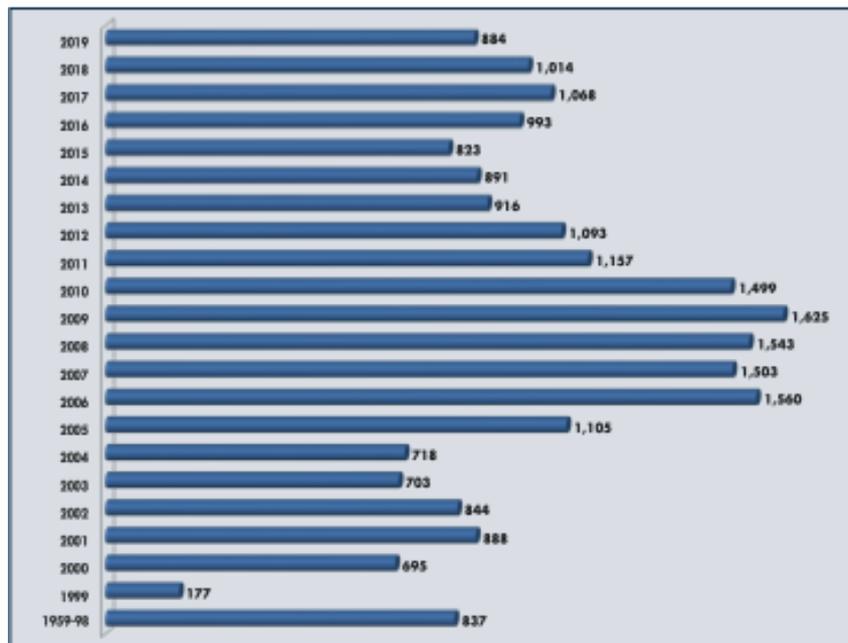




Recent case-law of the ECtHR on non-discrimination

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Source: *The ECHR in Facts & Figures 2019*

<i>Beizaras and Levickas v Lithuania</i> , ECtHR 14 January 2020, no 41288/15	<i>Cîrța v Romania</i> , ECtHR 18 February 2020, no 3891/19	<i>Hudorovič and Others v Slovenia</i> , ECtHR 10 March 2020, nos 24816/14 and 25140/14	<i>Cegolea v Romania</i> , ECtHR 24 March 2020, no 25560/13
<i>Makuchyan and Minasyan v Azerbaijan and Hungary</i> , ECtHR 26 May 2020, no 17247/13	<i>Popović and Others v Serbia</i> , ECtHR 30 June 2020, nos 26944/13 and others	<i>R.R. and R.D. v Slovakia</i> , ECtHR 1 September 2020, no 20649/18	<i>G.L. v Italy</i> , ECtHR 10 September 2020, no 59751/15
<i>Ádám and others v Romania</i> , ECtHR 13 October 2020, nos 81114/17 and others	<i>Berkman v Russia</i> , ECtHR 1 December 2020, no 46712/15	<i>Béla Németh v Hungary</i> , ECtHR 17 December 2020, no 73303/14	<i>Mile Novaković v. Croatia</i> , ECtHR 17 December 2020, no 73544/14
<i>Ryser v Switzerland</i> , ECtHR 12 January 2021, no 23040/13	<i>Sabalić v Croatia</i> , ECtHR 14 January 2021, no 50231/13	<i>Terna v Italy</i> , ECtHR 14 January 2021, no 21052/18	

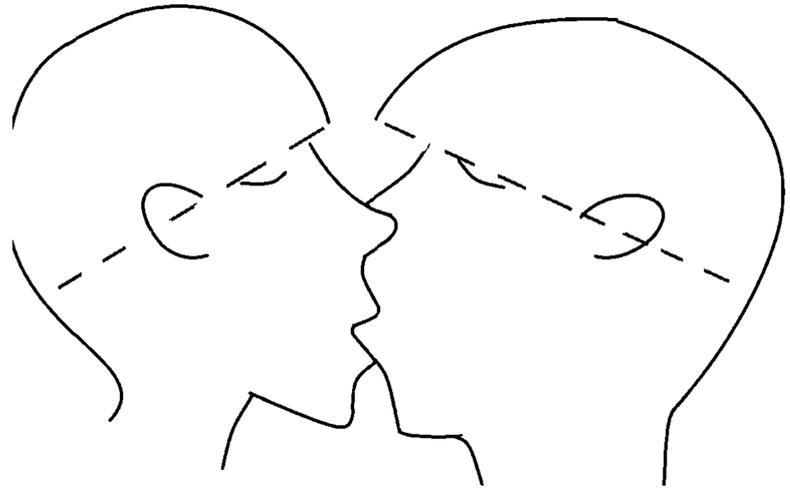






***Beizaras and Levickas v
Lithuania***

**ECtHR 14 January 2020, no
41288/15**



Beizaras and Levickas v Lithuania

107. ... pluralism and democracy are built on genuine recognition of, and respect for, diversity. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion.

119. ... there is no ambiguity about the member States' recognition of the right of individuals to openly identify themselves as gay, lesbian or any other sexual minority, and to promote their rights and freedoms

Beizaras and Levickas v Lithuania

129. ... the Court thus finds it established, firstly, that the hateful comments including undisguised calls for violence by private individuals directed against the applicants and the homosexual community in general were **instigated by a bigoted attitude towards that community** and, secondly, that the very same **discriminatory state of mind** was at the core of the failure on the part of the relevant public authorities to discharge their positive obligation to investigate in an effective manner whether those comments regarding the applicants' sexual orientation constituted incitement to hatred and violence, which confirmed that by **downgrading the danger of such comments the authorities at least tolerated such comments ...**



Fight back against **TRANSPHOBIA**
HOMOPHOBIA



Berkman v Russia,
ECtHR 1 December
2020, no 46712/15

Sabalić v Croatia, ECtHR
14 January 2021, no
50231/13



R.R. and R.D. v Slovakia,
ECtHR 1 September
2020, no 20649/18



Makuchyan and
Minasyan v Azerbaijan
and Hungary, ECtHR 26
May 2020, no 17247/13

Makuchyan and Minasyan v Azerbaijan and Hungary

213. ... the Court observes that the Hungarian courts convicted R.S. of committing an exceptionally cruel murder and of making preparations for another murder; moreover, the sole motive for those crimes was the Armenian nationality of his victims

216. ... [T]he Court finds particularly disturbing the statements made by a number of Azerbaijani officials glorifying R.S., his deeds and his [A] large majority of those statements expressed particular support for the fact that R.S.'s crimes had been directed against Armenian soldiers, congratulated him on his actions and called him a patriot, a role model and a hero.

217. [A] special page on the website of the President of Azerbaijan had been created, labelled "Letters of Appreciation regarding [R.S.]", where individuals could express their congratulations on his release and pardon ...

***Hudorovič and Others v
Slovenia, ECtHR 10
March 2020, nos
24816/14 and 25140/14***

In the WHO European Region
diarrhoeal diseases cause an
estimated

14 deaths per day
due to inadequate



WaSH WATER
SANITATION
HYGIENE

Diarrhoeal diseases can be prevented through:

safely managed
drinking-water



adequate sanitation
and safely managed
wastewater disposal



good handwashing
practices.



**HUMAN RIGHTS TO
WATER AND SANITATION**

Hudorovič and Others v Slovenia

116. ... **access to safe drinking water is not, as such, a right protected by Article 8 of the Convention.** However, the Court must be mindful of the fact that without water the human person cannot survive. A persistent and long-standing lack of access to safe drinking water can therefore, by its very nature, have adverse consequences for health and human dignity effectively eroding the core of private life and the enjoyment of a home within the meaning of Article 8. Therefore, when these stringent conditions are fulfilled, the Court is unable to exclude that **a convincing allegation may trigger the State's positive obligations under that provision.**

144. ... [T]he level of realisation of access to water and sanitation will largely depend on **a complex and country-specific assessment of various needs and priorities** for which funds should be provided. In the Court's view, the States must be accorded **wide discretion** in their assessment of those priorities and the legislative choices they make, given their **wide margin of appreciation in socio-economic matters.** That discretion must also apply to the concrete steps aimed at ensuring everyone has adequate access to water ...

141. ... a considerable part of the Roma population in Slovenia, who live in illegally built settlements that are often removed from the densely populated areas with a public water-distribution system, face greater obstacles than the majority in accessing basic utilities.

146. ... it is possible that [the Slovenian] legislation could produce disproportionate effects on the members of the Roma community, in so far as, similarly to the applicants, they live in illegal settlements and rely on social benefits for their subsistence.

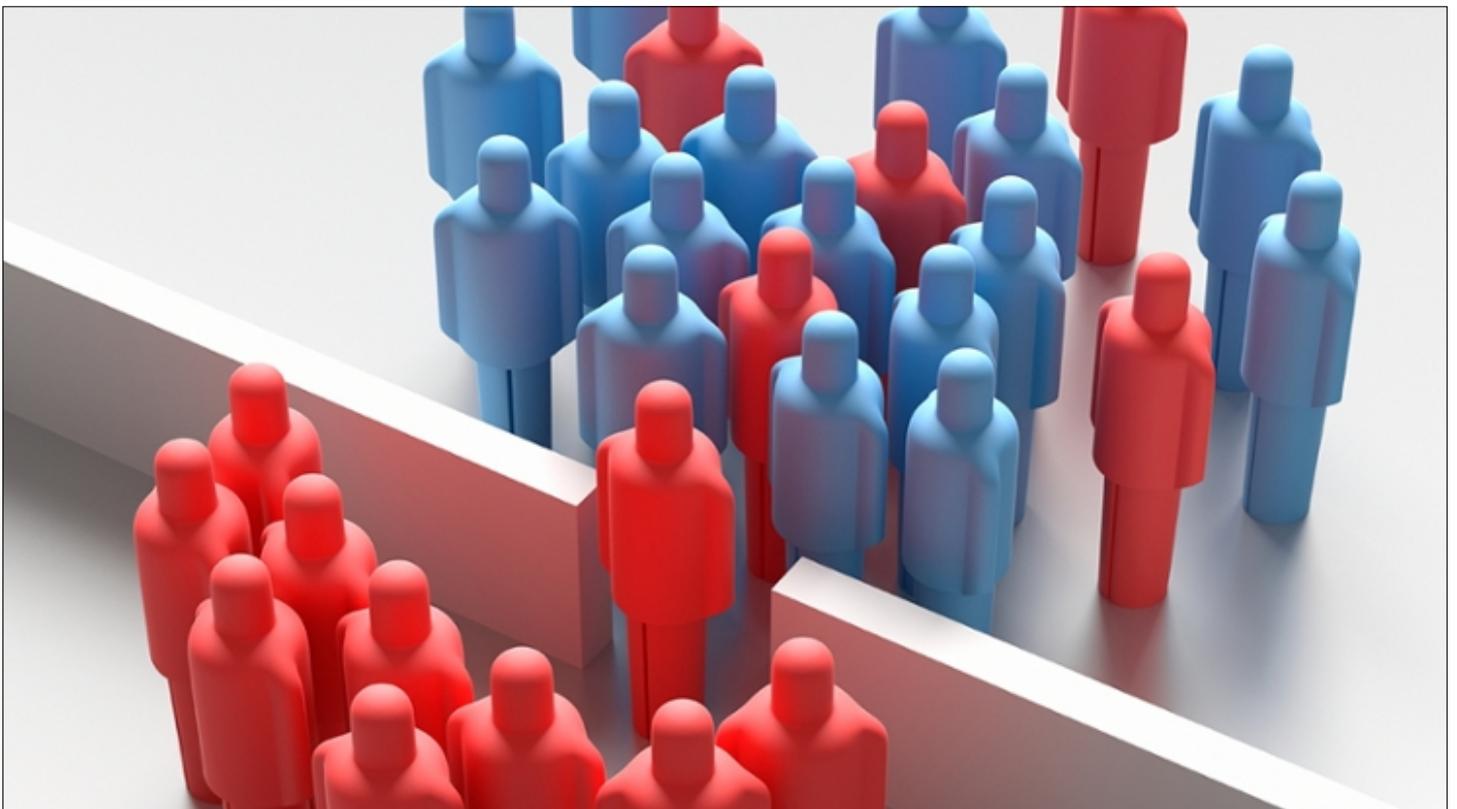
147 ... the domestic authorities recognised the vulnerability of the Roma community and acknowledged the need for positive measures aimed at improving their precarious living conditions.

To that end they adopted and financially supported a comprehensive strategy and specific programmes and projects focused on the legalisation of the illegally constructed Roma settlements and on the provision of basic public utilities to their inhabitants ...

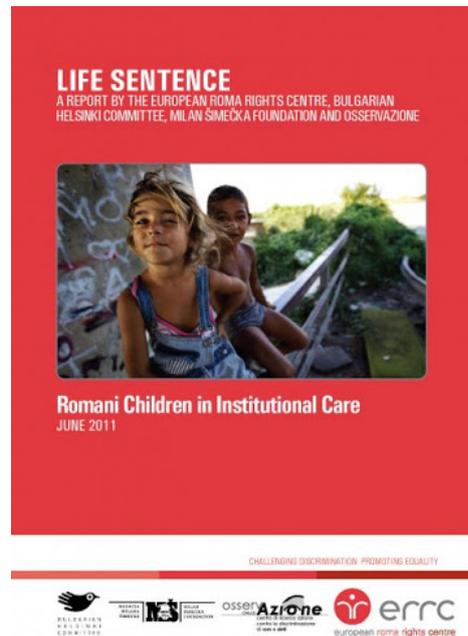
148. ... the Court can only conclude that the applicants remained in their respective settlements by choice.

158. ... the Court finds that the measures adopted by the State in order to ensure the applicants access to safe drinking water and sanitation **took account of the applicants' vulnerable position and satisfied the requirements of Article 8 of the Convention.**

162. In light of this, the Court finds it unnecessary to decide on the issue of applicability of Article 14 of the Convention, as it considers that, for the reasons stated above and assuming that Article 14 applies, there has been **no violation of Article 14 of the Convention** in conjunction with Article 8.



***Terna v Italy*, ECtHR 14
January 2021, no
21052/18**



Terna v Italy

98. Dans la mesure où la tierce partie s'est référé à une enquête de 2011 ... qui montrerait un nombre élevé d'enfants rom placés en Italie, la Cour ne peut perdre de vue que son seul souci est de déterminer si, en l'espèce, le placement de l'enfant et la non-exécution du droit de visite de la requérante ont été motivés par l'origine ethnique de l'enfant et sa famille

98. ... La Cour note que le placement a été motivé en raison de l'intérêt supérieur de la fillette ... Aucune motivation liée à l'origine ethnique de l'enfant et de sa famille n'a été invoquée par les juridictions internes pour justifier son placement.

100. Partant, la Cour estime qu'il n'y a pas eu violation de l'article 14 de la Convention combiné avec l'article 8 de la Convention.

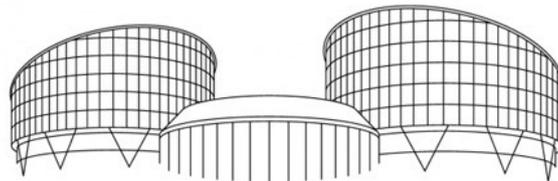


**G.L. v Italy, ECtHR 10
September 2020, no
59751/15**



**Ádám and others v
Romania, ECtHR 13
October 2020, nos
81114/17 and others**

**Mile Novaković v. Croatia,
ECtHR 17 December 2020,
no 73544/14**



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME



Questions? Comments?

More questions and comments?
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