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

Press Release
issued by the Registrar of the Court

ECHR 002 (2019)
11.01.2019

Forthcoming judgments and decisions

The European Court of Human Rights will be notifying in writing 24 judgments on Tuesday 15 January 2019 and 102 judgments and / or decisions on Thursday 17 January 2019.

*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 15 January 2019

Just Satisfaction

Grigolovič v. Lithuania (application no. 54882/10)

The case concerns the question of just satisfaction with regard to proceedings to have Mr Grigolovič's property rights to part of his father's land restored.

In its principal judgment of 10 October 2017 the Court held that there had been a violation of Article 1 of Protocol No. 1 (protection of property) to the European Convention on Human Rights.

The Court further held that the question of just satisfaction was not ready for decision and reserved it for examination at a later date.

The Court will deal with this question in its judgment of 15 January 2019.

Edward Zammit Maempel and Cynthia Zammit Maempel v. Malta (no. 3356/15)

The applicants, Edward Zammit Maempel and Cynthia Zammit Maempel, are two Maltese nationals who were both born in 1968 and live in Marsalforn and Naxxar (Malta), respectively.

The case concerns the interference of the Maltese authorities with the property of the applicants.

The applicants are the owners (each owns a half undivided share) of a property located in Malta. In November 1986 they granted the property on emphyteusis (the right to hold property under a long-term or perpetual lease) for 21 years to Mr and Ms E. In December 1992, the property was requisitioned by the Director of Social Housing and allocated to Mr and Ms A. In March 1997, at the request of the Housing Authority, the emphyteutic grant in favour of Mr and Ms E. was transferred to Mr and Ms A. The contract of emphyteusis expired in 2007. However, in accordance with Maltese law, Mr and Ms A. continued to occupy the property by title of lease. They paid the applicants a rental amount which they did not accept, on the grounds that it was low when compared with the rental value the property would fetch on the open market.

In March 2009 the applicants filed constitutional redress proceedings. In March 2013 the court decided in their favour, finding a violation of Article 1 of Protocol No. 1 to the Convention. It declared the requisition order null and void, and ordered the release of the premises with vacant possession in favour of the applicants, as well as the eviction of Mr and Ms A. within one month. It awarded the applicants 50,000 euros (EUR) in compensation (*kumpens dovut*), to be paid by the Housing Authority. The Attorney General and the Housing Authority appealed. In July 2014 the Constitutional Court confirmed that the requisition order was an interference with the applicants' property rights and had violated their rights under Article 1 of Protocol No. 1. However, it revoked the eviction order and reduced the compensation due for non-pecuniary damage to EUR 12,000.

In August 2014 the Housing Authority revoked the requisition order, however, up to the date of the lodging of the application, the property had still not been returned to the applicants. In October 2014, the applicants wrote to the Housing Authority, requesting that it prepare a report on the state of the premises at the end of the requisition period. In August 2015 the Housing Authority wrote to the applicants, informing them that they could collect the keys to the property. The applicants refused to withdraw the keys in the absence of a condition report. The authorities refused to co-operate and informed the applicants that if they wished they could draw up a report at their own expense. The applicants failed to withdraw the keys and in September 2016 the Housing Authority deposited them in court.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicants complain of an ongoing interference with their property. Relying on Article 13 (right to an effective remedy) in conjunction with Article 1 of Protocol No. 1, they complain of the lack of an effective remedy, in particular given the insufficient redress provided by the Constitutional Court.

Grech and Others v. Malta (no. 69287/14)

The applicants, Mary Grech, Christopher Mintoff, Stephanie Mintoff, and Lilian Wismayer are Maltese nationals who were born in 1932, 1986, 1990, and 1954 and live in Birkirkara, Tarxien and Kappara respectively (all in Malta).

The case concerns a requisition order which was found by the domestic courts to be in violation of the applicants' property rights due to its disproportionate effects.

The applicants are part-owners of a property named "Assunta" in Paola, Malta, which is a 20th-century corner town house. In March 1962 the applicants' ancestor, as owner of the property, had granted it on temporary emphyteusis (the right to hold property under a long-term or perpetual lease) for 17 years to J.S. In 1971 a certain C.C. had obtained the *sub-utile dominium* (by way of sub-emphyteusis) of the property from J.S.

In March 1979 when the temporary emphyteusis came to an end, C.C. continued to live in the property as a result of Maltese law, which provided for the conversion of temporary emphyteusis contracts into leases. In April 1986 the property was requisitioned by the State. In October 1986 the Housing Department allocated the property to D.L. for residential use. To the applicants' knowledge, there was no pressing social need for such an allocation. The owners refused to take any rent and did not recognise the occupants, D.L. and her husband, as tenants. Eventually the owners became aware that the occupants were also occupying a portion of an adjacent property, also owned by the applicants, which was not covered by the requisition order. The owners informed the authorities of this but no action was taken. After D.L. and D.L.'s husband had died, their son L.L. filed a request to be recognised as tenant of the premises, which was granted in September 2003, despite the owners' objections. L.L. then applied for a grant to make alterations to the premises, including the adjacent room. When the owners became aware of it, they filed an objection. However, a permit to make structural alterations was issued in April 2007. In the applicants' view these structural changes have affected the character of the property and its value.

In May 2007 the owners began constitutional redress proceedings. Pending the completion of the proceedings the property was derequisitioned; however, the Government admitted that it had not recovered the keys. In April 2011 the Civil Court decided in favour of the owners, finding a violation of Article 1 of Protocol No.1 and, being unable to annul the requisition order which had come to an end, ordering the defendants to return the property, free and unencumbered, to the owners. It also awarded EUR 7,535 in compensation, with costs against the Government. The court considered that while the requisition order had been lawful and had pursued a legitimate aim, it had failed to strike a fair balance.

Both parties appealed and in April 2014 the Constitutional Court made an award for non-pecuniary damage of EUR 5,000, to be added to the previous award for pecuniary damage (a total of EUR 12,535). The property was subsequently returned to the owners in a poor state.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 13 (right to an effective remedy) in conjunction with Article 1 of Protocol No. 1, the applicants complain that they could not make use of their property for a number of years, for which they did not receive adequate compensation. They argue in particular that the finding of the domestic courts was not sufficient to remove their victim status as they had not been adequately compensated. Lastly, they maintain that that the compensation was based on rental values which were not compatible with the Convention.

Mătăsaru v. the Republic of Moldova (nos. 69714/16 and 71685/16)

The applicant, Anatol Mătăsaru, is a Moldovan national who was born in 1970 and lives in Chișinău.

The case concerns his conviction for demonstrating in front of the Prosecutor General's Office with obscene sculptures. He was protesting against corruption.

Mr Mătăsaru staged his demonstration in 2013, exposing a wooden two-metre erect penis and a large vulva with pictures attached of a politician and senior prosecutors. After one hour the police removed the sculptures and took him to the police station.

He was subsequently found guilty, in 2015, of hooliganism and given a two-year suspended prison sentence. The domestic courts found that the sculptures he had displayed in a public place were obscene and that likening public officials to genitals went beyond acceptable criticism. They also took into account his previous fines for similar acts which had had no deterrent effect.

He appealed, arguing that the sculptures were a form of artistic expression and that the sanction was excessively harsh. All his appeals were dismissed, ultimately by the Supreme Court of Justice in 2016.

Relying in particular on Article 10 (freedom of expression), Mr Mătăsaru alleges that the courts finding him guilty of a criminal instead of an administrative offence was harsh and intended to discourage him from further protests.

Ilgiz Khalikov v. Russia (no. 48724/15)

The applicant, Ilgiz Khalikov, is a Russian national who was born in 1969 and is serving a prison sentence in a detention facility at Nizhniy Tagil (Russia).

The case concerns his complaint that he was seriously wounded during a prison transfer when detainees attempted to escape.

On 7 November 2013 Mr Khalikov was caught up in a shoot-out between escorting officers and detainees attempting to escape from a prison van during their transfer to a remand facility. One of the detainees overpowered an officer and seized his holster containing a handgun. A struggle ensued and shots were fired.

Mr Khalikov's leg was wounded by a stray bullet and he was taken to hospital. He was transferred to a prison hospital the following day.

The following month he filed a complaint with the prosecuting authorities, alleging that he had been injured because of a serious breach of prison transfer regulations, namely there had been more prisoners than the van was designed to accommodate.

Several pre-investigation inquiries were opened over the next few years, but they have never progressed to the stage of a criminal investigation. Each inquiry has been concluded with a decision refusing to open criminal proceedings, then set aside with additional checks requested. In particular, in September 2015 a forensic firearm examination was carried out, but it was neither able to link the

bullets or cartridges to the handgun from which the shot had been fired, nor to identify the person who had pulled the trigger. In May 2016 the authorities ordered an assessment of Mr Khalikov's injury, however, this proved impossible because his medical record had been misplaced.

Relying on Article 3 (prohibition of inhuman or degrading treatment), Mr Khalikov alleges that he was wounded in the shoot-out because of the escorting officers' negligence. In particular, as a former police officer, the regulations stipulated that he should have been placed in an isolated cell in the van, but this had not been possible because it was over its capacity and he had therefore been riding in the rear of the van with two of the escorting officers. He also alleges under the same article that the authorities failed to carry out an effective investigation into the incident.

Kopytok v. Russia (no. 48812/09)

The applicant, Alla Kopytok, is a Russian national who was born in 1962 and lives in Lipetsk (Russia).

The case concerns her buying a flat and then finding out that the adult children of the seller still had the right to use it after the sale.

In September 2007 Ms Kopytok bought a flat in Lipetsk from a woman who had previously occupied it with her family as social housing but who, along with her youngest daughter, had privatised it in 2006. Other members of the family, two sons who were in prison and a daughter who was studying in Dagestan, refused in writing to exercise their right to obtain their shares in the privatised dwelling.

Ms Kopytok went to court to enforce her right to register the flat in her name after the seller delayed sending the sale contract to the authorities. The title was registered in November 2008 and she brought a claim to terminate the right of the seller and her family to use the flat and to evict them.

In April 2009 the District Court ordered the eviction of the seller and her youngest daughter, but dismissed the claim in respect of the two sons and the other daughter.

The court found that the adult children had left belongings in the flat and had never signalled their intention to stop using it, even if they had consented to it being privatised. In the absence of an agreement with the other children on ending their right of use, that right would be the same as the new owner's. In the court's view, a change in ownership was not an independent ground to terminate the adult children's right to use the property. That decision was upheld on appeal.

Relying on Article 1 of Protocol No. 1 to the Convention (protection of property), the applicant complains of a violation of her right to the peaceful enjoyment of her possessions as unrelated third parties had a right of permanent use over her property. She also complains under Article 8 (right to respect for private and family life) that she had to countenance accepting strangers in her home.

Gjini v. Serbia (no. 1128/16)

The applicant, Fabian Gjini, is a Croatian national who was born in 1972 and lives in Crikvenica (Croatia).

The case concerns inter-prisoner violence, in particular the applicant's complaint that he was assaulted and raped by his cellmates in prison and that the authorities failed to protect him and carry out an effective investigation.

Mr Gjini was arrested for trying to use an allegedly forged 10 euro banknote at a border crossing toll in August 2008. He could not pay the EUR 6,000 bail set for his release and he was placed in Sremska Mitrovica Prison for a month, pending the outcome of investigative proceedings. The criminal proceedings against him were discontinued at the end of September 2008 when the police found that the 10 euro note was genuine.

He alleges that during his time in prison he was subjected to humiliating treatment, assaulted and eventually drugged and raped by his cellmates. He states that the prison guards were well aware of what was happening to him, but failed to do anything to protect him.

In October 2008 Mr Gjini began civil proceedings for compensation for his detention and the damage he suffered in terms of fear, physical pain and mental anxiety owing to the ill-treatment in prison he suffered at hands of his cellmates. He was ultimately awarded approximately EUR 2,350 in court decisions delivered in 2013.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicant complains that he was ill-treated by his cellmates while in detention, that the authorities failed to protect him and that their response was ineffective.

Altınkaynak and Others v. Turkey (no. 12541/06)

The six applicants, Erkin Altınkaynak (born in 1963, died in 2016), Meral Altınkaynak (born in 1965), Sibel Sahlimov (born in 1978), Hüsnü Bostan (born in 1978), Volkan Ataalp (born in 1969) and Sahire Melek Jones (born in 1958), are Turkish nationals who in September 2004 set up a foundation – Türkiye Yedincigün Adventistleri Vakfı (the Foundation of Turkish Seventh-day Adventists) – for the purpose of meeting the religious needs of Turkish and foreign Seventh-day Adventists living permanently or temporarily in Turkey.

The case concerns the Turkish courts' refusal to include the foundation in question in the official register on the grounds that domestic law does not allow foundations to serve the sole interests of members of a specific community.

In October 2004 the applicants requested that the court of first instance enter their foundation in the official register, relying, in particular, on the relevant provisions of UN statutes, the rights and freedoms guaranteed by the Convention, the Constitution and national legislation, as well as the principle of secularism. The court dismissed that request on the grounds that the foundation's aim was to meet the religious needs of persons accepting the beliefs of Seventh-day Adventists, which was incompatible with the provisions of Article 101 § 4 of the Civil Code prohibiting the setting up of foundations designed to support the members of a specific community. The Court of Cassation upheld that judgment.

Relying on Article 9 (right to freedom of thought, conscience and religion), Article 11 (freedom of assembly and association), Article 14 (prohibition of discrimination), Article 17 (prohibition of abuse of rights) and Article 18 (limitation on use of restrictions on rights), the applicants complain about the Turkish courts' refusal to enter their foundation in the official register.

Basa v. Turkey (nos. 18740/05 and 19507/05)

The applicants, Hasan Sancak Basa, Ferah Basa, Sönmez Basa, Uğur İstiklal Basa, Osman Barış Basa, Süleyman Hasan Basa, İbrahim Ramazan Basa and Asiye Berat Basa, are eight Turkish nationals who were born in 1969, 1942, 1967, 1972, 1974, 1968, 1974, and 1969 respectively and who live in Istanbul, Rize and Ankara (Turkey). The case concerns an alleged violation of the right to respect for their property and a complaint concerning the excessive length of the corresponding judicial proceedings.

In 1980 the authorities registered property located in Pazar, a district in Rize Province. After the registration procedure, the cadastral commission registered several plots as belonging to the applicants' ancestors under an Ottoman ownership title held by the same applicants, covering a total area of about 5,000 m². One of the boundaries set out in the title was formed by the river Hemşin, which had, however, changed course in 1946 in the wake of a series of natural phenomena.

At various times the Treasury and Pazar Municipality had objected to those findings, which objections had been dismissed by the cadastral commission. The Treasury applied to the Pazar land

tribunal to set aside the cadastral findings concerning the impugned plots of land, arguing that since the property in question was located on the course of a major river it could not belong to any private individual.

By judgment of 14 February 2000, the tribunal dismissed the authorities' appeal and upheld the conclusions of the cadastral commission, on the grounds that the boundaries mentioned in the applicants' title did indeed correspond to those of the impugned plots of land. On 12 July 2000, ruling on the authorities' appeal on points of law, the Court of Cassation set the judgment aside. The court held that the impugned ownership title related to property whose boundaries were not hard and fast, given that the river which had formed one of those boundaries had changed course. It pointed out that this meant that the area mentioned in the title should prevail. Although the applicants were in possession of a judgment delivered by the court of first instance on 24 June 1947 amending the area mentioned in the title, that judgment was not binding upon the Treasury, which had not been a party to proceedings. Ruling on the case referred back to it, the tribunal partly allowed the Treasury's claims. The Court of Cassation dismissed the applicants' appeal on points of law and their application for rectification of the judgment.

Relying on Article 1 of Protocol No. 1 (protection of property) and Article 6 § 1 of the Convention (right to a fair trial within a reasonable time), the applicants complain that the registration of the impugned plots of land in respect of the Treasury amounts to a violation of their right to respect for their property. They also complain of the length of proceedings, which they consider excessive.

Kanal v. Turkey (no. 55303/12)

The applicant, Halil Kanal, was a Turkish national who was born in 1938. At the material time he was living in Antalya (Turkey). He died on 22 June 2014. His heirs wished to continue with the application.

The case concerns allegations of medical negligence. Mr Kanal complained of the after-effects (*sequelae)* of a prostatectomy operation (removal of the prostate in order to treat prostate cancer) caused by an error which he attributed to the medical staff. After the surgical operation, in particular, he had to urinate through his anus.

Relying on Article 2 (right to life), Article 6 (right to a fair trial) and Article 8 (right to respect for private and family life), Mr Kanal submitted that the surgical operation had had harmful consequences for his physical integrity and that he had had no effective remedy for his complaint.

Öney v. Turkey (no. 49092/12)

The applicants, Ali Osman Öney and Hanife Öney, are Turkish nationals who were born in 1952 and 1954 respectively and live in Istanbul (Turkey). They are the parents of Emine Öney, who was born in 1982 and died in 2002.

The case concerns the death of the applicants' daughter following a tonsillectomy in a private hospital.

In May 2002, after an operation, Emine Öney suffered severe pain and a cardiac arrest, and was resuscitated by medical staff. The next day she was transferred, unconscious, to the intensive care unit of a public university hospital. The doctors there allegedly told the applicants that their daughter was suffering from a brain injury caused by anaesthetic overdose before her operation, leading to cardiac arrest. After several transfers to different hospitals, Emine Öney died on 24 September 2002.

In October 2008 the Criminal Court found guilty one of the doctors who had been prosecuted for negligence in the exercise of his profession. He received a suspended fine. Subsequently, the Court of Cassation quashed that judgment and declared the criminal proceedings statute-barred. Meanwhile, the applicants had brought an action for damages against two doctors and the hospital

itself. In July 2009 the court declared the action for damages as not officially having been lodged, on the grounds that the proceedings had been adjourned twice, and in particular because counsel for the applicants had not appeared at the most recent hearing after being held up by heavy traffic.

Relying on Article 6 (right to a fair trial) Mr and Ms Öney complain that they have not had an effective remedy in order to have the doctors' criminal responsibility and the length of the proceedings examined.

Dovzhenko v. Ukraine (no. 26646/07)

The applicant, Vira Dovzhenko, is a Ukrainian national who was born in 1934 and lives in Bogdany (Ukraine).

The case concerns land she owned being rented out by the local council without her authorisation and the fact that she received no compensation for that act.

In January 2004 Ms Dovzhenko acquired title to a plot of agricultural land under a decree issued by the local administration. In July of the same year the local administration rented the plot to a private company, B., which planted seeds and eventually harvested a crop there.

Ms Dovzhenko only learned of the lease in September 2004. A month later she asked the local administration to allow her to establish the boundaries of her land, which was a legal prerequisite for her being able to use the land for farming. The administration issued the appropriate decision and later excluded her land from a list of leased plots.

The applicant went to court to seek compensation for the unauthorised use of her land, claiming a value equal to the worth of the harvest, about 4,493 euros.

The first-instance court upheld her claim in June 2006, but this decision was reversed on appeal. The appeal court found that Ms Dovzhenko had not demarcated her land by the time the lease agreement with B. had been concluded and so she had not been able to use the plot herself. Accordingly, she could not claim any interest in the harvest.

Relying on Article 1 of Protocol No. 1 (protection of property), the applicant complains that she suffered an unlawful and disproportionate interference with her rights owing to the letting of the land without her consent and the lack of any compensation.

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.

Graciova v. the Republic of Moldova (no. 43404/08)
Pecotox-Air S.R.L. v. the Republic of Moldova (no. 45506/09)
Sirenco v. the Republic of Moldova (no. 52053/15)
Belyayev v. Russia (no. 43852/12)
Shaykhatarov and Others v. Russia (nos. 47737/10, 53466/10, 61884/10, 21727/11, and 22996/11)
Akman v. Turkey (no. 16931/13)
Alınak v. Turkey (no. 50868/08)
Baydemir v. Turkey (no. 47884/10)
Çiftçi v. Turkey (no. 47871/09)
Karatekin v. Turkey (no. 21807/08)
Kılıçaslan v. Turkey (no. 6593/08)
Sonbahar Erdem v. Turkey (no. 38872/11)

Thursday 17 January 2019

X and Others v. Bulgaria (no. 22457/16)

The application was lodged by five Italian nationals, a couple and their three adoptive children, who live in Italy.

The case concerns allegations that the three children were sexually abused in an orphanage in Bulgaria before their adoption.

In June 2012 the three children, a boy (X) and two girls (Y and Z), who were twelve, ten and nine years of age respectively, were adopted by an Italian couple. A few months after their adoption, their parents reported to various Italian authorities and the Italian press that their children had suffered sexual abuse during their time in the orphanage in Bulgaria.

In January 2013, having been informed about the article in the Italian press, the National Child Welfare Agency in Bulgaria ordered an inspection of the orphanage and informed the public prosecutor's office. A police investigation was carried out that year, as was another inspection by the child welfare authorities. Those procedures led to the discontinuance of the case, as the public prosecutor's office considered that none of the evidence showed that any offences had been committed. In January 2014 the Italian Ministry of Justice applied officially to the Bulgarian authorities. After the third investigation the regional prosecutor's office confirmed the previous discontinuance decision.

Relying on Article 3 (prohibition of torture, inhuman or degrading treatment), Article 6 (right to a fair trial), Article 8 (right to respect for private and family life) and Article 13 (right to an effective remedy), the applicants (X, Y, and Z) complain of suffering sexual abuse in the Bulgarian orphanage. They also submit that the Bulgarian authorities failed in their obligations to protect them from such treatment and subsequently to conduct an effective investigation.

Mehmedovic v. Switzerland (no. 17331/11)

The applicants, Elvir and Eldina Mehmedovic, are nationals of Bosnia and Herzegovina who were born in 1982 and 1983 respectively and live in Zug (Switzerland).

The case concerns the surveillance of Mr Mehmedovic in public areas by investigators from an insurance company.

In October 2001 Mr Mehmedovic was injured during a traffic accident as a car passenger. He complained that he suffered from epilepsy attacks and pain in his left arm, and brought two compensation claims in respect of his inability to perform household tasks against the two drivers and their insurance companies, estimating his claims at about 1.8 million euros. The insurer providing third-party cover to Mr Mehmedovic hired a private detective agency to monitor him with a view to establishing whether in fact he was unable to perform household tasks. His activities were filmed over four days in October 2006 from locations that were accessible to the public. The photos, videos and surveillance report showed that Mr Mehmedovic was able, without too much difficulty, to carry loads, shop, vacuum, and clean and polish his vehicle. His wife appeared in six photographs, but was not easily identifiable. The documents were added to the case files in the actions brought by Mr Mehmedovic.

In May 2007 Mr and Ms Mehmedovic brought an action alleging a violation of their personality rights, but this was dismissed by the domestic courts. The Federal Supreme Court held, in particular, that an infringement of personality rights arising from the surveillance of an insured person by a private investigator could correspond to overriding public or private interests, that is, it might be

justified by the fact that neither the insurer nor all of its insured clients, taken collectively, could be required to make payments in respect of claims that were unjustified.

Relying on Article 8 (right to respect for private and family life), Mr and Ms Mehmedovic complain that they were placed under surveillance by investigators hired by a private insurance company for four days in October 2006.

X v. 'the former Yugoslav Republic of Macedonia' (no. 29683/16)

The applicant, X, is a Macedonian national who was born in 1987 and lives in Skopje.

The case concerns administrative proceedings in which the applicant, who is transgender, sought to have the sex/gender marker on the birth certificate changed.

At birth X was registered as a girl, with a clearly female name. From an early age X became aware that he was male rather than female. In 2010 X went to a specialist clinic in Belgrade, where a psychologist and sexologist diagnosed him with "transsexuality". X started taking hormones to increase his testosterone levels, as recommended by the clinic. In June 2011 X applied for a change of his first and family name. The Ministry of the Interior allowed that application, registering X under a clearly male forename and issued X with a new identity card. However, the sex/gender marker and numerical personal code remained the same, identifying X as a female. In July 2011 X requested to have the sex/gender marker and the numerical personal code on his birth certificate corrected to indicate that he was male. However, the Ministry of Justice ("the Ministry") dismissed X's application on the grounds that there was no official document showing the applicant had changed gender.

X appealed to the Ministry, alleging that there was no statutory provision that regulated the matter. Sex reassignment surgery was unavailable in his home country and unjustified in his case. Furthermore, such a requirement would subject him to unwanted medical treatment and sterilisation. He argued that he had already been diagnosed as transsexual, which was sufficient to obtain legal gender recognition. In October 2011 the Ministry dismissed the appeal, but in February 2013 the Administrative Court quashed the Ministry's decision.

In June 2013 X underwent a double mastectomy (breast removal) in Belgrade and continued his hormone therapy. In the resumed proceedings, the authorities instructed the Forensic Institute to examine X and it found that he should be provided with a document attesting to his new sex. However, in December 2014 the Ministry again dismissed his request to alter the sex/gender marker in the birth register as it had still not obtained "evidence of an actual change of sex". Fresh proceedings before the Administrative Court are still ongoing.

X submitted reports from 2012 and 2016 showing that the protracted procedure on the legal recognition of his gender identity has had negative consequences on his mental health and life.

Relying in particular on Article 8 (right to respect for private and family life), X complains of the absence of a regulatory framework for legal gender recognition and the arbitrary imposition of a requirement for genital surgery. He also complains under Article 13 (right to an effective remedy) of a lack of an effective remedy.

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Gaziyev and Others v. Azerbaijan (no. 49349/12)
Jacobs and Haesbrouck v. Belgium (nos. 4956/12 and 55802/12)
Prisacaru v. Belgium (no. 8339/15)
Brkić v. Bosnia and Herzegovina (no. 26606/18)

Elčić and Others v. Bosnia and Herzegovina (nos. 34524/15, 34525/15, 61598/15, 61602/15, 61607/15, and 61613/15)
Šain v. Bosnia and Herzegovina (no. 61620/15 and 53 other applications)
Rashkovi v. Bulgaria (no. 52257/09)
Tashevski v. Bulgaria (no. 30211/09)
Tsenov v. Bulgaria (no. 69306/11)
Tsifrovi Sistemi OOD v. Bulgaria (no. 9838/12)
V.J. v. France (no. 48070/14)
Bregvadze v. Georgia (no. 49284/09)
Kekelidze v. Georgia (no. 2316/09)
Topaloglu v. Georgia (no. 25406/08)
Klinkel v. Germany (no. 47156/16)
Bartos v. Hungary (no. 6240/18)
Borbély and Others v. Hungary (nos. 59497/14 and 48026/15)
Boza and Others v. Hungary (nos. 4956/15, 39867/15, 29615/16, and 23181/17)
Csontos and Others v. Hungary (nos. 33248/13, 9976/15, 61753/15, and 66168/17)
Csordás and Others v. Hungary (nos. 1203/17, 1394/17, 6195/17, 44809/17, 62945/17, 70382/17, 74046/17, and 77095/17)
Czéh and Others v. Hungary (nos. 26711/15, 29230/15, 32597/15, 33267/15, 34273/15, 35832/15, 36501/15, 52659/15, 52792/15, and 5645/16)
Huszár and Others v. Hungary (nos. 48523/13, 69562/13, 44711/14, 48677/14, 51035/14, 67502/14, 74002/14, 78054/14, 35490/15, and 61976/15)
Kahlert v. Hungary (no. 57258/14)
Kovács and Others v. Hungary (nos. 17981/16, 23096/16, 23702/16, 30763/16, 35494/16, 49764/16, 50222/16, 51165/16, 67937/16, and 71225/16)
Kovács and Others v. Hungary (nos. 68124/16, 35932/17, 70868/17, 71376/17, and 76244/17)
Kovács-Csincsák and Komlodi v. Hungary (nos. 39645/15 and 39646/15)
Kurmai and Others v. Hungary (nos. 64335/13, 52985/14, 35184/15, 38735/15, 40174/15, and 10736/17)
Kvacskay and Others v. Hungary (nos. 61394/14, 72599/14, 51117/15, 51118/15, 39912/16, and 25996/17)
Molnár and Others v. Hungary (no. 7101/12 and 304 other applications)
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