



Judgments of 5 September 2023

The European Court of Human Rights has today given notification in writing of 13 judgments¹: six Chamber judgments are summarised below;

separate press releases have been issued for two other judgments in the cases of *Van den Kerkhof v. Belgium* (application no. 13630/19), and *Radio Broadcasting Company B92 AD v. Serbia* (no. 67369/16);

five Committee judgments, concerning issues which have already been examined by the Court, can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment in French below is indicated with an asterisk ().*

[Koilova and Babulkova v. Bulgaria](#) (application no. 40209/20)*

The applicants, Darina Koilova and Lilia Babulkova, are Bulgarian nationals who were born in 1986. They were married in 2016 in the United Kingdom, where they had been living since 2009. They currently live in Sofia (Bulgaria).

The case concerns a same-sex couple who complain that their marriage abroad is not recognised by the Bulgarian authorities.

In particular, the applicants rely on Article 8 (right to respect for private and family life) of the European Convention to complain of the Bulgarian authorities' refusal to indicate Ms Koilova's marital status as "married" on the relevant civil record. They allege that they are deprived of the legal protection to which they consider themselves entitled as a same-sex married couple.

Relying on Article 14 (prohibition of discrimination) in conjunction with Article 8 and Article 12 (right to marry) of the European Convention on Human Rights, they allege that the impossibility of obtaining any form of legal recognition of their couple and of the marriage they contracted abroad constitutes discrimination on the ground of sexual orientation.

Violation of Article 8

Just satisfaction: The Court held that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicants and that the respondent State was to pay them 3,000 euros (EUR) for costs and expenses.

[Hanževački v. Croatia](#) (no. 49439/21)

The applicant, Kristijan Hanževački, is a Croatian national who was born in 1983 and lives in Kućan Marof (Croatia).

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a judgment's delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day. Under Article 28 of the Convention, judgments delivered by a Committee are final.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

The case concerns the applicant's complaint about inadequate conditions of detention in Varaždin, Zagreb, Lepoglava and Bjelovar prisons between 2008 and 2013. He unsuccessfully brought civil proceedings for damages against the State following the end of his imprisonment, and ultimately his constitutional complaint in this connection was declared inadmissible in 2021.

Relying on Article 6 § 1 (right of access to court) of the European Convention, he alleges a lack of effective access to the Constitutional Court because of a retroactive application of the admissibility criteria in his case. Also relying on Article 3 (prohibition of inhuman or degrading treatment), he alleges that the conditions of his detention had been inhuman and degrading, in particular on account of overcrowding, appalling hygiene and poor food.

Violation of Article 6 § 1

Violation of Article 3 on account of inadequate conditions of detention in Zagreb Prison and Lepoglava State Prison

No violation of Article 3 on account of inadequate conditions of detention in Bjelovar Prison

Just satisfaction:

non-pecuniary damage: EUR 9,900

costs and expenses: EUR 3,000

[Al-Masudi v. Denmark](#) (no. 35740/21)

[Goma v. Denmark](#) (no. 18646/22)

[Noorzae v. Denmark](#) (no. 44810/20)

[Sharifi v. Denmark](#) (no. 31434/21)

All four cases concern an order for the expulsion of a settled migrant, issued in criminal proceedings.

The applicant in the first case, Mohamad Mustafa Hamid Al-Masudi, is an Iraqi national who was born in 1994 and lives in Nyborg (Denmark). The applicant in the second case, William Hakeem Goma, is a Congolese national who was born in 1999 and lives in Copenhagen. The applicants in the last two cases, Omid Noorzae and Amir Shah Sharifi, are Afghan nationals who were born respectively in 1995 and 1992; they both live in Copenhagen.

All four applicants arrived in Denmark at a very young age. They have criminal records in the country, with convictions for serious crimes including rape, robbery, repeated violence and drugs offences, and the authorities decided on various dates in 2020 and 2021 to expel them. The first two applicants were given a lifelong ban on returning, while the other two were given a 12-year ban.

Relying on Article 8 (right to respect for private and family life) of the Convention, the applicants all allege that the decisions against them did not balance the opposing interests at stake in their cases, failing in particular to take into account that they had very strong ties to Denmark and practically none with their countries of origin.

Just satisfaction:

in the cases of *Al-Masudi v. Denmark* (no. 35740/21) and *Goma v. Denmark* (no. 18646/22) the Court held that there was **no violation of Article 8**

In the case of *Noorzae v. Denmark* (no. 44810/20) the Court held that there was a **violation of Article 8** and that the finding of a violation constituted in itself sufficient just satisfaction for the non-pecuniary damage sustained by the applicant. The respondent State was to pay him EUR 5,400 for costs and expenses.

In the case of *Sharifi v. Denmark* (no. 31434/21), the Court held that there was a **violation of Article 8**. The applicant did not submit any claim for just satisfaction.

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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.