



## European court of human rights: Impact on legislative reformation of the European states

Simeon Olaosebikan Oni

Senior Lecturer, Department of Public and International Law, Faculty of Law, Lead City University, Ibadan, Nigeria

### Abstract

The right to a fair trial is an essential safeguard of a just society and its importance cannot be overstated. It is an essential guarantee of the rule of law. When a person is charged with a crime, or involved in some other legal dispute, they have the right to a fair trial. This means a fair and public hearing within a reasonable time, by an independent and impartial court. In Europe, the European Court of Human Rights has remedied numerous cases of unfair trials including many which led to the oppression and imprisonment of innocent persons. Many people have used the European Convention on Human Rights to get a retrial and to make sure that the government of the Member States develop proper rules which prevent dehumanization and thereby practice rule of law to avoid similar miscarriages of justice. This paper shall examine the position of national law of some Member States and identify how the decisions of the European Court of Human Rights have resorted to legislative reformation of the European States.

**Keywords:** European court, council of Europe, human rights, legislative reformation, Europe, Strasbourg court

### Introduction

Sometimes, human rights can be interfered with by the State, but they should never be violated. For example, a person has the rights to freedom, but this right can be limited if a person is reasonably suspected in committing a crime. However, in case of interferences they should be based on the law which is necessary in democratic society, for the purposes of protection of public order and health. The State must not violate any right to a fair trial and in case of any arbitrary violation of the object and purpose of the right to a fair trial, the onus is on the European Court of Human Rights (otherwise referred to as the Strasbourg Court) to mediate between the oppressor and the oppressed and make appropriate suggestions and recommendations to the governments of the concerned State Party so as to prevent any future violation.

The European Court of Human Rights (ECHR), which has its seat in Strasbourg, France, monitors State Parties' compliance with European human rights treaties and their additional protocols. The main treaty monitored by the Court is the European Convention on the Protection of Human Rights and Fundamental Freedoms, which came into force in 1950. The European Court is the judicial organ of the Council of Europe (CoE). Failure by States Parties to abide by judgements of the Court can lead to expulsion from the Council of Europe, and the Court's decisions are binding on all Council of Europe members.

The European Court of Human Rights has been used by the aggrieved parties to redress thousands of cases of unfair trials as well as affording the people the opportunity of retrial, compensation and making sure that governments develop proper rules to avoid similar miscarriages of justice, the compliance of which is strictly sanctioned by the Council of Europe.

The European Convention on Human Rights plays central roles in the protection of the right to a fair trial in Europe and it is the yardstick with which the various violations of the right to a fair trial is measured. The Convention states as follows:

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.  
Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
  - a. To be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
  - b. To have adequate time and facilities for the preparation of his defence;
  - c. To defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
  - d. To examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
  - e. To have the free assistance of an interpreter if he cannot understand or speak the language used in court <sup>[1]</sup>.

There have been so many violations of the provision of Article 6 by the European States. Where the local courts have failed to apply the provisions of the right to a fair trial, Strasbourg court has rectified the miscarriages of justice which do not only give the victims a fair trial in virtually all segments of the concept, but also lead to the reforms of the local concept of the right amongst the Council of Europe

members. The various violations, subsequent recommendations and reformations are discussed hereunder:

### **1. Violation of Right to Fair Hearing**

According to Mole, complaints about the violation of the right to fair hearing, form the majority of the cases filed before the European Court of Human Rights <sup>[2]</sup>. The unfair trial of Cesar Igual Coll of Valencia in Spain led to the reforms of justice protection. In the Spanish court, Cesar was cleared by the court of first instance of failing to pay family maintenance, because he was unemployed and had no money. However, on appeal, the Appeal Court held no public hearing and no evidence was taken from him yet he was convicted and sentenced to jail. The European court ruled that he had been denied a fair hearing <sup>[3]</sup>.

As a result of the decision of the European Court, changes were made to the case law of the Spanish Constitutional Court, which were later taken up by the Supreme Court of Spain and consequently led to the change in the Law on Criminal Procedure in 2015. It further strengthened the procedural safeguards and helped prevent similar problem from happening again.

### **2. Violation of Right to Liberty and the Right to be Heard**

In 1968, local court in the Netherlands ordered Frits Winterwerp to be kept in a psychiatric hospital. Throughout the 1970s the local court kept giving annual orders to ensure that he could not leave. This made Winterwerp to automatically lose control of his money and assets. Despite his insistence to be released because he had no mental illness, and that he was not a danger to himself or others, he was however repeatedly prevented from making his case in the Dutch courts, which kept extending his detention without hearing his side of the case.

The European court ruled that while the authorities may detain a person with a mental illness, the person should have the right to challenge the decision before the courts <sup>[4]</sup>. They should also have the chance to be heard in court and be represented by a lawyer. The court ruled that four different requests to be released, all of which were refused violated his right to liberty. Consequently, with this decision, new legislation was introduced in 1980. This required that, in all cases of involuntary admission to a psychiatric hospital, the patient has the right to be heard when a court is considering whether the patient should stay detained. In addition, the law was also changed so that patients who are involuntarily admitted to a psychiatric hospital do not automatically lose control over their property.

### **3. Fair trial reforms in Croatia after innocent man was sentenced to 40 years in jail**

In Croatia, Nedo Ajdaric was 52 when he was given an unfair trial, wrongly convicted of three murders, and sentenced to 40 years in prison despite the fact that there was no evidence against him except that of a prisoner suffering from emotional instability and histrionic personality disorder who claimed he heard Mr Ajdaric and another man talking about it.

As a result of the inconsistencies in the evidence of the prisoner, the European Court said that his evidence should not have been capable of convicting Mr Ajdaric. In these circumstances, the proceeding against Mr Ajdaric was declared a breach of his right to a fair trial <sup>[5]</sup>. The Court

released Adjaric and this made the Croatian Constitutional Court to change its case law to highlight the need for courts to properly examine evidence in trials, and for the arguments of the accused to be properly considered.

### **4. Independence of the Judiciary**

The rulings by the European Court of Human Rights, in which the Court delivered the interpretation of Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms in the light of a correct understanding of the notion of judicial independence, have undoubtedly been of crucial significance for domestic law. They are often cited equally by the Constitutional Tribunal, the Supreme Court, and the Common Courts.

Independence of the judiciary presupposes a separation of powers in which the judiciary is institutionally protected from undue influence by, or interference from the executive. In Ukraine, Oleksandr Volkov was dismissed from his role as a Supreme Court judge. During the vote on his dismissal in Parliament, certain members had illegally voted in the place of others who were absent. His legal representative argued that he had been the victim of political corruption, which sought to undermine the independence of the Ukrainian judiciary.

The European Court ruled that his dismissal had been filled with bias and manipulation by the Ukrainian government, and this was considered as a breach of his basic rights. Mr Volkov was reinstated as a Supreme Court judge in 2015 <sup>[6]</sup>. Following the Volkov's case, the Ukrainian government carried out the following substantial legislative and institutional reforms in order to improve the independence and impartiality of the judiciary: Re-organisation of the High Council of Justice, the body in charge of administering the Ukrainian justice system to reduce the possibility of any political influence; Parliament no longer has any influence on judicial discipline and careers of judges; Restrictions on the powers of prosecutors to discipline judges; Creation of objective procedures for evaluating judges and disciplinary sanctions; Changes to the constitution and the adoption of two major laws in order to improve structural protections of judicial independence; and Effective judicial review and appeals procedure against decisions to remove or discipline judges. Lastly, the Council of Europe continues to monitor efforts in support of an independent and impartial judiciary in Ukraine.

### **5. Right against discrimination**

There was a dispute between Roma and non-Roma residents in nearby villages. A notice was displayed by the non-Roma residents, saying that the Roma residents' houses would be burnt down the following day. The local authorities were informed about the threat but refused to intervene. All of the Roma inhabitants of the village had their houses burnt down by other locals. After the attack, the authorities did not investigate properly and the courts failed to give the victims a fair trial. Their application to the European Court led to compensation and local programmes to combat discrimination and exclusion <sup>[7]</sup>.

The failure to investigate attack on Roma settlement led to local reforms, The Romanian government approved an educational programme in the applicants' area to tackle anti-Roma discrimination. Local authorities launched a programme aimed at improving schools in the area and the local infrastructure, as well as helping Roma villagers have access to decent living conditions and economic activities.

## 6. Violation of the right to private and family life.

Among other things, Article 6 of the European Convention protects the right to private and family life. After Slovenia declared independence from Yugoslavia in 1991, citizens of other former Yugoslav republics living in the country were given a deadline to acquire Slovenian citizenship. According to Mr Kuric, he was in hospital at the time and could not make the application. Those who failed to get citizenship automatically lost their permanent resident status without being notified. Over 25,000 people living in Slovenia were automatically stripped of their residency rights. Many of them, including Mustafa Kuric had their papers taken away, were evicted from apartments, could not work or travel, lost personal possessions or lived in poor conditions. Mr. Kuric, a shoemaker, lived without rights for 20 years.

The European Court ruled that the Slovenian legal system did not properly regulate the status of the “erased” until 2010. Due to this legal uncertainty, and the fact that the “erased” could not legally live or work in the country, they were exposed to extreme hardship for almost 20 years with no chance of resolving their situation. The Court said that the unlawful and disproportionate actions of the government had been discriminatory and violated the applicants’ right to private and family life. Mustafa Kuric was eventually given the right to live legally in Slovenia<sup>[8]</sup>.

As a result of this decision of the European Court, legislation was changed to make sure that the “erased” could obtain the right to live in Slovenia. Over 10,000 people were awarded either citizenship or permanent residency. A new scheme was also introduced to provide them with compensation, totalling many millions of euros.

## 7. Violation of the right to dignity of human person and the right to liberty

In Belgium, a four-year old Congolese national, Tabitha Mitunga was travelling with her uncle to Canada, where her mother had obtained asylum. During her journey, Tabitha was detained at Brussels Airport because she did not have the right papers to enter Belgium. Tabitha was detained by the Belgian authorities for almost two months. She had been taken away from her uncle and had no family or friends with her. She was kept in the same place as adults, with nobody assigned to look after her. She was eventually deported to the Democratic Republic of Congo. However, her mother was not informed in advance, so there was nobody waiting for Tabitha when she arrived back in her home country.

The Strasbourg court ruled that Tabitha’s detention had serious psychological effects on her. Furthermore, she had been deported regardless of the situation she would find upon arrival. Her detention and deportation had amounted to inhuman treatment and a violation of the right to private life of Tabitha as well as that of her mother. The violations had resulted from a lack of legal provisions about how unaccompanied minors should be treated in Belgium. The court also found a violation of Tabitha’s right to liberty, due to her inappropriate detention and the lack of an effective way to challenge it<sup>[9]</sup>. Tabitha eventually joined her mother in Canada in October 2002, after the intervention of the Belgian and Canadian Prime Ministers.

After the case was lodged at the Strasbourg court, personal tutors were introduced for unaccompanied children in 2004. The tutors’ mission is to safeguard the children’s interests whilst they are under state protection, and they have the

power to challenge a deportation order. Furthermore, the law was changed in 2007 so that detention of unaccompanied minors was abolished in almost all cases. Finally, a law of 2012 requires that unaccompanied minors who may be deported will be properly received and cared for in the country they are deported to.

## 8. Violation of trial within a reasonable time

The right to trial within a reasonable time is a fair hearing requirement that ensures that justice is done in a timely manner. As the saying goes, justice delayed is justice denied. The European Court in plethora of rulings, decided that when justice is unduly delayed, its effectiveness and credibility may be jeopardised. What constitute within a reasonable time depends on the circumstances of each complaint. A case that eventually took 15 years to conclude, was held by the European Court as not being unreasonable<sup>[10]</sup>.

In Lithuania, numerous cases brought before the European Court of Human Rights were on the violation of the right to trial within a reasonable time as a result of the excessive length of legal proceedings in country. One of the cases of excessive length of proceedings that found its way to the European Court, was the one by a businessman, Donatas Šulcas. Mr Šulcas was involved in a litigation and it took the Lithuanian courts eight years and nine months to make a final ruling on it. The European court ruled that numerous delays had been caused by mistakes or inertia on the part of the Lithuanian authorities. In this case, the length of the proceedings was considered to be excessive. The European Court further ruled that the excessive length of time had violated Mr Sulcas’ right to access a court in a reasonable time. The court also found that, under Lithuanian law at the time, Mr Sulcas had no access to an effective remedy for this delay and that miscarriage of justice was remedied by the European Court<sup>[11]</sup>.

However, between 2010 and 2014, a series of significant and wide-ranging reforms were made to ensure timely access to justice in the Lithuanian courts. These included changes to the Criminal Procedure Code, the Code of Civil Procedure and the Law on Administrative Proceedings. These changes led to a significant drop in the average length of legal proceedings. By 2013 the average time taken for proceedings to be concluded was well under two years. Lastly, a procedure to obtain compensation for unreasonable delays was also introduced, which the European court recognised as being effective in 2013.

Like Lithuania, dozens of cases were brought to the European Court about excessive legal delays in Germany. The case of one Rudiger Rumpf readily comes to mind. Mr Rumpf ran a personal security service. He lodged an administrative request on what was crucial to the running of his business. This request later led to a legal challenge. However, it took 13 years and 5 months for his case to be finally rejected. The length of proceedings and resulting uncertainty did not only cost him a lot but also caused him significant damage. The European Court observed that there had been no reason for Mr Rumpf’s proceedings to take such a long time. The court ruled that the length of the case had violated his right to have his claim decided by a court in a reasonable time<sup>[12]</sup>.

Using Mr Rumpf’s application as a test case, the European Court identified a structural problem about the German law which did not provide a way for people to obtain a remedy

for unreasonable legal delays. The court consequently suggested speedy litigation or compensation for such as proceedings being speeded up, or compensation for unreasonable legal delays.

Also in Turkey, hundreds of applicants from Turkey brought cases to the European Court of Human Rights complaining about excessively long proceedings in the Turkish courts. One of the applicants was Fatma Ormanci. Her husband was killed in 1991, when terrorists raided the village of Kahramanmaras and killed all of the male inhabitants. Along with the dead man's children, Mrs Ormanci brought a case against the Ministry of Internal Affairs. They claimed that the State had breached its responsibility to protect the life and security of its citizens. The claimants won the case. However, it took almost six years for the courts to deal with the claim. While delivering its ruling on the *Ormanci's* case, the European Court said that the claim had not been particularly complex, and the case had been of considerable importance to the applicants. In the circumstances, the proceedings had lasted too long. The delays had violated the applicants' right to have their case examined within a reasonable time<sup>[13]</sup>. The court had found that applicants in over 280 other cases also faced excessively long delays in Turkish legal proceedings.

However, in view of the series of cases, major reforms were made in the Turkish judicial system. Reforms included streamlining procedures, simplifying rules and reorganising the Court of Cassation. The reforms affected the administrative, civil, criminal, labour, land registry, military, commercial and consumers' courts.

### 9. Unfair delay of Justice targeted at Life Expectancy

In Denmark, a man infected with HIV through blood transfusion had his case delayed for over five years. By that time, Mr C had died of AIDS. Before his death, Mr C lodged a claim for compensation. The speed and outcome of the proceedings were crucial to him, as he had an incurable disease and a reduced life expectancy. However, his case did not reach trial before his death. Mr C complained to the European Court of Human Rights before his death that an unreasonable delay in the legal proceedings had denied him justice. The European Court in Strasbourg found that the proceedings had been unreasonably long, and that the authorities had failed to ensure that the case was dealt with speedily. This had breached Mr C's right to be tried within a reasonable time<sup>[14]</sup>. The court also found that seven other applicants in similar circumstances were the victims of the same violation in Denmark.

The Danish civil courts' practice was adapted in order to help ensure better compliance with the reasonable time requirement. Mr C's widow was paid 100,000 Danish Krone in compensation.

### 10. Suspicions of a biased Judge based on the use of Judicial Discretion

In the late 1990s the DMD Group a Slovakian company was involved in an important legal claim against other companies, worth almost three million euros. The defending companies were suspected of manipulating at least one public officer to avoid paying their debts. At first the claim succeeded in the Slovakian courts. However, suddenly the president of the district court arranged for the case to come to him. On the very same day he ordered that the claim should fail, in a decision which was only two pages long

and which could not be appealed. The DMD Group believed that the judge had deliberately taken over the case, so that he could arrange for it to fail. The judge had an almost unlimited discretionary power to assign cases as he wished, without having to give any reasons. He had singled out the DMD Group case to be heard by himself, and dismissed it in an abrupt decision.

The European court ruled that when judges exercise their discretionary power as regards who hears a particular case, the exercise of such power must not only be done judicially, but must also be done judiciously. In the exercise of such power, the European Court said that there must be clear rules to prevent the abuse of this power. The European Court further held that the rules allowing the judge to assign the case to himself had been unfair and it is a violation of the right to a fair trial<sup>[15]</sup>.

In 2004 a law was passed to make the Slovakian justice system more impartial. It required the distribution of cases to judges to be completely random, through an electronic system. Exceptions can only be justified in very particular circumstances.

### 11. Impartiality of Judges

Impartiality lies at the very heart of the notion of justice and fair trial. It is therefore not surprising that it occupies a prominent place in the due process guarantees enshrined in the European Convention on Human Rights and in the case-law of the European Court of Human Rights. Public perception that justice is impartial is the foundation for the confidence which citizens must have in their judicial system.

In a case where the presiding trial Judge had previously been head of a section in the public prosecutor's department which had been responsible for the prosecution of the accused. The Court held that if an individual, after holding in the public prosecutor's department an office whose nature is such that he may have to deal with a given matter in the course of his duties, subsequently sits in the same case as a Judge, the public are entitled to fear that he does not offer sufficient guarantees of impartiality<sup>[16]</sup>.

Also in a Maltese case, one Mrs M was involved in a legal battle with her neighbour. The judge presiding over the court was the brother and uncle of two of the lawyers representing her neighbour in the case. The Maltese court ruled against Mrs M. and in favour of the neighbour. Mrs M complained that the court had been biased.

The European Court in Strasbourg ruled that the close family ties between the opposing party's lawyers and the presiding judge justified fears that the judge lacked impartiality. This breached Mrs M's right to a fair trial. The court noted that under Maltese law at the time, there was no automatic duty for a judge to withdraw from cases where impartiality could be an issue. There was also no way for a person to request that a judge should not hear their case, when they were related to the other side's lawyers<sup>[17]</sup>.

However, after the case was lodged with the Strasbourg court, Maltese law was changed. It now allows a judge to be challenged or abstain from dealing with a case, if one of the legal representatives is a close relation.

### 12. Unfair Trial by way of Manipulation of Evidence

Tampering with evidence is closely related to the legal issue of spoliation of evidence, which is usually the civil law or due process version of the same concept (but may

itself be a crime). Tampering with evidence is also closely related to obstruction of justice and perverting the course of justice, and these two kinds of crimes are often charged together. The goal of tampering with evidence is usually to cover up a crime.

In Albania, a robbery was carried out by three people wearing blue and white balaclavas. Vladimir Laska and Artur Lika were arrested by police, but protested their innocence. The police put Mr Laska and Mr Lika in a line-up for witnesses, but made them wear blue and white balaclavas, the colour worn by the criminals. Other people in the line-up wore black balaclavas. Witnesses identified Mr Laska and Mr Lika as the robbers. This “identification” was then used to convict them in court.

However, the European Court ruled that the identification line-up had involved blatant irregularities. The conviction of Mr Laska and Mr Lika had been based on fundamentally flawed evidence, which had violated their right to a fair trial<sup>[18]</sup>. Mr Laska and Mr Lika had a retrial. They were both cleared of all charges.

This case led to the Albanian reformation of the Code of Criminal Procedure which was changed to require the authorities to go through proper procedures when identifying suspects and avoid false accusations.

### 13. The right not to incriminate oneself

With this right, it is the duty of the prosecutor to prove the guilt of the accused without resort to evidence obtained through coercive means. The International Covenant on Civil and Political Rights (ICCPR) guarantees the right of the accused not to be compelled to testify against himself or to confess guilt<sup>[19]</sup>.

The European Court on Human Rights pointed out the violation of the right not to be forced to incriminate oneself. This right protect the accused against improper compulsion by the authorities thereby contributing to the avoidance of miscarriages of justice. The European Court interpreted this right as presupposing that the suspect shall not be forced to talk<sup>[20]</sup>.

In the Albanian case of Olsi Kaciu who was tortured by police and forced to give a statement which was later used to convict him. The court found that Mr Kaciu had been tortured by police until he could not walk or stand. Given that the criminal prosecution against him had been based solely on evidence obtained through this torture, his trial and conviction was considered as unfair as it breached his basic rights<sup>[21]</sup>.

As a result of this case and others, a range of reforms were introduced to prevent the ill-treatment of detainees and the use of evidence obtained through coercion.

### 14. The Right of Access to Courts or Tribunal

The right of access to a court or tribunal with regard to the right of access to the courts, the European Court of Human Rights has ruled that article 6(1) “secures to everyone the right to have any claim relating to his civil rights and obligations brought before a court or tribunal”; where a prisoner was refused permission by the United Kingdom Home Secretary to consult a solicitor in order to bring a civil action for libel against a prison officer, this refusal was held to have constituted a violation of the applicant’s “right to go before a court as guaranteed by article 6(1)<sup>[22]</sup>.”

Johanna Airey complained to the authorities that her husband was a violent alcoholic. She claimed that he

subjected her and her four children to mental and physical violence for many years. Mrs Airey sought a legal separation to protect herself and the children. However, no lawyer would represent her because she could not afford the fees.

The European Court of Human Rights however ruled that it would have been impossible for Mrs Airey to represent herself in court. In these circumstances, the lack of any legal aid from the government meant that she was effectively denied access to a court. This breached her basic rights<sup>[23]</sup>.

After the Strasbourg court’s judgment, in 1980 legal aid was introduced in Ireland for a range of civil issues. Among the beneficiaries were women involved in separation cases, suffering from the same problems as Mrs Airey. The programme provided them with legal advice and effective access to the courts.

### 15. Right to Appeal

In Andorra, one Mr Millan wanted to lodge an appeal with the Andorran Constitutional Tribunal, claiming that his trial had been unfair. According to the law, he first had to get permission from the State Counsel’s Office. The State Counsel refused to give him the permission. Mr Millan complained that the decision of a government body meant that he was denied access to a court. However, Mr Millan and the Andorran government reached a friendly settlement after the European court agreed to look at the case.<sup>[24]</sup> The government agreed that Mr Millan should be able to appeal to the Constitutional Court without first obtaining permission from the State Council.

In 1999 the law was changed, so that anyone who thinks their constitutional right to judicial protection has been infringed can appeal directly to the Constitutional Tribunal without obtaining permission from the State Counsel’s Office.

### Conclusion

There is no ideal system. Any judicial system may face challenges. It is important to ensure that the issues that the courts face do not become systematic otherwise, the courts will lose the trust of the people and become illegitimate and unable to protect the right to a fair trial. The main criteria for the effectiveness of the national courts are: a low level of corruption, a high level of education of judges, strict adherence to procedural norms that are consistent with international law, physical and procedural protection of both the judiciary and judges, guarantees of independence, impartiality of judges and adherence to the principle of rule of law. The impact of the European Court of Human Rights on the Member States have been impressive, and in the circumstance, I hereby recommend that the same respect accorded the European Court by the Member States should be accorded the African Commission by its Member States to prevent the rush to the International Court of Justice in The Hague by the Africans.

### References

1. Article 6 of the European Convention on Human Rights
2. Nuala Mole, ‘Asylum and the European Convention on Human Rights’ 25 (2000) [http://www.coe.int/T/E/Human\\_rights/h-inf\(2002\)9eng.pdf](http://www.coe.int/T/E/Human_rights/h-inf(2002)9eng.pdf) available at last time visited June 28, 2023.

3. Igual Coll v. Spain 2009 Judgment of the European Court of Human Rights and Press Release Resolution of the Committee of Ministers DH (2017) 69
4. Winterwerp v. the Netherlands 1979 ECHR Judgment. Also in the Resolution of the Council of Europe's Committee of Ministers | DH (82) 2
5. Ajdaric v. Croatia 2011 ECHR Judgment and press release of the European Court of Human Rights
6. Oleksandr Volkov v. Ukraine 2013 ECHR Judgment and press release of the European Court of Human Rights
7. Kalanyos and Others v. Romania 2007 Judgment of the European Court of Human Rights
8. Kuric and Others v. Slovenia 2012 Judgment of the European Court of Human Rights.
9. Mubilanzila Mayeka and Kaniki Mitunga v. Belgium 2006 ECHR Judgment and press release of the European Court of Human Rights
10. H. v France, Eur. Ct. H. R. Ser. A. No. 162-A of Oct. 24, 1989. 161, Ciricosta & Viola v Italy Eur. Ct. H. R. Ser. A. No. 337-A of Dec. 4, 1995.
11. Sulcas v. Lithuania 2010, ECHR Judgment
12. Rumpf v. Germany 2010 ECHR Judgment and press release of the European Court of Human Rights.
13. Ormanci and Others v. Turkey 2004 ECHR Judgment and press release of the European Court of Human Rights.
14. Judgment A and Others v. Denmark (1) 1996 of the ECHR Judgment
15. DMD Group, a.s. v. Slovakia 2010 ECHR Judgment and press release of the European Court of Human Rights
16. Piersack v. Belgium 1982 Application no. 8692/79.
17. Micallef v. Malta 2009 ECHR Judgment and press release of the European Court of Human Rights.
18. Laska and Lika v. Albania 2010 ECHR Judgment and press release of the European Court of Human Rights.
19. Article 14(3) (g) of the ICCPR, 1966.
20. Murray v the United Kingdom 1996 ECHR Judgment.
21. Kaciu and Kotorri v. Albania 2013 ECHR Judgment.
22. Golder Case v. the United Kingdom 1975 ECHR Judgment of 21 February 1975, Series A, No. 18, p. 18, para. 36 and p. 19, para. 40 at p. 20.
23. Airey v. Ireland 1979 ECHR Judgment.
24. Millan i Tornes v. Andorra 1999 ECHR Judgment.