



Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing four judgments on Tuesday 2 February 2021 and 14 judgments and / or decisions on Thursday 4 February 2021.

*Press releases and texts of the judgments and decisions will be available at **10 a.m.** (local time) on the Court's Internet site (www.echr.coe.int)*

Tuesday 2 February 2021

[Strøbye and Rosenlind v. Denmark \(applications nos. 25802/18 and 27338/18\)](#)

The applicants, Tomas Strøbye and Martin Rosenlind, are Danish nationals who were born in 1966 and 1987 respectively and live in Frederiksberg and Greve (Denmark) respectively.

The case concerns the disenfranchisement of the applicants as a result of their having had their legal capacity removed.

In 1984 and 2009 respectively the applicants were deprived of their legal capacity. As a result, they lost the right to vote.

They instituted proceedings against the Danish interior ministry, arguing that they had been denied the right to vote in the 2015 parliamentary elections. The High Court of Eastern Denmark dismissed the claims, finding that removing the right to vote from individuals that had been deprived of their legal capacity was consistent with the legislation over many years and legal commentary, and that Denmark's international obligations did not affect that. The Supreme Court confirmed that decision, noting that the right to vote was not absolute.

A public debate ensued, culminating in legislative amendments aimed at restoring voting rights to some individuals who had lost them, without abolishing entirely the removal of legal capacity.

On 20 May 2019 and 9 November 2019 respectively the applicants regained the right to vote in general elections.

Relying on Article 3 of Protocol No. 1 (right to free elections) to the European Convention on Human Rights, and Article 14 (prohibition of discrimination) of the Convention, the applicants complain that they were illegally disenfranchised.

[Dickinson v. Turkey \(no. 25200/11\)](#)

The applicant, Michael Dickinson, is a British national who was born in 1950. At the relevant time he had been living in Turkey for about twenty years and was teaching in two universities in Istanbul (Turkey). He is also a collage artist.

The case concerns Mr Dickinson's criminal conviction for insulting the then Prime Minister, Recep Tayyip Erdoğan, through a collage exhibited by him which criticised Mr Erdoğan's political support for the occupation of Iraq.

Mr Dickinson's work portrayed the Prime Minister's head glued to the body of a dog, which was held on a leash decorated with the colours of the American flag and had the following phrase pinned on its torso: "We Will not be Bush's Dog". He displayed it in March 2006 in a tent erected as part of the "Peace Fair", a protest event organised along the Beşiktaş Quay in Kadıköy (Istanbul).

Following this exhibition, the judicial authorities brought criminal proceedings against the person in charge of the demonstration, on a charge of insulting the Prime Minister.

Before the hearing in those proceedings, which was held on 12 September 2006, Mr Dickinson again displayed his work in the corridors of the court building, then outside that building, before the camera of two journalists and other people who were present in the street. Mr Dickinson was placed in police custody on the same day, then in pre-trial detention. He was released on 15 September 2006.

On the following day criminal proceedings were brought against him for insulting the Prime Minister, in application of Article 125 of the Criminal Code.

In March 2010 Mr Dickinson was ordered to pay a judicial fine of around 3,043 euros for having displayed his collage in the corridors of the court building and in the street. The court considered that Mr Dickinson's work was such as to humiliate and insult the Prime Minister and represented an attack on his honour and reputation. However, the court decided to suspend delivery of its judgment for five years.

In December 2015 the court set aside the judgment in respect of which sentencing had been deferred and ordered that the criminal proceedings be discontinued. It noted that Mr Dickinson had not committed any new intentional offences during the five-year period of suspension and that he had complied with the conditions attached to the supervision order.

Relying on Article 10 (freedom of expression) of the Convention, Mr Dickinson complains about the criminal proceedings brought against him for his artistic work and the fact that he was convicted at the close of those proceedings for having insulted the Prime Minister.

Thursday 4 February 2021

[Jurčić v. Croatia \(no. 54711/15\)](#)

The applicant, Kristina Jurčić, is a Croatian national who was born in 1975 and lives in Rijeka (Croatia).

The case concerns the denial to the applicant of employment health-insurance coverage during pregnancy.

On 17 November 2009 the applicant underwent *in vitro* fertilisation (IVF). On 27 November she took up a position with a company in Split and was then registered with the Croatian health-insurance scheme. She learned about her pregnancy in December and sick leave was prescribed owing to pregnancy-related complications.

The applicant applied for payment of her salary during her sick leave. The authorities then took it upon themselves to review the applicant's health-insurance status. They denied her employment insurance altogether, considering that her employment was fictitious and aimed solely at securing payment during pregnancy. They also held that she had been medically unfit to take up work in a distant town owing to the IVF process.

The applicant appealed to the courts, arguing that she had been discriminated against as a woman who had undergone IVF. The High Administrative Court dismissed the action, which was later upheld by the Constitutional Court.

The applicant also turned to the Gender Equality Ombudsperson, who found that the authorities' interpretation of the applicant's situation had been based on the premise that every woman who was undergoing IVF or pregnant would in reality not be employed by any employer.

Relying on Article 14 (prohibition of discrimination) read in conjunction with Article 1 of Protocol No. 1 (protection of property), the applicant complains of revocation of her health-insurance status, stating that it was a result of discrimination against her as a woman undergoing *in vitro* fertilisation.

[Vorotņikova v. Latvia \(no. 68188/13\)](#)

The applicant, Valentīna Vorotņikova, is a Latvian national who was born in 1952 and lives in Riga.

The case concerns a pension dispute that was decided on the basis of allegedly unlawfully acquired documents, which were not sent to the parties. The applicant's observations were not included in the case file by the court.

On 18 January 2011 the applicant applied for an early retirement pension on the grounds that she had looked after her disabled child until his death at the age of seven. The authorities rejected her application, stating that under the relevant law the pension was only available to people who had cared for a child until the age of eight.

The applicant challenged that decision before the administrative courts. She was successful at first instance, but the decision was overturned by the Administrative Regional Court on appeal.

In an appeal on points of law, the applicant argued that the relevant Law on State Pensions had been incorrectly interpreted. The Supreme Court asked for opinions on the matter from three State institutions; those were not passed onto the applicant. The applicant then filed observations on the opinions; those were not added to the case file, the Supreme Court stating that such an action was not provided for under the Administrative Procedure Law. The Supreme Court found against the applicant.

Relying on Article 6 § 1 (right to a fair trial), the applicant complains that her legal case was decided on the basis of unlawfully acquired evidence that was not sent to her, and that her observations on this were not included in the case file, in breach of the right to adversarial proceedings.

[Boldea v. Romania \(no. 29417/13\)](#)

The applicant, Mihail Boldea, is a Romanian national who was born in 1976 and lives in Bucharest. At the relevant time he was a member of parliament and a law professor.

The case concerns the pre-trial detention in the applicant's organised-crime trial.

On 21 July 2011 the Romanian prosecutor's office started an investigation into several property transactions in Galați. The applicant was among those identified as having participated in the scheme, and was wanted for fraud and organised crime. On 17 March 2012 the applicant left Romania, ultimately for Kenya. On 20 March 2012 Parliament lifted the applicant's immunity and on 27 March 2012 he was arrested on his return to Romania.

Pre-trial detention was ordered. It was extended monthly, by several different courts. The reasoning of the courts referred to the Convention and to domestic law, and also to, among other things, the evidence, the severity of the crime, his absconding from the country, and his alleged interference with a witness.

The applicant resigned his seat.

The applicant, represented by counsel, lodged many appeals, and on four occasions an obligation not to leave Romania instead of detention was ordered. However, those decisions were all ultimately overturned.

On 27 June 2012 the applicant was indicted. The trial was delayed several times owing to the absence of one of the accused or counsel. On 18 November 2013 the preventive measure was changed to an obligation not to leave town. In 2018 the applicant was found guilty and sentenced to seven years' imprisonment.

Relying on Article 5 § 3 (right to liberty and security), the applicant complains that the length of his pre-trial detention was unfair and was extended without valid reasons.

Rarinca v. Romania (no. 10003/16)

The applicant, Mariana Rarinca, is a Romanian national who was born in 1959 and lives in Galați (Romania).

The case concerns the court proceedings in a trial for the blackmail of the president of highest court in Romania.

In 2014 criminal proceedings were brought against the applicant by the then president of the High Court of Cassation and Justice, L.D.S. On 18 December 2014 she was convicted of blackmail and given a three-year suspended prison sentence.

Both parties appealed, the applicant alleging, among other things, bias against her in the National Anti-Corruption Department (DNA). Her appeal was allowed and she was acquitted in a final judgment. The court stated that the essential elements of blackmail had not been shown to exist, and the first-instance court had not properly examined the evidence and the applicant's arguments.

On 29 May 2015, the DNA lodged an application for leave to lodge an extraordinary appeal for annulment, by which it sought to have the judgment of 20 May 2015 quashed on the grounds of the lack of impartiality of one of the members of the bench. The applicant challenged the application, arguing that the procedure should not be used to secure a conviction. After several procedural steps – for some of which the applicant was not present – the application was declared admissible. A bench was established to examine the merits, however the applicant challenged some of the members, alleging bias. The challenge was dismissed. The extraordinary appeal for annulment was allowed, the appeal judgment was quashed, and a re-examination of the appeal was ordered. The applicant lodged an appeal for annulment against that judgment, which was rejected as inadmissible.

The applicant challenged the judges for the appeal rehearing, alleging bias, unsuccessfully. The court did allow the applicant to add evidence to the case file. The court later dismissed the appeals and upheld the first-instance judgment. The applicant lodged an appeal for annulment against that judgment, alleging unlawful composition and bias of the bench, and that one of the judges had expressed his opinion on the outcome before the case had been decided, among other arguments. After several procedural steps, the appeal for annulment was finally declared inadmissible on 22 October 2015, the court holding that the applicant was seeking to bypass the rules on removal of judges.

Relying on Article 6 (right to a fair trial), the applicant complains that, among other things, the proceedings against her were unfair, some of the benches were unlawfully composed and some judges were partial, that she was not present at certain court hearings, and that her constitutional arguments were dismissed arbitrarily.

Relying on Article 4 of Protocol No. 7 (right not to be tried or punished twice), the applicant complains that, by the quashing of her final acquittal, she was charged twice for the same crimes.

Relying on Articles 14 (prohibition of discrimination), 17 (prohibition of abuse of rights) and 18 (limitation on use of restrictions on rights) and Article 1 of Protocol No. 12 (general prohibition of discrimination), taken alone or in conjunction with Article 6 and Article 4 of Protocol No. 7, the applicant alleges discriminatory treatment, abuses of power and limitations imposed on her rights on the part of the authorities.

The Court will give its rulings in writing on the following cases, some of which concern issues which have already been submitted to the Court, including excessive length of proceedings.

These rulings can be consulted from the day of their delivery on the Court's online database [HUDOC](#).

They will not appear in the press release issued on that day.

Tuesday 2 February 2021

Name	Main application number
Stefanov v. Bulgaria	26198/13
N.O. v. Russia	84022/17

Thursday 4 February 2021

Name	Main application number
Budo v. Albania	75763/17
Abbasov v. Azerbaijan	2773/09
Bayaliyev v. Azerbaijan	76177/13
Pashayev and Others v. Azerbaijan	18068/08
Jgharkava v. Georgia	72006/12
Ștefănescu and Others v. Romania	33813/06
Váradi v. Romania	37885/18
Goropatskiy and Others v. Ukraine	63243/13
Kaplatyy v. Ukraine	39997/17
Neyman v. Ukraine	68470/12

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

During the current public-health crisis, journalists can continue to contact the Press Unit via echrpress@echr.coe.int.

Tracey Turner-Tretz

Denis Lambert

Inci Ertekin

Neil Connolly

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.