



Grand Chamber Panel's decisions

At its last meeting (Monday 3 December 2018), the Grand Chamber panel of five judges decided to refer one case, to adjourn one request and to reject requests to refer 20 other cases¹.

The following case has been referred to the Grand Chamber of the European Court of Human Rights.

S.M. v. Croatia (application no. 60561/14): concerning a Croatian woman's complaint that she was forced into prostitution.

Referral accepted

[S.M. v. Croatia \(application no. 60561/14\)](#)

The applicant, Ms S.M., is a Croatian national who was born in 1990 and lives in Z.

The applicant lodged a criminal complaint in September 2012, alleging that a man had forced her into prostitution over several months in mid-2011. She alleged that the man, a former police officer, had driven her to meet clients, had made her give him half of the money she had earned from providing sexual services and had threatened her and punished her if she did not comply with his demands.

At the end of 2012 the man was indicted and the applicant was officially given the status of victim of human trafficking.

After an investigation, the man was brought to trial in 2013. However, he was acquitted of forcing the applicant into prostitution. The courts found the applicant's testimony incoherent and unreliable. They therefore concluded that the prosecution had failed to provide sufficient evidence for a conviction, and that the applicant had given sexual services voluntarily.

An appeal by the State Attorney's Office was dismissed in January 2014, while a constitutional complaint by the applicant was declared inadmissible in June of the same year.

The application was lodged with the European Court of Human Rights on 27 August 2014.

Relying in particular on Article 4 (prohibition of slavery / prohibition of forced labour) of the European Convention on Human Rights, the applicant complains of the lack of a legal framework to deal with the issues raised by her case and about the official response to her allegations.

In its Chamber [judgment](#) of 19 July 2018, the European Court of Human Rights held, by six votes to one, that there had been a violation of Article 4 of the Convention.

First, the Chamber ruled that Article 4 could be applied in cases such as the applicant's involving human trafficking and exploitation of women for the purposes of prostitution, even if there had been no international element to her case.

The Chamber then went on to find that, although there was an adequate legal framework in Croatia for criminalising trafficking in human beings, forced prostitution and exploitation of prostitution,

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

there had been shortcomings in the authorities' investigation into her case. In particular, they had not interviewed all the possible witnesses and, in finding that she had voluntarily given sexual services to acquit the accused, had taken no account of international laws on human trafficking according to which the consent of the victim was irrelevant.

On 3 December 2018 the Grand Chamber Panel accepted the Croatian Government's request that the case be referred to the Grand Chamber.

Request for referral adjourned

Request for referral submitted by the applicant

Centrum för rättvisa v. Sweden (no. 35252/08), [judgment](#) of 19 June 2018

Requests for referral rejected

Judgments in the following 20 cases are now final².

Requests for referral submitted by the applicants

Kahadawa Arachchige and Others v. Cyprus (applications nos. 16870/11, 16874/11 and 16879/11), [judgment](#) of 19 June 2018

Allègre v. France (no. 22008/12), [judgment](#) of 12 July 2018

N.K. v. Germany (no. 59549/12), [judgment](#) of 26 July 2018

T.K. v. Lithuania (no. 14000/12), [judgment](#) of 12 June 2018

Petrović and Others v. Montenegro (no. 18116/15), [judgment](#) of 17 July 2018

Fortalnov and Others v. Russia (nos. 7077/06, 35973/07, 7814/08, 25724/08, 49087/08, 61400/11, 70401/11, 5375/12, 10447/12, 30658/13, 63531/13, 2838/14 and 7442/15), [judgment](#) of 26 June 2018³

Volokitin and Others v. Russia (nos. 74087/10, 15410/11, 72789/12, 5359/13, 37098/13, 39017/13, 53719/13, 72539/13, 79934/13, 1026/14, 28411/14, 32615/14, 27904/15 and 9395/16), [judgment](#) of 3 July 2018

Bursa Barosu Başkanlığı and Others v. Turkey (no. 25680/05), [judgment](#) of 19 June 2018

Zehra Foundation and Others v. Turkey (no. 51595/07), [judgment](#) of 10 July 2018

Requests for referral submitted by the Government

Mangîr and Others v. the Republic of Moldova and Russia (no. 50157/06), [judgment](#) of 17 July 2018⁴

Sandu and Others v. the Republic of Moldova and Russia (nos. 21034/05, 41569/04, 41573/04, 41574/04, 7105/06, 9713/06, 18327/06 and 38649/06), [judgment](#) of 17 July 2018⁵

Abdulkadyrov and Dakhtayev v. Russia (no. 35061/04), [judgment](#) of 10 July 2018

Fefilov v. Russia (no. 6587/07), [judgment](#) of 17 July 2018

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

³ Request for referral submitted by Mr Yegorin (application no. 30658/13).

⁴ Request for referral submitted by Russia.

⁵ Request for referral submitted by Russia.

Mariya Alekhina and Others v. Russia (no. 38004/12), [judgment](#) of 17 July 2018

Shulmin and Others v. Russia (nos. 15918/13, 51623/15, 53700/15, 18524/16, 33214/17, 34421/17, 35675/17 and 36267/17), [judgment](#) of 18 July 2018

Vasilevskiy and Bogdanov v. Russia (nos. 52241/14 and 74222/14), [judgment](#) of 10 July 2018

Mirković and Others v. Serbia (nos. 27471/15, 27288/15, 27751/15, 27779/15, 27790/15, 28156/15, 28418/15, 30893/15, 30906/15, 32933/15, 35780/15, 40646/15, and 55066/15), [judgment](#) of 26 June 2018

Bakır and Others v. Turkey (no. 46713/10), [judgment](#) of 10 July 2018

Hülya Ebru Demirel v. Turkey (no. 30733/08), [judgment](#) of 19 June 2018

İmret v. Turkey (no. 2) (no. 57316/10), [judgment](#) of 10 July 2018

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 [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

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.