



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

FOURTH SECTION

DECISION

Application no. 49113/09
by L.R.
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 14 June 2011 as a Chamber composed of:

Lech Garlicki, *President*,
Nicolas Bratza,
Ljiljana Mijović,
Sverre Erik Jebens,
Päivi Hirvelä,
Ledi Bianku,
Zdravka Kalaydjieva, *judges*,
and Fatoş Aracı, *Deputy Section Registrar*

Having regard to the above application lodged on 9 September 2009,
Having regard to the interim measure indicated to the respondent Government under Rule 39 of the Rules of Court on 25 September 2009,
Having deliberated, decides as follows:

THE FACTS

The applicant, Ms L.R., is an Albanian national who was born in 1980 and lives in confidential sheltered accommodation in London. She was represented before the Court by Mr A. Weiss of the AIRE Centre, assisted by Ms C. Connelly of the North Kensington Law Centre and Ms R. Kotak, counsel. The United Kingdom Government (“the Government”) were

represented by their Agent, Ms L. Dauban of the Foreign and Commonwealth Office.

A. The circumstances of the case

The facts of the case, as submitted by the applicant, may be summarised as follows.

In March 2007, the applicant was brought into the United Kingdom by an Albanian man, D, who had abducted her in Italy. She was forced to work against her will as a prostitute in a nightclub in Leeds for at least one week before managing to escape. On 16 April 2007, the applicant reported incidents of kidnapping and sexual assault to the police, and was referred to the Poppy Project (an organisation which provides assistance for women who have been trafficked to the United Kingdom). On 8 June 2007, the applicant had a termination of a pregnancy which she had discovered after her escape from the nightclub. D was later expelled to Albania by the United Kingdom authorities.

On 28 August 2007, the applicant claimed asylum, on the basis of, *inter alia*, her fear of persecution and retribution in Albania from D and his family, and due to the risk of re-trafficking as a single, vulnerable, trafficked woman.

On 24 October 2008, the applicant's asylum claim was refused by the Secretary of State.

On 11 March 2009, the then Asylum and Immigration Tribunal dismissed her appeal. The Tribunal accepted that the applicant had been trafficked into the United Kingdom and that she had spent a week as a sex worker in the United Kingdom before escaping. However, it found that the applicant would not be at future risk of ill-treatment in Albania.

On 5 May 2009, a Senior Immigration Judge refused her application for reconsideration. On 16 July 2009, the High Court dismissed a further application for reconsideration.

On 25 September 2009, the President of the Chamber to which the application was allocated decided to apply Rule 39 of the Rules of Court and indicate to the Government of the United Kingdom that the applicant should not be expelled until further notice.

On 3 February 2010, the applicant gave birth to a daughter.

B. Subsequent developments

In a letter dated 4 March 2011, after the communication of the case to the Government but before the parties' observations had been exchanged, the Agent of the Government confirmed the following:

“- The Government of the United Kingdom agree to grant the applicant and her daughter, born on 3 February 2010, refugee status in the United Kingdom which would entitle them both to remain in the United Kingdom for five years: and

- The Government of the United Kingdom agree to pay the applicant £5,500 excluding VAT in full and final settlement of the legal costs and expenses incurred by the applicant in this case.”

In a letter dated 14 March 2011, the applicant’s representatives confirmed that they agreed with the terms set out above. They also stated that they would agree to the case being struck out of the Court’s list once the applicant and her daughter had been issued with documentation granting them refugee status in the United Kingdom.

In a letter dated 25 May 2011, the applicant’s representatives confirmed that the applicant and her daughter had been issued with the relevant documentation granting them refugee status in the United Kingdom and that, subject to the remaining issue of payment of legal costs as agreed in the terms of the friendly settlement, the applicant agreed to the case being struck out of the Court’s list of cases.

COMPLAINTS

The applicant complained that her removal to Albania would be in violation of Articles 2, 3, 4 and 8 of the Convention.

THE LAW

The Court notes that the applicant and her daughter have now been granted refugee status in the United Kingdom and that there is no longer any risk that they will be removed to Albania. In the circumstances, the Court considers that the matter has been resolved and the requirements of Article 37 (1) (b) have been met.

The Court further notes that the Government have agreed to pay the applicant GBP 5,500, excluding VAT, in full and final settlement of her legal costs and expenses incurred in the case.

In accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case. Accordingly, it is appropriate to lift the interim measure indicated under Rule 39 of the Rules of Court and strike the case out of the list.

For these reasons, the Court unanimously

Discontinues the interim measure indicated on 25 September 2009; and

Decides to strike the application out of its list of cases.

Fatoş Aracı
Deputy Registrar

Lech Garlicki
President