



# KEY CASES

## 2022



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

### **European Court of Human Rights**

February 2023

## NOTE

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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 (see Title I, Chapters II and III, of the [Rules of Court](#) about their respective roles). This list contains the selection of key cases for 2022.

Cases are listed by reference to the relevant Convention Articles and keywords, then alphabetically by respondent State and by applicant. They are also listed under the importance level “Key cases” in the [HUDOC](#) case-law database.

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.

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# Cases by Article

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## ARTICLE 1

### JURISDICTION OF STATES

Refusal to repatriate nationals held in Kurdish-run camps after the fall of “Islamic State”: outside jurisdiction as to alleged ill-treatment; within jurisdiction as to the right to enter own State

***H.F. and Others v. France* [GC], nos. 24384/19 and 44234/20, 14 September 2022**

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## ARTICLE 2

### LIFE

Specific omissions and delays by the national authorities in conducting and organising operation to rescue refugees whose boat had sunk, causing several deaths: *violation*

***Safi and Others v. Greece*, no. 5418/15, 7 July 2022**

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### POSITIVE OBLIGATIONS (SUBSTANTIVE ASPECT)

Death by euthanasia of applicant’s mother, who had suffered from depression for about 40 years, as authorised by legal framework: *no violation*

***Mortier v. Belgium*, no. 78017/17, 4 October 2022**

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### EFFECTIVE INVESTIGATION

Lack of effective investigation into the sinking of a boat carrying refugees, some of whom died: *violation*

***Safi and Others v. Greece*, no. 5418/15, 7 July 2022**

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## POSITIVE OBLIGATIONS (PROCEDURAL ASPECT)

Lack of independence of board subsequently reviewing all acts of euthanasia, allowing doctor who carried out specific act to vote on its legality, and excessive length of criminal investigation: *no violation*

***Mortier v. Belgium*, no. 78017/17, 4 October 2022**

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# ARTICLE 3

## EXTRADITION

No real individual risk of ill-treatment in case of extradition of ethnic Uzbeks to Kyrgyzstan: *extradition would not constitute a violation*

***Khasanov and Rakhmanov v. Russia* [GC], nos. 28492/15 and 49975/15, 29 April 2022**

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No risk of irreducible life sentence in the event of extradition to the USA, the applicant becoming eligible for parole after reduction of charges: *inadmissible*

***McCallum v. Italy (dec.)* [GC], no. 20863/21, 21 September 2022**

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No evidence showing a real risk of a sentence of life imprisonment without parole in the event of the applicant's extradition to, and conviction in, the USA: *no violation*

***Sanchez-Sanchez v. the United Kingdom* [GC], no. 22854/20, 3 November 2022**

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## DEGRADING TREATMENT

Body searches of refugees arriving on a Greek island after their boat had sunk, who were ordered by the security forces to undress at the same time and in the same place, in front of at least thirteen people: *violation*

***Safi and Others v. Greece*, no. 5418/15, 7 July 2022**

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Placement of minor in adult reception centre in inadequate conditions for more than four months and subjected to age-assessment procedure breaching Article 8: *violation*

***Darboe and Camara v. Italy*, no. 5797/17, 21 July 2022**

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No risk of irreducible life sentence in the event of extradition to the USA, the applicant becoming eligible for parole after reduction of charges: *inadmissible*

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## INHUMAN TREATMENT

Placement of minor in adult reception centre in inadequate conditions for more than four months and subjected to age-assessment procedure breaching Article 8: *violation*

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***Sanchez-Sanchez v. the United Kingdom* [GC], no. 22854/20, 3 November 2022**

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## EFFECTIVE INVESTIGATION

Failure to effectively investigate alleged death threats against vulnerable rape victim by her abuser and father, in breach of domestic law: *violation*

***J.I. v. Croatia*, no. 35898/16, 8 September 2022**

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## INHUMAN OR DEGRADING PUNISHMENT

Conversion, upon prisoner's transfer, of a foreign reducible life sentence into an irreducible one due to unavailability of parole for life prisoners in his home State: *violation*

***Kupinskyy v. Ukraine*, no. 5084/18, 10 November 2022 (not final)**

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# ARTICLE 6

## Article 6 § 1 (civil)

### CIVIL RIGHTS AND OBLIGATIONS

Lack of judicial review of premature termination *ex lege*, after legislative reform, of a serving judge's mandate as member of the National Council of the Judiciary: *violation*

***Grzęda v. Poland* [GC], no. 43572/18, 15 March 2022**

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### ACCESS TO COURT

Lack of judicial review of premature termination *ex lege*, after legislative reform, of a serving judge's mandate as member of the National Council of the Judiciary: *violation*

***Grzęda v. Poland* [GC], no. 43572/18, 15 March 2022**

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## Article 6 § 1 (criminal)

### FAIR HEARING

Use of bank documents, for the re-setting of a tax fine, obtained by a judicial order on pain of penalty payments, not within scope of protection of privilege against self-incrimination: *no violation*

***De Legé v. the Netherlands*, no. 58342/15, 4 October 2022**

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## Article 6 § 1 (administrative)

### FAIR HEARING

Tax debt time-barred by retroactive effect of new case-law but subsequently reinstated, while dispute still pending, by retrospective but foreseeable legislation restoring legal certainty: *no violation*

***Vegotex International S.A. v. Belgium* [GC], no. 49812/09, 3 November 2022**

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## ARTICLE 7

### NULLUM CRIMEN SINE LEGE

Advisory opinion on the applicability of statutes of limitation to the prosecution, conviction and punishment in respect of an offence constituting, in substance, an act of torture

**Advisory opinion requested by the Armenian Court of cassation [GC], request no. P16-2021-001, 26 April 2022**

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Conviction for breach of the prohibition on entry and stay in a specific conflict zone, which was lifted at the time of the adjudication of the case following a change in the situation in that zone: *no violation*

***Mørck Jensen v. Denmark*, no. 60785/19, 18 October 2022**

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### NULLA POENA SINE LEGE

Advisory opinion on the applicability of statutes of limitation to the prosecution, conviction and punishment in respect of an offence constituting, in substance, an act of torture

**Advisory opinion requested by the Armenian Court of cassation [GC], request no. P16-2021-001, 26 April 2022**

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### HEAVIER PENALTY

Conversion, upon prisoner's transfer, of a foreign reducible life sentence into an irreducible one due to unavailability of parole for life prisoners in his home State: *violation*

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Inability to obtain recognition of a legal relationship between a child and the biological mother's ex-partner: *no violation*

***C.E. and Others v. France*, nos. 29775/18 and 29693/19, 24 March 2022**

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## RESPECT FOR PRIVATE LIFE

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***Darboe and Camara v. Italy*, no. 5797/17, 21 July 2022**

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Significant flaws in criminal investigation concerning alleged sexual harassment at the workplace: *violation*

***C. v. Romania*, no. 47358/20, 30 August 2022**

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Collection of data on sexual behaviour of potential blood donor based on speculation, and excessive length of data retention by public body: *violation*

***Drelon v. France*, nos. 3153/16 and 27758/18, 8 September 2022**

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Doctors' failure to involve son in procedure leading to mother's death by euthanasia, in the absence of her wish to do so, in accordance with law: *no violation*

***Mortier v. Belgium*, no. 78017/17, 4 October 2022**

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Inability to obtain recognition of a legal relationship between a child and the biological mother's ex-partner: *no violation*

***C.E. and Others v. France*, nos. 29775/18 and 29693/19, 24 March 2022**

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Justified revocation of broadcasting licence of a TV channel after repeated and serious breach of the statutory requirement to ensure political balance and pluralism in news bulletins: *no violation*

***NIT S.R.L. v. the Republic of Moldova* [GC], no. 28470/12, 5 April 2022**

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Suspended prison sentence for offence of sexual exposure imposed on Femen activist for topless performance in church as protest against Catholic church's position on abortion: *violation*

***Bouton v. France*, no. 22636/19, 13 October 2022**

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## FREEDOM OF ASSOCIATION

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Application of Foreign Agents Act to non-governmental organisations and their directors neither prescribed by law nor necessary in a democratic society: *violation*

***Ecodefence and Others v. Russia***, nos. 9988/13 et al., 14 June 2022

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## DISCRIMINATION (ARTICLE 8)

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***Arnar Helgi Lárusson v. Iceland***, no. 23077/19, 31 May 2022

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Discriminatory treatment of widower, taking care full-time of children, by terminating his survivor's pension when youngest child reached adulthood, while widows continued to receive one: *violation*

***Beeler v. Switzerland [GC]***, no. 78630/12, 11 October 2022

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Lack of independent effective investigation into arguable allegations of racial profiling by police during identity check on a train: *violation*

***Basu v. Germany***, no. 215/19, 18 October 2022

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Allegations of racial profiling by police during identity check on a street duly examined and found unsubstantiated by administrative courts: *no violation*

***Muhammad v. Spain*, no. 34085/17, 18 October 2022 (not final)**

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#### **DISCRIMINATION (ARTICLE 1 OF PROTOCOL No. 1)**

Very weighty reasons for exclusion of employment periods accrued in other former USSR states in state pension calculation for permanently resident non-citizens, in contrast to Latvian citizens: *no violation*

***Savickis and Others v. Latvia* [GC], no. 49270/11, 9 June 2022**

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Advisory opinion on the difference in treatment between landowners' associations "having a recognised existence on the date of the creation of an approved municipal hunters' association" and landowners' associations set up after that date

**Advisory opinion requested by the French *Conseil d'État* [GC], request no. P16-2021-002, 13 July 2022**

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## ARTICLE 34

#### **HINDER THE EXERCISE OF THE RIGHT OF APPLICATION**

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***Ecodefence and Others v. Russia*, nos. 9988/13 et al., 14 June 2022**

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#### **INFRINGEMENT PROCEEDINGS**

Infringement proceedings against Türkiye for failure to abide by Court's final judgment explicitly indicating applicant's immediate release: *violation*

***Kavala v. Türkiye* [GC], no. 28749/18, 11 July 2022**

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## ARTICLE 2 OF PROTOCOL No. 4

### FREEDOM OF MOVEMENT

Danish national prohibited from entering and staying, without permission, in areas in which a terrorist organisation is a party to an ongoing armed conflict (the al-Raqqa district in Syria):  
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***Mørck Jensen v. Denmark*, no. 60785/19, 18 October 2022**

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**Advisory opinion requested by the Lithuanian Supreme Administrative Court [GC], request no. P16-2020-002, 8 April 2022**

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## ARTICLE 3 OF PROTOCOL No. 4

### ENTER OWN COUNTRY

Lack of review with safeguards against arbitrariness for refusal to repatriate nationals held with their young children in Kurdish-run camps after the fall of “Islamic State”: *violation*

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