

## Announcement of a Grand Chamber case concerning the right to strike of teachers with civil servant status

The European Court of Human Rights will be ruling in the case of **Humpert and Others v. Germany** (application nos. 59433/18, 59477/18, 59481/18, and 59494/18) at a public hearing on 14 December 2023 at 3.15 p.m. in the Human Rights Building, Strasbourg.

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.

### Principal facts and complaints

The applicants, Karin Humpert, Kerstin Wienrank, Eberhard Grabs and Monika Dahl, are German nationals who were born in 1961, 1960, 1951 and 1965, and live in Rantrum, Bremerhaven, Neuenhaus and Diemelstadt (all in Germany), respectively. At the relevant time, they were teachers employed by different *Bundesländer* as civil servants.

In 2009 and 2010 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.

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

### Procedure

The application was lodged with the European Court of Human Rights on 10 December 2018.

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

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

A [hearing](#) took place in public in the Human Rights Building, Strasbourg, on 1 March 2023.

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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.