



Grand Chamber to examine case concerning teachers' right to strike

The Chamber of the European Court of Human Rights to which the case **Humpert and Others v. Germany** (application nos. 59433/18, 59477/18, 59481/18, and 59494/18) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The case concerns the sanctions imposed on the applicants, teachers with civil-servant status, for going on strike in order to improve their working conditions.

A legal summary of this case will be available in the Court's database HUDOC ([link](#)).

Principal facts

The applicants, Karin Humpert, Kerstin Wienrank, Eberhard Grabs and Monika Dahl, are German nationals who were born in 1961, 1960, 1951 and 1965, respectively. They live in Rantrum, Bremerhaven, Neuenhaus and Diemelstadt (all in Germany), respectively.

They are teachers and are employed by different *Bundesländer* as civil servants.

In 2009 and 2010, respectively, they did not turn up to work for between one hour and three days, demanding an improvement in learning and working conditions.

They were subsequently subjected to disciplinary sanctions for having been on strike.

The applicants challenged the decisions against them in different administrative courts and the Federal Constitutional Court, to no avail. The Federal Constitutional Court held in particular that the Basic Law banned civil servants from going on strike, which it considered compatible with the European Convention of Human Rights and the European Court's case-law.

Complaints and procedure

The applications were lodged with the European Court of Human Rights on 10 December 2018.

The applicants complain under Articles 11 (freedom of assembly and association) and 14 (prohibition of discrimination) of the European Convention on Human Rights that the ban on teachers – with civil-servant status – striking was not prescribed by law, was disproportionate and, in comparison with teachers employed on a contractual basis, discriminatory. They moreover complain, under Article 6 § 1 (right to a fair trial), that the Federal Constitutional Court failed to consider international treaties on the matter.

On 10 September 2019 the Government of Germany was given [notice](#)² of the application, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 6 September 2022.

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.

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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.