



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

Opening of the Judicial Year 2026
Judicial Seminar
Defending media pluralism and the democratic process
in challenging times

Introductory speech by Prof. Dr Anja Seibert-Fohr

Strasbourg, 30 January 2026

Distinguished court presidents and judges,

Dear guests,

Esteemed colleagues,

Ladies and gentlemen,

In a time of fake news, hybrid warfare and election manipulation, our liberal democracies are increasingly under threat. Disinformation campaigns contribute to the manipulation of public discourse. Owing to the accelerating and amplifying effect of digitalisation, information and disinformation is spreading within seconds.

Social media can multiply harmful narratives and polarise societies. We have seen this during the COVID-19 pandemic, with intense disinformation campaigns which have fostered mistrust in society. Bots, deepfakes and increasingly sophisticated micro-targeted disinformation campaigns further contribute to the manipulation of public opinion. In this situation the defence of media pluralism becomes vital to protect open debate and the integrity of the policy-setting process.

Moreover, there is a need to protect the integrity of the political process against foreign information manipulation. In recent years we have seen threats to democracy, not only from within our societies but also from outside. This is part of ongoing disinformation and propaganda warfare, denounced by the European Parliament as early as 2016 after the annexation of Crimea.

Once measures are taken to fight such manipulation, however, those who are manipulating public discourse claim the right to freedom of expression, such as in the case of *Russia Today France* (as will be explained by Professor Mastroianni).

It is hypocritical that the enemies of liberal democracy resort to fundamental liberties while effectively seeking to destroy those freedoms. A good example is the case of *Google LLC and Others v. Russia*, which our Court decided last year in July. It illustrates how authoritarian governments make use of the rights enshrined in the Convention by claiming freedom of speech for those who advocate government policies and seek to manipulate public opinion while at the same time seeking to suppress free public debate by using intermediaries to censure opposition.

The case concerned the imposition of substantial fines on Google because it had refused to comply with take-down requests concerning content on YouTube, which criticised the government. Additionally, Google was also fined because it had failed to restore the account of a television channel on YouTube, which had been suspended owing to sanctions imposed on the channel's owner for providing support for Russia's annexation of Crimea.

In its judgment the Third Section of our Court found a violation of Article 10 both in connection with the sanctions imposed for the failure to comply with the take-down requests by the respondent Government and in connection with the requirement to provide hosting. It held that penalising the applicant company for hosting content critical of governmental policies or presenting alternative views struck at the very heart of the free exchange of ideas and information.

On account of time constraints, I cannot go into detail, but I think the picture is sufficiently clear for the purpose of this short introduction.

If you are interested in more details regarding our case-law on this topic, I invite you to have a look at the background paper prepared by Bianca Boji-Tahvanainen from our Registry. It gives you an excellent overview of the Court's case-law on freedom of expression and media pluralism as well as the relevant Council of Europe and EU materials. The paper also deals with the protection of the democratic process, which has become vital in recent years. For example, the Romanian presidential elections of November 2024 demonstrated that information warfare may have a serious impact on democratic elections.

In view of all these threats, liberal democracies need to protect themselves from abuses of freedom of expression and protect public debate from manipulation. However, such positive intervention usually comes with some form of interference. The challenge is therefore to protect public debate and the open exchange of ideas without excessively compromising the rights of users, digital media and platforms. Protecting the basis of liberal democracy while remaining faithful to its premises is, and remains, a challenge for all relevant actors.

Our four speakers will explain how legislators, courts, the Council of Europe and the European Union approach this dilemma. They will consider the necessary safeguards to ensure an equilibrium when fighting the manipulation of public discourse and protecting the democratic process.

Given the thematic focus of this seminar, it will not come as a surprise that three of our speakers, who all come from the judiciary and academia, are also members of the Venice Commission. Their participation shows the cross-fertilisation amongst our institutions and the fruitful exchange with national courts. This fruitful dialogue also takes place with our regional counterparts, the African and Inter-American Courts of Human Rights. It is therefore a great honour to have Judge Ricardo Pérez Manrique from the Inter-American Court of Human Rights with us today.

Before I give the floor to our first panel, I would like to join our President in warmly thanking my colleagues in the organising committee, our distinguished speakers, the hard-working colleagues from the Registry and all those operating behind the scenes, including the interpreters, for facilitating today's exchange.