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Defending media pluralism and the democratic process in challenging times

Background Document

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Introduction

“Democracy thrives on freedom of expression.”

Centro Europa 7 S.r.l. and Di Stefano v. Italy [GC], 2012, § 129

The Court has said on numerous occasions that there can be no democracy without freedom of expression and no freedom of expression without free, independent, and pluralist media. The Court has said democracy constitutes a fundamental element of the “European public order”. The Preamble to the Convention establishes a very clear connection between the Convention and democracy by stating that the maintenance and further realisation of human rights and fundamental freedoms are best ensured on the one hand by an effective political democracy and on the other by a common understanding and observance of human rights. The Preamble goes on to affirm that European countries have a common heritage of political traditions, ideals, freedom and the rule of law. This common heritage consists in the underlying values of the Convention; thus, the Court has pointed out on many occasions that the Convention was in fact designed to maintain and promote the ideals and values of a democratic society and that there can be no democracy without pluralism (*Bradshaw and Others v. the United Kingdom*, 2025 § 112; *Centro Europa 7 S.r.l. and Di Stefano v. Italy* [GC], 2012, § 129; *Gorzelik and Others v. Poland* [GC], 2004, §§ 89 et seq.). As the Court sees it, even in a state of emergency, which is a legal regime whose aim is to restore the normal regime by guaranteeing fundamental rights, the Contracting States must bear in mind that any measures taken should seek to protect the democratic order from the threats to it, and every effort must be made to safeguard the values of a democratic society, such as pluralism, tolerance and broadmindedness (*Sahin Alpay v. Turkey*, 2018, § 180).

The need to reinforce respect for media pluralism and information integrity and to protect the integrity of the democratic process is evident. The Council of Europe has taken significant steps in framing the discussion and pinpointing the essential elements of information integrity, thus contributing to creating resilience in the member States’ legal systems. For instance, in a 2017 [report](#), the Council of Europe has defined the terms used in the sensitive context of information disorder. Relevant for the subject of the present paper, it said that misinformation happens when false information is shared, but without any intention to cause harm, whereas disinformation occurs when false information is shared with a deliberate intention to cause harm for further details, see the Section on “Council of Europe materials” below).

The following sections will present a selection of the most relevant cases decided by the Court which explore the current standards in these fields, in particular with regard to Article 10 of the Convention (freedom of expression) and Article 3 of Protocol No. 1 (right to free elections), followed by a selection of Council of Europe and other international materials. Chamber judgments that were not final within the meaning of Article 44 of the Convention when this paper was published are marked with an asterisk (*).

I. European Court of Human Rights case-law

A. Media pluralism and the internet

Freedom of expression is inextricably linked to democracy, the political system recognised as the only one capable of guaranteeing the protection of human rights. In its interpretation of Article 10 of the Convention, the Court has frequently reaffirmed that “freedom of expression constitutes one of the essential foundations of democratic society, one of the basic conditions for its progress” *Handyside v. the United Kingdom*, 1976, § 49; *Goodwin v. the United Kingdom*, 1996, § 39; *Bédat v. Switzerland* [GC], 2016, § 48; *Sanchez v. France* [GC], 2023, § 145).

With the advent of new technologies, the Court acknowledged the important role played by the Internet in enhancing the public’s access to news and facilitating the dissemination of information and noted that user-generated expressive activity on the Internet provides an unprecedented platform for the exercise of freedom of expression (*Times Newspapers Ltd (nos. 1 and 2) v. the United Kingdom*, 2009, § 27; *Delfi AS v. Estonia* [GC], 2015, § 133; *Savva Terentyev v. Russia*, 2018, § 79). Moreover, the journalistic freedom must include the possibility for journalists to safely have recourse to information obtained from the Internet without fear of incurring sanctions (*Editorial Board of Pravoye Delo and Shtekel v. Ukraine*, 2011, § 64).

At the same time, the risk of harm posed by content and communications on the Internet to the exercise and enjoyment of human rights and freedoms, particularly the right to respect for private life but also more generally the potential risks to the democratic process, is certainly higher than that posed by the press (*Delfi AS v. Estonia* [GC], 2015, § 133).

Defamatory and other types of clearly unlawful speech can be disseminated like never before, worldwide, in a matter of seconds, and sometimes remain persistently available online. Furthermore, while new technologies, such as social media platforms, have enabled political parties to disseminate information directly to the electorate, they have also made it possible for hostile actors to spread disinformation and manipulate information at a scale and with a speed never seen before. It is not in doubt that the dissemination of disinformation is capable of posing a significant threat to democracy (*Savva Terentyev v. Russia*, 2018, § 79; and *Bradshaw and Others v. the United Kingdom*, 2025, §§ 1, 134-36).

1. Media pluralism – general principles

A situation whereby a powerful economic or political group in a society is permitted to obtain a position of dominance over the audiovisual media and thereby exercise pressure on broadcasters and eventually curtail their editorial freedom undermines the fundamental role of freedom of expression in a democratic society as enshrined in Article 10 of the Convention, in particular where it serves to impart information and ideas of general interest, which the public is moreover entitled to receive (*Manole and Others v. Moldova*, 2009, § 98).

In *Manole and Others v. Moldova*, 2009 the applicants were all, during the relevant period, journalists, editors or producers; they complained of restrictions on their freedom of expression and the insufficient statutory guarantees with regard to the independence of the public broadcasting service, which enjoyed a virtual monopoly in the country. The Court reiterated that democracy thrives on freedom of expression and that it was of the essence of democracy to allow diverse political programmes to be proposed and debated, even those that call into question the way a State is currently organised, provided that they do not harm democracy itself (§ 95). The Court considered that, in the field of audiovisual broadcasting, the States have a duty to ensure, first, that the public has access through television and radio to impartial and accurate information and a range of opinion and comment, reflecting, *inter alia*, the diversity of political outlook within the country and, secondly, that journalists and other professionals working in the audiovisual media are not prevented from

imparting this information and comment (§§ 103-11). In the particular circumstances of the case, the Court found that the State authorities had failed to comply with their positive obligation, notably that the legislative framework had not provided sufficient safeguards against the control over editorial policy by the political organ of the Government. It thus found a violation of Article 10 of the Convention (§ 111).

Centro Europa 7 S.r.l. and Di Stefano v. Italy [GC], 2012, concerned a failure, by the State authorities, to allocate the applicant company the necessary frequencies for television broadcasting despite it having been granted a licence for nationwide terrestrial television broadcasting. The Court reiterated that there can be no democracy without pluralism and that democracy thrives on freedom of expression. (§ 129). On the facts of the case, the Court found that the applicable laws had failed to protect against arbitrariness, causing, among other things, reduced competition in the audio-visual sector, which in turn, amounted to a failure by the State to comply with its positive obligation to put in place an appropriate legislative and administrative framework to guarantee effective media pluralism. It concluded to a violation of Article 10 of the Convention (§§ 156-57).

In *Nenkova-Lalova v. Bulgaria*, 2012, the applicant, a journalist, was dismissed for disobeying an editorial decision of her employer, the public broadcaster (§ 52). The Court found, relying on the general principles concerning pluralism in the audiovisual media and on the right of public broadcasters to set their editorial policy, in line with the public interest, and their responsibility for statements made on air, that the applicant's capacity as a journalist did not automatically entitle her to pursue, unchecked, a policy that ran counter to that outlined by her employer, which amounted to flouting legitimate editorial decisions taken by the management (§§ 59-60). It therefore concluded that Article 10 of the Convention had not been breached (§§ 61-62).

In *Animal Defenders International v. the United Kingdom* [GC], 2013, the applicant, a non-governmental organisation, was refused permission to place a television advert, as part of a campaign concerning the treatment of primates, on the grounds that the political nature of the applicant's objectives meant that the broadcasting of the advert fell under the statutory prohibition of political advertising. The Court noted, in that context, that although Internet and social media remain powerful communication tools, the choices inherent in the use of these channels of dissemination mean that the information emerging therefrom does not have the same synchronicity or impact as broadcasted information (§ 119). Access to alternative media is a key factor in assessing the proportionality of a restriction on access to other potentially useful media such as radio or television discussion programmes, the print media and social media (§ 124). The Court considered that the reasons adduced by the authorities to justify the prohibition of the applicant's advertisement had been relevant and sufficient and therefore the said prohibition was not found to amount to a disproportionate interference with the applicant's right to freedom of expression. The Court therefore concluded that there had been no violation of Article 10 (§ 125).

In *NIT S.R.L. v. the Republic of Moldova* [GC], 2022, which concerned a revocation of broadcasting licence of a TV channel, the Court reiterated that the requirement of pluralism is not restricted to what can be described as issues of external pluralism (for example monopoly, duopoly or other positions of dominance) but also concerns the relevant national legal framework on internal pluralism, such as the obligation on broadcasters to present different political views in a balanced manner without favouring a particular party or political movement. Neither aspect of pluralism, internal or external, should be considered in isolation from each other but rather in combination. Thus, in a national licensing system involving a certain number of broadcasters with national coverage, what may be regarded as a lack of internal pluralism in the programmes offered by one broadcaster may be compensated for by the existence of effective external pluralism (§§ 189-90). In the particular circumstances of the case, and taking into account the national context, the Court was satisfied that the decision to restrict the applicant company's freedom of expression had been supported by reasons which had been relevant and sufficient for the purposes of the test of "necessity" under Article 10 § 2 of the Convention and that the domestic authorities had acted within their margin of appreciation in achieving a reasonable

relationship of proportionality between the need to protect pluralism and the rights of others, on the one hand, and the need to protect the applicant company's right to freedom of expression on the other hand. There was no violation of Article 10 of the Convention in this case (§§ 229-30).

In *Kobaliya and Others v. Russia*, 2024, which concerned the expanded application of "foreign agents" legislation to media organisations, journalists, activists and other individuals, the Court considered that the legislation in question contained vague and unpredictable criteria for "foreign agent" designation leading to arbitrary application and thus creating a climate of distrust. Some of the applicants were journalists or political activists with significant social media presence, who had been labelled as "foreign agents" and fined for sharing materials and for participating in creating content on social media (§§ 10-14). Having regard to the absence of relevant and sufficient reasons for applying the stigmatising label of "foreign agents" to the applicant organisations, media outlets and individuals, the lack of a "pressing social need" in enforcing the additional requirements and the manifestly disproportionate punitive sanctions, the Court concluded that the "foreign agent" legislative framework and its application to the applicants had been arbitrary and had not been "necessary in a democratic society". Moreover, such legislation had contributed to shrinking democratic space by creating an environment of suspicion and mistrust towards civil society actors and independent voices, thereby undermining the very foundations of a democracy. Accordingly, there has been a violation of Article 10 and Article 11 (freedom of assembly and association) (§ 98).

*Europa Way S.r.l. v. Italy**, 2025, concerned the suspension by ministerial decree and subsequent annulment by legislation of a bidding procedure for the allocation of frequencies for digital terrestrial television broadcasting which were set out in regulations by the appropriate regulatory authority. The measure was found to have interfered with the applicant company's ability to obtain rights over digital terrestrial frequencies (§§ 103-04). The Court found that the interference with the applicant's rights had been incompatible with both domestic and EU law and had undermined the regulatory authority's independence (§§ 121-28). The Court thus concluded to a violation of Article 10.

2. Role of social media

In *Cengiz and Others v. Turkey*, 2015, in the context of a general blocking of access to YouTube, a video hosting service owned and operated by Google LLC, the Court stated that political content ignored by the traditional media is often shared via the Internet, thus fostering the emergence of citizen journalism (§ 52). The applicants, academics actively using the platform in question for accessing resources and disseminating their work, complained about the repercussions of the blocking order on their academic work, underscoring the important features of the website in question. The Court considered that YouTube constitutes "a unique platform" for freedom of expression due to its characteristics, accessibility and potential impact in enabling users to receive and impart information and ideas (§ 52). On the facts of the case, the Court found that, although not directly targeted by the decision to block access to YouTube, the applicants could legitimately claim that the blocking order had affected their right to receive and impart information or ideas (§§ 47-58) and the domestic legislation as applied in the instant case, did not satisfy the requirement of lawfulness under the Convention and did not afford the applicants the degree of protection to which they were entitled by the rule of law in a democratic society. Furthermore, the Court highlighted that the legislative provision which allowed for the total blocking of YouTube appeared to be in conflict with Article 10 of the Convention, according to which the rights set forth in that Article are secured "regardless of frontiers". The Court thus concluded to a violation of Article 10 (§§ 65-66).

Magyar Kétfarkú Kutya Párt v. Hungary [GC], 2020 concerned an insufficiently foreseeable legal basis for a fine on political party for making available a mobile application allowing voters to share anonymous photographs of their ballot papers prior to a referendum concerning the relocation of migrants within the European Union. The applicant, a satirical political party, made available a mobile application called "Cast an invalid ballot" which enabled users to upload and share with other users, anonymously, photographs of their ballots or a photograph of the activity they were engaged in

instead of voting. National election commission fined the applicant, and *Kúria* and the Constitutional Court upheld the decision to fine the applicant, as the application infringed on the principle of the exercise of rights in accordance with their purpose. The Court found this to be unforeseeable (§§ 93-116) and thus concluded to a violation of Article 10.

In *Kilin v. Russia*, 2021, which concerned the applicant's criminal conviction for posting material qualified as public calls to ethnic violence on his social-network account, the Court noted that the sharing of third-party content online through social-media platforms was a frequent way of communication and social interaction and that it did not always pursue any specific communicative aim or aims, especially where a person did not accompany it with any comment or otherwise present his or her attitude toward the content. The Court did not exclude that the act of sharing certain content still could contribute to an "informed citizenry" (§ 79). On the facts of the case, and given the racist nature of the material and the absence of any commentary on that content, the Court doubted that the applicant's exercise of his freedom to impart information and ideas had had any appreciable socially redeeming value (§ 89). Despite it being shared with a small audience, the Court did not exclude that the sharing of such content online within an online group (even a relatively small one) of like-minded persons might have the effect of reinforcing and radicalising their ideas without being exposed to any critical discussion or different views (§ 91). It thus concluded that there had been no violation of Article 10.

The case of *Women's Initiatives Supporting Group and Others v. Georgia*, 2021 concerned, in the context of Article 3 (prohibition of torture) and Article 14 (prohibition of discrimination), the role of social media in inciting a campaign of vicious hate speech online, which led to unprecedented violence against LGBT demonstrators with State connivance. The applicant associations informed the State officials about media reports that ultra-conservative NGOs and clergymen were planning a counterdemonstration and a hate speech campaign on social media against the applicant associations' staff members. Despite assurances by the authorities that the participants' safety would be guaranteed, the applicants were victims of violence. The Court considered that the authorities did not attach sufficient importance to the serious threats circulating on social media and did not comply with their obligation to use any means possible to mitigate the risks (§§ 71-73). The Court concluded that there was a violation of Article 3 under its substantive limb read together with Article 14 of the Convention (§ 78). See also: *Romanov and Others v. Russia*, 2023, or *Association ACCEPT and Others v. Romania*, 2021.

Avagyan v. Russia, 2025, concerned the conviction of an applicant, a small business owner, for wilful dissemination of "untrue information" with regard to comments questioning the existence of COVID-19 cases in the applicant's region, posted on her social media account. The Court said that, while combating disinformation during a public health emergency may be a legitimate objective, sanctioning individuals for expressing scepticism about official information or calling for greater transparency was not. The applicant's comments reflected criticism of a perceived lack of transparency without claiming to provide verified facts. Her remarks were made early in the COVID-19 pandemic, at a time when knowledge in this matter was still evolving and in response to a news article on alleged reporting irregularities. Consequently, the domestic court penalised the applicant for engaging in the kind of public debate that a democratic society requires, especially in times of crisis. It also failed to consider that her Instagram account was linked to a small business, the comment had minimal reach, and was promptly contradicted by another user. The Court found a violation of Article 10.

Danileț v. Romania [GC], 2025, concerned disciplinary sanctions imposed on a judge for comments published on his Facebook page. The applicant He was known for his active participation in debates on democracy, the rule of law and the justice system, and enjoyed significant nationwide renown on account, among other things, of his various former positions. The Court noted that the applicant had had a sanction imposed on him for expressing a personal opinion on his Facebook page, which had been accessible to the general public and where he had had several thousand followers (§ 145). The Court consolidated the principles established in its case-law with regard to the freedom of expression

of judges and prosecutors on the internet, and defined a set of criteria that took into account the limits imposed on that freedom by the duty of discretion inherent in their office (§§ 146-65). On the facts of the case, the Court considered that the applicant's remarks in the two messages posted on his Facebook page had not been such as to upset the requisite reasonable balance between, on the one hand, the degree to which the applicant, as a judge, could be involved in society in order to defend the constitutional order and State institutions and, on the other, the need for him to be and to be seen as independent and impartial in the discharge of his duties (§ 205). The Court thus considered that the interference in issue had not been based on "relevant and sufficient" reasons and consequently had not met a "pressing social need" (§ 206) and concluded to a violation of Article 10.

3. State control over online space

The case *Salov v. Ukraine*, 2005, concerned the criminal conviction of the applicant, a lawyer representing a candidate for the Presidency of Ukraine, for disseminating false information during the presidential election. The applicant falsely attributed several statements, concerning the alleged death of another presidential candidate, to the Speaker of the *Verkhovna Rada* of Ukraine in a leaflet. The Court observed that the domestic courts had failed to prove that the applicant had been intentionally trying to deceive other voters and to impede their ability to vote during the presidential elections. In this context, it reiterated that Article 10 did not prohibit as such discussion or dissemination of information received even if it was strongly suspected that the information in question might not be truthful (§ 113). The Court concluded that the decision to convict the applicant had been manifestly disproportionate to the legitimate aim pursued by that measure and had thus violated the applicant's Article 10 rights.

The case of *Google LLC and Others v. Russia*, 2025, concerned the imposition of substantial and unprecedented fines on Google LLC, on the one hand, for failure to comply with take-down requests concerning user-generated content hosted on YouTube, containing a broad range of content, including political expression, criticism of the Government, reporting on Russia's invasion of Ukraine by independent news outlets, and support for LGBTQ rights; and, on the other hand, for failure to comply with a domestic courts' order to restore a television channel's YouTube account, which had been suspended due to sanctions imposed on the channel's owner for providing material and public support for Russia's annexation of Crimea. The Court observed that none of the content which the authorities had sought to suppress had contained expressions of hate speech, incitement to violence, or discrimination against any group. The sole basis for requiring their removal appeared to have been their capacity to inform public debate on matters which the authorities had preferred to suppress (§ 76). Penalising the applicant company for hosting content critical of governmental policies or presenting alternative view to military actions, without demonstrating a "pressing social need" for its removal, struck at the very heart of Internet's function as a means for the free exchange of ideas and information (§ 80). The Court found a violation of Article 10 both in connection with the sanctions imposed for the failure to comply with the take-down requests (§ 83) and in connection with the requirement to provide hosting (§ 101).

Novaya Gazeta and Others v. Russia, 2025, concerned the applicants' prosecution in criminal and administrative proceedings and shutdown of applicant media organisations for "discrediting" Russian military and spreading "fake news" about its actions in Ukraine, inter alia, via social media. The Court found that the opinions communicated by the applicants were an expression of support for a neighbouring country under attack and its people and did not inherently threaten national security or public order, and it did not imply endorsement of any extremist ideology. By sanctioning such innocuous expressions of solidarity, the Russian authorities demonstrated a level of intolerance towards dissenting views that the Court found to be fundamentally incompatible with the pluralism and open debate essential to a democratic society (§ 114). As for the blocking of certain websites and the revocation of a publishing licence, the Court observed that the measures had significantly

restricted the public's access to diverse sources of information on matters of crucial public interest (§ 124). On the facts of the case, the Court concluded to a violation of Article 10.

4. Obligations of intermediaries and platform owners

In *Delfi AS v. Estonia* [GC], 2015, the applicant company, which runs a news portal run on a commercial basis, complained that it had been held liable by the domestic courts for the offensive comments posted by its readers below one of its online news articles. The applicant company removed the offensive comments about six weeks after their publication. In examining the complaint brought before it under Article 10 of the Convention, the Court, while acknowledging the benefits of the Internet, recognised that these are accompanied by a number of dangers, in that clearly unlawful speech, including defamatory remarks, hate speech and speech inciting violence, can be disseminated as never before, worldwide, in a matter of seconds, and sometimes remain persistently available online (§ 110). The risk of harm posed by content and communications on the Internet to the exercise and enjoyment of human rights and freedoms, particularly the right to respect for private life, is certainly higher than that posed by the press (§ 133). The Court applied those principles to the facts of the case and found no violation of Article 10, owing to the fact that the sanction imposed on the applicant, in the concrete circumstances of the case, had been based on relevant and sufficient grounds and had thus not constituted a disproportionate restriction on the applicant's right to freedom of expression.

In *Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary*, 2016, a self-regulatory body of Internet content providers and an Internet news portal were held liable for vulgar and offensive online comments posted on their websites following the publication of an opinion criticising the misleading business practices of two real estate websites. The applicants complained about the domestic courts' rulings against them, which had effectively obliged them to moderate the content of comments made by readers on their websites, arguing that that had gone against the essence of free expression on the Internet. The Court reiterated that, although, "because of the particular nature of the Internet, the 'duties and responsibilities' that are to be conferred on an Internet news portal for the purposes of Article 10 may differ to some degree from those of a traditional publisher, as regards third-party content", the fact of providing a forum for the exercise of freedom of expression by enabling the public to impart information and ideas on the Internet had to be assessed in the light of the principles applicable to the press (§§ 61-62). However, the Court considered that the domestic courts, when deciding on the notion of liability in the applicants' case, had not carried out a proper balancing exercise between the competing rights involved, namely between the applicants' right to freedom of expression and the real estate websites' right to respect for its commercial reputation. Notably, the national authorities had accepted at face value that the impugned comments had been unlawful as being injurious to the reputation of the real estate websites. Consequently, the Court found that there had been a violation of Article 10 of the Convention.

The applicants in *Tamiz v the United Kingdom* (dec.), 2017 sought to bring a claim in libel following the publication of a number of comments on a blog, which he regarded as defamatory. The blog was hosted by a corporation in the US. The English courts did not allow the case to proceed because the alleged damage to reputation was minimal. The applicant argued before the Court that in refusing him permission to serve a claim outside the jurisdiction of the UK, the respondent State had been in breach of its positive obligation under Article 8 (right to respect for private and family life) to protect his right to reputation. The Court found the claim inadmissible for being manifestly ill-founded.

In *Pihl v. Sweden* (dec.), 2017, a small non-profit association published a blog post accusing the applicant of involvement with a Nazi party. A defamatory comment was posted anonymously in reply and the discussion was not moderated. Following a request by the applicant both the blog post and the comment were removed, and the association published an apology (§§ 3-6). The applicant complained under Article 8 about the inability, under domestic law, to hold the association liable for defamatory comments. The Court observed that the impugned comment had been unforeseeable by

the association, as it had had nothing to do with the post itself (§ 30). It went on to find that, expecting the association to assume that some unfiltered comments might be illegal, would amount to requiring excessive and impractical forethought, capable of undermining the right to impart information via internet (§ 31). On the facts of the case, the Court noted that the comment, though offensive, had not amounted to hate speech or incitement to violence; had been posted on a small non-profit blog, not a major platform; and had been removed promptly by the association. The domestic courts acted within their margin of appreciation and struck a fair balance between the applicant's rights under Article 8 and the association's opposing right to freedom of expression under Article 10. Therefore, the Court declared the complaint was manifestly ill-founded, thus inadmissible.

In *Høiness v. Norway*, 2019, an Internet news portal was found not to be liable for sexist comments on a debate forum for anonymous posts by third parties. The applicant was a relatively well-known lawyer in Norway. Further to a controversy in newspapers surrounding an inheritance issue concerning her, the online news portal, which had the same owner as the newspapers, opened a thread discussion on the subject. The debate forum hosted entirely user-generated content, being possible for users to comment anonymously without any requirement to register. Next to each post there were warning buttons allowing users to flag unacceptable comments. Several vulgar and sexist remarks about the applicant were posted (§§ 5-9). The Court accepted the domestic assessment to the effect that the comments in question had not amounted to hate speech or incitement to violence (§ 69). Moreover, it found that the debate forums were not particularly integrated into the news portal's presentation of news (§71), and the moderators removed the content upon notification (§ 73). The Court found that the domestic courts acted within their margin of appreciation (§74-75) and struck a fair balance between the applicant's rights under Article 8 and the right to freedom of expression of the news portal and host of the debate forums. It thus concluded that there was no violation of Article 8 of the Convention.

In *Jeziór v Poland* [Committee], 2020, the applicant ran a blog for free about local issues without pre-moderation of comments. During the 2010 local election campaign, an anonymous user posted, on that blog, defamatory comments about another candidate. The applicant was ordered to cease disseminating the offending remarks, to issue an apology and to pay certain amounts (§ 60). The Court reiterated that expecting the applicant to assume that some unfiltered comments might be illegal would amount to requiring excessive and impractical forethought, causing a chilling effect on freedom of expression on the Internet (§§ 58-60). The Court thus considered that the domestic courts failed to strike a fair balance, causing a disproportionate interference with the applicant's right to freedom of expression, which was therefore unnecessary in a democratic society. Accordingly, it concluded to a violation of Article 10 (§61-62).

The applicant in *Standard Verlagsgesellschaft mbH v. Austria (no. 3)*, 2021, is a media company, which publishes a daily newspaper and runs an online news portal carrying articles and discussion forums on the Internet. The case concerned court orders imposed on the applicant company to reveal the sign-up information of registered users who had posted anonymously offensive comments on its website, directed at two politicians and a political party. The applicant company complained that the user data it had been ordered to reveal constituted journalistic sources and were thus protected by editorial confidentiality. The Court concluded that, as the authors of the comments had addressed the public and not a journalist, they could not be considered to have been journalistic sources (§ 71). The Court reiterated that the Convention did not provide for an absolute right to anonymity which, albeit an important value, had to be balanced against other rights and interests (§ 75), but it nevertheless acknowledged the interest of Internet users not to have their identity disclosed (§ 76). It recognised that domestic courts enjoyed a certain margin of appreciation regarding lifting anonymity, even in the context of political speech and debates of public interest. On the facts of the case, the Court found that the domestic courts had failed to weigh up the competing interests and concluded to a violation of Article 10 (§§ 95-96).

The applicant in *Sanchez v. France* [GC], 2023, at the time a local councillor and a candidate in parliamentary elections, wrote a post about his political opponent F.P., commented by two third parties, S.B. and L.R. with statements inciting hatred or violence against persons of the Muslim faith. The applicant failed to moderate the content published on his wall. Even though the applicant's situation was not comparable to that of large, professionally managed news portals, the Court reiterated that politicians have special duties while using social media for political purposes, especially during an election campaign, by opening publicly accessible fora on the Internet to receive reactions and comments (§§ 138-140, 150, 180, 187). Moreover, the Court believed that to exempt producers from all liability might facilitate or encourage abuse and misuse, so there should be a sharing of liability between all the actors involved, allowing if necessary for the degree of liability and the manner of its attribution to be graduated according to the objective situation of each one (§ 185). Thus, the Court ruled that such measures were compatible with the freedom of expression and found no violation of Article 10.

In *Google LLC and Others v. Russia*, 2025, which concerned the imposition of substantial and unprecedented fines on Google LLC, for failure to comply with Government requests concerning the content published on the platform (see State control over online space above), the Court said that when internet intermediaries manage content available on their platforms or play a curatorial or editorial role, including through the use of algorithms, their important function in facilitating and shaping public debate engenders duties of care and due diligence, which may also increase in proportion to the reach of the relevant expressive activity (§ 79). For further details, see the Section on State control over online space, above.

In *Bradshaw and Others v. the United Kingdom*, 2025, which concerned allegations of interference by a hostile State with the United Kingdom's democratic processes, the Court acknowledged the existence of agreement among the international community that election interference through the weaponisation of disinformation and, in some cases, cyber-attacks and "hack and leak" operations, poses a serious threat to democracy, and noted that there appeared to be a clear consensus among member States that the complex global problem at stake could not be addressed without the co-operation of international partners and social media companies. On the facts of the case, the Court concluded that there had been no violation of Article 3 of Protocol No. 1 to the Convention. For further details, see the Section on Protecting the electoral process, below.

5. Using freedom of expression to distort political debate

In *Glimmerveen and Hegenbeek v. the Netherlands* (dec.), 1979, the applicants had been prosecuted for circulating xenophobic pamphlets as part of their election campaign, encouraging expulsion of guest workers from the Netherlands. The Commission (which was the Convention organ entrusted, at that time, to examine the case) noted that the message was aimed at the destruction of Convention freedoms because it had been discriminatory. It considered that the applicants had been essentially seeking to use Article 10 to provide a basis under the Convention for a right to engage in activities contrary to the text and spirit of the Convention. It thus concluded that the applicant could not, by reason of Article 17 (prohibition of abuse of rights), rely on Article 10 of the Convention. For the same reasons, the Commission concluded that, even assuming that Article 3 of Protocol No. 1 applied, the applicant could not avail themselves of its protection, having regard to Article 17.

Vogt v. Germany, 1995, concerned the dismissal of a teacher on account of her political activities on behalf of the German Communist Party. The applicant complained of an unjustified limitation of her freedom of expression. In this context, and having regard to the requirement of political loyalty imposed on civil servants, the Court acknowledged the legitimacy of the concept of a "democracy capable of defending itself" (§ 51). On the facts of the case, the Court considered that the measure at stake had been disproportionate to the legitimate aim pursued and thus concluded to a violation of Article 10.

Refah Partisi (the Welfare Party) and Others v. Turkey [GC], 2003, the Court reiterated that no one must be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society. The case concerned the dissolution of a political party on the ground that it was a centre of activities contrary to the principles of secularism. The Court observed that it must not lose sight of the fact that in the past political movements based on religious fundamentalism had been able to seize political power in certain States and had had the opportunity to set up the model of society which they had in mind; consequently, in accordance with the Convention's provisions, each Contracting State may oppose such political movements in the light of its historical experience (§ 124). On the facts of the case, the Court concluded that in view of the fact that Refah's plans were incompatible with the concept of a "democratic society" and the real opportunities it had of putting them into practice, its dissolution had complied with the Convention requirements. It therefore found no violation of Article 11 (freedom of assembly and association).

In *Ždanoka v. Latvia* [GC], 2006, the applicant had been a member of the Communist Party of Latvia which had attempted to bring about a *coup d'état* in 1991. Her candidature for elections was subsequently rejected a number of times on account of her activities in the party in question, which had continued after the attempted *coup d'état*. The Court took the view that the applicant's former position in that party, coupled with her stance during the events of 1991, still warranted her exclusion from standing as a candidate to the national parliament. While such a measure might scarcely be considered acceptable, for example, in a country which had an established framework of democratic institutions going back many decades or centuries, it might nonetheless be considered acceptable in Latvia in view of the historical and political context which had led to its adoption and given the threat to the new democratic order. The Court stated that it could not be ruled out that a person or a group of persons will rely on the rights enshrined in the Convention or its Protocols in order to attempt to derive therefrom the right to conduct what amounts in practice to activities intended to destroy the rights or freedoms set forth in the Convention; any such destruction would put an end to democracy. It was precisely this concern which led the authors of the Convention to introduce Article 17. Furthermore, the Court ruled that no one should be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society (§§ 99-100). On the facts of the case, the Court nevertheless found that the Latvian parliament had a duty to keep the statutory restriction under constant review, with a view to bringing it to an early end. Such a conclusion was all the more justified in view of the greater stability which Latvia now enjoyed, *inter alia*, by reason of its full European integration. Hence, any failure by the Latvian legislature to take active steps in that connection might result in a different finding by the Court (§§ 132-135). Based on these considerations, the Court concluded that there had been no violation of Article 3 of Protocol No. 1.

Petropavlovskis v. Latvia (dec.), 2015, concerned the refusal to grant citizenship to the leader of a protest movement against the State's language policy. The Court reiterated that the freedoms guaranteed by Articles 10 and 11 of the Convention cannot deprive the authorities of a State in which an association, through its activities, jeopardises that State's institutions of the right to protect those institutions. Reiterating that no one should be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society, the Court considered that, in order to guarantee the stability and effectiveness of a democratic system, the State may be required to take specific measures to protect itself (§§ 71-72). Examining the applicant's situation, the Court noted that the requirement of loyalty to the State and its Constitution cannot be regarded as a punitive measure capable of interfering with freedom of expression and of assembly, but rather as a criterion which has to be fulfilled by any person seeking to obtain citizenship through naturalisation (§ 85). Having found that the applicant had not been prohibited in any manner from exercising his Conventional rights, the Court concluded that Articles 10 and 11 of the Convention were not applicable in the circumstances of the case.

The applicant in *Godenau v. Germany*, 2022, was a teacher. The application concerned the refusal of her request to have her name and other information about her deleted from an internal list of

“teachers deemed unsuitable for reappointment to a teaching post” at public schools in the Land of Hesse. The list was created and maintained by the Hesse authorities. The applicant was included and retained on that list, which was not known or visible to the public, because of statements she had made as well as her memberships in and political activities on behalf of right-wing parties and organisations, in view of which the authorities determined that there were doubts as to her loyalty to the Constitution. The purpose of the applicant’s inclusion and retention on the list was to prevent her reappointment to a teaching post at a public school in Hesse. A very limited number of public officials in Hesse had access to this list. The Court found that Article 10 applied to the facts of the case, but that it did not follow from that applicability that the applicant had a right to be appointed to a teaching post at a public school (§ 36). The Court further considered that the restriction on the applicant’s freedom of expression of teachers deriving from the duty of loyalty pursued legitimate aims under Article 10 § 2, notably the prevention of disorder and the protection of the rights of others (§ 52), and emphasised the “enormous importance, from a public-policy perspective, of teaching and educating children, in a credible manner, about freedom, democracy, human rights and the rule of law” (§ 54). The Court found no violation of Article 10 of the Convention.

Gaponenko v. Latvia (dec.), 2023, concerned the applicant’s detention on remand for hostile social-media posts threatening Latvia, published during a period between August 2017 and April 2018, which were qualified by the authorities as constituting the criminal offence of “actions directed against national independence, sovereignty, territorial integrity, State power or administrative order of the Republic of Latvia in a manner not provided for in the Constitution” (§§ 5-6). The Court noted that it appeared the applicant had posted *inter alia* messages about allegedly imminent violent conflicts between the Latvian State and its Russian-speaking residents and international armed conflict escalating into a nuclear war between the member States of NATO (including Latvia) and the Russian Federation. The Court reiterated the specific sensitive socio-political context underlying the applicant’s publications, and in particular affirmed that it could not overlook the fact that Latvia is a neighbouring country of Russia which, by the material time, had already invaded parts of Georgia and acquired military and political control over parts of Ukraine. Consequently, and in the circumstances of the case, the Court held that the applicant’s arrest and detention was a necessary response in light of the tense security situation in the country (§ 43). It further concluded that the applicant had failed to substantiate his allegations relating to his inability to consult social media platforms and to post on them while in prison, as well as to communicate his ideas to the outside world to the extent and in the manner he wished, and thus rejected as inadmissible his complaint under Article 10.

The case of *Kirkorov v. Lithuania* (dec.), 2024, concerned the ban on the applicant, a musician in Russia, from entering Lithuania because he was considered a threat to national security. The authorities found that he was a tool for Russia’s propaganda in States of the former USSR. The applicant appealed the ban arguing that he was an artist and not interested in politics. The Court found that in restricting the applicant’s ability to impart information and ideas within Lithuania, the ban interfered with his right to freedom of expression under Article 10 (§ 53). However, the ban pursued a legitimate aim under Article 10, namely national security and public safety (§ 57). The Court referred to the authority’s explanation that the Russian Federation had employed various means of propaganda against the Baltic States, including popular music singers such as the applicant (§ 61). The Court also cited the European Parliament which has acknowledged the need for recognising and exposing Russian disinformation and propaganda warfare (§ 61). Furthermore, there was nothing in the case file to suggest that the domestic courts erred in their assessment or application of domestic law (§ 65), nor was the ban disproportionate as it had adequately weighed the interests of national security and public order against the applicant’s actions and the severity of the impugned measure on the applicant (§ 66). In light of this, the applicant’s complaint under Article 10 was found to be manifestly ill-founded.

Ždanoka v. Latvia (no. 2), 2024, followed-up on the Grand Chamber judgment of *Ždanoka v. Latvia* [GC], 2006. In 2018, following a request by the applicant for a review of the constitutionality of the provision restricting the right to stand for election of persons who had actively participated in the

Communist Party of Latvia after 13 January 1991, the Constitutional Court confirmed its constitutionality but narrowed the restriction to those active participants who “[had] endangered and still continued to endanger the independence of the Latvian State and the principles of a democratic State governed by the rule of law”. In that year’s parliamentary elections, the applicant’s name was removed from the list of candidates after the Central Electoral Commission had found that the restriction, as interpreted by the Constitutional Court, applied in her situation. At the outset, the Court emphasised the context: Latvia was a neighbour of Russia, a State that had recently invaded and controlled parts of Georgia and Ukraine in “a clearly discernible trend of events” subsequent to the 2006 Grand Chamber judgment. While the Latvian parliament had rejected proposals to lift the restriction on three occasions and while in other circumstances the Court might consider this limited action as unjustified and capable of tipping the balance in favour of finding a violation, it could not reach such a conclusion in the specific and sensitive context of the case, given that the “greater stability” enjoyed by Latvia (and Europe in general), and referred to by the Grand Chamber in the 2006 judgment, no longer existed. Since that judgment Latvia increasingly had legitimate reasons to fear for its security, territorial integrity and democratic order, and the restriction therefore had to be assessed in the light of the wider margin of appreciation to be afforded to it in this matter (§§ 55-56). The Constitutional Court’s interpretation of the impugned restriction was, in view of the developments, within its interpretative authority and not arbitrary or unreasonable, while the subsequent proceedings before the electoral commission and the appellate court on the application of the impugned restriction and the applicant’s disqualification afforded her sufficient safeguards against arbitrariness (§ 61). The Court thus concluded that Article 3 of Protocol No. 1 had not been breached.

6. Protecting tolerance and measures against incitement to hatred and discrimination

In *Féret v. Belgium*, 2009, a parliamentarian had been prosecuted for inciting discrimination through electoral leaflets which presented immigrants as “criminally-minded and keen to exploit the benefits they derived from living in Belgium”. While accepting that expressive freedom was especially important for an elected representative, the Court also noted politicians had a duty to avoid comments that might foster intolerance. This was significant if the impact of racist and xenophobic discourse was magnified in an electoral context, in which arguments naturally became more forceful. The Court considered that there had been no violation of Article 10.

Willem v. France, 2009 concerned conviction of a mayor for publicly encouraging boycotts of Israeli goods. The Court, while accepting that the measure constituted interference with the applicant’s rights, it noted that the applicant had not been convicted for his political opinions, but for incitement to discrimination given that he did not simply criticise the policies of the foreign State, but had announced the boycott of products from Israel (§ 35). The applicant’s use of a publicly accessible municipality website, prevented any debate and he could not claim to have promoted free discussion on a matter of general interest (§ 38). Therefore the Court considered that the measure was not disproportionate and concluded that there had been no violation of Article 10.

In *Le Pen v. France* (dec.), 2010, France convicted a well-known politician for publicly inciting hatred towards Muslims. Specifically, the applicant proclaimed that “the day there are no longer 5 million but 25 million Muslims in France, they will be in charge”. While the Court noted that it attaches the “highest importance” to political expression, it concluded that the applicant had used his influential position to “generate misunderstanding and incomprehension” and promote “feelings of rejection and hostility” towards Muslims. Consequently, the Court dismissed as inadmissible the applicant’s complaint under Article 10.

Le Pen v France (dec.), 2017, concerned the conviction of a known politician for publicly inciting hatred towards Roma, in a political speech delivered on the dangers of immigration, whereby he made statements about their alleged refusal to integrate in the European States where they live. The Court considered that the applicant’s comments were certainly likely to give a negative image of the Roma

community as a whole. It dismissed the complaint raised under Article 10 as being manifestly ill-founded.

The applicant in *Smajic v Bosnia and Herzegovina*, 2018 was convicted of inciting hatred, for posts on an internet forum on the kinds of military actions that could be undertaken against Serb districts in the event of another war. He complained that he had been convicted for expressing his opinion on a matter of public concern. However, the Court notes that the subject of the applicant's posts, even if written in a hypothetical form, had touched upon the very sensitive matter of the ethnic relations in post-conflict Bosnian society (§ 39). The criminal penalties imposed on the applicant were found to be proportionate in the case and thus the Court declared the application inadmissible.

In *Sanchez v. France* [GC], 2023, which concerned the criminal conviction of a politician for xenophobic remarks posted by third persons on the "wall" of his personal Facebook account during an election campaign, the Court addressed, for the first time, the question of the liability of users of social networks on account of comments by third parties. The Court underlined, in particular, that the applicant's Facebook "wall" was not comparable to a "large professionally managed Internet news portal run on a commercial basis", and rather approached the case in the light of "duties and responsibilities" attributable to politicians when they decided use social networks for political purposes, in particular for an election campaign, by opening fora that were accessible to the public on the Internet in order to receive their reactions and comments (§ 180). In this context, the Court emphasised the fact that an account holder could not claim any right to impunity in his or her use of electronic resources made available on the Internet and that such a person had a duty to act within the confines of conduct that could reasonably be expected of him or her (§ 190). In the latter connection, a degree of notoriety was a relevant factor: a private individual of limited notoriety and representativeness would have fewer duties than a local politician and a candidate standing for election to local office, who in turn would have a lesser burden than a national figure for whom the requirements would necessarily be even heavier, on account of the weight and scope accorded to his or her words and the resources to which he or she would enjoy greater access in order to intervene efficiently on social media platforms (§ 201). With this in mind, the Court pointed out that the applicant had used his Facebook account in his capacity as a politician and for political purposes, during an election campaign to which the impugned comments were directly related (§ 189). He had furthermore been free to decide whether or not to make access to the "wall" of his Facebook account public. Whilst he could not be reproached for that decision itself, in view of the local and election-related tension at that time, that option had clearly been not without potentially serious consequences, as the applicant must have been aware in the circumstances (§ 193). Noting that the applicant had not taken timely steps to review the posted comments and delete those that had been clearly unlawful, and that the domestic courts had given reasoned decisions based on the reasonable assessment of the facts (§ 199), the Court concluded that Article 10 had not been violated in that case (§§ 209-10).

7. Using social media activity to limit the civil rights of journalists, civil activists or politicians

The case of *Şik v. Turkey (no. 2)*, 2020, concerned the initial and continued pre-trial detention of the journalist Ahmet Şik, who was suspected of disseminating propaganda in favour of organisations considered by the Government to be terrorist organisations or of assisting them through articles and interviews published in the Turkish daily newspaper *Cumhuriyet* and social media posts, all of which criticising government policies. The Court found that the applicant's pre-trial detention for approximately 13 months (§ 181) for offences carrying a heavy penalty and directly linked to his work as a journalist, amounted to an actual and effective constraint and thus constituted "interference" with his right to freedom of expression (§ 182). It observed that that interference could not be justified since it was not prescribed by law and thus concluded that there had been a violation of Article 10 (§ 188).

In *Sabuncu and Others v. Turkey*, 2020, the applicants were journalists with a leading national daily newspaper *Cumhuriyet* or managers of the foundation which is the principal shareholder of the company that publishes the newspaper. Following the declaration of the state of emergency in July 2016, the applicants were arrested and detained for several months on suspicion of having assisted organisations considered by the government to be terrorist organisations, and of disseminating propaganda on their behalf. The suspicions were grounded mainly on articles published in the newspaper, whose editorial stance they had allegedly influenced in their capacity as managers, and on material shared by some of them on social media. The authorities also accused them of attempting to use “asymmetric warfare” tactics, to manipulate public opinion to render the country ungovernable. The Court considered that the applicants’ pre-trial detention for offences directly linked to their work as journalists, amounted to an actual and effective constraint and thus constituted “interference” with the exercise by the applicants of their right to freedom of expression (§ 226). That interference was not prescribed by law and thus the Court found a violation of Article 10 (§ 230).

Murat Aksoy v. Turkey, 2021, concerned the pre-trial detention of a journalist in connection with articles and publications he had written for newspapers or social media in which he had criticised the government. The Court found that there had been no plausible grounds to suspect the applicant of committing a criminal offence. Therefore the fact of remanding him in custody had constituted an interference with his right to freedom of expression (§ 164-65) which was not necessary in a democratic society, thus breaching Article 10.

Melike v. Turkey, 2021, concerned the dismissal without entitlement to compensation of a contractual employee of national education authority for putting “likes” on certain Facebook posts containing political content. The Court considered that the use of “likes” on social networks, which could be regarded as enabling people to show their interest in and approval of content, was, as such, a common and popular form of exercising freedom of expression online (§ 44). It noted that the content in question consisted, among others, of virulent political criticism directed against the alleged repressive practices of the authorities, of calls and encouragement to protest against these practices, and a sharp reaction to a statement, deemed sexist, by a well-known religious figure (§ 46). On the facts of the case, it found a violation of Article 10.

The case of *Andrey Rylkov Foundation and Others v. Russia*, 2024, concerned four applicant organisations which were declared as undesirable organisations by the Russian Prosecutor General, as well as a number of individual applicants who had been convicted of involvement with “undesirable organisations”. The Court observed that the labelling as “undesirable” organisation allowed for a blanket prohibition on the organisation’s activities and restricted its capacity for expressive conduct, amounting to an interference with the organisations’ right to freedom of association under Article 11 interpreted in the light of Article 10 (§ 83). Furthermore, the interference arising from the designation as “undesirable” failed to satisfy the “prescribed by law” criterion, as the Court found it to be both unforeseeable and arbitrary, given that the domestic law did not provide safeguards against abuse of this categorisation and the law in question was not formulated with sufficient precision to enable the applicant organisations to foresee that their otherwise lawful actions would result in such a designation (§§ 91-94). The remaining applicants were prosecuted for engaging with “undesirable organisations”. This constituted an interference with their right to freedom of association and of assembly under Article 11, as well as the right to freedom of expression under Article 10 in respect of sanctions stemming from activities on social media, publications and other modes of expressive conduct (§ 105). The law under which the applicants were convicted did not meet the “quality of law” requirement as it did not define with sufficient precision the types of conduct with “undesirable organisations” could result in a conviction (§ 108). The Court noted with particular concern that the applicants were subjected to a retrospective application of the law in a manner that was unforeseeable and imposed an unreasonable burden upon them. The expectation placed upon the applicants to anticipate legal categorisations not yet in existence at the time of their actions constituted a disproportionate “chilling effect” on their freedom of expression (§ 111). The Court

further considered that the applicants had been sanctioned on purely formal grounds, as the domestic authorities had failed to analyse the content or context of the materials for which the applicants were convicted, as required by the Court in cases relating to freedom of expression and assembly. Therefore, the interference could not be considered “necessary in a democratic society” (§ 112). The Court thus concluded to a violation of Articles 10 and 11.

The case of *Oleg Balan v. the Republic of Moldova*, 2024, concerned the defamation action of the applicant after a Facebook post by the leader of the opposition accused him of criminal activity. The supreme Court rejected his defamation claim, finding that the leader of the opposition party was entitled to the protection of freedom of expression under both national law and the Convention. The Court noted that the Supreme Court had treated the opposition leader as an investigative journalist and a public person and had decided to apply the presumption of good faith applicable to investigative journalists. However, it had failed to carry out its own careful analysis of the elements of the case file with regard to the protection of the applicant’s right to a reputation. Therefore, the Court was not convinced that the Supreme Court had struck a fair balance between the competing rights involved (§ 43) and found a violation of Article 8.

In *Milashina and Others v. Russia*, 2025, the applicants, journalists and the publishing house where they had been employed, complained about a concerted campaign of public threats and intimidation pursued by the Chechen senior officials and religious leaders after their coverage of a large-scale violent campaign reportedly run by the Chechen authorities against people perceived to be homosexual. The relevant statements were broadcast on State-controlled television channels or posted and reposted on social media. The Court considered that the threats had clearly aimed at repressing the journalist applicants’ intellectual personality, inspiring in them feelings of fear, anguish and vulnerability capable of humiliating and debasing them and of breaking their will to pursue freely their journalistic work; they clearly had intended to make the journalist applicants feel fearful for their safety (§ 77). Moreover, the repeated statements made against the applicants had sought to dehumanise them and condoned violent actions against them thus exposing them to potentially serious acts of violence or intimidation by a multitude of persons over an extended period of time. Nevertheless, no steps had been taken by the national authorities to investigate those threats despite the applicants’ complaints. The Court thus found a violation of Article 8.

B. Protecting the democratic process and its integrity

The rights guaranteed under Article 3 of Protocol No. 1 are crucial to establishing and maintaining the foundations of an effective and meaningful democracy governed by the rule of law and are accordingly of prime importance in the Convention system. Free elections and freedom of expression, in particular freedom of political debate, form the foundation of any democracy (*Bowman v. the United Kingdom*, 1998, 42; *Bradshaw and Others v. the United Kingdom*, 2025, § 113).

Free elections and freedom of expression, and particularly the freedom of political debate, form the foundation of any democracy. The two rights are inter-related and operate to reinforce each other. It is particularly important in the period preceding an election (both at the national and local level) that opinions and information of all kinds are permitted to circulate freely. In certain circumstances, however, the two rights may come into conflict and it may be considered necessary, in the period preceding or during an election, to place certain restrictions, of a type which would not usually be acceptable, on freedom of expression, in order to secure the “free expression of the opinion of the people in the choice of the legislature”. The Court recognises that, in striking the balance between these two rights, the Contracting States have a margin of appreciation, as they do generally with regard to the organisation of their electoral systems (*Animal Defenders International v. the United Kingdom* [GC], 2013, § 123; *Oran v. Turkey*, 2014, § 52; *Bowman v. the United Kingdom*, 1998, § 43; *Selahattin Demirtaş v. Turkey (no. 2)* [GC], 2020, § 383).

1. Media coverage of elections

In *Bowman v. the United Kingdom*, 1998, in which the applicant was criminally prosecuted for expenditure with a view to spreading electoral material in the period immediately preceding elections, the Court found that the total barrier imposed on the applicant's publishing information with a view to influencing the voters had not been necessary in order to achieve the legitimate aim of securing equality between candidates (§ 47). The Court stressed that it was particularly important in the period preceding an election that opinions and information of all kinds were permitted to circulate freely, because free elections and freedom of expression (particularly freedom of political debate) together form the bedrock of any democratic system (§ 42). It therefore concluded that there had been a violation of Article 10.

Lopes Gomes da Silva v. Portugal, 2000, concerned an editorial published by the applicant in a newspaper containing comments made, in relatively incisive terms, with regard to the political thought and ideology of a candidate in municipal elections. The applicant received a criminal conviction for defamation of the prospective political candidate. The Court considered that the comments in question did have some factual basis and held that the situation clearly involved a political debate on matters of general interest, an area in which restrictions on the freedom of expression should be interpreted narrowly (§ 33). On the facts of the case, the Court concluded to a violation of Article 10.

In *TV Vest AS and Rogaland Pensjonistparti v. Norway*, 2008, the Court accepted that Norway's statutory prohibition on election advertisements through broadcast media pursued the legitimate aim of ensuring a level playing field in elections. On the facts, however, the Court considered that, in practice, the restriction in question prevented a financially weak group from imparting their manifesto to voters. It was important that the applicant party had not obtained an unfair advantage over those with less resources and in fact had belonged to a category for whose protection the ban was, in principle, intended (§ 73). The Court considered that there had been a violation of Article 10.

Długołęcki v. Poland, 2009, concerned the case of a journalist who had been found guilty of insulting a candidate for the local council in an article published in the local newspaper two days prior to municipal elections. The Court reiterated that it was particularly important in the period preceding an election that opinions and information of all kinds were permitted to circulate freely both for national and local elections (§ 40). In that vein, it considered that the domestic authorities had failed to take into consideration the crucial importance of free political debate in a democratic society particularly in the context of free elections, and on the facts of the case found that there had been a violation of Article 10.

in *Communist Party of Russia and Others v. Russia*, 2012, the applicants positioned themselves as opposition political parties and candidates during parliamentary elections. During the electoral campaign State broadcasting companies was required to provide the competing candidate parties with free airtime. The applicants, however, maintained that the media coverage was unfair, that the five major TV channels in fact campaigned for the ruling party, that airtime was allocated unevenly and that the information disseminated was not neutral. Many observers monitoring the elections noted that the TV media coverage was unfavourable to the opposition. In its assessment, the Court agreed with applicants that States have a positive obligation 'to intervene in order to open up the media to different viewpoints' in election periods (§ 126). It ultimately rejected the applicant's argument that Russia had failed in this obligation by preventing the applicants from having the ability to impart information to voters. More generally, however, the Court explicitly recognised that there can be no democracy without pluralism and that such pluralism, in turn, cannot be attained without the adoption of certain positive measures (§ 125). Noting that the applicants had failed to demonstrate how the changes to the legislation had directly affected them or the parties they represented, the Court held that their complaint appeared to be an *actio popularis* (§ 135). On the facts of the case, the Court concluded that there had been no violation of Article 3 of Protocol No. 1.

In *Orlovskaya Iskra v. Russia*, 2017, the applicant published a regional newspaper whose political affiliation was specified on the front page. During the 2007 election campaign for the lower chamber of Parliament, the newspaper published a number of articles criticising a candidate in those elections. The authorities considered that those articles contained elements of electoral campaigning which had not been paid for from the official campaign fund of any party as required, and consequently found the applicant guilty of an administrative offence and fined it. Referencing Article 3 of Protocol 1, the Court accepted that the domestic electoral law pursued the legitimate aim of enforcing the voters' right to impartial, truthful and balanced information via mass media outlets and the formation of their informed choices in an election (§ 104). In its assessment, the Court reiterated that, in the context of election debates, the unhindered exercise of freedom of speech by candidates has particular significance (§ 110). Furthermore, in the Court's view, the watchdog role of the press, which is no less pertinent at election time, encompassed an independent exercise of freedom of the press on the basis of free editorial choice aimed at imparting information and ideas on subjects of public interest. In particular, discussion of the candidates and their programmes contributed to the public's right to receive information and strengthens voters' ability to make informed choices between candidates for office (§ 130). The Court found a violation of Article 10 because Russia had excessively and erroneously classified the applicant's statements as "pre-election campaigning".

The applicant in *Cheltsova v. Russia*, 2017, was the founder and editor-in-chief of a local weekly newspaper. She was convicted in several cases of defamation for articles she had published in the newspaper, including for statement about a candidate for the mayor's office for statements made by a counter-candidate. In this respect, the Court reiterated that a newspaper cannot be required to systematically verify the truth of every comment made by one politician about another in the context of a public political debate before publishing such comments (§ 97). On the facts of the case, the Court concluded to a violation of Article 10.

Savva Terentyev v. Russia, 2018, concerned the criminal conviction of a blogger for offensive Internet comments against police officers, framed in very strong words and used vulgar, derogatory and vituperative terms, with a particularly aggressive and hostile in tone. Importantly, the Court noted, his comment had been posted in the context of a discussion prompted by a press release of Memorial, a regional non-governmental organisation, which gave information on a search by the police of the office of a newspaper which was supporting an opposition candidate in the regional parliamentary election. The discussion had thus raised the issue of the alleged involvement of the police in silencing and oppressing the political opposition in the period of an electoral campaign and therefore concerned a matter of general and public concern, a sphere in which restrictions of freedom of expression are to be strictly construed. The Court reaffirmed that it was particularly important in the period preceding an election that opinions and information of all kinds were permitted to circulate freely (§ 70). The Court found a violation of Article 10.

The case *Brzeziński v. Poland* [Committee], 2019, concerned an allegation of a violation of freedom of expression in relation to statements made by the applicant in a brochure published as part of an election campaign. The domestic courts found that the brochure contained unsubstantiated remarks and ordered the applicant to apologise and to correct the information deemed inaccurate by publishing a statement on the front page of two local daily newspapers, and to pay a sum of money to a charitable organisation. The Court linked the incriminating statements to the election campaign that was taking place at that time and reiterated that it was necessary to combat the dissemination of false information about election candidates in order to preserve the quality of public debate in the run-up to elections. At the same time, the Court also reiterated the importance, during the pre-election period, of allowing opinions and information of all kinds to circulate freely (§ 55). On the facts of the case, the Court considered that the domestic decisions constituted a disproportionate interference with the applicant's right to freedom of expression and were not necessary in a democratic society and thus concluded to a violation of Article 10.

In *OOO Informatsionnoye Agentstvo Tambov-Inform v. Russia*, 2021, the applicants were prosecuted for publishing articles and online polls related to an election campaign. The Court accepted the legitimate aim for States to restrict pre-election campaigning as a means of protecting free elections and enforcing the voters' right to impartial, truthful and balanced information via mass media outlets and the formation of their informed choices in an election (§ 81). The Court found an Article 10 violation due to Russia's excessive interpretation of pre-election campaigning to include press articles as opposed to election "campaign material" (§ 92).

2. Protecting the integrity of the political process

Selahattin Demirtaş v. Turkey (no. 2) [GC], 2020 concerned the case of an opposition member of parliament excluded from parliamentary proceedings as a result of his prolonged pre-trial detention, given his political speeches. The Court considered that there had been an interference with the applicant's right to freedom of expression through a combination of measures, namely the lifting of the applicant's parliamentary immunity, his initial and continued pre-trial detention, and the criminal proceedings brought against him on the basis of evidence comprising his political speeches. It found that members of parliament could not reasonably have expected that a procedure for lifting their immunity would be introduced during their term of office, thereby undermining the freedom of expression of members of the national assembly, which rendered the interference unforeseeable (§§ 269-70). The Court concluded to a violation of Article 10.

In *Georgios Papadopoulos v. Cyprus*, 2025 the Court examined a gap in electoral law concerning the not-taken seats in the Parliament. In this case, three electoral decisions were taken, annulling the applicant's declaration as an elected Member of Parliament after his appointment as the first runner-up to a seat that had been renounced before the start of the parliamentary term. The Court found that the applicant's mandate had been annulled on account of the absence of a legal or permissible constitutional framework regulating the possibility of filing a seat that became vacant before the start of the parliamentary term (§§ 67-69). The failure to resolve the issue through legislative or judicial intervention resulting in a vacant parliamentary seat for significant periods lead to Court to find that the interference with the applicant's right to free elections had been unlawful and thus constituted da violation of the Convention (§§ 70-73).

*Sanchez i Picanyol and Others v. Spain**, 2025, concerned the protection of political rights of Catalan politicians who, because of their pre-trial detention, were unable to exercise their political rights during the electoral campaign and after their election to the Parliament of Catalonia. On the facts of the case, however, the Court considered that the pre-trial detention and ensuing restrictions imposed on the applicants had not been incompatible with the very substance of the right to be elected and to exercise one's parliamentary mandate (§ 253, 258, 263) and thus concluded to a no violation of Article 3 of Protocol No. 1.

3. Prohibition to stand for elections

Podkolzina v. Latvia, 2002, concerned striking of a candidate from the list for parliamentary elections, due to insufficient knowledge of the official language. The Court considered that the obligation in domestic law for candidates to the national Parliament to have an adequate command of the official language pursued a legitimate aim, and that the States enjoyed a wide margin of appreciation in this area. Every State had a legitimate interest in ensuring that its institutional system functioned properly, and even more so with respect to its national parliament, which had legislative powers and played a key role in a democratic state. On the facts of the case, however, the Court found a violation of Article 3 of Protocol No. 1.

In the two cases *Ždanoka v. Latvia* [GC], 2006, and the follow-up *Ždanoka v. Latvia (no. 2)*, 2024, the applicant's candidature for elections had been repeatedly rejected in connection with their political party's actions towards an attempted *coup d'état*. The Court stated that it could not be ruled out that

a person or a group of persons will rely on the rights enshrined in the Convention or its Protocols in order to attempt to derive therefrom the right to conduct what amounts in practice to activities intended to destroy the rights or freedoms set forth in the Convention; any such destruction would put an end to democracy. On both occasions, taken into account the political situation and Latvia's increasingly legitimate fear for its security, territorial integrity and democratic order, the Court acknowledged the wide margin of appreciation of the respondent State and concluded in both cases that Article 3 of Protocol No. 1 had not been breached. For further details, see the Section on Using freedom of expression to distort political debate, above.

In *Selishcheva and Others v. Russia*, 2025, where the applicants had been banned from standing as candidates in municipal elections based on the police information about their "involvement" with organisations designated as "extremist", the Court was particularly concerned with vagueness, overbreadth and retrospective application of the relevant legislation which allowed the domestic authorities to classify a potentially indeterminate range of legitimate activities as grounds for disqualification from elections (§§ 46-47). It also pointed out to the domestic courts' failure to provide any meaningful interpretation that would limit the scope of that legislation or establish clear criteria for its application, with the result that no distinction had been drawn between the exercise of Convention rights and involvement in the work of prohibited organisations (§ 48).

4. Post-election disputes

The Court has established that the rights guaranteed by Article 3 of Protocol No. 1 cover not only the process of the organisation and management of the voting process, but also the manner of review of the outcome of elections and disputes concerning counting of votes and validation of election results. States must ensure that arguable complaints by individuals concerning election irregularities are effectively addressed and that domestic decisions are sufficiently reasoned.

Kovach v. Ukraine, 2008 concerned the invalidation of votes obtained by the leading candidate in several electoral divisions of a parliamentary constituency, resulting in victory for his opponent. The applicant stood as a candidate in the 2002 parliamentary elections in a single-seat electoral constituency. According to the first results, he had obtained a narrow majority of votes. The observers acting on behalf of his main opponent drew up reports stating that several additional ballot papers (less than ten) had been unlawfully deposited by unknown persons in three electoral divisions. On this basis, the results were declared invalid, the ballots recounted and the applicant eventually lost the elections. The Court held that decisions to invalidate an election must reflect a genuine prejudice to the outcome of the elections (§ 56) and, on the facts of the case, found that the invalidation of the election results had been unlawful. It thus concluded to a violation of Article 3 of Protocol No. 1.

In *Petkov and Others v. Bulgaria*, 2009, the applicants' names had been struck out of the lists of candidates only ten days before the election day, and on the basis of legislation passed less than three months earlier. Those strike-out decisions were subsequently declared null and void but, as the electoral authorities had not reinstated the applicants as candidates, they were unable to stand for election. The Court indicated that in electoral matters only those remedies which are capable of ensuring the proper functioning of the democratic process may be regarded as effective and, on the facts of the case, took the view that, since the remedy available in the context of the elections offered only pecuniary redress, it could not be regarded as effective under Article 13 of the Convention. The Court thus concluded to a violation of both Article 3 of Protocol No. 1 and of Article 13.

In *Kerimova v. Azerbaijan*, 2010, the Court found that tampering by two election officials had not succeeded in altering the final result of the election, in which the applicant had been successful. The national authorities had, nevertheless, invalidated the results in breach of domestic electoral law and without taking into account the limited impact of the effects of the tampering. By doing so, the authorities had essentially helped the officials to obstruct the election. This decision had arbitrarily infringed the applicant's electoral rights by depriving her of the benefit of election to Parliament. It

had also shown a lack of concern for the integrity and effectiveness of the electoral process which could not be considered compatible with the spirit of the right to free elections. The role of the courts is not to modify the expression of the people. On the facts of the case, the Court found a violation of Article 3 of Protocol No. 1.

The applicant in *Grosaru v. Romania*, 2010, was an unsuccessful candidate in legislative elections; he challenged the decision of the Central Electoral Office allocating the seat to another candidate but was unable to obtain any judicial review of the interpretation of the electoral legislation at issue as the Constitutional Court found that it had no jurisdiction in electoral matters and the Supreme Court of Justice declared the appeal inadmissible on the grounds that the decisions of the Central Electoral Office were final (§§ 14-15). The Court found that the lack of clarity of the electoral law in the matter and the lack of sufficient guarantees as to the impartiality of the bodies responsible for examining the applicant's challenges had impaired the very essence of the rights guaranteed by Article 3 of Protocol No. 1, thus concluding to the violation of that provision (§ 57). For the same reasons, the Court further found a violation of Article 13 (right to an effective remedy) taken together with Article 3 of Protocol No. 1 (§§ 61-62).

In *Namat Aliyev v. Azerbaijan*, 2010, the applicant complained of a series of irregularities in parliamentary elections which he had lost, alleging, i.a., unlawful interference, undue influence, ballot-box stuffing, the harassment of observers, inaccuracies in the electoral rolls and discrepancies in electoral protocols. The Court noted that what was at stake in the case was not the applicant's right to win the election in his constituency, but his right to stand freely and effectively for it. The fact that there was a wide difference in votes between candidates did not matter when it came to examining, independently, the extent of the irregularities, before determining their effects on the overall result of the election (§§ 74-75). The types of irregularities alleged, if duly confirmed to have taken place, were indeed potentially capable of thwarting the democratic nature of the elections (§ 78). The Court reiterated that Article 3 of Protocol No. 1 contained certain positive obligations of a procedural character, in particular requiring the existence of a domestic system for the effective examination of individual complaints and appeals in matters concerning electoral rights. The existence of such a system is one of the essential guarantees of free and fair elections. Such a system ensures an effective exercise of individual rights to vote and to stand for election, maintains general confidence in the State's administration of the electoral process and constitutes an important device at the State's disposal in achieving the fulfilment of its positive obligation under Article 3 of Protocol No. 1 to hold democratic elections (§§ 81 et seq.). Referring in particular to the Venice Commission's Code of Good Practice in Electoral Matters, the Court found that national authorities had given excessively formalistic reasons to avoid examining the substance of electoral complaints and concluded to a violation of Article 3 of Protocol No. 1.

In *Riza and Others v. Bulgaria*, 2015, the results of 23 polling stations set up abroad had been invalidated on account of alleged anomalies, depriving an MP of his seat. The Court examined both the interference with the voting rights of 101 electors and the right to stand for election of the MP and the party he represented. It found that only purely formal grounds had been given to invalidate the election in a number of polling stations. In addition, the legal provisions relied on by the domestic court to justify its decision were not sufficiently clear and foreseeable, and it had not been shown that they would have altered the choice of the voters or distorted the result of the election. In addition, electoral law did not provide for the possibility of organising fresh elections in the polling stations where the ballot had been invalidated – contrary to the Venice Commission's Code of Good Practice in Electoral Matters – which would have reconciled the legitimate aim pursued by the annulment of the election results, namely the preservation of the legality of the election process, with the subjective rights of the electors and the candidates in parliamentary elections. Decisions to invalidate a ballot must therefore be based on a genuine inability to establish the wishes of the electors. Consequently, the Court found that there had been a violation of Article 3 of Protocol No. 1.

In *Davydov and Others v. Russia*, 2017, which concerned alleged anomalies in federal legislative and municipal elections, the applicants had participated in these elections in various capacities: they were all registered on the electoral rolls, some had also stood for election to the legislative assembly, and others were members of electoral commissions or observers. Both the active and passive aspects of the right to free elections had been assessed by the Court. The applicants have presented, both to the domestic authorities and to the Court, an arguable claim that the fairness of the elections had been seriously compromised by the procedure in which the votes had been recounted (§§ 310-11). Such irregularities could lead to gross distortion of the voters' intent in all the constituencies concerned. But the applicants had not had their complaints about the recount process effectively examined by the domestic authorities, i.e. the electoral commissions, the public prosecutor, the commission of inquiry or the courts (§§ 336-37). The Court found there had been a violation of Article 3 of Protocol No. 1.

In *Mugemangango v. Belgium* [GC], 2020, the Court clarified the scope of the adequate and sufficient procedural safeguards to prevent arbitrariness, required for the effective examination of electoral disputes by Article 3 of Protocol No. 1 and ultimately for guaranteeing free elections. The applicant, who had failed to win a seat in the Walloon Region Parliament by only 14 votes, called for a re-examination of about 20,000 ballot papers. While the relevant committee found the applicant's complaint well-founded and proposed a recount, the Walloon Parliament, not yet constituted at the material time, decided not to follow that conclusion and approved all the elected representatives' credentials. The Court firstly emphasised that parliamentary autonomy could only be validly exercised in accordance with the rule of law. It therefore took into account the fact that the Walloon Parliament had examined and rejected the applicant's complaint before its members were sworn in and their credentials were approved. As to the scope of the procedural safeguards against arbitrariness, the Court stressed that the guarantees of impartiality of a decision-making body were intended to ensure that the decision taken was based solely on factual and legal considerations, and not political ones (§ 97). Given that members of parliament cannot be "politically neutral" by definition, in a system where parliament is the sole judge of the election of its members, particular attention had to be paid to the guarantees of impartiality laid down in domestic law as regards the procedure for examining challenges to election results (§ 98). Furthermore, the discretion enjoyed by the body concerned must not be excessive and must be circumscribed with sufficient precision by the provisions of domestic law (§ 109). The procedure in the area of electoral disputes must also guarantee a fair, objective and sufficiently reasoned decision (§ 115). Complainants must have the opportunity to state their views and to put forward any arguments they consider relevant to the defence of their interests by means of a written procedure or, where appropriate, at a public hearing (§ 116). Applying the said principles, on the facts of the case, the Court found that the applicant's complaint had been examined by a body which had not provided the requisite guarantees of its impartiality and whose discretion had not been circumscribed with sufficient precision by provisions of domestic law. The safeguards afforded to the applicant during the procedure had likewise been insufficient, having been introduced on a discretionary basis (§ 122). It thus concluded to a violation of Article 3 of Protocol No. 1.

Guðmundur Gunnarsson and Magnús Davíð Norðdahl v. Iceland, 2024, concerned the examination of complaints brought by two unsuccessful candidates who alleged that there had been irregularities in the counting and recounting of votes cast in their constituency, affecting the election results and the ultimate composition of the Icelandic parliament (*Althingi*). The existing regulatory framework created a decision-making mechanism by which the preparatory credentials committee (appointed by the acting speaker of the *Althingi*) conducted a full inquiry into the complaints and prepared a report, the credentials committee (elected by the new *Althingi*) formulated proposals on the basis of that report, and the full chamber of the *Althingi* debated and voted on the relevant proposals. At the time of examination of the complaints, all of those bodies were composed of newly elected MPs whose credentials had not yet been approved and a fully functioning parliament had yet to be constituted. No rules existed addressing potential conflicts of interest and, in fact, certain MPs voting on the matter had been directly affected by the outcome of the vote and had therefore been "deciding their own

fate". While there were no grounds to doubt the credibility of the inquiry and objectivity of the proposals, the absence of specific rules ensuring political and partisan neutrality created genuine impartiality concerns from the standpoint of appearances. Moreover, the discretion of the full chamber of the *Althingi*, regarding the practical consequences of any identified electoral defects, was not circumscribed with sufficient precision by domestic law. At the same time, the Court found that the procedure for the examination of the applicants' complaints had been fair, objective and had guaranteed a sufficiently reasoned decision: the applicants' effective participation had been ensured, the proposals and recommendations had been detailed and reasoned, and the debate in the full chamber had allowed the rationale of the final decision to be understood. Nevertheless, the above-mentioned findings as to the impartiality and the unrestrained discretion of the *Althingi* led the Court to a conclusion that there had been a breach of the requirements of Article 3 of Protocol No. 1 to the Convention.

Călin Georgescu v. Romania (dec.) [Committee], 2025, concerned the annulment by the Constitutional Court of the presidential elections of 2024, following statements by the Supreme Council of National Defence to the effect that there were documents indicating cyber-attacks, by State and non-State actors, aimed at influencing the correctness of the electoral process. It was also noted that one candidate – who was not named in the press release, but easily identified by the media and the public as being the applicant who was one of the two candidate who had qualified for the second round – benefited from massive exposure and preferential treatment by Tik Tok social media platform. In the video material published on that platform, that candidate had not been labelled as a presidential candidate, which was not in compliance with the electoral rules. Referring to intelligence documents put at its disposal, the Constitutional Court noted that the presidential electoral process had been vitiated throughout its duration. The discovered irregularities had distorted the free and correct character of the citizens' vote, had affected the fair and transparent electoral campaign, and had violated the rules on the latter's financing. The applicant complained that the decision annulling the elections was the result of political interference by "the ruling party" in charge of the electoral process and that it undermined the freedom to participate in the democratic process, particularly the freedom of political association. On the facts of the case, the Court observed that the powers of the President of Romania were not such as to make that office part of the "legislature" of the respondent State, within the meaning of Article 3 of Protocol No. 1 to the Convention and dismissed that complaint as incompatible *ratione materiae* with the provisions of the Convention (§§ 26-27). It further noted that the applicant had not substantiated his allegations of a breach of his right to freedom of expression or of association and declared those complaints as being manifestly ill-founded (§§ 35-36).

The applicants in *Bradshaw and Others v. the United Kingdom*, 2025, were former Members of Parliament who claimed, based on reports produced by various British authorities, that Russia had adopted aggressive tactics using disinformation and fake news to interfere in the United Kingdom's democratic processes and general election. The Court noted that the scope of Article 3 of Protocol No. 1 extended beyond the integrity of the result of the election and encompassed the circulation of political opinions and information in the period preceding an election and, more generally, the equality of opportunity afforded to candidates (§ 131). The Court accepted that a State may need to adopt and review measures to protect the electoral integrity, when interference by a hostile State posed a real risk of undermining the voters' rights to free elections the point of impairing their very essence and effectiveness (§ 136). At the same time, however, the Court found that Article 3 of Protocol No. 1 did not create a standalone duty to investigate alleged interferences, but a State's flagrant failure to investigate credible allegations of election interference may breach the provision if it prevented positive measures to protect the essence of free elections. Any investigation served to assess the threat and enable the State to adopt or update a legal and regulatory framework safeguarding electoral integrity (§§ 137–40). The Court acknowledged that it was difficult to assess accurately the impact of an interference on individual voters and by extension, on the outcome of a given election (§ 158). While acknowledging the existence of agreement among the international community that election interference through the weaponisation of disinformation and, in some

cases, cyber-attacks and “hack and leak” operations, poses a serious threat to democracy, the Court noted that there was no clear consensus among the States as to what specific actions they would need to take to protect their democratic processes against risks created by hostile foreign interference (§§ 159-60). At the same time, however, the Court noted that the area where there appeared to be a clear consensus was in the conclusion that the complex global problem at stake could not be addressed without the co-operation of international partners and social media companies. The Court believed that any actions taken by States to counter the risk of foreign election interference through the dissemination of disinformation and the running of influence campaigns would have to be balanced against the right to freedom of expression under Article 10 of the Convention (§ 161). The Court considered that the States must be accorded a wide margin of appreciation in the choice of means to be adopted to counter such threats. On the facts of the case, the Court noted that the respondent State’s response to the threat of Russian election interference did not fall outside the wide margin of appreciation (§§ 162-63), as despite the initial shortcomings, there were in fact two thorough and independent investigations into Russian interference (§164). The UK Government also took measures following the two investigations (§§ 168-71). The Court believed that any failings cannot be considered grave enough to impair the essence of the applicants’ right (§ 172). Therefore, the Court concluded that there had been no violation of Article 3 of Protocol No. 1 to the Convention.

II. Council of Europe/European standards

A. Council of Europe materials

The Council of Europe has done extensive work to safeguard freedom of expression as a cornerstone of democracy, while ensuring that elections across its member states are free, fair and transparent. It promotes independent media, protects journalists, and provides standards and guidance on electoral processes. A selection of the most recent recommendations and reports has been prepared for the purpose of this background paper.

[Urgent Report on the cancellation of election results by Constitutional Courts](#), European Commission for Democracy through law (“the Venice Commission”), 2025

On 27 January 2025 the European Commission for Democracy through law (“the Venice Commission”) released an urgent report on the cancellation of election results by Constitutional Courts. The report was requested by the President of the Parliamentary Assembly of the Council of Europe and was endorsed by the Venice Commission at its 142nd Plenary Session (14-15 March 2025). It was elicited by Decision No. 32 of the Romanian Constitutional Court of 6 December 2024 which annulled the first round of the presidential election held on 24 November 2024, on the basis of the disclosure and publication by the security services of previously classified information. Called upon to analyse under which conditions and under which standards a constitutional court can invalidate elections, the Venice Commission also looked into the three elements identified in the decision at stake: the right to invalidate elections ex officio; the use of digital technologies and AI in electoral campaigns; and external influence by another State. The Venice Commission acknowledged that it could be more challenging to establish objectively the impact of external influence campaigns on the election result than it was to establish the impact of irregularities during the voting and counting process. The Venice Commission recommended that: (a) decisions to cancel election results should be taken by the highest electoral body and such decisions should be reviewable by the highest judicial body; (b) the power of constitutional courts to invalidate elections ex officio – if any – should be limited to exceptional circumstances and clearly regulated; (c) the cancellation of elections can be allowed only under very exceptional circumstances as *ultima ratio*; (d) the decision-making process concerning election results must be accompanied by adequate and sufficient safeguards; (e) it should be possible to challenge election results based on violations of electoral rights, and on influence of the media, and of social media in particular, including those sponsored and financed from abroad; (f) States should regulate the consequences of information disorders, cyber-attacks and other digital threats to

electoral integrity; candidates and parties must be granted fair and equitable access to online media, and regulations should be implemented to ensure that artificial intelligence systems by internet intermediaries do not favour certain parties or candidates over others; (g) the general rules on campaign finance and transparency should be applied to online campaigning using social media platforms.

[Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#), September 2024

The Framework Convention on AI was adopted on 17 May 2024 by the Committee of Ministers of the Council of Europe in Strasbourg and opened for signatures on 5 September 2024, on the occasion of the Conference of Ministers of Justice in Vilnius (Lithuania). On that day, ten Parties signed the Framework Convention, including the European Union (on behalf of its twenty-seven member States) and the United States of America. The Framework Convention is the first international legally binding agreement aimed at regulating the entire lifecycle of AI systems and promoting responsible innovation while managing potential risks and ensuring that AI systems are used in ways that are consistent with human rights, democracy, and the rule of law. The Framework Convention on AI is accompanied by the [Explanatory Report to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law](#) which while not aiming to provide an authoritative interpretation of the text of the Framework Convention, may facilitate the understanding of its provisions. In addition, on 28 November 2024 the Committee of Artificial Intelligence of the CoE adopted [HUDERIA Methodology](#), “a legally non-binding methodology for the Risk and Impact Assessment of AI Systems from the point of view of Human Rights, Democracy and Rule of Law” to support the implementation of the Framework Convention on AI. The purpose of the HUDERIA Methodology is to provide detailed evaluations of the potential and actual impacts that the design, development and application of an AI system could have on human rights and fundamental freedoms, democracy, and the rule of law.

[Recommendation CM/Rec\(2024\)2 of the Committee of Ministers to member States on Countering the Use of Strategic lawsuits against Public Participation \(SLAPPS\) – Recommendation and Explanatory Memorandum](#), Committee of Ministers, 2024

The recommendation and guidelines set out in its appendix offer guidance to the member States concerning strategic lawsuits against public participation (“SLAPPs”) which are understood as legal actions that are threatened, initiated or pursued as a means of harassing or intimidating their target, and which seek to prevent, inhibit, restrict or penalise free expression on matters of public interest and the exercise of rights associated with public participation.

[Freedom of Expression, the Media and Journalists](#), report prepared for the European Audiovisual Observatory, 2024

The report, now at its ninth edition, provides a structured insight into the Court’s case-law on freedom of expression and media and journalistic freedoms. The compendium contains summaries of 398 judgments or decisions by the Court and provides hyperlinks to the full text of each of the summarised judgments or decisions available in HUDOC. The compendium is intended to be read for orientation in the Article 10 case-law, for quick reference, but also for substantive research in the area of freedom of expression.

[Reykjavík Declaration](#) – United Around Our Values, Council of Europe, 2023

The Heads of State and Government of the Council of Europe adopted, at the fourth summit, the Reykjavík Declaration, giving further priority and direction to the Council of Europe's work. Principle 7 reiterated that "[f]ree, independent, plural and diverse media constitutes one of the cornerstones of a democratic society and journalists and other media workers should be afforded full protection under the law. Disinformation or misinformation posing a threat to democracy and peace will be countered, in a manner compatible with international law including the right to freedom of expression and freedom of opinion".

[Report on trends in freedom of expression in Council of Europe member states](#), report prepared for the Democratic Institutions and Freedoms Department of the Council of Europe, 2023

The purpose of this report is to identify overarching trends in freedom of expression and freedom of the media in Council of Europe member states during 2023, highlighting both progress and areas of common concern. It seeks to provide a concise and comprehensive overview of existing information to support the work of the Council of Europe in this field, particularly under the purview of the Steering Committee on Media and Information Society (CDMSI).

[Good practices for sustainable news media financing](#), report prepared by the Committee of experts on increasing resilience of media of the Council of Europe (MSI-RES), 2023

This report collects good practices of media sustainability at national levels. Analysing some trends in Council of Europe member states can help in forecasting future scenarios and envisaging media policies fit to ensure media sustainability and plurality in a changing media landscape. To do so, the report describes the relevant trends in the news media sector, highlighting the conditions that limit or boost the viability of the news media industry and best practices in news media funding.

[Recommendation CM/Rec\(2022\)12 of the Committee of Ministers to member States on electoral communication and media coverage of election campaigns](#), Committee of Ministers, 2022

In this recommendation the Committee of Ministers cautioned how falsehoods could undermine democratic freedoms by distorting pluralistic media and by undermining the integrity of elections.

[Recommendation CM/Rec\(2022\)4 of the Committee of Ministers to member States on promoting a favourable environment for quality journalism in the digital age](#), Committee of Ministers, 2022

In this Recommendation the Committee of Ministers declared that the right to freedom of expression and its corollary, media freedom, constitute cornerstones of democracy, and identified the need to safeguard access to reliable information in accordance with Article 10 standards as an increasing democratic priority.

[Freedom of Expression in 2021](#), report prepared by the Information Society Department of the Council of Europe 2022

This report reviews overall trends in respect of the right to freedom of expression during 2021 in the Council of Europe member States. It follows a methodology that has been established for the past six years: it considers developments in the legal framework, noting the impact of new or proposed legislation on freedom of expression; it surveys arrests, incidents of violence and other threats against the safety of journalists and others who speak up on issues of public interest; it looks at developments that impact the overall environment for an independent and pluralistic media; and it considers trends relating to reliability and trust in information. Information is drawn from publicly available sources, prioritising those from within the Council of Europe mechanisms.

[Content Moderation: Best practices towards effective legal and procedural frameworks for self-regulatory and co-regulatory mechanisms of content moderation](#), report adopted by the Steering Committee for Media and Information Society (CDMSI), 2021

The purpose of this Guidance note is to provide practical guidance to member States of the Council of Europe for policy development, regulation and use of content moderation in the online environment in line with their human rights obligations under the Convention. The Guidance note is also addressed to Internet intermediaries who have human rights responsibilities of their own.

[Information Disorder: Toward an interdisciplinary framework for research and policy making](#), report prepared for the Council of Europe, 2017

This report is an attempt to comprehensively examine information disorder and its related challenges, such as filter bubbles and echo chambers. It proposes a conceptual framework for talking about information disorder, including three types of information disorder: dis-information, mis-information and mal-information; three phases of information disorder: creation, production and distribution; and three elements of information disorder: agent, message and interpreter. The specific challenges of filter bubbles and echo chambers are considered, and the solutions that have been put in place to date (including those by the technology companies, education initiatives, the media and regulatory bodies) are examined. The report proposes recommendations for technology companies, national governments and education ministries, and civil society. In addition, the Council of Europe has developed a dedicated page with resources and materials for determining questions related to propaganda, misinformation and fake news in the context of schools and education: [Dealing with propaganda, misinformation and fake news - Democratic Schools for All](#).

[Code of Good Practice in Electoral Matters](#) (CDL-AD(2002)023rev2-cor-e), European Commission for Democracy Through Law, 2002

The Code consists of a set of guidelines and an explanatory report. The guidelines are based on the five underlying principles of Europe's electoral heritage: universal, equal, free, secret and direct suffrage; and reiterate, in addition, that elections must be held at regular intervals. They offer guidance to the States about the conditions of implementation of those principles. The explanatory report which accompanies the guidelines, cover the definition and practical implications of the principles of the European electoral heritage as well as the conditions necessary for their application.

[Recommendation No. R\(96\)10 of the Committee of Ministers on the guarantee of independence of Public Service Broadcasting](#), Committee of Ministers, 1996

In this recommendation the Committee of Ministers provides guidelines on the guarantee of independence of public service broadcasting organisations and urged the member States to include in their domestic law or in instruments governing such organisations provisions guaranteeing their independence as outlined in the guidelines.

In addition, the Committee of Ministers is currently preparing a [Draft CM recommendation on online safety and empowerment of content creators and users](#),

B. Other international materials

1. Relevant EU materials

[Regulation \(EU\) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC \(Digital Services Act\)](#) and [Regulation \(EU\) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on](#)

[contestable and fair markets in the digital sector and amending Directives \(EU\) 2019/1937 and \(EU\) 2020/1828 \(Digital Markets Act\), 2022](#)

The Digital Services Act and the Digital Market Act form a single set of rules that apply across the EU. They have 2 main goals: (1) to create a safer digital space in which the fundamental rights of all users of digital services are protected; and (2) to establish a level playing field to foster innovation, growth, and competitiveness, both in the European Single Market and globally. The challenges posed by the expansion of digital services and the way platforms address them have a significant impact on fundamental rights online. The two Regulations set up a legal framework that aims to ensure the safety of users online, establish governance with the protection of fundamental rights at its forefront, and maintain fair and open online platform environment.

[Artificial Intelligence Act, EU, 2024](#)

The Artificial Intelligence Act (Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828) was formally adopted by the European Council on 21 May 2024 and published in the Official Journal of the European Union on 12 July 2024. The AI Act contains a risk-based classification of AI systems, as follows: (i) unacceptable risk refers to AI systems which pose a significant threat to safety and fundamental rights (for instance biometric categorisation, social scoring systems, assessing the risk of an individual committing criminal offenses, compiling facial recognition databases, or manipulative AI) and are, for that reason, prohibited; (ii) high risk AI systems are subject to strict regulations; (iii) limited risk AI systems are subject to lighter transparency obligations, such as ensuring that end-users are aware that they are interacting with AI (for instance chatbots or deepfakes); and (iv) minimal risk AI systems, which include the majority of AI applications currently available on the EU single market (for instance AI enabled video games or spam filters) are unregulated.

[Political Advertising Regulation, EU, 2024](#)

The Regulation on transparency and targeting of political advertising aims to contribute to the proper functioning of the internal market for political advertising and to support open and fair political debate. The Regulation addresses the concerns related to information manipulation and foreign interference in elections, along with the processing of personal data for political advertising purposes. It restricts microtargeting to protect voters from manipulation.

[The 2022 Code of Practice on Disinformation | Shaping Europe's digital future, 2022](#)

The Code of Practice on Disinformation is a pioneering framework to address the spread of disinformation, agreed upon by a number of relevant stakeholders. Established in 2018, the Code of Practice was significantly strengthened in 2022, with the aim of becoming recognised as a Code of Conduct under the Digital Services Act (DSA). On 13 February 2025, the Commission and the European Board for Digital Services endorsed the integration of the 2022 Code of Practice on Disinformation as a Code of Conduct on Disinformation into the framework of the DSA.

[REPORT on strengthening media freedom: the protection of journalists in Europe, hate speech, disinformation and the role of platforms, A9-0205/2020, European Parliament \(EP\), 2020](#)

This EP report calls for greater protections for journalists, regulation of platform algorithms, transparency in ad financing, and more robust engagement with disinformation as a democratic threat, highlighting institutional responsibility and links to fundamental rights.

[REPORT on foreign interference in all democratic processes in the European Union, including disinformation](#)

An EP report that diagnoses how external actors (e.g., states) use disinformation to influence EU democracy, media landscapes, and public trust; calls for minimum EU standards on media pluralism, fact-checking, cybersecurity, that is directly tied to defending democracy and media pluralism.

[The European Media Freedom Act: media freedom, freedom of expression and pluralism](#)

A detailed study from the European Parliament's Policy Department analysing the EMFA proposal, mapping how it addresses ownership concentration, SLAPPs, digital threats, editorial independence, covering the legal framework for protecting media pluralism and democratic participation.

[Guidance on Strengthening the Code of Practice on Disinformation](#)

The Commission guidance shows how the Code of Practice on Disinformation could be strengthened to become a more effective tool for countering disinformation. The Code has provided a framework for a structured dialogue between relevant stakeholders, the first one of its kind worldwide, to ensure greater transparency and accountability of platforms' policies on disinformation. The Guidance calls for reinforcing the Code of Practice on Disinformation in the following areas to ensure a complete and consistent application across stakeholders and EU countries

[European Democracy Shield: Empowering Strong and Resilient Democracies](#)

The European Democracy Shield aims to contribute to strengthening democracy and empowering Europeans to exercise their rights, to freely form and express their opinions, and to have agency and participate in the democratic life of the Union actively and safely. Its actions aim to strengthen democratic institutions, protect the integrity of elections and support media freedom and pluralism, so that democracies remain strong, open and plural, and built on citizens' trust. It will be implemented in synergy with the EU's agenda on security, defence, preparedness, and in coherence with EU external action more broadly.

[Information Integrity and Countering Foreign Information Manipulation & Interference \(FIMI\), the European External Action Service \(EEAS\)](#)

This page provides online resources from the EU External Action Service explaining the notions of Information Integrity and Countering Foreign Information Manipulation & Interference, detailing the EEAS's various mechanisms for tackling these problems, including the Rapid Alert System (RAS) and the East StratCom Task Force.

[3rd EEAS Report on Foreign Information Manipulation and Interference Threats | EEAS](#)

This report represents the most recent analysis of the EEAS on Foreign Information Manipulation and Interference (FIMI) Threats mapping out the digital infrastructure deployed by foreign actors, mainly by Russia, but also by China, to manipulate and interfere in the information space of the EU and partner countries.

[Action Plan against Disinformation](#)

This joint communication of the EU institutions, provides the Commission's definition of disinformation as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm. The action plan answers the European Council's call for measures to "protect the Union's democratic systems and combat disinformation, including in the context of the upcoming European elections". It builds on existing Commission initiatives and the work of the East Strategic Communication Task Force of the European External Action Service. It sets out actions to be taken by the Commission and the High Representative, with the assistance of the European External Action Service, in cooperation with Member States and the European Parliament.

[Final report of the High Level Expert Group on Fake News and Online Disinformation | Shaping Europe's digital future](#)

The analysis presented in the Report starts from a shared understanding of disinformation as a phenomenon that goes well beyond the term "fake news". Disinformation as defined in this Report includes all forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit. It does not cover issues arising from the creation and dissemination online of illegal content (notably defamation, hate speech, incitement to violence), which are subject to regulatory remedies under EU or national laws, nor other forms of deliberate but not misleading distortions of facts such as satire and parody.

2. Other international resources

[Free media against disinformation and propaganda | OSCE](#)

Collection of OSCE materials on 'free media against disinformation and propaganda'.

[Report on the Sixth Expert Roundtable on Disinformation](#)

Expert roundtables on disinformation and media freedom, organized by the OSCE Representative on Freedom of the Media.

[The Representative on Freedom of the Media Teresa Ribeiro - Regular Report to the Permanent Council For the period from 23 November 2023 to 13 June 2024](#)

The OSCE's Representative on Freedom of the Media report outlines media freedom challenges, including digital disruptions, algorithmic gatekeeping, and political pressures, documenting real-world erosion of pluralism and the role of disinformation.

[OSCE Policy Manual - Safeguarding Media Freedom in the Age of Big Tech](#)

This Policy Manual proposes both structural reforms and targeted mitigation measures – focusing on media visibility, viability, and vigilance. Recognizing the diversity of legal systems and societal contexts across the OSCE, this Policy Manual does not prescribe a 'one size-fits-all' solution. Instead, it offers principled and adaptable guidance, grounded in international human rights standards and OSCE commitments, to support States in designing frameworks that safeguard media pluralism, independence, and public interest over distortion, deception, and division.

[OECD Report **Facts not Fakes: Tackling Disinformation, Strengthening Information Integrity**](#)

The report **Facts not Fakes: Tackling Disinformation, Strengthening Information Integrity** presents an overview of policies that have been designed and implemented with the aim of supporting information integrity. This report explores the importance of taking a comprehensive approach, tailored to country contexts, that emphasises the need to create an environment for reliable information to thrive. It recognises that democracies are based on free expression and open and informed debate, and that actors must work together to meet these global challenges.

[Media Freedom Coalition \(MFC\) Report - Why media freedom matters Dieter Zinnbauer, Copenhagen Business School September 2024 Evidence for the value of media freedom to health, the economy, democracy, peace and the environment](#)

The Media Freedom Coalition (MFC) is a cross-regional partnership of countries working together to advocate for media freedom at home and abroad. The MFC was established in July 2019 at the Global Conference for Media Freedom and now comprises over 50 member states from six continents. This report pulls together evidence from a wide variety of disciplines and sources that relate to the role and efficacy of free media, broadly construed as a media sector characterised by qualities of pluralism, independence and absence of repression by government or other actors across all media channels and platform.

[UNESCO-IPSOS Survey on the impact of online disinformation and hate speech](#)

A global survey by UNESCO and IPSOS analysing how disinformation and hate speech in the online ecosystem affect people's trust, political engagement, and perception of democratic discourse, providing an empirical basis for how disinformation may undermine informed political participation, relevant for protocol 1, Article 3.

[Media Pluralism Monitor - Centre for Media Pluralism and Media Freedom](#)

Database of comprehensive annual reports on media pluralism and media freedom, building a large-scale project spanning over a decade and involving over 70 researchers, including a core team and national experts, producing a comprehensive tool that analyses more than 200 variables per country to assess media conditions across Europe, and a trusted resource for understanding the complex factors that shape the media ecosystem.

Summary

The case-law of the European Court of Human Rights, together with the standard-setting work of the Council of Europe, demonstrate a consistent commitment to safeguarding democracy, pluralism, and the integrity of electoral processes. Free elections and freedom of expression, in particular freedom of political debate, form the foundation of any democratic society, one of the basic conditions for its progress (*Handyside v. the United Kingdom*, 1976, § 49; *Bradshaw and Others v. the United Kingdom*, 2025, § 113). The Court acknowledged the legitimacy of the concept of a “democracy capable of defending itself” (*Vogt v. Germany*, 1995, § 51), and recognised that States may be required to take specific measures to protect themselves in order to guarantee the stability and effectiveness of a democratic system (*Ždanoka v. Latvia* [GC], 2006, §§ 99-100).

In parallel, the Venice Commission has underscored the evolving challenges posed by modern campaigning, particularly the rise of online platforms and artificial intelligence, which amplify the risk of disinformation, manipulation, and opaque financing ([Urgent Report on the cancellation of election results by Constitutional Courts](#), 2025). These developments highlight the need for renewed vigilance to ensure that elections continue to reflect the free expression of the people’s will, as guaranteed by Article 3 of Protocol No. 1.

Taken together, these principles affirm that democracy requires active protection against abuse of rights and deliberate attempts to undermine its foundations. The Court’s case-law provides a framework for resilience in the face of information distortion and destabilizing pressures, ensuring that freedom of expression and electoral integrity remain mutually reinforcing pillars of democratic society. The Court’s guidance is indispensable for preserving both the stability and legitimacy of Europe’s democratic systems.

Annex: List of cases

[Avagyan v. Russia](#), no. 36911/20, 29 April 2025

[Andrey Rylkov Foundation and Others v. Russia](#), nos. 37949/18 and 83 others, 18 June 2024

[Animal Defenders International c. Royaume-Uni](#) [GC], n° 48876/08, CEDH 2013 (extraits)

[Association ACCEPT and Others v. Romania](#), no. 19237/16, 1 June 2021

[Bédat v. Switzerland](#) [GC], no. 56925/08, 29 March 2016

[Bowman v. the United Kingdom](#), 19 February 1998, *Reports of Judgments and Decisions* 1998-I

Bradshaw and Others v. the United Kingdom, no. 15653/22, 22 July 2025

Brzeziński v. Poland [Committee], no. 47542/07, 25 July 2019

Călin Georgescu v. Romania (dec.) [Committee], no. 37327/24, 11 February 2025

Centro Europa 7 S.r.l. and Di Stefano v. Italy [GC], no. 38433/09, ECHR 2012

Cengiz and Others v. Turkey, nos. 48226/10 and 14027/11, ECHR 2015 (extracts)

Cheltsova v. Russia, no. 44294/06, 13 June 2017

Communist Party of Russia and Others v. Russia, no. 29400/05, 19 June 2012

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Danileț v. Romania [GC], no. 16915/21, 15 December 2025

Davydov and Others v. Russia, no. 75947/11, 30 May 2017

Delfi AS v. Estonia [GC], no. 64569/09, ECHR 2015

Długolecki v. Poland, no. 23806/03, 24 February 2009,

Editorial Board of Pravoye Delo and Shtetel v. Ukraine, no. 33014/05, ECHR 2011 (extracts)

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Godenau v. Germany, no. 80450/17, 29 November 2022

Goodwin v. the United Kingdom, 27 March 1996, *Reports of Judgments and Decisions* 1996-II

Google LLC and Others v. Russia, no. 37027/22, 8 July 2025

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Grosaru v. Romania, no. 78039/01, ECHR 2010

Guðmundur Gunnarsson and Magnús Davíð Norðdahl v. Iceland, nos. 24159/22 and 25751/22, 16 April 2024

Handyside v. the United Kingdom, 7 December 1976, Series A no. 24

Høiness v. Norway, no. 43624/14, 19 March 2019

Jezior v Poland [Committee], no. 31955/11, 4 June 2020,

Kerimova v. Azerbaijan, no. 20799/06, 30 September 2010

Kilin v. Russia, no. 10271/12, 11 May 2021

Kirkorov v. Lithuania (dec.), no. 12174/22, 19 March 2024

Kobaliya and Others v. Russia, nos. 39446/16 and 106 others, 22 October 2024

Kovach v. Ukraine, no. 39424/02, ECHR 2008

Le Pen v. France (dec.), no. 18788/09, 20 April 2010

Le Pen v France (dec.), no. 45416/16, 28 February 2017,

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Novaya Gazeta and Others v. Russia, nos. 11884/22 and 161 others, 11 February 2025

Oleg Balan v. the Republic of Moldova, no. 25259/20, 14 May 2024

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Ždanoka v. Latvia [GC], no. 58278/00, ECHR 2006-IV

Ždanoka v. Latvia (no. 2), no. 42221/18, 25 July 2024