

# The Honourable Society of Lincoln's Inn



## Human Rights Law Update 2011

### Monday 14<sup>th</sup> February 2011 – Lecture One

(1) *The European Court of Human Rights in 2010 - Important cases and developments.*

(2) *UK Update 2010 on the Council of Europe Convention on Action against Trafficking in Human Beings.*

#### Important Cases

#### referred to in the President's Speech of 28 January 2011

N° 15869/02	Cudak v. Lithuania	Judgment of 23.03.2010
N°36376/04	Kononov v. Latvia	Judgment of 17.05.2010
N° 3394/03	Medvedyev et al. v. France	Judgment of 29.03.2010
N°12050/04	Mangouras v. Spain	Judgment of 28.09.2010
N°30141/04	Schalk and Kopf v. Austria	Judgment of 24.06.2010
N°41615/07	Neulinger and Shuruk v. CH	Judgment of 06.07.2010
N°67545/09	Ternovsky v. Hungary	Judgment of 14.12.2010
N°25579/05	A.B.andC. v. Ireland	Judgment of 16.12.2010
N° 7/08	Tanase v. Moldova	Judgment of 27.04.2010
N°34932/04	Paksas v. Lithuania	Judgment of 06.01.2011

#### First Cases applying Insignificance Criterion

N° 36659/04	Ionescu v. Romania	Decision of 28.06.2010
N°25551/05	Korolev (II) v. Russia	Decision of 27.07.2010
N°18774/09	Rinck v. France	Decision of 17.11.2010

## UK HUMAN TRAFFICKING UPDATE

### Reports, Publications & Proposals

- i CEOP **Strategic Threat Assessment Child Trafficking in the UK 2010**
- i CEOP Report Oct 2010 **‘The trafficking of children into and within the UK for benefit fraud purposes’**

*www.ceop.police.uk*

- i Anti-Trafficking Monitoring Group’s Report: **Wrong Kind Of Victim? One Year On: An Analysis Of UK Measures To Protect Trafficked Persons, June 2010**

*www.antislavery.org/includes/documents/.../1\_atmg\_report\_for\_web.pdf*

- i Proposed EU Directive on preventing and combating trafficking in human beings and protecting victims

*http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52010PC0095:EN:NOT*

### UK and UK-related cases

Adeniji – Isleworth Crown Court, 11 February 2011

Khan, R. v [2010] EWCA Crim 2880 (09 December 2010)

LM & Ors v R. [2010] EWCA Crim 2327 (21 October 2010)

AZ (Trafficked women) Thailand CG [2010] UKUT 118 (IAC) (23 April 2010)

AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) (18 February 2010 )

CN v the United Kingdom - 4239/08 [2010] ECHR 380 (26 March 2010)

LR v the United Kingdom - 49113/09 [2010] ECHR 607 (1 April 2010)

### Recent UK Legislation

Section 71 Coroners and Justice Act 2009 – forced labour offence - entered into force on 6.4.10

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## Human Rights Law Update 2011

### Tuesday 15<sup>th</sup> February 2011 – Lecture Two

*Articles 3 and 6 ECHR: Recent legal responses of the UK Courts and the Strasbourg Court to the prohibition on torture, inhuman or degrading treatment and punishment and the protection of fair trial guarantees*

#### UK Cases

##### Article 3 ECHR

- i R v Qazi and Hussain [2010] EWCA Crim 2579, judgment of 4 November (see also Khan, R. v [2010] EWCA Crim 2880 (09 December 2010))
- i HH (Somalia) & Ors v Secretary of State for the Home Department [2010] EWCA Civ 426 (23 April 2010)
- i But see Salahadin Abdulla (Area of Freedom, Security and Justice) [2010] EUECJ C-175/08 (02 March 2010) – on the interpretation of ‘actors of protection’ under Art 7 EU Qualification Directive 2004
- i See also: AZ (Trafficked women) Thailand CG [2010] UKUT 118 (IAC) (23 April 2010) & AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) (18 February 2010)
- i BA (Demonstrators in Britain - risk on return) Iran CG [2011] UKUT 36 (IAC) (10 February 2011)
- i Suppiah & Ors, R (on the application of) v Secretary of State for the Home Department [2011] EWHC 2 (Admin) (11 January 2011)
- i Zagorski & Baze, R (on the application of) v Secretary of State for Business, Innovation and Skills & Anor [2010] EWHC 3110 (Admin) (29 November 2010)
- i Evans, R (on the application of) v Secretary of State for Defence [2010] EWHC 1445 (Admin) (25 June 2010)
- i Dublin II cases: R v SSHD ex parte SE (Admin) CO/10187/2010 (permission granted 28<sup>th</sup> January 2011)  
(See also NS v SSHD & Others [2010] EWCA Civ 990 (July 2010) –referred to the ECJ. NS is the appeal against the judgment in Saeedi [2010] EWHC 705 (31<sup>st</sup> March 2010)

##### Article 6 ECHR

- i Webster v R [2010] EWCA Crim 2819 (1 December 2010)
- i Mohamed v R. [2010] EWCA Crim 2400 (19 October 2010)
- i King v Secretary of State for Justice [2010] EWHC 2522, (13 October 2010)

- i R (Royal College of Nursing and others) v Secretary of State for the Home Department and the Independent Safeguarding Authority (interested party) [2010] EWHC 2761, judgment of 10 November
- i Home Office v Tariq [2010] EWCA Civ 462
- i MK (Iran), R (on the application of) v Secretary of State for the Home Department [2010] EWCA Civ 115 (25 February 2010)

### ECHR Cases

#### Article 3

N°41442/07	Muskhadzhieva et al. v. Belgium	C Judgment of 19.01.2010
N° 7078/02	V.D. v. Romania	C Judgment of 6.02.2010
N°61498/08	Al-Sadoon and Mufdhi v. UK	C Judgment of 02.03.2010
N°41827/07	R.C. v. Sweden	C Judgment of 09.03.2010
N°22978/05	Gäfgen v. Germany	GC Judgment of 01.06.2010
N°52812/07	Kamaliyevy v. Russia	C Judgment of 03.06.2010
N°23505/09	N. v. Sweden	C Judgment of 20.07.2010
N°17185/05	Iskandarov v. Russia	C Judgment of 23.09.2010
N°28326/09	P.F. and E.F. v. UK	C Decision of 23.11.2010
N°30696/09	M.S.S. v. Belgium and Greece	GC Judgment of 21.11.2011

#### Article 6

N°48107/99	Sambata Bibor Greek Cath. Parish v. Romania	C Judgment of 12.01.2010
N°15766/03	Orsus et al. v; Croatia	GC Judgment of 16.03.2010
N°15869/02	Cudak v. Lithuania	GC Judgment of 23.03.2010
N°27804/05	Buijen v. Germany	C Judgment of 01.04.2010
N°17605/04	Laska and Lika v. Albania	C Judgment of 20.04.2010
N°29808/06	Chesne v. France	C Judgment of 22.04.2010
N°46344/06	Rumpf v. Germany	C Judgment of 02.09.2010

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## Human Rights Law Update 2011

### Wednesday 16<sup>th</sup> February 2011 – Lecture Three

*Articles 8 and 10 ECHR: Recent legal developments in the Strasbourg Court and the UK Courts in the fields of private and family life and the right to freedom of expression.*

#### ECHR Cases

##### Article 8

N° 4158/05	Gillan and Quinton v. UK	C Judgment of 12.01.2010
N°28680/06	A.D. and O.D. v. UK	C Judgment of 16.03.2010
N°26839/05	Kennedy v. UK	C Judgment of 18.05.2010
N°42276/08	Kurochkin v. Ukraine	C Judgment of 20.05.2010
N° 425/03	Obst v. Germany	C Judgment of 23.09.2010
N° 1620/03	Schüth v. Germany	C Judgment of 23.09.2010
N°55164/08	A. v. Croatia	C Judgment of 14.10.2010
N° 2345/06	Dées v. Hungary	C Judgment of 09.11.2010
N°21475/04	Mileva et al. v. Bulgaria	C Judgment of 25.11.2010
N° 2660/03	Hajduova v. Slovakia	C Judgment of 30.11.2010
N°67545/09	Ternovsky v. Hungary	C Judgment of 14.12.2010
N°25579/05	A.B.andC. v. Ireland	C Judgment of 16.12.2010

##### Article 10

N°41056/04	Akdas v. Turkey	C Judgment of 16.02.2010
N°26732/03	Antica and “R” Company v. Romania	C Judgment of 02.03.2010
N°36882/05	Nilsen v. UK	C Decision of 09.03.2010
N°25576/04	Flinkkilä v. Finland	C Judgment of 06.04.2010
N°40984/07	Fatullayev v. Azerbaijan	C Judgment of 22.04.2010
N°17265/05	Brunet Lecomte and Lyon Mag’ v. France	C Judgment of 06.05.2010
N°31098/05	Gözel and Özer v. Turkey	C Judgment of 06.07.2010
N°34875/07	Roland Dumas v. France	C Judgment of 15.07.2010
N°38224/03	Sanoma Uitgevers B.V. v. the Netherlands	GC Judgment of 14.09.2010

## UK Cases

### Article 8

- i *R (JF (by his litigation friend OF)) & Anor v SSHD* [2010] UKSC 17 (21 April 2010) [NB. Today, 16 February 2011, it was reported in the media that there will be a new law to give a right of appeal: <http://www.bbc.co.uk/news/uk-12476979>]
- i *Ahmad v London Borough of Brent & Ors* [2011] EWHC 80 (QB) (26 January 2011)
- i *G v E & Ors* [2010] EWHC 3385 (Fam) (21 December 2010) (re: costs) and *G v E & Ors* [2010] EWHC 621 (Fam) (26 March 2010) (re: ECHR breaches)
- i *R (McDonald) v Kensington & Chelsea LBC* [2010] EWCA Civ 1109, (13 October 2010)
- i *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4 (1 February 2011)
- i *TS, R (on the application of) v Secretary of State for the Home Department* [2010] EWHC 2614 (Admin) (26 October 2010)
- i *RG (Automatic deport Section 33(2) (a) exception) Nepal* [2010] UKUT 273 (IAC) (10 August 2010)
- i [See also: *JO (Uganda) v Secretary of State for the Home Department* [2010] EWCA Civ 10 (22 January 2010) & *KB (Trinidad and Tobago) v Secretary of State for the Home Department* [2010] EWCA Civ 11 (22 January 2010)]
- i *MH (pending family proceedings- discretionary leave) Morocco* [2010] UKUT 439 (IAC) (28 September 2010)

### Article 10

- i *Ntuli v Donald* [2010] EWCA Civ 1276 (16 November 2010)
- i *Guardian News and Media Ltd & Ors, Re HM Treasury v Ahmed & Ors* [2010] UKSC 1 (27 January 2010)
- i *Naik v Secretary of State for the Home Department* [2010] EWHC 2825 (5 November 2010)
- i *Hall & Ors v Mayor of London (On Behalf of the Greater London Authority)* [2010] EWCA Civ 817 (16 July 2010)
- i *Watkins v Woolas* [2010] EWHC 2702 (QB) (5 November 2010); *R (on the application of Woolas) v The Parliamentary Election Court* [2010] EWHC 3169 (Admin), ( 3 December 2010)

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