



FLASH NEWS

2/24

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 12/2 TO 22/3

BE / EXECUTIEF VAN DE MOSLIMS VAN BELGIË AND OTHERS v BELGIUM

Freedom of religion - Manifestation of religion or belief - Ritual slaughter of animals - Protection of animals at the time of slaughter - Obligation of prior stunning

Non-infringement of Article 9 (right to freedom of religion) of the ECHR.

Non-infringement of Article 14 (prohibition of discrimination) of the ECHR, in conjunction with Article 9.

The case concerns the ban on the ritual slaughter of animals without prior stunning in the Flemish and Walloon regions.

In particular, the European Court of Human Rights (ECtHR) held that by adopting the decrees at issue, which had the effect of prohibiting the slaughter of animals without prior stunning in those regions, while providing for reversible stunning for ritual slaughter, the national authorities had not exceeded the margin of discretion available to them. They had adopted a measure that was justified in principle and could be considered proportionate to the aim pursued, namely the protection of animal welfare as an element of 'public morality'. The ECtHR stated that this was the first time it had ruled on the question of whether the protection of animal welfare could be linked to one of the aims set out in Article 9 of the ECHR.

Judgment of 13/2/2024 (applications Nos 16760/22 and 10 others) ([FR](#))

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

Legal summary ([FR/EN](#))

See also in this respect, judgment of the Court of 17 December 2020, *Centraal Israëlitisch Consistorie van België and Others* ([C-336/19](#), [EU:C:2020:1031](#)).

RO / DANILEȚ v ROMANIA

Freedom of expression - Disciplinary sanction imposed on a judge for posting two messages on his Facebook page - Participation in a debate on issues of general interest - Failure to balance the competing interests at stake

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

The case concerns a disciplinary sanction imposed by the High Council of the Judiciary on a judge for posting two messages on his Facebook account.

The European Court of Human Rights (ECtHR) held that the national courts had failed to take due account of certain important factors, in particular as regards the wider context in which the applicant's statements were made, the participation in a debate on issues of general interest, the question of whether the value judgements expressed in the present case had a sufficient factual basis and, lastly, the potentially deterrent effect of the penalty imposed.

Furthermore, the existence of an attack on the dignity and honour of the judicial profession had not been sufficiently demonstrated. In so doing, the national courts had failed to give the interested party's freedom of expression the weight and importance that such freedom deserved within the meaning of the case-law of the ECtHR, even in the presence of the use of a means of communication (in this case a Facebook account accessible to the public) that could give rise to legitimate questions with regard to respect for the duty of reserve of judges.

Consequently, the Romanian courts had not provided relevant and sufficient reasons to justify the alleged interference with the applicant's right to freedom of expression.

Judgment of 13/2/2024 (application No 16915/21) ([FR](#))

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



**PL / SIEĆ OBYWATELSKA WATCHDOG POLSKA v
POLAND**

Freedom of expression - Right to receive and impart information - Access to the register of persons entering the Constitutional Court building - Access to calendars of judges' meetings - Information of public interest having regard to the political context and to questions of the court's independence and impartiality

Infringement of Article 10 (freedom of expression) of the ECHR by refusing to give the NGO access to calendars of judges' meetings.

Non-infringement of Article 10 (freedom of expression) of the ECHR as regards access to the register of persons entering the Constitutional Court building.

The case concerned attempts by a non-governmental organisation (NGO) to obtain access to the calendars of meetings of two judges of the Constitutional Court, as well as to the court's visitors' register. It had requested this information against a backdrop of suspicions that the two judges in question had met with a politician whose status in criminal proceedings was to be determined by the Constitutional Court.

The Court held that the applicant NGO, a well-known organisation specialising in human rights and the rule of law, had requested access to the calendars of meetings because it was in the public interest to do so, particularly in view of the political context and the fact that there was a debate as to whether the Constitutional Court was impartial. The refusal to give it access to this information therefore constituted interference with the exercise by the interested party of its right to receive and impart information. However, the reasons given to justify this interference, which consisted solely of stating that the documents concerned were not 'public', were not sufficient.

On the other hand, there is no evidence that there was any interference with the applicant's exercise of its right to receive and impart information insofar as the register of visitors is concerned, given that the Constitutional Court did not keep such a register and that it was not obliged under domestic law to keep one.

Judgment of 21/3/2024 (application No 10103/20) ([EN](#))
Press release ([FR/EN](#))

OTHER INFORMATION

Grand Chamber hearing of the European Court of Human Rights on the transmission of data regularly obtained by means of telephone tapping in criminal proceedings - Communication and use in competition law proceedings

On 6 March 2024, the European Court of Human Rights (ECtHR) held a Grand Chamber hearing in the case of *Ships Waste Oil Collector B.V. and Others v the Netherlands* (applications Nos 2799/16, 2800/16, 3124/16 and 3205/16).

The case concerned the transmission of data, regularly obtained by means of telephone tapping ordered as part of criminal investigations, to another law enforcement authority, the *Autorité de la Concurrence* [the French competition regulator], which used the data in question as part of investigations into the involvement of the applicant companies in price-fixing practices unrelated to the criminal investigations.

In all the applications, the applicant companies invoked Articles 8 (right to respect for private and family life, home and correspondence) and 13 (right to an effective remedy) of the ECHR, arguing that the transmission and use by the *Autorité de la Concurrence* of data that had been lawfully intercepted but was not relevant to the criminal investigations was not foreseeable and that the procedural safeguards were inadequate.

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

Webcast of the hearing ([FR/EN](#))