

**Press release issued by the Registrar**

**Chamber judgments concerning  
France, Turkey and Ukraine**

The European Court of Human Rights has today notified in writing the following three Chamber judgments, none of which is final.<sup>1</sup>

*V.T. v. France* (application no. 37194/02)

*No violation of Article 3*

The applicant, V.T., is a French national who was born in 1953 and lives in Paris.

In August 1990, having decided to give up prostitution, the applicant applied to the social-security contributions collection agency (URSSAF) to be registered as self-employed. The URSSAF registered the applicant under the heading of “unspecified occupation” and her name was entered in the “liberal professions” category of the national register of companies and places of business. Between 1991 and 1999 the URSSAF requested the applicant to pay a total of almost 40,000 euros (EUR) in contributions and surcharges. She challenged the payment orders before the relevant courts, without success.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 4 (prohibition of forced labour) of the European Convention on Human Rights, V.T. complained that the obligation on her to pay family-allowance contributions was forcing her to continue in prostitution.

The European Court of Human Rights did not examine whether prostitution was in itself “inhuman” or “degrading” within the meaning of Article 3 of the Convention. However, it stressed very firmly that it considered forced prostitution to be incompatible with human rights and human dignity.

Nevertheless, in the applicant’s case the Court was not satisfied that she had actually been forced to continue working as a prostitute as a result of her treatment by the URSSAF.

The Court noted that the URSSAF had never required the applicant to fund her contributions by continuing to work as a prostitute, and had been prepared to put special arrangements in place for payment. The Court further observed that the applicant had not provided any real

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<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

evidence that she had been unable to pay the contributions concerned by any means other than engaging in prostitution.

In the circumstances, the Court held by six votes to one that there had been no violation of Article 3. It also held unanimously that no separate issue arose under Article 4. (The judgment is available only in French.)

***Teren Aksakal v. Turkey*** (no. 51967/99)

***Violation of Article 2 (investigation)***

***Violation of Article 3 (investigation)***

The applicant, Teren Aksakal, is a Turkish national who was born in 1940 and lives in Istanbul. She is the widow of Mr Cengiz Aksakal.

In October 1980 Mr Aksakal was taken into custody and questioned in Artvin province on suspicion of belonging to the illegal organisation *Dev-Yol*. He was admitted to hospital on 3 November 1980, after being taken ill, and died on 12 November 1980. An autopsy report revealed multiple wounds, bruises and grazes to his body. The applicant brought criminal proceedings in January 1981. In a judgment delivered on 30 December 1997, which became final on 30 January 2003, the domestic courts sentenced two officers from Artvin gendarmerie to two years and one month's imprisonment, finding that they had been complicit in acts of torture inflicted on Mr Aksakal. They concluded that Mr Aksakal had died as a result of his "existing illness" and following torture inflicted by civilians who had taken part in his questioning and whose identity could not be established. The judgment was never executed and the two officers continued to serve in the army throughout the proceedings and until their retirement.

Relying on Articles 2 (right to life), 3 (prohibition of torture and inhuman or degrading treatment) and 13 (right to an effective remedy), the applicant complained that her husband had been subjected to torture by the authorities responsible for his detention, resulting in his death. She also complained of various shortcomings in the criminal proceedings, which had been concluded in 2003 and had resulted in her husband's torturers and killers effectively going unpunished.

The Court decided that, with regard to Turkey's substantive negative obligation to refrain from torture and intentional killing, it could only hold that it had no jurisdiction (*ratione temporis*), as the events leading to Mr Aksakal's death and complained of by his widow had occurred before 28 January 1987, the date on which Turkey had recognised the right of individual petition. However, the Court declared admissible the applicant's complaints concerning the effectiveness and efficiency of the investigations into her allegations.

Given the shortcomings in the proceedings, the failure to meet the requirements of promptness and reasonable diligence and, lastly, the fact that the perpetrators of the violations complained of had effectively enjoyed impunity, the Court considered that the criminal proceedings had been far from rigorous and were not capable of acting as an effective deterrent to acts such as those in question. In the specific circumstances of the case, the Court therefore concluded that the outcome of the proceedings in question had not offered appropriate redress for the breach of the values enshrined in Articles 2 and 3. Accordingly, the Court held by five votes to two that there had been a violation of Articles 2 and 3. It also held unanimously that there was no need to examine the complaint under Article 13 separately and awarded the applicant 45,000 EUR in respect of non-pecuniary damage and 5,000 EUR for costs and expenses. (The judgment is available only in French.)

***No violation of Article 8  
No violation of Article 14***

***Bulgakov v. Ukraine*** (no. 59894/00)

The applicant, Dmitriy Bulgakov, is a Ukrainian national of Russian origin. He was born in 1974 and lives in Simferopol (Ukraine).

The case concerned the issue of the “Ukrainianisation” of the applicant’s Russian name in official documents. His first name, “*Dmitriy*”, was transcribed as “*Dmytro*” on certain pages of his passports. In June 1998 he brought proceedings before the national courts, without success.

Relying on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination), the applicant alleged an unjustified interference with his private life. He complained, in particular, of practical difficulties when travelling, notably to Russia, and the problems posed by a Ukrainian name when living in the Crimea where the majority of the population was Russian-speaking.

The Court observed that by the time the applicant had made his objections before the domestic authorities, he had been using his “Ukrainianised” name for some time and it had appeared in a number of official documents. Nevertheless, he had refused to apply for a change of name under the specific procedure designed for that purpose. That procedure had not appeared to be particularly complicated and allowed for minor changes in the spelling of a name. The Court therefore held unanimously that there had been no violation of Articles 8 and 14. (The judgment is available only in English.)

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These summaries by the Registry do not bind the Court. The full texts of the Court’s judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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*The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.*