



FLASH NEWS

4/23

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 8/5 TO 16/6

FR / SANCHEZ v FRANCE [GC]

Freedom of expression - Duties and responsibilities of political figures using social networks for political and electoral purposes - Islamophobic remarks by third parties appearing on the Facebook wall of an elected representative, accessible to the public and used during his election campaign - Criminal fine imposed for failure to remove these remarks

Non-infringement of Article 10 (freedom of expression) of the ECHR.

The applicant, who at the time was a local elected representative and a candidate in parliamentary elections, alleged that his criminal conviction for incitement to hatred or violence against a group of people or a person on account of a particular religion, because he had failed to promptly remove comments posted by third parties on the wall of his Facebook account, was contrary to Article 10 of the Convention.

Judgment of 15/5/2023 (application No 45581/15)

TR / SARISU PEHLİVAN v TÜRKİYE

Freedom of expression - Disciplinary sanction imposed on a magistrate and secretary general of the *Syndicat des juges* - Right and duty of the person concerned to give her opinion on reforms likely to have an impact on the judiciary and the independence of the justice system

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

The *Conseil des juges et procureurs* had imposed a disciplinary sanction on the applicant, a magistrate and, at the time of the events, secretary general of the *Syndicat des juges*, following an interview with her on a national referendum concerning the organisation of the judiciary, which had been published in a national daily newspaper. The applicant maintained that this sanction constituted an infringement of her right to freedom of expression.

FI / JEHOVAH'S WITNESSES ASSOCIATION v FINLAND

Right to a fair trial - Freedom of religion - Obligation on Jehovah's Witnesses to obtain the consent of individuals before collecting their personal data - Interpretation of data protection provisions in accordance with the guidelines of the Court of Justice

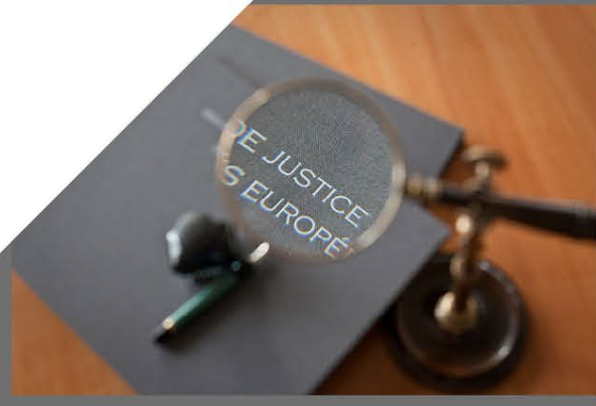
Non-infringement of Article 6 (right to a fair trial) of the ECHR.

Non-infringement of Article 9 (right to freedom of thought, conscience and religion) of the ECHR.

The Finnish Data Protection Commission had obliged the applicant community, whose members are Jehovah's Witnesses, to obtain the consent of the persons whose personal data they collect as part of their door-to-door preaching activity. Following the Court of Justice's reply to a reference for a preliminary ruling in the same case, a Finnish administrative court confirmed the aforementioned Commission decision. The applicant community complained in particular about the absence of a hearing in the domestic proceedings and the fact that it had been prohibited from taking notes without the consent of those it spoke to in the context of its preaching activities.

Judgment of 9/5/2023 (application No 31172/19) ([EN](#))
Press release ([FR/EN](#))

See also the judgment of 10 July 2018, *Jehovan todistajat*, [C-25/17](#), EU:C:2018:551.



BG / A.E. v BULGARIA

Prohibition of torture - Prohibition of discrimination - Insufficient protection afforded to a minor victim of domestic violence - Lack of an effective legal framework punishing all forms of domestic violence and protecting victims

Infringement of Article 3 (prohibition of inhuman or degrading treatment) of the ECHR.

Infringement of Article 14 (prohibition of discrimination) in conjunction with Article 3 of the ECHR.

Bulgarian prosecutors had received complaints that the applicant, a Bulgarian national born in 2004, who was just 15 years old at the time, was a victim of domestic abuse, and that she had been beaten, kicked and strangled by the 23-year-old man with whom she lived. The applicant complained, in particular, of a failure by the State to protect her from domestic violence and to carry out an adequate investigation into the grievances she had raised in this regard, and of discrimination on the grounds of age and sex.

Judgment of 23/5/2023 (application No 53891/20) ([EN](#))
Press release ([FR/EN](#))

RU / NAVALNYY v RUSSIA (No 3)

Right to life - Refusal of national authorities to investigate in criminal proceedings plausible allegations of poisoning - Inadequate preliminary investigation - Failure to investigate a possible political motive, the involvement of State agents and the reported use of a prohibited substance

Infringement of Article 2 (right to life) of the ECHR.

The Russian authorities had refused to open criminal proceedings into allegations that, in August 2020, the applicant had been poisoned, as a result of which he fell into a coma. Following the expert investigations carried out in Russia, it had been concluded that no powerful toxic substances, narcotics or psychotropic drugs had been detected in him or in the effects analysed. After he was flown to Germany, the German government announced that tests carried out on samples taken from the applicant had revealed the indisputable presence of a chemical nerve agent belonging to the 'Novichok' group (substances banned under the Chemical Weapons Convention). The applicant complained that the Russian authorities had refused to open a criminal investigation into the attempted murder and had failed in their duty to conduct an effective investigation.

Judgment of 6/6/2023 (application No 36418/20) ([EN](#))
Press release ([FR/EN](#))

CZ / FU QUAN, S.R.O. v CZECHIA [GC]

Right to a fair trial - Protection of property - Access to a court - Non-application of the principle of *jura novit curia* by the domestic courts - Absence of excessive formality

Inadmissibility of the complaint alleging an infringement of Article 6 § 1 (right to a fair trial) on the grounds that it is manifestly unfounded [Article 35 §§ 3 and 4 of the ECHR].

Inadmissibility of the complaint alleging an infringement of Article 1 of Protocol No 1 (protection of property) on account of a failure to exhaust domestic remedies [Article 35 §§ 1 and 4 of the ECHR].

As part of a criminal investigation and prosecution for tax fraud, assets belonging to the applicant company had been seized to the value of almost 2.1 million euros. These assets had remained under seizure for 5 years. Before the Court, the applicant company alleged that it had been unlawfully deprived of its property and denied access to a court. More specifically, she argued that the national courts had been overly formal and should have examined her civil action on the basis of an action for compensation for damage caused by irregular conduct on the part of the public authorities.

Judgment of 1/6/2023 (application No 24827/14) ([FR/EN](#))
Press release ([FR/EN](#))