

ECtHR 13 December 2022, app. No. 26968/16 (Florindo de Almeida Vasconcelos Gramaxo – v – Portugal), Privacy

Florindo de Almeida Vasconcelos Gramaxo – v – Portugal

Summary

Dismissal based on GPS tracking of company vehicle by a device installed by the applicant's employer with his full knowledge: no violation of the ECHR. No English translation of the judgment is available, but a the ECtHR's summary is available here: <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7520329-10322810&filename=Judgment%20Florindo%20de%20Almeida%20Vasconcelos%20Gramaxo%20v.%20Portugal%20-%20use%20of%20GPS%20data%20on%20a%20medical%20representative%20E2%80%99s%20company%20vehicle%20as%20grounds%20for%20dismissal.pdf>.

ECtHR 13 December 2022, app. no. 58997/18 (Nikëhasani – v – Albania) and 40662/19 (Sevdari – v – Albania), Unfair Dismissal

Besa Nikëhasani and Antoneta Sevdari – v - Albania

Summary

No systemic problem with vetting process to combat corruption and to restore public trust in the justice system. The ECtHR's summary of the case, including details of the different outcomes of the individual cases, is available here: <https://hudoc.echr.coe.int/eng?i=002-13943>.

Judgment

In case 58997/18 (Nikëhasani):

The Court

1. *Declares*, unanimously, the complaint under Article 8 of the Convention (as regards the dismissal from office) admissible;
2. *Declares*, by a majority, the remainder of the application inadmissible;
3. *Holds*, by six votes to one, that there has been no violation of Article 8 of the Convention.

In case 40662/19 (Sevdari):

The Court

1. *Declares*, unanimously, the complaint under Article 8 of the Convention concerning the applicant's dismissal admissible;
2. *Declares*, by a majority, the remainder of the application inadmissible;
3. *Holds*, unanimously, that there has been a violation of Article 8 of the Convention in respect of the applicant's dismissal;
4. *Holds*, unanimously,
 - a. that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - i. EUR 13,600 (thirteen thousand six hundred euros), plus any tax that may be chargeable to the applicant, in respect of pecuniary damage;
 - ii. EUR 6,000 (six thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - iii. EUR 5,000 (five thousand euros) in respect of costs and expenses;
 - b. that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses*, unanimously, the remainder of the applicant's claim for just satisfaction.