratic Republic (GDR) and which had previously belonged to Jewish owners who were forced to sell it under the Nazi regime. The applicants complained that the Property Act, whose purpose was to settle property conflicts on the territory of the former GDR, was amended with retrospective effect in 1998.

Violation of Article 1 of Protocol No. 1

See also press release in German.

Noteworthy cases, decisions delivered

Gröning v. Germany

12.11.2020

The case concerned a complaint by a former member of the SS about the length of the criminal proceedings against him for assisting in murder in the Auschwitz extermination camp.

Application declared inadmissible

Saidani v. Germany

27.09.2018

The case concerned the applicant's deportation from Germany to Tunisia because he was deemed to be a potential offender who posed a threat to national security (so-called "Gefährder"), based on his activities for "Islamic State".

Application declared inadmissible as manifestly ill-founded.

Nix v. Germany

Decision of 05.04.2018

The case concerned Mr Nix's conviction for posting a picture on his blog in 2014 of the former SS chief Heinrich Himmler in SS uniform wearing a swastika armband.

Application declared inadmissible as the complaint was manifestly ill-founded.

See press release in German.

X v. Germany (no. 54646/17)

Decision of 30.11.2017

Relying on Article 3 (prohibition of torture and of inhuman or degrading treatment) of the Convention, M. X complained, in particular, that his removal to Russia would expose him to the risk of being tortured, placed under surveillance, detained or subjected to a forced disappearance. Relying on Article 8 (right to respect for private and family life) of the Convention, he also complained that he would be torn from his family and the country in which he has lived for the past 15 years. Lastly, the applicant alleged under Article 13 (right to an effective remedy) of the Convention that the domestic courts had not sufficiently assessed the situation in which he would find himself if he were deported to Russia.

Application declared inadmissible for non-exhaustion of domestic remedies.

Perelman v. Germany

Decision of 06.07.2017

The application concerned the complaint by a French couple that, on moving to Germany and declaring to the authorities that their religion was "Mosaic", they were considered members of the Frankfurt Jewish community without their consent.

Application declared inadmissible for failure to exhaust domestic remedies.

Nationaldemokratische Partei Deutschlands (NPD) v. Germany

Decision of 27.10.2016

The case concerned a political party, the NPD, and its complaint about being referred to and stigmatised as being both far-right and unconstitutional. In particular, the party alleged that there had been a wide range of infringements of its legal rights in Germany (amounting to a *de facto* ban), and that it had had no means to redress these. Examples of alleged violations included the dismissal of its members from jobs in public service; the inability of the party to open bank accounts; and the prevention of its candidates from standing in elections.

The Court declared the application inadmissible as manifestly ill-founded.

Sihler-Jauch and Jauch v. Germany

Decision of 24 May 2016

The case concerned the publication of an article in the German weekly magazine *Bunte* about the wedding of a well-known

TV presenter, and his and his wife's unsuccessful attempts before the German courts to obtain damages.
Application declared inadmissible as manifestly ill-founded.

Fuchs v. Germany

Decision of 27.01.2015
The case concerned the complaint by a lawyer – relying in particular on Article 10 (freedom of expression) of Convention – of criminal and disciplinary sanctions imposed on him for, among other things, defamatory statements against an expert for the prosecution, which the lawyer had made while representing a client.
Application declared inadmissible as manifestly ill-founded.

Klausecker v. Germany
Perez v. Germany

Decisions of 06.01.2015
The cases concerned complaints related to employment in international organisations – the European Patent Office and the United Nations (UN) – and the alleged lack of access to the national courts in respect of those complaints.
In its decisions in these cases, the Court has – by a majority in the case of Klausecker and unanimously in the case of Perez – declared the applications inadmissible.

Zierd v. Germany

Decision of 08.04.2014
Before the Court, Ms Zierd complained about the forced administration of medication on her late son during detention in a psychiatric hospital.
The applicant relied on Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security) and 8 (right to respect for private and family life) of the Convention.
The Court decided to strike the application out of its list of cases as it received a proposal of unilateral declaration from the German Government.[1]

[1] In a case before the European Court of Human Rights, where a friendly settlement procedure has been unsuccessful, the respondent Government may make a declaration acknowledging the violation of the European Convention on Human Rights and undertaking to provide the applicant with redress.

Baudler, Reuter and Müller v. Germany

Decisions of 06.12.2011
The cases of *Baudler* and *Reuter* concerned decisions by the Protestant Church to place one clergyman on leave of absence and to oblige another to take early retirement. The case of *Müller* concerned a decision by the Salvation Army to terminate the missionary service of two officers. Relying on Article 6 § 1 (right of access to a court), the applicants complained that they did not have access to a court in order to obtain a review of the ecclesiastical measures taken, because the national courts had ruled that the impugned decisions were an internal Church matter and therefore not subject to judicial review.
The Court declared the complaints inadmissible, holding in particular, in the cases of *Baudler* and *Reuter*, that the proceedings instituted by the applicants had not related to a right recognised under German law such that Article 6 of the Convention could be brought into play. In the case of *Müller*, the Court concluded that the applicants could not argue that they had been deprived of the right to obtain a decision on the merits of their claim.
See also press release in German.

Dojan and others v. Germany

Decision of 13.09.2011
The case concerned the complaints by five married couples about the authorities' refusal to exempt their children from mandatory sex education classes and other school activities which they alleged had constituted a disproportionate restriction of their right to educate their children in conformity with their religious convictions.
The Court declared the complaint inadmissible, holding in particular that there was no indication that the classes and activities at issue had put into question the parents' sexual education of their children based on their religious convictions. Neither had the school authorities manifested a preference for a particular religion or belief within those activities.
See also press release in German

Sfountouris and Others v. Germany

Decision of 31.05.2011
The case concerned the refusal of the German courts to award compensation to descendants of the victims of an *SS* massacre in Greece in 1944. The applicants

relied on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination).
The Court declared the complaint inadmissible, holding in particular that the applicants had no legitimate expectation to be able to benefit from compensation for the damages sustained.
See also press release in German.

Bock v. Germany

Decision of 19.01.2010
The case concerned the excessive length of proceedings before the administrative court concerning a claim for 7.99 EUR. The applicant complained under Articles 6 § 1 (right to a fair hearing within a reasonable time) and 13 (right to an effective remedy).
The Court considered the complaint an abuse of the right of application.
See also press release in German.

Appel-Irrgang v. Germany

Decision of 06.10.2009
The case concerned mandatory ethics classes for pupils of grade 7 to 10 in Berlin, which the applicants opposed. They relied on Article 9 (freedom of thought, conscience and religion) and Article 2 of Protocol No. 1 (right to education).
The Court declared the complaint inadmissible, holding in particular that according to the law in question the ethics classes' aim was to examine fundamental questions of ethics independently of pupils' cultural, ethnic and religious origins and that the classes were therefore in conformity with the principles of pluralism and objectivity embodied in Article 2 of Protocol No. 1.

von Maltzan and others v. Germany

Decision of 02.03.2005
The cases concerned the indemnification and compensation terms for those whose property was expropriated either after 1949 in the GDR (Eastern Germany) or between 1945 and 1949 in the former Soviet Occupied Zone of Germany. The applicants relied in particular on Article 1 of Protocol No. 1 (protection of property) and Article 14 (prohibition of discrimination) taken together with Article 1 of Protocol No. 1.
Applications inadmissible

Noteworthy pending cases

Chamber

Alosa and Others v. Italy and Germany

Case communicated to the Government on 3 November 2019
The case concerns the lack of enforcement of a conviction for homicide.
Following an accident at a German-owned plant in Italy, the Italian courts found the company's management guilty of involuntary manslaughter. Two of the executives, who are German nationals (Mr G.P. and Mr H.E.), were sentenced to six and nine years of detention respectively. The Italian authorities located them in Germany and issued a European arrest warrant.
According to the applicants, Germany refused to hand Mr G.P. and Mr H.E over to the Italian authorities, but agreed to enforce the sentence passed by Italy; however, that enforcement has still not taken place. According to the applicants, Italy was 10 months late in sending information requested by the German courts following their refusal to execute the European warrant arrest. Furthermore, the applicants allege that the Italian authorities did not actively seek a solution to the problem of the lack of enforcement, whether by using political or diplomatic means, or by using legal measures, in particular infringement proceedings against Germany at the Court of Justice of the European Union.
Relying on Article 2 of the Convention, the applicants complain of the Italian and German authorities' omissions and delays in enforcing the sentence. The applicants also complain of a violation of Article 13 of the Convention as they have not had access to a court or an effective remedy to challenge the delays and omissions in the case.

Türk v. Germany (no. 61347/16)

Case communicated to the Government in September 2018
The case concerns the refusal of a private hospital to continue employing a nurse after she had declared that she would wear a head scarf at work for religious reasons. The hospital is run by a protestant foundation.
Ms Türk complains under Article 9 of the Convention of an unjustified interference with her freedom of religion.

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