

## ECtHR 8 April 2021, application no. 47621/13 and 5 others (Vavříčka and Others v. the Czech Republic), Privacy, Miscellaneous

Mr. Vavříčka and Others – v – the Czech Republic

### Summary

Mandatory vaccination policies may not be contrary to art. 8 ECHR.

### Judgment

The Court:

- Decides to join the applications;
- Decides, unanimously, to join to the examination of the merits of the complaints of the applicants Brožík and Dubský under Article 8 of the Convention the Government's objection of non-exhaustion of domestic remedies in relation to those complaints;
- Declares, unanimously, the complaints under Article 8 of the Convention admissible;
- Declares, by a majority, the complaints under Article 9 of the Convention inadmissible;
- Declares, unanimously, the complaints under Articles 2, 6, 13 and 14 of the Convention inadmissible;
- Holds, by sixteen votes to one, that there has been no violation of Article 8 of the Convention and finds that, accordingly, the Government's objection of non-exhaustion of domestic remedies in relation to the Article 8 complaints of the applicants Brožík and Dubský has become moot and as such calls for no examination;
- Holds, by sixteen votes to one, that there is no need to examine the applications of the child applicants separately under Article 2 of Protocol No. 1.

## ECJ 15 April 2021, Case C-30/19 (Braathens Regional Aviation AB), Race, Nationality Discrimination

Diskrimineringsombudsmannen – v – Braathens  
Regional Aviation AB, Swedish case

### Summary

If, in a discrimination case, a defendant is willing to pay the full compensation claimed but denies the existence of that discrimination, the discrimination claim must still be heard.

### Question

Must Articles 7 and 15 of Directive 2000/43, read in the light of Article 47 of the Charter, be interpreted as precluding a national law which prevents a court hearing an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim for a declaration of the existence of discrimination, where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimination?

### Ruling

Articles 7 and 15 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding a national law which prevents a court that is seised of an action for compensation based on an allegation of discrimination prohibited by that directive from examining the claim seeking a declaration of the existence of that discrimination where the defendant agrees to pay the compensation claimed without however recognising the existence of that discrimi-