



KEY CASES

2021

1st and 2nd quarters



List of cases recommended
by the Jurisconsult and
approved by the Bureau

**European Court of
Human Rights**

July 2021

NOTE

A selection of the most important cases dealt with by the Court (also referred to as “key cases”) is made quarterly by the [Bureau](#), upon recommendation by the [Jurisconsult](#). This list contains the selection of key cases for the first and second quarters of 2021.

Cases are listed by reference to the relevant Convention Articles and 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 are marked “(not final)”. In the event that any such judgment is accepted for referral to the Grand Chamber in accordance with Article 43, it will not be included in the present list.

For information on the manner of citing the Court’s case-law, please see [here](#).

Article 44 § 2 – Final judgments

The judgment of a Chamber shall become final

- (a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or
- (b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
- (c) when the panel of the Grand Chamber rejects the request to refer under Article 43.

Article 43 – Referral to the Grand Chamber

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.
2. 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.
3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

Contents

CASES BY ARTICLE	4
CASES BY APPLICANT	10
CASES BY RESPONDENT STATE	12

Cases by Article

ARTICLE 1

JURISDICTION OF STATES

Jurisdiction of Russia over Crimea

Ukraine v. Russia (re Crimea) (dec.) [GC], nos. 20958/14 and 38334/18, 16 December 2020

[Decision](#) | [Legal summary](#)

Jurisdiction of Russia over Abkhazia and South Ossetia during the active phase of hostilities and after their cessation

Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021

[Judgment](#) | [Legal summary](#)

Jurisdictional link engaging the obligation to investigate civilian deaths due to an airstrike occurring during active hostilities in extraterritorial armed conflict

Hanan v. Germany [GC], no. 4871/16, 16 February 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 2

POSITIVE OBLIGATIONS (SUBSTANTIVE ASPECT)

Authorities' precautions reasonable, despite some mistakes in planning and conduct of operation against a dangerous individual, who killed an officer while being arrested: *no violation*

Ribcheva and Others v. Bulgaria, nos. 37801/16 and 2 others, 30 March 2021

[Judgment](#) | [Legal summary](#)

Adequate protective measures in the absence of a discernible real and immediate risk of child's murder by father accused of domestic violence and barred from home: *no violation*

Kurt v. Austria [GC], no. 62903/15, 15 June 2021

[Judgment](#) | [Legal summary](#)

EFFECTIVE INVESTIGATION

Russia's failure to comply with procedural obligation to investigate effectively the events that occurred both during the active phase of the hostilities and after their cessation: *violation*

Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021

[Judgment](#) | [Legal summary](#)

Effective investigation into deaths of civilians due to an airstrike in Afghanistan ordered by a German Colonel acting in a multinational military operation mandated by the United Nations Security Council: *no violation*

Hanan v. Germany [GC], no. 4871/16, 16 February 2021

[Judgment](#) | [Legal summary](#)

Ineffective investigation into allegedly negligent planning and conduct of operation against a dangerous individual, who killed an officer while being arrested: *violation*

Ribcheva and Others v. Bulgaria, nos. 37801/16 and 2 others, 30 March 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 3

INHUMAN OR DEGRADING TREATMENT

Surrender of an applicant to the Romanian authorities under a European arrest warrant where there was a real risk of inadequate conditions of detention: *violation*

Surrender of an applicant, recognised as a refugee by the Swedish authorities, to the Romanian authorities under a European arrest warrant in the absence of a real risk of persecution or inadequate conditions of detention: *no violation*

Bivolaru and Moldovan v. France, nos. 40324/16 and 12623/17, 25 March 2021

[Judgment](#) | [Legal summary](#)

EFFECTIVE INVESTIGATION

Failure to use all reasonable investigative and international cooperation measures while examining sexual abuse in an orphanage alleged after children's adoption abroad: *violation*

X and Others v. Bulgaria [GC], no. 22457/16, 2 February 2021

[Judgment](#) | [Legal summary](#)

POSITIVE OBLIGATIONS (PROCEDURAL ASPECT)

Failure by authorities to enforce sex offender's sentence following grant and subsequent annulment of amnesty: *violation*

E.G. v. the Republic of Moldova, no. 37882/13, 13 April 2021

[Judgment](#) | [Legal summary](#)

EXPULSION

Order for deportation to Russia of Chechen refugee, after status revoked on grounds of terrorism conviction, without *ex nunc* assessment of risks: *expulsion would constitute a violation*

K.I. v. France, no. 5560/19, 15 April 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 4

TRAFFICKING IN HUMAN BEINGS | POSITIVE OBLIGATIONS

Domestic authorities' failure to take operational measures in line with international standards to protect minors prosecuted despite credible suspicion they were trafficking victims: *violation*

V.C.L. and A.N. v. the United Kingdom, nos. 77587/12 and 74603/12, 16 February 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 5

Article 5 § 1

DEPRIVATION OF LIBERTY

52-day general lockdown imposed by the authorities to tackle the COVID-19 pandemic: *Article 5 not applicable; inadmissible*

Terheş v. Romania (dec.), no. 49933/20, 13 April 2021

[Decision](#) | [Legal summary](#)

LAWFUL ARREST OR DETENTION

Refusal to discharge offenders with persisting mental disorders from compulsory confinement after new law reserving its use for most serious offences: *no violation*

Denis and Irvine v. Belgium [GC], nos. 62819/17 and 63921/17, 1 June 2021

[Judgment](#) | [Legal summary](#)

Article 5 § 4

REVIEW OF LAWFULNESS OF DETENTION | SPEEDINESS OF REVIEW

Three-year probationary period requisite for discharge from compulsory confinement not decisive in view of the offenders' persisting mental disorders: *no violation*

Denis and Irvine v. Belgium [GC], nos. 62819/17 and 63921/17, 1 June 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 6

Article 6 § 1 (criminal)

FAIR HEARING

Failure to investigate applicants' status as potential trafficking victims affecting overall fairness of criminal proceedings: *violation*

V.C.L. and A.N. v. the United Kingdom, nos. 77587/12 and 74603/12, 16 February 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 8

RESPECT FOR PRIVATE LIFE

Fine imposed on a poor and vulnerable Roma woman for harmless begging, and subsequent imprisonment for five days for non-payment: *violation*

Lacatus v. Switzerland, no. 14065/15, 19 January 2021

[Judgment](#) | [Legal summary](#)

Fine on parent and exclusion of children from preschool for refusal to comply with statutory child vaccination duty: *no violation*

Vavříčka and Others v. the Czech Republic [GC], no. 47621/13 and 5 others, 8 April 2021

[Judgment](#) | [Legal summary](#)

Inadequate response of domestic authorities to a high school teacher's verbal abuse of a student: *violation*

F.O. v. Croatia, no. 29555/13, 22 April 2021 (not final)

[Judgment](#) | [Legal summary](#)

Convention compliance of secret surveillance regime including bulk interception of communications and intelligence sharing: *violation; no violation*

Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, 25 May 2021

[Judgment](#) | [Legal summary](#)

Convention compliance of secret surveillance regime including bulk interception of communications: *violation*

Centrum för rättvisa v. Sweden [GC], no. 35252/08, 25 May 2021

[Judgment](#) | [Legal summary](#)

POSITIVE OBLIGATIONS

Failure by authorities to enforce sex offender's sentence following grant and subsequent annulment of amnesty: *violation*

E.G. v. the Republic of Moldova, no. 37882/13, 13 April 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 10

FREEDOM OF EXPRESSION

Insufficient protection of confidential journalist material under electronic surveillance schemes: *violation*

Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, 25 May 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 14

DISCRIMINATION (ARTICLE 3)

Conviction for minor offence and EUR 40 fine for violent homophobic attack, without investigating hate motives, and subsequent discontinuation of criminal proceedings on ne bis in idem grounds: *violation*

Sabalić v. Croatia, no. 50231/13, 14 January 2021

[Judgment](#) | [Legal summary](#)

DISCRIMINATION (ARTICLE 8)

Failure of domestic courts to discharge positive obligation to afford redress to Jewish individuals for discriminatory public statements made by politician: *violation*

Behar and Gutman v. Bulgaria, no. 29335/13, 16 February 2021

[Judgment](#) | [Legal summary](#)

Failure of domestic courts to discharge positive obligation to afford redress to Roma individuals for discriminatory public statements made by politician: *violation*

Budinova and Chaprazov v. Bulgaria, no. 12567/13, 16 February 2021

[Judgment](#) | [Legal summary](#)

DISCRIMINATION (ARTICLE 1 OF PROTOCOL No. 1)

Unjustified, direct sex discrimination by refusing employment-related benefit to pregnant woman who underwent in vitro fertilisation shortly before employment: *violation*

Jurčić v. Croatia, no. 54711/15, 4 February 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 18

RESTRICTION FOR UNAUTHORISED PURPOSES

Pre-trial detention of opposition activists predominantly aiming to punish and silence them for active involvement in anti-government demonstrations: *violation*

Azizov and Novruzlu v. Azerbaijan, nos. 65583/13 and 70106/13, 18 February 2021

[Judgment](#) | [Legal summary](#)

ARTICLE 33

INTER-STATE APPLICATION

Alleged existence of an administrative practice by Russian authorities in Crimea resulting in multiple Convention violations: *admissible*

Ukraine v. Russia (re Crimea) (dec.) [GC], nos. 20958/14 and 38334/18, 16 December 2020

[Decision](#) | [Legal summary](#)

ARTICLE 2 OF PROTOCOL No. 4

Article 2 § 1

FREEDOM OF MOVEMENT

Administrative practice as regards the inability of Georgian nationals to return to their respective homes in Abkhazia and South Ossetia: *violation*

Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021

[Judgment](#) | [Legal summary](#)

Cases by applicant

A

Azizov and Novruzlu v. Azerbaijan, nos. 65583/13 and 70106/13, 18 February 2021

[Judgment](#) | [Legal summary](#)

B

Behar and Gutman v. Bulgaria, no. 29335/13, 16 February 2021

[Judgment](#) | [Legal summary](#)

Big Brother Watch and Others v. the United Kingdom [GC], nos. 58170/13 and 2 others, 25 May 2021

[Judgment](#) | [Legal summary](#)

Bivolaru and Moldovan v. France, nos. 40324/16 and 12623/17, 25 March 2021

[Judgment](#) | [Legal summary](#)

Budinova and Chaprazov v. Bulgaria, no. 12567/13, 16 February 2021

[Judgment](#) | [Legal summary](#)

C

Centrum för rättvisa v. Sweden [GC], no. 35252/08, 25 May 2021

[Judgment](#) | [Legal summary](#)

D

Denis and Irvine v. Belgium [GC], nos. 62819/17 and 63921/17, 1 June 2021

[Judgment](#) | [Legal summary](#)

E

E.G. v. the Republic of Moldova, no. 37882/13, 13 April 2021

[Judgment](#) | [Legal summary](#)

F

F.O. v. Croatia, no. 29555/13, 22 April 2021 (not final)

[Judgment](#) | [Legal summary](#)

G

Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021

[Judgment](#) | [Legal summary](#)

H

Hanan v. Germany [GC], no. 4871/16, 16 February 2021

[Judgment](#) | [Legal summary](#)

J

Jurčić v. Croatia, no. 54711/15, 4 February 2021

[Judgment](#) | [Legal summary](#)

K

K.I. v. France, no. 5560/19, 15 April 2021

[Judgment](#) | [Legal summary](#)

Kurt v. Austria [GC], no. 62903/15, 15 June 2021

[Judgment](#) | [Legal summary](#)

L

Lacatus v. Switzerland, no. 14065/15, 19 January 2021

[Judgment](#) | [Legal summary](#)

R

Ribcheva and Others v. Bulgaria, nos. 37801/16 and 2 others, 30 March 2021

[Judgment](#) | [Legal summary](#)

S

Sabalić v. Croatia, no. 50231/13, 14 January 2021

[Judgment](#) | [Legal summary](#)

T

Terheş v. Romania (dec.), no. 49933/20, 13 April 2021

[Decision](#) | [Legal summary](#)

U

Ukraine v. Russia (re Crimea) (dec.) [GC],
nos. 20958/14 and 38334/18, 16 December 2020

[Decision](#) | [Legal summary](#)

V

V.C.L. and A.N. v. the United Kingdom,
nos. 77587/12 and 74603/12, 16 February 2021

[Judgment](#) | [Legal summary](#)

Vavříčka and Others v. the Czech Republic
[GC], no. 47621/13 and 5 others, 8 April 2021

[Judgment](#) | [Legal summary](#)

X

X and Others v. Bulgaria [GC],
no. 22457/16, 2 February 2021

[Judgment](#) | [Legal summary](#)

Cases by respondent State

AUSTRIA

Kurt v. Austria [GC], no. 62903/15, 15 June 2021
[Judgment](#) | [Legal summary](#)

AZERBAIJAN

Azizov and Novruzlu v. Azerbaijan, nos. 65583/13 and 70106/13, 18 February 2021
[Judgment](#) | [Legal summary](#)

BELGIUM

Denis and Irvine v. Belgium [GC], nos. 62819/17 and 63921/17, 1 June 2021
[Judgment](#) | [Legal summary](#)

BULGARIA

Behar and Gutman v. Bulgaria, no. 29335/13, 16 February 2021
[Judgment](#) | [Legal summary](#)

Budinova and Chaprazov v. Bulgaria, no. 12567/13, 16 February 2021
[Judgment](#) | [Legal summary](#)

Ribcheva and Others v. Bulgaria, nos. 37801/16 and 2 others, 30 March 2021
[Judgment](#) | [Legal summary](#)

X and Others v. Bulgaria [GC], no. 22457/16, 2 February 2021
[Judgment](#) | [Legal summary](#)

CROATIA

F.O. v. Croatia, no. 29555/13, 22 April 2021 (not final)
[Judgment](#) | [Legal summary](#)

Jurčić v. Croatia, no. 54711/15, 4 February 2021
[Judgment](#) | [Legal summary](#)

Sabalić v. Croatia, no. 50231/13, 14 January 2021
[Judgment](#) | [Legal summary](#)

CZECH REPUBLIC

Vavříčka and Others v. the Czech Republic [GC], no. 47621/13 and 5 others, 8 April 2021
[Judgment](#) | [Legal summary](#)

FRANCE

Bivolaru and Moldovan v. France, nos. 40324/16 and 12623/17, 25 March 2021
[Judgment](#) | [Legal summary](#)

K.I. v. France, no. 5560/19, 15 April 2021
[Judgment](#) | [Legal summary](#)

GERMANY

Hanan v. Germany [GC], no. 4871/16, 16 February 2021
[Judgment](#) | [Legal summary](#)

REPUBLIC OF MOLDOVA

E.G. v. the Republic of Moldova, no. 37882/13, 13 April 2021
[Judgment](#) | [Legal summary](#)

ROMANIA

Terheş v. Romania (dec.), no. 49933/20, 13 April 2021
[Decision](#) | [Legal summary](#)

RUSSIA

Georgia v. Russia (II) [GC], no. 38263/08, 21 January 2021
[Judgment](#) | [Legal summary](#)

Ukraine v. Russia (re Crimea) (dec.) [GC], nos. 20958/14 and 38334/18, 16 December 2020
[Decision](#) | [Legal summary](#)

SWEDEN

Centrum för rättvisa v. Sweden [GC],
no. 35252/08, 25 May 2021

[Judgment](#) | [Legal summary](#)

SWITZERLAND

Lacatus v. Switzerland, no. 14065/15,
19 January 2021

[Judgment](#) | [Legal summary](#)

UNITED KINGDOM

Big Brother Watch and Others v.
the United Kingdom [GC], nos. 58170/13
and 2 others, 25 May 2021

[Judgment](#) | [Legal summary](#)

V.C.L. and A.N. v. the United Kingdom,
nos. 77587/12 and 74603/12, 16 February 2021

[Judgment](#) | [Legal summary](#)