



## FLASH NEWS

2/23

# EUROPEAN COURT OF HUMAN RIGHTS

## OVERVIEW FROM 13/2 TO 30/3/2023

### LU / Halet v Luxembourg [GC]

**Freedom of expression - Criminal conviction for disclosure by an employee of confidential documents of his employer concerning the tax practices of multinational companies (*Luxleaks*)- Need to balance the interests at stake - Consideration of all the harmful effects of the disclosure - Information disclosed by a whistleblower making an essential contribution to the public debate**

**Infringement** of Article 10 (freedom of expression) of the ECHR.

The applicant, a French national and former employee of a Luxembourg-based company providing audit, tax and business consultancy services, complained that he had been convicted of criminal offences after disclosing to a journalist 16 confidential documents from his employer, protected by professional secrecy, about the tax practices of certain multinational companies in Luxembourg. The applicant claimed to benefit from the protection offered by Article 10 of the ECHR as a whistleblower, calling for the recognition in case-law of a genuine status for whistleblowers, as envisaged by various international instruments.

Judgment of 14/2/2023 (application No 21884/18) ([FR/EN](#))

Press release ([FR/EN](#))

### HU / L.B. v HUNGARY [GC]

**Right to privacy - Publication of personal data of taxpayers on the internet portal of the tax authorities due to non-compliance with their tax obligations - Extent of the Contracting States' margin of discretion**

**Infringement** of Article 8 (right to respect for private and family life and home) of the ECHR.

The applicant, a Hungarian national, complained about the publication of his personal data on the website of the Tax Authority. In Hungary, this authority was obliged by law to publish the personal data of taxpayers with tax arrears exceeding 10 million Hungarian forints. On this basis, in 2014, the Tax Authority had published personal information of the applicant in a list of 'major debtors', which is available on its website. The information published included his name, home address, tax identification number and the amount of unpaid taxes he owed. The applicant argued that this practice was not necessary in a democratic society and had violated his right to privacy.

Judgment of 9/3/2023 (application No 36345/16) ([FR/EN](#))

Press release ([FR/EN](#))

### EL / GEORGIU v GREECE

**Right to a fair trial - Refusal by the Court of Cassation to consider the applicant's request for a preliminary ruling by the Court of Justice - Failure to state reasons - Execution of the judgments of the ECtHR - Reopening of national proceedings**

**Infringement** of Article 6 §1 (right to a fair trial) of the ECHR.

The applicant, a Greek national, had appealed to the Court of Cassation following his conviction for failure to perform his duties as former President of the Hellenic Statistical Authority. Invoking Article 6(1) of the ECHR, he complained that the Court of Cassation had rejected his request for a preliminary ruling from the Court of Justice without any justification.

Judgment of 14/3/2023 (application No 57378/18) ([EN](#))

Press release ([FR/EN](#))



## TR / TELEK AND OTHERS v TURKEY

**Right to privacy - Right to education - Withdrawal of university passports for a considerable period of time in application of emergency legislation - Obstruction of access to higher studies abroad**

**Infringement** of Article 8 (right to privacy) and Article 2 of Protocol No 1 (right to education) of the ECHR.

Following the state of emergency declared after the attempted coup d'état of 15 July 2016 in Turkey, the applicants, three Turkish academics, had been dismissed from the civil service and their passports were cancelled. Invoking in particular Article 8 of the ECHR (right to privacy), the applicants complained mainly about the withdrawal of their passports under the state of emergency.

One of the applicants claimed, inter alia, that the fact that he was unable to obtain a valid passport had caused him difficulties in his private and professional life during his stay abroad. The other two applicants also complained, on the basis of their right to education under Article 2 of Protocol No 1, that the withdrawal of their passports had prevented them from pursuing their academic and professional projects and their academic research activities abroad, including doctoral studies.

Judgment of 21/3/2023 (applications No 66763/17, No 66767/17 and No 15891/18) ([ER](#))  
Press release ([FR/EN](#))

## OTHER INFORMATION

**Interim measures - Non-consensual transfers of Polish judges to another chamber - Decisions having taken effect despite their appeals - Failure to comply with those interim measures**

On 6 December 2022, the ECtHR had decided to indicate an interim measure in the cases of *Leszczyńska-Furtak v Poland* (application No 39471/22), *Gregajtys v Poland* (No 39477/22) and *Piekarska-Drażek v Poland* (No 44068/22). It had ordered the Polish State, under Article 39 of the Rules of Procedure of the Court of Human Rights, to suspend the effects of the decisions to transfer the applicants, member judges of the Warsaw Court of Appeal, from the Criminal Division to the Social Division of the same court and to ensure that no decision to transfer the applicants against their will is taken until the Court has given a final decision.

The Polish government recently informed the Registry of the ECtHR that said interim measure will not be respected. To this end, it refers in particular to a judgment of the Polish Constitutional Court of 10 March 2022 questioning the competence of the ECtHR in cases concerning the judiciary.

Press release ([EN](#))

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