



## ECtHR AND CJEU PRISON CASE LAW COMPILATION

*This compilation gathers the most important judgments and decisions on prison issues handed down by the **European Court of Human Rights** and the **Court of Justice of the European Union**. By reporting on the main trends in European prison case law, it aims to support legal practitioners in the prison field in their research and litigation, as well as to identify blind spots in the European case law to build strategic litigation avenues.*

### OVERVIEW OF CASES JULY-SEPTEMBER 2023

#### COURT OF JUSTICE OF THE EUROPEAN UNION

##### **GN (AG Opinion)** ■ [Case C-261/22](#)

The execution of a European arrest warrant (EAW) issued against a mother of young children **may be refused when it is in the best interests of the child**. Such a refusal is only possible if the executing authority does not receive from the issuing authority sufficient information that would allow it to be absolutely certain that the enforcement of the EAW would not be against the best interests of the child.

#### EUROPEAN COURT OF HUMAN RIGHTS

##### **B.M. AND OTHERS v. FRANCE** ■ [Applications nos. 84187/17 and 5 others](#)

Overcrowding, inadequate conditions of detention and lack of preventive remedy: **violation of Articles 3 and 13**; systematic strip searches after visits: **inadmissible (non-exhaustion of domestic remedies)**.

##### **KOSKO v. UKRAINE** ■ [Application no. 41832/16](#)

Lack of or delay in consultation by a specialist, lack of or delay in drug therapy for a prisoner with serious medical condition: **violation of article 3**.

##### **OSMAN AND ALTAY v. TÜRKİYE** ■ [Applications nos. 23782/20 and 40731/20](#)

Withholding of periodicals sent to prisoners by post without going through prison administration as required by law: **violation of Article 10**.

##### **HANŽEVAČKI v. CROATIA** ■ [Application no. 49439/21](#)

Lack of effective access to Constitutional Court due to unforeseeable retroactive application of admissibility criteria for lodging a constitutional complaint of inadequate conditions of detention: **violation of Article 6 § 1**; poor detention conditions: **violation of Article 3**.

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