KEY THEME[1]
Article 6 § 1 (civil limb)
Protection of the judiciary

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Introduction

Recent case-law has brought into focus judges, not only as members of a court whose decision is impugned by an applicant, but also as holders of Convention rights. The Court has notably commented on systems of judicial discipline, employment disputes, privileges of judges as parties to proceedings, reputation issues as well as on salary and retirement benefits. The Court has been influenced by relevant international and European material in elaborating the Convention rights and protection specific to judges.

In particular, the Court has emphasised "the special role in society of the judiciary which, as the guarantor of justice, a fundamental value in a State governed by the rule of law, must enjoy public confidence if judges are to be successful in carrying out their duties". As the Convention system cannot function properly without independent judges, the States' task of ensuring judicial independence is of crucial importance and the Court "must be particularly attentive to the protection of members of the judiciary against measures that can threaten their judicial independence and autonomy" (*Grzęda v. Poland* [GC], 2022, §§ 302 and 324).

This key theme focuses on the procedural protection of Article 6 but extends also to the Court's examination of the rights of judges under other Convention Articles[2].

Applicability of Article 6 § 1 to cases involving judges as parties

Existence of an arguable right under the domestic law

- The first question to answer in order to establish applicability of Article 6 to employment disputes concerning judges and prosecutors is whether the applicant had a "right" which could arguably be said to be recognised under national law and that right must be a "civil" one (*Grzęda v. Poland* [GC], 2022, §§ 257-328). The employment relationship of judges with the State must be understood in the light of the specific guarantees essential for judicial independence (*ibid.*, § 264).
- In order to decide whether the right in question has a basis in domestic law, the starting point must be the provisions of the relevant law and their interpretation by the domestic courts, and it is primarily for them to resolve problems arising from the interpretation of domestic legislation. Unless the interpretation is arbitrary or manifestly unreasonable, the Court's role is confined to ascertaining whether the effects of that interpretation are compatible with the Convention (see *Kartal v. Türkiye*, 2024, § 56).
- The question whether an "arguable right" related to the conditions of service of a judge, its duration, position, etc. existed under domestic law could not be answered on the basis of

[1] Prepared by the Registry. It does not bind the Court.
[2] The key theme also includes, where relevant, cases concerning prosecutors.

the new legislation which changes the conditions established in the previously existing legislation, to the detriment of the judge(see *Baka v. Hungary* [GC], 2016, § 110, and *Grzęda v. Poland* [GC], 2022, § 285). The judge may have an "arguable right" in domestic law even in the event of a change in the law. For example, the Court concluded that the applicants had had a defendable right in the case of *Pająk and others v. Poland*, 2023, §§ 120-125, which concerned the application of a new legislation which lowered the retirement age for judges. See also *Stoianoglo v. the Republic of Moldova*, 2023, § 29, concerning the suspension of a Prosecutor General on the basis of the newly introduced legal provisions. The Court applied a similar approach in *Gyulumyan and Others v. Armenia* (dec.), 2023, concerning the early termination of mandates of several judges and the President of the Constitutional Court, even though this termination had resulted from a constitutional amendment (§§ 65 – 67). In *Kartal v. Türkiye*, 2024, §§ 67 - 69, the Court concluded that the "arguability" of the applicant's right to occupy an administrative post in the judicial inspection should be based on the Constitution and the rules in force at the time of his appointment. Even though the applicant's term of office was terminated *ex lege*, the applicant had a right to hold his post without any arbitrary interference, unless there were grounds specified by law for him to be removed from his post (see also *Sözen v. Türkiye*, 2024, §§ 45 – 54). In *Sadomski v. Poland*, 2025, the applicant, a rejected candidate in a competition for judicial posts in the Civil Chamber of the Supreme Court, complained that his right to a judicial review had been taken away as the competition was underway. The Court found a violation of the applicant's right to a court because the final judgment in the applicant's favour was rendered inoperative to the applicant's detriment by the legislative intervention ruling out the right to judicial review in such cases.

- The expectation of a *candidate* to be appointed to a judicial post by the Council of Judges and Prosecutors was considered to be a right at least arguably recognised in the national law where in the national legal order equal access to public service was guaranteed by the Constitution, the candidates-in-training had access to the administrative courts in respect of other elements of the recruitment process, and that the applicant had passed written and oral examinations and had fulfilled statutory conditions for becoming a judge (*Oktay Alkan v. Türkiye*, 2023, §§ 41- 42; see also *Gloveli v. Georgia*, 2022, § 41, where the Court concluded, referring to the Constitution, as interpreted by the Constitutional Court, that there was in domestic law a "right" to a fair procedure in the examination of an application for a judicial post).
- However, not every expectation amounts to an "arguable right". Thus, in *Stylianidis v. Cyprus* (dec.), 2024, the Court decided that the refusal to promote the applicant to a position of President of a district court had not affected the applicant's "civil right". The Court observed, in particular, that the decision of the appointing authority – the Supreme Council of Judicature (the SCJ) – had been taken in the absence of any legal provision regulating the promotion procedure, and on the basis of very general criteria such as ability and merit. The SCJ's power on the matter had been purely discretionary, no "fair procedure" had been established and the courts consistently refused to treat such decisions as subject to judicial review, which led the Court to conclude that the applicant had not had an actionable right (§§ 40-46). Similarly, not every change in a position or functions of a public official would automatically affect his or her rights under the domestic law. Thus, in *Davchev v. Bulgaria* (dec.), 2023, concerning a non-judicial function, the Court concluded that Bulgarian law had not conferred on the applicant any right to continue performing his function as an administrative head of the investigation department, and had not set out procedural or substantive rules for early termination of such a function. The administrative function performed by the applicant had been rather an "advantage which it was not possible to have recognised in the courts": therefore, Article 6 was not applicable (§§ 37 and 39).

- *Levrault v. Monaco* (dec.), 2024, concerned the decision of the French authorities not to renew the secondment of a French judge to the Monaco judiciary. This decision was taken in the context of diplomatic relations between two sovereign nations and was not binding, so the applicant's expectation to serve another term did not amount to a "right". The existence of a "right" could not equally be deduced nor from the constitutional principles guaranteeing judicial independence neither from the "interests of service" to which the applicant referred (§ 57).

Vilho Eskelinen *test applied to judges*

- Even if the dispute concerned an "arguable right" under the domestic law (see above), for Article 6 to be applicable it must be "civil" in nature. Although the judiciary is not part of the ordinary civil service, it is considered "part of typical public service". Therefore, in cases concerning careers of judges and prosecutors (dismissals, transfers, demotions, etc.) the Court applies the *Vilho Eskelinen* criteria (*Vilho Eskelinen and Others v. Finland* [GC], 2007, § 62; *Grzęda v. Poland* [GC], 2022, §§ 262-264), as clarified in *Grzęda v. Poland* [GC], 2022, which further developed the first condition of the *Vilho Eskelinen* test (§§ 291-292)).
- The State cannot rely on an applicant's status as a judge to exclude him or her from the protection afforded by Article 6 unless two conditions are fulfilled. Firstly, domestic law must have excluded access to a court for the post or category of staff in question, either expressly or implicitly, as clarified in *Grzęda v. Poland* [GC], 2022, § 292 (see also *Stoianoglo v. the Republic of Moldova*, 2023, §§ 30-35, in the context of a dispute involving a public prosecutor). Secondly, the exclusion must be justified on "objective grounds in the State's interest" (see *Vilho Eskelinen and Others v. Finland* [GC], 2007, § 62, with the clarifications set out in *Grzęda v. Poland* [GC], 2022, §§ 299-300).
- As regards the first condition of the *Vilho Eskelinen* test , it can be seen as satisfied "where, even without an express provision to this effect, it has been clearly shown that domestic law excludes access to a court for the type of dispute concerned" (*Grzęda v. Poland* [GC], 2022, § 292; see also, for example, *Gyulumyan and Others v. Armenia* (dec.), 2023, (§ 70).
- The fact that the judicial review may have a very limited scope does not necessarily mean that review is explicitly or implicitly excluded (see *Lorenzo Bragado and Others v. Spain*, 2023, concerning a protracted parliamentary procedure regarding the election of members of the judicial council. While the review exercised by the Constitutional Court under the *amparo* appeal would be very limited in scope in such situations, the Court noted that "it has not been clearly shown that access to a court was expressly excluded" (§§ 124-127)).
- In *Sadomski v. Poland*, the possibility to review the decision of the national council of the judiciary in the matters of appointments, was removed, by way of a legislative intervention, while the appointment competition (in which the applicant participated) was still pending. The Court found that the first condition of the *Vilho Eskelinen* test has not been met (§§ 61-65).
- With regard to the second criterion of the *Vilho Eskelinen* test, it is not enough for the State to establish that the civil servant in question participates in the exercise of public power or that there exists a special bond of trust and loyalty between the civil servant and the State, as employer. The Court does not consider it justified to exclude members of the judiciary from the protection of Article 6 in matters concerning the conditions of their employment on the basis of the special bond of loyalty and trust to the State (*Bilgen v. Turkey*, 2021, § 79; *Eminağaoğlu v. Turkey*, 2021, § 80; see also concerning judicial competition, *Gloveli v. Georgia*, 2022, §§ 50-51). The Court distinguished between the situation of judges and that of the military personnel and other top-level civil servants who are subordinated to the hierarchy of the executive branch. This distinction has been made explicit in *Pająk and others*

v. Poland, 2023, § 138. In that case the Court noted that the special bond of trust and loyalty which exists between the State and some categories of civil servants (like military officers, for example) may justify limitations on access to courts in relation to some service-related disputes. However, this justification does not apply to judges, whose position is determined by the imperative of preserving judicial independence. The Court in that case concluded, in the light of the international standards on judicial independence, that judges should have access to court in matters related to an early termination of their mandate (or of a particular administrative position within the judiciary; however, on this last point, see also *Davchev v. Bulgaria* (dec.), 2023, §§ 37 – 39, which shows that not all administrative functions within the judiciary may be qualified as the applicant's "right"), be it as a result of a disciplinary sanctions or by virtue of the new rules governing the duration of such mandate, including the new rules on the retirement age (§ 139).

- In a case where the applicant's position as an elected judicial member of the National Council of the Judiciary – the body with constitutional responsibility for safeguarding judicial independence – was prematurely terminated by operation of law in the absence of any judicial oversight of the legality of this measure, the Court concluded that the second condition of the *Vilho Eskelinen* test, namely that the applicant's exclusion from access to a court be justified on objective grounds in the State's interest, had not been met (*Grzęda v. Poland* [GC], 2022, § 326).
- In *Stoianoglo v. the Republic of Moldova*, 2023, which concerned the suspension of the Prosecutor General from office, the Court emphasised that requirement of "independence" under Article 6 applies to judges and courts. That being said, the line separating judges and prosecutors, insofar as their independence is concerned, is difficult to draw, especially where the law of the respondent State itself does not make such distinction in this regard (§§ 38 and 39). The Court concluded that there had been no objective grounds for excluding disputes concerning the suspension of a Prosecutor General from the scope of guarantees of Article 6, under the second part of the *Vilho Eskelinen* test.
- The Court's approach to the *ex lege* measures which may affect the judge's position and conditions of service does not prevent the States from taking legitimate and necessary decisions to reform their judiciary. However, any reform of the judicial system should not result in the undermining of the independence of the judiciary and its governing bodies Thus, in examining the second condition of the *Vilho Eskelinen* the Court must consider the effects any measure may have on judicial independence (*Kartal v. Türkiye*, 2024, §§ 79-80).

Noteworthy examples

Cases where Article 6 § 1 (under its "civil" limb) was applicable:

- Article 6 § 1 (under its "civil" limb) has been applied, for instance, to proceedings relating to:
  - recruitment/appointment (*Juričić v. Croatia*, 2011, §§ 51-57; *Dolińska - Ficek and Ozimek v. Poland,* 2021, §§ 220-232; *Oktay Alkan v. Türkiye*, 2023, § 42);
  - career/promotion (*Dzhidzheva-Trendafilova v. Bulgaria* (dec.), 2012; *Tsanova-Gecheva v. Bulgaria*, 2015, §§ 85-87);
  - disciplinary proceedings (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, § 120; *Di Giovanni v. Italy*, 2013, §§ 36-37; *Čivinskaitė v. Lithuania*, 2020, § 95; *Albuquerque Fernandes v. Portugal*, 2021, §§ 53-54; *Eminağaoğlu v. Turkey*, 2021, §§ 64-80);
  - transfer (*Tosti v. Italy* (dec.), 2009; *Bilgen v. Turkey*, 2021, §§ 69-81);
  - suspension (*Paluda v. Slovakia*, 2017, §§ 33-34; *Camelia Bogdan v. Romania*, 2020, § 70; *Pengezov v. Bulgaria*, 2023, § 37);

- reprimand (*Catană v. the Republic of Moldova*, 2023, § 44);
- dismissal of judges (*Olujić v. Croatia*, 2009, §§ 31-43; *Oleksandr Volkov v. Ukraine*, 2013, §§ 91 and 96; *Kulykov and Others v. Ukraine*, 2017, §§ 118 and 132; *Sturua v. Georgia*, 2017, § 27; *Kamenos v. Cyprus*, 2017, §§ 82-88, *Xhoxhaj v. Albania*, 2021, §§ 236 *et seq.*; *Mnatsakanyan v. Armenia*, 2022, § 59; *Ovcharenko and Kolos v. Ukraine*, 2023, § 113);
- suspension of a Prosecutor General (*Stoianoglo v. the Republic of Moldova*, 2023, §§ 30-35);
- reduction in salary (*Cotora v. Romania*, 2023, § 30) and conviction for a serious disciplinary offence (*Harabin v. Slovakia*, 2012, §§ 118-123 – see also for payment of judges' salaries and other benefits, *Petrova and Chornobryvets v. Ukraine*, 2008, § 15);
- removal from a post (for example, President) while remaining a judge (*Baka v. Hungary* [GC], 2016, §§ 34 and 107-111; *Denisov v. Ukraine* [GC], 2018, § 54; *Broda and Bojara v. Poland*, 2021, §§ 121-123); removal from the post of the vice-president of the Inspection Board (*Kartal v. Türkiye*, 2024, § 56);
- judges being prevented from exercising their judicial functions after legislative reform (*Gumenyuk and Others v. Ukraine*, 2021, §§ 61 and 65-67; and *Golovchuk v. Ukraine*, 2025, §§ 46 – 51;
- premature termination of the term of office of a member of a judicial council while remaining a judge (*Grzęda v. Poland* [GC], 2022, § 265; *Żurek v. Poland*, 2022, §§ 129-134), or of a chief prosecutor (*Kövesi v. Romania*, 2020, §§ 124-125); see also, *Loquifer v. Belgium*, 2021, §§ 38-40, as concerns the applicability to a "non-judicial" member of the High Judicial Council.

Cases where Article 6 § 1 (under its "civil" limb) was not applicable:

- competition for filling a vacancy of a court's president (*Stylianidis v. Cyprus* (dec.), 2024, §§ 36 - 46);
- removal of an investigator from an administrative position (*Davchev v. Bulgaria* (dec.), 2023, §§ 34 - 40);
- non-renewal of the secondment of a French judge working in Monaco (*Levrault v. Monaco* (dec.), 2024, §§ 51 - 69);
- loss of a mandate of a judge of the constitutional court as a result of a constitutional amendment (*Gyulumyan and Others v. Armenia* (dec.), 2023).

Principles drawn from the current case-law under Article 6 regarding proceedings involving judges as parties

Right of access to a court:

- Judges may enjoy a privilege which exempts them from pursuit and such an exemption limits an individual's access to court. The Court does not consider this exemption of itself incompatible with Article 6 § 1 if it pursues a legitimate aim, namely the proper administration of justice (*Ernst and Others v. Belgium*, 2003, § 50) and observes the principle of proportionality in the sense that the applicants have reasonable alternative means to protect effectively their rights under the Convention (*ibid.*, 2003, § 53-55).
- In a number of cases, the Court assessed the compatibility of a restriction of a judge's right of access to a court with Article 6 (for the general principles, *Grzęda v. Poland* [GC], 2022, §§ 342-343). In this regard, it takes into account the growing importance, in international and Council of Europe instruments, the case-law of international courts and in the practice

of other international bodies, of procedural fairness in cases involving the removal or dismissal of judges, including the intervention of an authority independent of the executive and legislative powers in respect of every decision affecting the termination of office of a judge (*Baka v. Hungary* [GC], 2016, § 121). The Court also considers that similar procedural safeguards should likewise be available where a judicial member of the National Council of the Judiciary was removed from his position (*Grzęda v. Poland* [GC], 2022, §§ 300-303, 327 and 344-350).

- The legal basis for any exclusion from judicial review, of decisions concerning judges or of limitations to the judges' access to court, should exist prior to the restriction and stem from an instrument of general application (*Baka v. Hungary* [GC], 2016, §§ 116-117; *Paluda v. Slovakia*, 2017, § 43).
- In order for national legislation excluding access to a court to have any effect under Article 6 § 1 in a particular case, it should be compatible with the rule of law (*Grzęda v. Poland* [GC], 2022, § 299). In assessing any justification for excluding access to a court with regard to membership of judicial governance bodies, it is necessary to take into account the strong public interest in upholding the independence of the judiciary and the rule of law (*ibid.*, § 346).
- In matters concerning a judge's career, such as a unilateral transfer or dismissal, "there should be weighty reasons exceptionally justifying the absence of judicial review" (*Bilgen v. Turkey*, 2021, § 96 ; *Broda and Bojara v. Poland*, 2021, § 148; *Mnatsakanyan v. Armenia*, 2022, § 65).
- Absence of a judicial remedy against a decision of the Council of Judges and Prosecutors not to appoint a judicial candidate (who otherwise successfully passed all exams and fulfilled the statutory criteria for becoming a judge) was found to be in breach of the applicant's right of access to a court. The Court noted that the Council itself had not been a "court" within the meaning of Article 6 and its decision not to appoint the applicant had not been reasoned (*Oktay Alkan v. Türkiye*, 2023, §§ 68-69).
- Allegations of intervention by the State, through the legislature, in order to influence the outcome of a court case, were found manifestly-ill-founded in a situation where the impugned legislative intervention aimed "to settle, in the most efficient and prompt manner possible, a situation that was critical in that it affected the delicate balance within the system of separation of powers"(*J.B. and Others v. Hungary* (dec.), 2018, see notably § 92).
- The limited scope of review exercised by the High Court of Cassation in respect of a decision by the Judicial Disciplinary Board, imposing a disciplinary sanction on a judge, did not breach Article 6 § 1 because the Board had all characteristics of an independent and impartial "tribunal", offered guarantees of fair trial, and was a body which, under the Constitution, could exercise discretion in the disciplinary sphere (*Cotora v. Romania*, 2023, §§ 36 – 56).
- The right of access to court does not guarantee the right for a second degree of jurisdiction: thus, in *Suren Antonyan v. Armenia*, 2025, the Court found that since the Supreme Judicial Council (acting as a disciplinary court) had all characteristics of a "tribunal" to which the applicant had access, no issue arose due to lack of further review of its decisions (§ 124 – 129).

Adversarial - public hearing:

- Opinions/information obtained in proceedings before the Constitutional Court should be notified to the judge prior to the delivery of the decision, allowing thereby the judge to comment on them (*Juričić v. Croatia*, 2011, § 76).
- As regards disciplinary proceedings against a judge, equality of arms implies that the judge whose office is at stake must be afforded a reasonable opportunity to present his or her

case – including his or her evidence – under conditions that do not place him or her at a substantial disadvantage *vis-à-vis* the authorities bringing those proceedings against a judge. It is left to the national authorities to ensure in each individual case that the requirements of a fair hearing are met (*Olujić v. Croatia*, 2009, § 78).

- When the Constitutional Court makes an assessment, not of points of fact but of points of law, and deals with the same legal issue as the first instance court, Article 6 § 1 does not require a hearing to be held before the higher court if the applicant judge had already waived that right before the first instance court (*Juričić v. Croatia,* 2011, § 91).
- Lack of a hearing at the stage of the disciplinary proceedings and at the judicial review stage (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, § 210): in the context of disciplinary proceedings against a judge, dispensing with an oral hearing should be an exceptional measure and should be duly justified in the light of the Convention institutions' case-law.

"Lawful tribunal", independence and impartiality:

- Judges can uphold the rule of law and give effect to the Convention only if domestic law does not deprive them of the guarantees required under the Convention with respect to matters directly touching upon their individual independence and impartiality. In this regard, judicial independence should be understood in an inclusive manner. This means that independence applies not only to a judge in his or her adjudicating role, but also to other official functions that a judge may be called upon to perform that are closely connected with the judicial system (*Grzęda v. Poland* [GC], 2022, §§ 302- 303, as concerns a serving judge's mandate as member of the National Council of the Judiciary).
- There exists a clear link between the integrity of the judicial appointment process and the requirement of judicial independence in Article 6 § 1 (*Grzęda v. Poland* [GC], 2022, §§ 308-309; *Gloveli v. Georgia*, 2022, §§ 49-50). The appointment of judges by the executive or the legislature is permissible, provided that appointees are free from influence or pressure when carrying out their adjudicatory role (*Guðmundur Andri Ástráðsson v. Iceland* [GC], 2020, § 207).
- The Court underlined that a very close interrelationship existed between the guarantees of an "independent and impartial" tribunal and the right to a "tribunal established by law" under Article 6 § 1 (*Guðmundur Andri Ástráðsson v. Iceland* [GC], 2020, §§ 231-234; *Xhoxhaj v. Albania*, 2021, § 290; *Dolińska-Ficek and Ozimek v. Poland*, 2021, § 276). The *Guðmundur Andri Ástráðsson v. Iceland* [GC], 2020, judgment defines a three-step procedure to assess whether irregularities in a particular judicial appointment procedure were of such gravity as to entail a violation of the right to a "tribunal established by law" (§§ 243-252; see for example, *Juszczyszyn v. Poland*, 2022, §§ 193-210; *Besnik Cani v. Albania*, 2022, §§ 83-93). As the Court held in *Reczkowicz v. Poland*, 2021, § 284 (albeit in the context of a case brought not by a judge but by an ordinary litigant in the domestic proceedings who complained about the lack of independence of the judges in her disciplinary case), an inherently deficient procedure of judicial appointments may also be analysed in terms of the guarantee of an "independent tribunal"; however, in that case the irregularities in question were of such gravity that they undermined the very essence of the right to have the case examined by a "tribunal established by law", and were examined under this heading.
- Observance of the Article 6 § 1 guarantees is particularly important in disciplinary proceedings against a judge in his capacity as President of a Supreme Court, since the confidence of the public in the functioning of the judiciary at the highest level is at stake (*Harabin v. Slovakia*, 2012, § 133 – see also, *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, §§ 153-156, and, as regards the Supreme Court itself, §§ 162-165).

- There needs to be a substantial representation of judges on the relevant disciplinary body (*Oleksandr Volkov v. Ukraine*, 2013, § 109; *Denisov v. Ukraine* [GC], 2018, §§ 68-70; *Catană v. the Republic of Moldova*, 2023, §§ 68 and 70). The manner in which judges are appointed to disciplinary bodies is also relevant in terms of judicial self-governance (*Oleksandr Volkov v. Ukraine*, 2013, § 112; *Denisov v. Ukraine* [GC], 2018, §§ 68-70) as is whether they work fulltime for the disciplinary body or not (*ibid.*, § 68). The composition of the body which appoints judges, namely the National Council of the Judiciary, the NCJ, has been analysed in cases lodged against Poland through the prism of the guarantee of the "tribunal established by law" (see, for example, *Reczkowicz v. Poland*, 2021, § 284), or, alternatively, in the light of the guarantee of "access to court" (see, for example, *Grzęda v. Poland* [GC], 2022, §§ 344 – 350). Finally, in the case of *Tuleya v. Poland*, 2023, the Court found a breach of "the right to an independent and impartial tribunal established by law" (§ 345; note that the case has been examined under the criminal limb of Article 6). The Court concluded that both the independence of the judges of the Supreme Court and the condition of a tribunal "established by law" were compromised because of the lack of independence of the National Council for the Judiciary (which appointed those judges), because, following the 2017 reform "the legislative and executive powers had achieved a decisive influence on the composition" of the appointing body (see also *Tuleya v. Poland*, 2023, § 337, and *Wałęsa v. Poland*, 2023, §§ 168–176). In *Suren Antonyan v. Armenia*, 2025, the Court noted that the Supreme Judicial Council (acting in the tribunal's capacity in a disciplinary case against the applicant) where judges elected by their peers represent exactly the half of the members, corresponds to minimal European standards, provided that the appointment of the lay members of the Council by Parliament is accompanied by sufficient safeguards (qualified majority for their election, strict eligibility criteria) and that they enjoy other guarantees (duration of the mandate, irremovability, social guarantees, lack of hierarchical subordination, etc.) – see §§ 105 – 118.
- The presence of the Prosecutor General on a body concerned with the appointment, disciplining and removal of judges creates a risk that judges will not act impartially in such cases or that the Prosecutor General will not act impartially towards judges the decisions of whom he disapproves (*Oleksandr Volkov v. Ukraine*, 2013, § 114; *Denisov v. Ukraine* [GC], 2018, §§ 68-70; *Catană v. the Republic of Moldova*, 2023, § 76).
- The presence, even in a merely passive role, of a member of the government within a body empowered to impose disciplinary sanctions on judges is in itself highly problematic in terms of the requirements of Article 6, and particularly the requirement for the disciplinary body to be independent (*Catană v. the Republic of Moldova*, 2023, § 75 concerning the presence of the Minister of Justice as an *ex officio* member of the Supreme Judicial Council (CSM); see also the process for selecting the professors of law elected by Parliament for appointment to the CSM, §§ 79-82).
- The intervention of Parliament into disciplinary proceedings may contribute to the politicisation of the procedure and "aggravate its inconsistency with the principle of the separation of powers" (*Oleksandr Volkov v. Ukraine*, 2013, § 118).
- The impartiality and independence of the judiciary may be brought into question when judges who review the decisions of a disciplinary body are under the jurisdiction of the same body and can be subject to disciplinary proceedings (compare and contrast *Oleksandr Volkov v. Ukraine*, 2013, § 130; *Denisov v. Ukraine* [GC], 2018, § 79 with *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, §§ 157-164).
- Preliminary involvement of a member of the disciplinary body in the preliminary inquiry against a judge may cast objective doubt on his impartiality when he subsequently takes part in the decision on the merits of the case (*Denisov v. Ukraine* [GC], 2018, § 71 and references therein). The impartiality may be legitimately questioned also where the person initiating

the disciplinary proceedings against a judge has close ties with one of the judges on the disciplinary tribunal, in particular its President: see *Suren Antonyan v. Armenia*, 2025, where the Court found a breach of Article 6 § 1 because the Minister of Justice who brought proceedings against a judge was a close friend and former collaborator of the President of the Supreme Judicial Council, where the disciplinary case was heard, and because their families had a common financial interest, and the domestic courts failed to properly engage with those arguments (§§ 135 – 143).

- The Court underlined the importance of the appearance of impartiality of lustration proceedings against the President of the Constitutional Court owing to remarks made by the Prime Minister while proceedings were pending (*Ivanovski v. the former Yugoslav Republic of Macedonia*, 2014, §§ 145-150).
- In the context of disciplinary cases, the theoretical risk that judges hearing cases are themselves still subject to a set of disciplinary rules, is not in itself a sufficient basis for finding a breach of the requirements of impartiality (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, § 163).
- The Court has recalled that the method of allocating cases within a court falls, in principle, within the State's margin of appreciation. Thus, the failure to appoint all the members of judicial formations through a randomised system was not sufficient to conclude that disciplinary proceedings against the applicant failed to satisfy the requirements of independence and impartiality required by Article 6 (*Miroslava Todorova v. Bulgaria*, 2021, § 120; see also *Barbălată v. Romania* (dec.), 2025, §§ 88-95).
- The applicant in *Wróbel v. Poland* (dec.), 2025, was a judge whose case (concerning his alleged negligence in the performance of his duties) was originally heard by the former Disciplinary Chamber which the Court found was not an independent "tribunal established by law" (see *Reczkowicz v. Poland*, 2021). Having regard to the recent positive legislative developments, which led to the abolishment of the Disciplinary Chamber, the Court concluded that the applicant's complaints were premature since the proceedings in his case were still pending before the newly established Chamber of Professional Liability of the Supreme Court (§§ 43-52).
- In *Manowska and Others v. Poland* (dec.), 2025: the applicants were amongst those judges who had been promoted by the President of Poland following the 2016 judicial reform. In 2021 the Supreme Administrative Court (the SAC) adopted a decision (at the request of another judge who was refused the promotion – see the case of *Sadomski v. Poland*, 2025) *de facto* acknowledging that the applicants' appointments made under the new rules had been invalid. The applicant claimed that this judgment affected their reputation, and that they were unable to participate in the proceedings. The Court noted that the whole process of their appointment from the very beginning was a subject of intense public debate and controversy, and that the resolution of this legal dispute by the SAC in 2021 did not affect their reputation. As to another right claimed by the applicant – namely the right to work in the particular positions – the Court found, first of all, that such right did not exist in the domestic legal order. Even if it did, the Court continued, the impugned proceedings did not have a "directly decisive" effect on this right because the SAC did not order the applicants' removal, even though it found that the whole process of their appointment was legally flawed. The Court concluded that the applicants' complaints were therefore incompatible *ratione materiae* with the provisions of the Convention.

Further procedural requirements:

- In view of the important role that judges play in securing Convention rights, it is imperative that there exist procedural safeguards in order to ensure that their judicial autonomy is not

jeopardised by undue external or internal influences. What is also at stake is public trust in the functioning of the judiciary (*Bilgen v. Turkey*, 2021, § 96).

- Members of the judiciary should enjoy – as do other citizens – protection from arbitrariness on the part of the legislative and executive powers, and only oversight by an independent judicial body of the legality of a measure such as removal from office is able to render such protection effective (*Grzęda v. Poland* [GC], 2022, § 327 and § 347, see also § 264).
- While the Court does not find it appropriate to indicate how long the limitation period for imposing disciplinary penalties should be, it considers that the absence of any time bars on proceedings for dismissal of a judge for "breach of oath" poses a serious threat to the principle of legal certainty (*Oleksandr Volkov v. Ukraine*, 2013, § 139).
- It is not the Court's task to express a view on the appropriateness of the choice made by the authority specifically mandated for the purpose of appointing or promoting judges – or the criteria that should be taken into account – as long as the selection procedure contained sufficient procedural safeguards (*Tsanova-Gecheva v. Bulgaria*, 2015, §§ 100-104, regarding appointment to court presidency by Supreme Judicial Council; see also see *Gloveli v. Georgia*, 2022, § 59). The procedure for appointing judges may infringe the right to a "tribunal established by law" (*Juszczyszyn v. Poland*, 2022, §§ 193-210 and 279; *Besnik Cani v. Albania*, 2022, §§ 83-93 and 113). In particular, eligibility requirements for the appointment of judges are considered fundamental rules whose breach undermines the purpose and effect of the "established by law" requirement (§ 99). The Court has further observed that the right of a member of the judiciary to protection against an arbitrary transfer or appointment is supported by international norms as a corollary of judicial independence (*Bilgen v. Turkey*, 2021, § 63).
- The review of a decision imposing a disciplinary penalty differs from that of an administrative decision that does not entail such a punitive element. As a result, the judicial review carried out must be appropriate to the disciplinary nature of the decision in question. This consideration applies with even greater force to disciplinary proceedings against judges, who must enjoy the respect that is necessary for the performance of their duties. When a member State initiates such disciplinary proceedings, public confidence in the functioning and independence of the judiciary is at stake; in a democratic State, this confidence guarantees the very existence of the rule of law (*Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, §§ 196, 200, 203 and 214; *Cotora v. Romania*, 2023, §§ 46-56, and concerning the scope of review of the sanction itself, § 55).
- Given the prominent place among State organs that judges and prosecutors hold in a democratic society, together with the growing importance attached to the separation of powers and to the necessity of safeguarding the independence of the justice system, the Court must pay particular attention to the protection of judges when it is called upon to review disciplinary proceedings against them in the light of the Convention provisions (*Eminağaoğlu v. Turkey*, 2021, § 76; for an example of Convention compliant disciplinary proceedings, see *Cotora v. Romania*, 2023).
- Procedural safeguards, similar to those that should be available in cases of dismissal or removal of judges, should likewise be available where a judge was removed from their position as a member of a judicial council (*Grzęda v. Poland* [GC], 2022, § 345). Where a judicial council is established, the State's authorities should be under an obligation to ensure its independence from the executive and legislative powers in order to, *inter alia*, safeguard the integrity of the judicial appointment process (*ibid.*, §§ 307 and 346; *Juszczyszyn v. Poland*, 2022, § 205).
- The imposition of disciplinary liability in connection with the giving of a judicial decision – and even starting a disciplinary inquiry in this respect and *a fortiori* opening a criminal investigation – must be seen as an exceptional measure and be subject to restrictive

interpretation, having regard to the principle of judicial independence (*Juszczyszyn v. Poland*, 2022, § 276; *Tuleya v. Poland*, 2023, § 437; in the last case the Court examined the situation under the criminal limb of Article 6). See also *mutatis mutandis*, *Ovcharenko and Kolos v. Ukraine*, 2023, regarding Constitutional Court judges and the importance of a clear and foreseeable legal framework concerning judicial immunity and judicial accountability for the purposes of ensuring judicial independence (§§ 104-108).

- In the context of vetting proceedings for judges, a greater degree of flexibility should be granted to the respondent States for the application of statutory limitations as, unlike ordinary disciplinary proceedings, they manifest certain specificities. This is consistent with the objective of restoring and strengthening public trust in the justice system and ensuring a high level of integrity of members of the judiciary (*Xhoxhaj v. Albania*, 2021, § 349). With respect to the burden of proof, the Court finds it "not *per se* arbitrary" that the burden of proof shifted onto a defendant judge in vetting proceedings after a disciplinary body has made the preliminary findings of the investigation available and has given access to the evidence in the case file (§ 352). See also *Sevdari v. Albania*, 2022, § 130.
- Where the judicial council decided, following disciplinary proceedings, that the applicant – a public prosecutor – did not commit any disciplinary violation but only a breach of the rules of professional ethics, and no disciplinary sanction has been imposed on him, the applicant cannot claim to be a victim of a violation of Article 6 in connection with the disciplinary proceedings in which he has been acquitted (*Amar v. France* (dec.), 2024, §§ 22 – 26).

Noteworthy examples

- *Baka v. Hungary* [GC], 2016, §§ 121-122: inability of the President of the Supreme Court to contest the premature termination of his mandate;
- *Denisov v. Ukraine* [GC], 2018, §§ 66-82: inability of the applicant to receive an independent and impartial examination of his dismissal from his post as President of a court;
- *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], 2018, §§ 151-165 and 193-215: lack of public hearing and limited extent of review by the Supreme Court over disciplinary decisions of the High Council of the Judiciary – alleged lack of independence and impartiality of the Supreme Court owing to the dual role of its President and the careers of its judges, linked to the High Council of the Judiciary;
- *Grzęda v. Poland* [GC], 2022, §§ 344-350: premature termination of a serving judge's mandate as member of the National Council of the Judiciary and the lack of judicial review;
- *Tuleya v. Poland*, 2023, § 337, examined under the criminal limb of Article 6, lifting of a judge's immunity decided by the Disciplinary Chamber of the Supreme Court, members of which had been selected by the newly composed National Council for the Judiciary which was under the decisive influence of the executive and legislative authorities (see also *Wałęsa v. Poland*, 2023, albeit not in the context of a case brought by a judge but by an ordinary litigant complaining about the lack of the independence of the Extraordinary Review Chamber of the Supreme Court, §§ 168–176);
- *G. v. Finland*, 2009, § 34: first case where the Court applied the *Eskelinen* criteria in an employment dispute concerning a judge;
- *Olujić v. Croatia*, 2009, §§ 31-43: first case where the Court applied the *Eskelinen* criteria as regards disciplinary proceedings brought against a judge (see also *Harabin v. Slovakia*, 2012, §§ 118-123). Both cases: impartial and independent tribunal and the role of the Constitutional Court;
- *Oleksandr Volkov v. Ukraine*, 2013: structural defects of the system of judicial discipline (§ 117); absence of a limitation period for imposing a disciplinary penalty on judges (§ 139); and abuse of the electronic vote system in Parliament when adopting a decision on a judge's

dismissal (§ 145); composition of the chamber examining the applicant's case defined by a judge whose term of office as the court's President had expired (§§ 154-156);

- *Di Giovanni v. Italy*, 2013, § 58: disciplinary warning against a judge for having failed in her duty of respect and discretion (composition of the disciplinary board of the National Council of the Judiciary found in conformity with Article 6 § 1);
- *Poposki v. the former Yugoslav Republic of Macedonia*, 2016, §§ 48-49: impartiality of a disciplinary body when only one of its fifteen members has carried out the preliminary inquiries and subsequently took part in the decisions to remove the applicants from office;
- *Sturua v. Georgia*, 2017, § 35: disciplinary proceedings – half of the bench hearing the case on appeal, including its President, had been previously involved in examining the case at first instance which had ordered the removal from judicial office of the applicant, president of a district court;
- *Kamenos v. Cyprus*, 2017, §§ 107-108: specific situation of disciplinary proceedings brought and heard by same body/confusion between the functions of bringing charges and those of determining the issues in the case (see also §§ 106-109); the aim of preventing an atmosphere of hostility and confrontation cannot preclude objective doubts as to the impartiality of the disciplinary body;
- *Kövesi v. Romania*, 2020, §§ 152-158: inability of chief prosecutor to effectively challenge premature termination of mandate;
- *Camelia Bogdan v. Romania*, 2020, §§ 70-79: inability of a judge to challenge her automatic suspension from duty, with stoppage of salary, pending consideration of her appeal against removal from judicial office (see also *Paluda v. Slovakia*, 2017, §§ 41-55);
- *Xhoxhaj v. Albania*, 2021, §§ 280-353: dismissal of a judge following a vetting process in light of an extraordinary and *sui generis* judicial reform undertaken in Albania;
- *Bilgen v. Turkey*, 2021, § 97: inability of a judge to have recourse to judicial review of a decision transferring him to a lower ranking judicial district;
- *Eminağaoğlu v. Turkey*, 2021, §§ 95-105: disciplinary sanction against a judicial officer for breach of professional duty not reviewed by another body exercising judicial functions or by an ordinary court;
- *Donev v. Bulgaria*, 2021, §§ 87-105: proceedings leading to the dismissal of a judge accused of disciplinary offences;
- *Dolińska-Ficek and Ozimek v. Poland*, 2021, §§ 272 *et seq.*: manifest breaches in appointment of judges to newly established Supreme Court's Chamber of Extraordinary Review and Public Affair, which examined the applicant judges' appeals (application of the *Guðmundur* principles on a "tribunal established by law");
- *Gloveli v. Georgia*, 2022, §§ 43-53 and 58-60: inability of a judicial candidate to seek judicial review of decision refusing to appoint her to a judicial post;
- *Besnik Cani v. Albania*, 2022, §§ 115-116: manifest breach of domestic law adversely affecting appointment of a judge sitting on panel which vetted and dismissed prosecutor, without effective domestic court review and redress;
- *Juszczyszyn v. Poland*, 2022, §§ 193-210: judge suspended from duties for verifying another judge's independence ("tribunal established by law");
- *Mnatsakanyan v. Armenia*, 2022, § 65: a judge's premature dismissal from office following disciplinary proceedings against him;
- *Ovcharenko and Kolos v. Ukraine*, 2023, §§ 123-126: inadequate judicial review of Parliament's decision to dismiss Constitutional Court judges for "breach of oath" without a clear interpretation of that offence and the scope of their functional immunity;

- *Cotora v. Romania*, 2023, §§ 37-43 and 56: disciplinary proceedings against a judge, which resulted in a disciplinary sanction in the form of a salary reduction. Judicial Disciplinary Board of the National Council of Judges and Prosecutors considered a "judicial body with full jurisdiction" for the purposes of Article 6; proceedings of the Judicial Disciplinary Board satisfying the requirements of independence, impartiality and fair hearing; Subsequent review performed by the High Court of Cassation and Justice sufficient;
- *Catană v. the Republic of Moldova*, 2023, §§ 75-83: composition of the Supreme Judicial Council (with the presence of *ex officio* members – the Minister of Justice, the Prosecutor General – and of professors of law) not satisfying the Convention requirements of independence and impartiality;
- *Suren Antonyan v. Armenia*, 2025, §§ 105 – 119: the composition of the Supreme Judicial Council (SJC) ensured its independence, since judges elected by their peers represented the half of its membership, while the remaining lay members offered sufficient guarantees of independence, given their manner of appointment and status. However, the impartiality of the SCJ was jeopardised due to a close tie between the Minister of Justice who brought the proceedings against the applicant and the President of the SJC, who sat on the bench.

Protection of judges under other Articles of the Convention

Article 5:

- *Alparslan Altan v. Turkey*, 2019: pre-trial detention of a judge without a prior lifting of immunity, on the basis of an unreasonable extension of the concept of *in flagrante delicto* (§§ 102, 104-115, violation of Article 5 § 1; see also *Baş v. Turkey*, 2020, §§ 148-162, 176-201 and 215-231, violation of Article 5 §§ 1 and 4; *Turan and Others v. Turkey*, 2021, §§ 79-96, violation of Article 5 § 1 and *Tercan v. Turkey*, 2021, §§ 118-143, and 171-188, violation of Article 5 §§ 1 and 3 and Article 8 for search of a judge's home after attempted coup).

Article 7:

- *Bădescu and Others v. Romania*, 2025: criminal conviction of appeal court judges for abuse of office in connection with a judicial decision taken by them – no violation. The imperative of protection of independence of the judicial system does not exclude criminal prosecution of a judge for abuse of office. The provisions applied in the case were foreseeable in their application since the well-established case-law distinguished between a simple error made in good faith and a deliberate bad-faith misinterpretation of a legal norm by a judge, as in the applicants' case. As experienced judges specialised in criminal law the applicants were supposed to foresee the consequences of their actions, and the relevant provisions of domestic criminal law were sufficiently clear, and the interpretation given by the domestic courts was reasonable and consistent with the essence of the offence (§§ 129 – 148).

Article 8:

- *Özpınar v. Turkey*, 2010: removal of a judge from office for reasons partly related to her private life and putting her reputation at stake (applicability, § 48, and procedural requirements, §§ 76-78, violation of Article 8);
- *Oleksandr Volkov v. Ukraine*, 2013: dismissal for "breach of oath" (violation: interference not in accordance with the law (§§ 160-187, violation of Article 8) (see also *Kulykov and Others v. Ukraine*, 2017, § 138);

- *Ivanovski v. the former Yugoslav Republic of Macedonia*, 2014: removal of the President of the Constitutional Court from public office as a result of lustration proceedings (§§ 176-188, violation of Article 8);
- *Denisov v. Ukraine* [GC], 2018: dismissal of the applicant from his post as President of court (§§ 127-134, inadmissible *ratione materiae*: the negative effects of his dismissal on his private life did not meet the threshold of severity for Article 8 to apply). Extensive review of the case-law and new principles on the scope of Article 8 in employment-related disputes concerning judges notably (§§ 113-117);
- *J.B. and Others v. Hungary* (dec.), 2018: dismissal of judges and prosecutors following the lowering of the compulsory retirement age (inadmissible *ratione materiae*, applying *Denisov* [GC]);
- *Tasev v. North Macedonia*, 2019: refusal to register a change in a candidate's self-declared ethnicity in a period of election of judges, with no foreseeable legal basis (§§ 37-41, violation of Article 8);
- *Camelia Bogdan v. Romania*, 2020: suspension of functions as judge, with stoppage of salary (§§ 83-92, application of the *Denisov* [GC] consequence-based approach – level of threshold not reached, inadmissible *ratione materiae*);
- *De Carvalho Basso v. Portugal* (dec.), 2021: defamation and criminal complaints lodged against judges claiming that the reasoned judgment had contained words that amounted to personal insult (§§ 58-61, inadmissible *ratione materiae*);
- *Xhoxhaj v. Albania*, 2021: dismissal of a judge following a vetting process in light of an extraordinary and *sui generis* judicial reform undertaken in Albania (§§ 402-414, no violation of Article 8);
- *Eminağaoğlu v. Turkey*, 2021: the use in disciplinary investigation of recordings of the applicant's telephone conversations, which had been intercepted during the criminal investigation against him (§§ 160-161, violation of Article 8);
- *Samsin v. Ukraine*, 2021: dismissal and application of legislative lustration measures to former Supreme Court judge (applicability, §§ 39-44 and 50-58, violation of Article 8);
- *Gumenyuk and Others v. Ukraine*, 2021: unlawful prevention of former Supreme Court judges from exercising judicial functions after legislative reform (applicability, §§ 88 and 100, violation of Article 8); see also *Golovchuk v. Ukraine*, 2025, where the court, in which the applicant worked, was abolished as a result of a legislative reform; while the applicant had a right to be redeployed, for many years the authorities failed to do so due to the systemic malfunctioning of the system of judicial appointments in Ukraine (see §§ 29 – 32 on applicability and §§ 35 – 43 on the violation of the "lawfulness" requirement of Article 8);
- *Donev v. Bulgaria*, 2021: dismissal of the applicant for infringement of several rules and obligations relating to the duties as a judge and court president (§§ 116-122, inadmissible, manifestly ill-founded);
- *M.D. and Others v. Spain*, 2022: police report on judges who signed a manifesto on the Catalan people's "right to decide" and insufficient inquiry into data leak to press (§§ 61-71, violations of Article 8);
- *Juszczyszyn v. Poland*, 2022: unforeseeable suspension of judge, in connection with the giving of a judicial decision, based on manifestly unreasonable application of law (applicability, §§ 237 and 279-280, violation of Article 8); judge's suspension predominantly aiming to sanction and dissuade him from verifying lawfulness of appointment of judges on recommendation of reformed National Council of the Judiciary (§§ 337-338, violation of Article 18 taken in conjunction with Article 8);

- *Sevdari v. Albania*, 2022: vetting proceedings resulting in the applicant's dismissal from the post of prosecutor due to an isolated professional error and her spouse's failure to pay tax on a small part of his income (applicability, §§ 60-61, 78, 84, 86 and 95, violation of Article 8);
- *Nikëhasani v. Albania*, 2022: dismissal of prosecutor and lifetime ban from re-entering justice system due to serious doubts as to her financial propriety based on findings of vetting process (§§ 114 and 117-126, no violation of Article 8);
- *Ovcharenko and Kolos v. Ukraine*, 2023: dismissal by Parliament of Constitutional Court judges, sanctioned for a judicial opinion on a complex legal issue, without clear interpretation of the imputed "breach of oath" and the scope of their functional immunity; judges' liability for their judicial opinions and the substance of their judicial activity; (applicability, §§ 86 and 91-109, violation of Article 8: requirements of lawfulness and foreseeability; §§ 131-136, inadmissible under Article 18 taken in conjunction with Article 8, manifestly ill-founded);
- *Guliyev v. Azerbaijan*, 2023: dismissal of a prosecutor with reference to the applicant's relations with his former girlfriend, on the basis of vague legal provisions on service discipline and ethics, without establishing factual or relevant legal grounds justifying the dismissal and without taking into consideration courts' decisions in favour of applicant in court proceedings opposing the applicant and his former girlfriend (§ 43, admissibility: reasons for the dismissal were related to the applicant's private life; §§ 52-60: violation of Article 8 on account of unlawfulness of the interference);
- *Tuleya v. Poland*, 2023: opening of a preliminary disciplinary inquiry into a procedural decision made by a judge (a request for a preliminary ruling by the CJEU) was contrary to the EU law allowing for such requests (§ 438); lifting of immunity from criminal prosecution and the ensuing suspension of the judge was not foreseeable (§ 453), and was ordered by a body which did not qualify as a "court", contrary to the requirements of the domestic law (§§ 442 – 443, violation of Article 8);
- *Gyulumyan and Others v. Armenia* (dec.), 2023: early termination of mandate of constitutional court judges following constitutional amendments: Article 8 is not applicable, the termination of the applicants' mandate was not related to their private lives, and the impact of this measure on their private lives did not cross the threshold of seriousness for Article 8 of the Convention to be engaged (§§ 89 – 95);
- *Pengezov v. Bulgaria*, 2023: the applicant, a judge, had been suspended after being prosecuted for service-related offences. The effects of the measure were serious enough to affect his private life: his pay had been withheld, but the applicant was prohibited from engaging in any renumerated activity, was unable to develop his professional career and his reputation had been affected: Article 8 applicable (§§ 66 – 72). On the merits, the applicant had not been afforded any procedural safeguards in the proceedings before the judicial council and the scope of the judicial review had been limited. The suspension had serious consequences, had not been limited in time, and lasted for seven years: violation of Article 8 (§§ 82 – 88);
- *Barbălată v. Romania* (dec.), 2025: the applicant, a judge, was convicted of leaking confidential information to a corrupt official. The applicant argued that her conviction was based on a wiretapping order which had been authorised by a court in respect of another person, P., and that the authorisation had not been formulated with sufficient precision. Her recorded conversation with P. had been used as evidence in the criminal proceedings against her. The Court noted, however, that the authorisation had been issued lawfully and provided sufficient legal basis for the wiretapping, and that the operation had pursued a legitimate aim and had been necessary (§§ 119 – 126).

Article 10:[3]

- *Wille v. Liechtenstein* [GC], 1999: a letter sent to the applicant (the President of the Liechtenstein Administrative Court) by the Prince of Liechtenstein announcing his intention not to reappoint him to a public post constituted a "reprimand for the previous exercise by the applicant of his right to freedom of expression" (§ 50, violation of Article 10);
- *Baka v. Hungary* [GC], 2016: premature termination of the mandate of the President of the Supreme Court following his public statements criticising legislative reforms affecting the judiciary (§§ 140 and 172-174, violation of Article 10 – see also the procedural aspect of Article 10);
- *Pitkevich v. Russia* (dec.), 2001: judge dismissed for allegedly having abused her office to proselytise (inadmissible, manifestly ill-founded);
- *Albayrak v. Turkey*, 2008: disciplinary sanction of a judge for following PKK-related media (§§ 45-46, violation of Article 10);
- *Kayasu v. Turkey*, 2008: criminal conviction and removal from office of a public prosecutor for abuse of authority and insulting the armed forces (§ 107, violation of Article 10);
- *Kudeshkina v. Russia*, 2009: removal from judicial office for making critical statements about the judiciary (§§ 95-98, violation of Article 10);
- *Tosti v. Italy* (dec.), 2009: transfer of a judge following an interview (inadmissible, manifestly ill-founded);
- *Harabin v. Slovakia*, 2012: the President of the Supreme Court found guilty of a disciplinary offence due to his failure to comply with auditing requirements, a disciplinary offence unrelated to his statements or views expressed in the context of a public debate or in the media (§§ 151-152, inadmissible, manifestly ill-founded);
- *Di Giovanni v. Italy*, 2013: disciplinary warning of a judge for having failed in her duty of respect and discretion following her statements in a newspaper interview (§ 58, no violation of Article 10 – see references therein);
- *Brisc v. Romania*, 2018: disciplinary sanction and removal from position as chief prosecutor for imparting to the press information about pending criminal investigations. The applicant had made the impugned statements to the press in the context of discharging his duties as the staff member designated to provide information to the press about investigations that attracted media attention (§§ 124-125, violation of Article 10);
- *Kövesi v. Romania*, 2020: premature termination of chief prosecutor's mandate following public criticism of legislative reforms (§§ 196-199 and 204-212, violation of Article 10: the interference did not pursue a "legitimate aim", and was also not "necessary in a democratic society" on account of, among others, the particular importance of the office held by the applicant and the principle of the independence of prosecutors; see also § 210, for the link between Article 6 and the procedural aspect of Article 10);
- *Goryaynova v. Ukraine*, 2020: disciplinary sanctions and dismissal of prosecutor after publishing on the Internet an open letter to the Prosecutor General of Ukraine in which she had criticised the prosecution authorities with regard to alleged corruption (§§ 54-67, violation of Article 10);
- *Panioglu v. Romania*, 2020: the imposition of a code-of-conduct penalty on judge for publishing unsubstantiated allegations calling into question moral and professional integrity of a fellow judge (§§ 111-126, no violation of Article 10);

[3] This concerns only the situations where a judge was disciplined/sanctioned for statements while in office.

- *Eminağaoğlu v. Turkey*, 2021: disciplinary sanction imposed on the applicant on account of statements and criticisms that he had made to the media about certain high-profile court cases (§§ 121-153, violation of Article 10);
- *Miroslava Todorova v. Bulgaria*, 2021: disciplinary proceedings and sanctions against judge and President of the judges' association in retaliation against her criticism of the Supreme Judicial Council and the executive (§§ 157-164 and 173-181, violation of Article 10; see also §§ 203-214 for a violation of Article 18 taken in conjunction with Article 10);
- *Kozan v. Turkey*, 2022: disciplinary sanction on a serving judge for having shared on a private Facebook group, closed to the general public, a press Article which criticised certain decisions of the High Council of Judges and Prosecutors, without posting any comment himself (§§ 52-70, violation of Article 10);
- *Żurek v. Poland*, 2022: a number of measures taken against a serving judge, member of a judicial council and its spokesperson, following critical views expressed publicly in his professional capacity about legislative reforms affecting the judiciary and the functioning of the judicial system (§§ 205-213 and 220-229, violation of Article 10 – application of the principles laid out in *Baka v. Hungary* [GC], 2016);
- *M.D. and Others v. Spain*, 2022: disciplinary proceedings were opened against twenty serving judges for signing a manifesto in favour of the Catalan people's "right to decide", as a result of a complaint lodged by a trade union, but no sanctions were imposed (§§ 83-91, inadmissible, manifestly ill-founded);
- *Mnatsakanyan v. Armenia*, 2022: removal from the office of a judge solely based on the applicant's exercise of his judicial functions (§§ 71-74, incompatible *ratione materiae*);
- *Sarısu Pehlivan v. Türkiye*, 2023: a judge disciplined for an interview criticising a constitutional reform affecting *inter alia* the independence of the Council of Judges and Prosecutors (the CJP): the disciplinary body (the CJP itself) failed to identify statements which allegedly affected the prestige of the judiciary, the CJP was the accuser and the judge in this case, and there was no remedy against its decision (§§ 49-50, violation of Article 10);
- *Tuleya v. Poland*, 2023: a judge who was a vocal critic of the judicial reform had to go through several disciplinary inquiries, which failed to meet minimum procedural safeguards and constituted a form of pressure on the judge (§§ 49-50, violation of Article 10). In addition, criminal proceedings were opened against him, and he was suspended from duties: this was a disguised sanction for the applicant's exercise of his freedom of expression. These measures were applied by a Disciplinary Chamber – a body which cannot be considered a "court", which was contrary to the national law; furthermore, they aimed not at maintaining the authority and impartiality of the judiciary but sought to intimidate or even silence the applicant and thus did not pursue a legitimate aim (§§ 539 and 545, violation of Article 10).

Article 11:

- *Maestri v. Italy* [GC], 2004: imposition of a disciplinary sanction on a judge on account of his membership of the Freemasons (§§ 30-42, violation of Article 11).

Article 14:

- *Bakradze v. Georgia*, 2024: the applicant, a President of an NGO composed of judges and criticizing the policies of the High Judicial Council (HJC), has been refused promotion following an interview which was centered around her public activities and her criticism of the HJC: the Court found that the applicant objectively made out a *prima facie* case of discrimination on the basis of her trade-union activities; the burden of proof have been shifted onto the HJC to provide a convicting justification for such treatment of the applicant's

candidacy for promotion, but the HJC failed to do so (§ 84, violation of Article 14 of the Convention taken in conjunction with Articles 10 and 11).

Article 1 of Protocol No. 1:

- *Denisov v. Ukraine* [GC], 2018: dismissal and pecuniary rights (§ 137, inadmissible *ratione materiae*);
- *Anželika Šimaitienė v. Lithuania*, 2020: refusal to compensate judge for unpaid salary for the period of suspension from judicial office (§§ 110-116, violation of Article 1 of Protocol No. 1);
- *Juszczyszyn v. Poland*, 2022: reduction of applicant's salary by 40% for the duration of his suspension (§§ 344-345, inadmissible *ratione materiae*);
- *Kubát and Others v. the Czech Republic*, 2023: denial of retroactive payment of difference in judges' salaries, reduced during the 2011-2014 financial crisis but legal provisions found unconstitutional and repealed by the Constitutional Court only *pro futuro* (§§ 89-92, no violation).

Further references

Council of Europe instruments:

- Recommendation of the Committee of Ministers on judges: independence, efficiency and responsibilities (2010)
- European Charter on the Statute for Judges (1998)
- Council of Europe Plan of Action on Strengthening Judicial Independence and Impartiality (2016)
- Background Paper for the ECHR Judicial Seminar 2018: The Authority of the Judiciary

Consultative Council of European Prosecutors (CCPE) / Consultative Council of European Judges (CCJE)

- Opinions of the Consultative Council of European Judges (CCJE)
- Magna Carta of Judges (fundamental principles) adopted by the CCJE (2010)

European Commission for Democracy through Law (Venice Commission)

- Report on Judicial Appointments (2007)
- Report on the Independence of the Judicial System: Part I -The Independence of Judges
- Report on European Standards as regards the Independence of the Judicial System: Part II - The Prosecution Service
- Compilations of Venice Commission documents on courts and judges and on prosecutors (not to be cited as such, but contains references to the relevant opinions and reports)
- Opinions of the Venice Commission

European Commission for the Efficiency of Justice (CEPEJ)

United Nations instruments:

- Basic Principles on the Independence of the Judiciary (endorsed by UN General Assembly Resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985)
- UN Human Rights Committee, General Comment no. 32: Article 14: Right to Equality before Courts and Tribunals and to Fair Trial, §§ 17 *et seq.*

The Inter-American Court of Human Rights:

- *Supreme Court of Justice (Quintana Coello et al.) v. Ecuador*, 23 August 2013, §§ 144-145, 147-148 and 150-155
- *Constitutional Tribunal (Camba Campos et al.) v. Ecuador*, 28 August 2013, §§ 188-199
- *López Lone et al. v. Honduras*, 5 October 2015, §§ 190-202 and 239-240

KEY CASE-LAW REFERENCES

Leading cases:

- *Oleksandr Volkov v. Ukraine*, no. 21722/11, 9 January 2013 (violation of Articles 6 § 1 and 8; no separate issue under Article 13);
- *Baka v. Hungary* [GC], no. 20261/12, 23 June 2016 (violation of Articles 6 § 1 and 10; no separate issue under Article 13 and 14);
- *Denisov v. Ukraine* [GC], no. 76639/11, 25 September 2018 (violation of Article 6 § 1; inadmissible – *ratione materiae* under Article 8 and Article 1 of Protocol no. 1);
- *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 120, 6 November 2018 (violation of Article 6 § 1; inadmissible – *ratione materiae* under the criminal limb);
- *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, 1 December 2020 (violation of Article 6 § 1, albeit in a case not brought by a judge);
- *Grzęda v. Poland* [GC], no. 43572/18, 15 March 2022 (violation of Article 6 § 1).

Other cases under Article 6 § 1 (civil):

- *Ernst and Others v. Belgium*, no. 33400/96, 15 July 2003 (no violation of Article 6 § 1);
- *Petrova and Chornobryvets v. Ukraine*, nos. 6360/04 and 16820/04, 15 May 2008 (violation of Article 6 § 1);
- *G. v. Finland*, no. 33173/05, 27 January 2009 (violation of Article 6 § 1);
- *Olujić v. Croatia*, no. 22330/05, 5 February 2009 (violation of Article 6 § 1);
- *Tosti v. Italy* (dec.), no. 27791/06, 12 May 2009 (inadmissible – manifestly ill-founded);
- *Gouveia Gomes Fernandes and Freitas e Costa v. Portugal* (dec.), no. 1529/08, 26 May 2009 (inadmissible – manifestly ill-founded);
- *Juričić v. Croatia*, no. 58222/09, 26 July 2011 (violation of Article 6 § 1);
- *Dzhidzheva-Trendafilova v. Bulgaria* (dec.), no. 12628/09, 9 October 2012 (inadmissible – manifestly ill-founded);
- *Harabin v. Slovakia*, no. 58688/11, 20 November 2012 (violation of Article 6 § 1);
- *Di Giovanni v. Italy*, no. 51160/06, 9 July 2013 (inadmissible – manifestly ill-founded);
- *Smiljan Pervan v. Croatia* (dec.), no. 31383/13, 4 March 2014 (inadmissible – *ratione materiae*);
- *Tsanova-Gecheva v. Bulgaria*, no. 43800/12, 15 September 2015 (no violation of Article 6 § 1);
- *Poposki v. the former Yugoslav Republic of Macedonia*, nos. 69916/10 and 36531/11, 7 January 2016 (violation of Article 6);
- *Ivanovski v. the former Yugoslav Republic of Macedonia*, no. 29908/11, 21 January 2016 (violation of Article 6 § 1 and Article 8);
- *Kulykov and Others v. Ukraine*, nos. 5114/09 and 17 others, 19 January 2017 (violation of Article 6 § 1);
- *Sturua v. Georgia*, no. 45729/05, 28 March 2017 (violation of Article 6 § 1);
- *Paluda v. Slovakia*, no. 33392/12, 23 May 2017 (violation of Article 6 § 1);
- *Kamenos v. Cyprus*, no. 147/07, 31 October 2017 (violation of Article 6 § 1);

- *Anželika Šimaitienė v. Lithuania*, no. 36093/13, 21 April 2020 (inadmissible – manifestly ill-founded);
- *Kövesi v. Romania*, no. 3594/19, 5 May 2020 (violation of Article 6 § 1);
- *Čivinskaitė v. Lithuania*, no. 21218/12, 15 September 2020 (no violation of Article 6 § 1);
- *Camelia Bogdan v. Romania*, no. 36889/18, 20 October 2020 (violation of Article 6 § 1);
- *Albuquerque Fernandes v. Portugal*, no. 50160/13, 12 January 2021 (no violation of Article 6 § 1);
- *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021 (no violation of Article 6 § 1);
- *Eminağaoğlu v. Turkey*, no. 76521/12, 9 March 2021 (violation of Article 6 § 1);
- *Bilgen v. Turkey*, no. 1571/07, 9 March 2021 (violation of Article 6 § 1);
- *Broda and Bojara v. Poland*, nos. 26691/18, 27367/18, 29 June 2021 (violation of Article 6 § 1);
- *Loquifer v. Belgium*, nos. 79089/13 and 2 others, 20 July 2021 (violation of Article 6 § 1);
- *Gumenyuk and Others v. Ukraine*, no. 11423/19, 22 July 2021 (violation of Article 6 § 1);
- *Reczkowicz v. Poland*, no. 43447/19, 22 July 2021 (violation of Article 6 § 1, albeit in a case not brought by a judge);
- *Miroslava Todorova v. Bulgaria*, no. 40072/13, 19 October 2021 (no violation of Article 6 § 1);
- *Donev v. Bulgaria*, no. 40072/13, 26 October 2021 (no violation of Article 6 § 1);
- *Dolińska - Ficek and Ozimek v. Poland*, 8 November 2021, nos. 49868/19 and 57511/19 (violation of Article 6 § 1);
- *Gloveli v. Georgia*, no. 18952/18, 7 April 2022 (violation of Article 6 § 1);
- *Żurek v. Poland*, no. 39650/18, 16 June 2022 (violation of Article 6 § 1);
- *Besnik Cani v. Albania*, no. 37474/20, 4 October 2022 (violation of Article 6 § 1);
- *Juszczyszyn v. Poland*, no. 35599/20, 6 October 2022 (violation of Article 6 § 1);
- *Mnatsakanyan v. Armenia*, no. 2463/12, 6 December 2022 (violation of Article 6 § 1);
- *Ovcharenko and Kolos v. Ukraine*, nos. 27276/15 and 33692/15, 12 January 2023 (violation of Article 6 § 1);
- *Cotora v. Romania*, no. 30745/18, 17 January 2023 (no violation of Article 6 § 1);
- *Catană v. the Republic of Moldova*, no. 43237/13, 21 February 2023 (violation of Article 6 § 1);
- *Oktay Alkan v. Türkiye*, no. 24492/21, 20 June 2023 (violation of Article 6 § 1);
- *Kubát and Others v. the Czech Republic*, nos. 61721/19 and 5 others, 22 June 2023 (no violation of Article 6 § 1);
- *Lorenzo Bragado and Others v. Spain*, nos. 53193/21 and 5 others, 22 June 2023 (violation of Article 6 § 1);
- *Tuleya v. Poland*, nos. 21181/19 and 51751/20, 6 July 2023 (violation of Article 6 § 1 – but note that the conclusions were made under its criminal limb);
- *Davchev v. Bulgaria* (dec.), no. 39247/14, 19 September 2023, (Article 6 § 1 not applicable);
- *Pengezov v. Bulgaria*, no. 66292/14, 10 October 2023 (violation of Article 6 § 1);
- *Pająk and others v. Poland*, no. 25226/18, 24 October 2023 (violation of Article 6 § 1);
- *Stoianoglo v. the Republic of Moldova*, no. 19371/22, 24 October 2023 (violation of Article 6 § 1);

- *Gyulumyan and Others v. Armenia* (dec.), no. 25240/20, 21 November 2023 (Article 6 § 1 not applicable);
- *Wałęsa v. Poland*, no. 50849/21, 23 November 2023, (violation of Article 6 § 1, albeit in the context of a case brought not by a judge);
- *Amar v. France* (dec.), no. 4028/23, 16 January 2024 (no victim status of an applicant acquitted in disciplinary proceedings);
- *Stylianidis v. Cyprus* (dec.), no. 24269/18, 16 January 2024 (Article 6 § 1 not applicable);
- *Kartal v. Türkiye*, no. 54699/14, 26 March 2024 (violation of Article 6 § 1);
- *Sözen v. Türkiye*, no. 73532/16, 9 April 2024 (violation of Article 6 § 1);
- *Levrault v. Monaco* (dec.), no. 47070/20, 9 July 2024 (Article 6 § 1 not applicable);
- *Suren Antonyan v. Armenia*, no. 20140/23, 23 January 2025 (no violation of Article 6 on account of the lack of access or independence, but violation of the impartiality requirement);
- *Wróbel v. Poland* (dec.), no. 6904/22, 25 March 2025 (complaints under Articles 6, 8, 10 and 18 premature since the applicant's case was still pending);
- *Golovchuk v. Ukraine*, nos. 16111/19 and 4737/21, 27 March 2025 (violation of Article 6);
- *Manowska and Others v. Poland* (dec.), no. 51455/21, 1 April 2025 (incompatible *ratione materiae*);
- *Barbălată v. Romania* (dec.), no. 56558/16, 29 April 2025 (manifestly ill-founded);
- *Sadomski v. Poland*, no. 56297/21, 9 May 2025 (violation of Article 6).

Cases under Article 5:

- *Alparslan Altan v. Turkey*, no. 12778/17, 16 April 2019 (violation of Article 5 § 1);
- *Baş v. Turkey*, no. 66448/17, 3 March 2020 (violation of Article 5 §§ 1 and 4);
- *Tercan v. Turkey*, no. 6158/18, 29 June 2021 (violation of Article 5 §§ 1 and 3);
- *Turan and Others v. Turkey*, nos. 75805/16 and 426 others, 23 November 2021 (violation of Article 5 § 1).

Cases under Article 7:

- *Bădescu and Others v. Romania*, no. 22198/18, 15 April 2025 (no violation of Article 7).

Cases under Article 8:

- *Özpınar v. Turkey*, no. 20999/04, 19 October 2010 (violation of Article 8);
- *Oleksandr Volkov v. Ukraine*, no. 21722/11, 9 January 2013 (violation of Article 8);
- *Ivanovski v. the former Yugoslav Republic of Macedonia*, no. 29908/11, 21 January 2016 (violation of Article 8);
- *Kulykov and Others v. Ukraine*, nos. 5114/09 and 17 others, 19 January 2017 (violation of Article 8);
- *Denisov v. Ukraine* [GC], no. 76639/11, 25 September 2018 (inadmissible – *ratione materiae* – see the review of the relevant new case-law principles: §§ 115-117);
- *J.B. and Others v. Hungary* (dec.), nos. 45434/12 and 2 others, 27 November 2018 (inadmissible – *ratione materiae*);
- *Tasev v. North Macedonia*, no. 9825/13, §§ 32-33, 16 May 2019 (violation of Article 8);
- *Camelia Bogdan v. Romania*, no. 36889/18, 20 October 2020 (inadmissible – *ratione materiae*);

- *De Carvalho Basso v. Portugal* (dec.), nos. 73053/14 and 33075/174, 4 February 2021 (inadmissible – *ratione materia*);
- *Xhoxhaj v. Albania*, no. 15227/19, 9 February 2021 (no violation of Article 8);
- *Eminağaoğlu v. Turkey*, no. 76521/12, 9 March 2021 (violation of Article 8);
- *Samsin v. Ukraine*, no. 38977/19, 14 October 2021 (violation of Article 8);
- *Donev v. Bulgaria*, no. 40072/13, 26 October 2021 (inadmissible – manifestly ill-founded));
- *M.D. and Others v. Spain*, no. 36584/17, 28 June 2022 (violations of Article 8);
- *Gumenyuk and Others v. Ukraine*, no. 11423/19, 22 July 2021 (violation of Article 8);
- *Juszczyszyn v. Poland*, no. 35599/20, 6 October 2022 (violation of Articles 8);
- *Nikëhasani v. Albania*, no. 58997/18, 13 December 2022 (no violation of Article 8);
- *Sevdari v. Albania*, no. 40662/19, 13 December 2022 (violation of Article 8);
- *Ovcharenko and Kolos v. Ukraine*, nos. 27276/15 and 33692/15, 12 January 2023 (violation of Article 8);
- *Guliyev v. Azerbaijan*, no. 54588/13, 6 July 2023 (violation of Article 8);
- *Tuleya v. Poland*, nos. 21181/19 and 51751/20, 6 July 2023 (violation of Article 8);
- *Pengezov v. Bulgaria*, no. 66292/14, 10 October 2023 (Article 8 applicable, violation);
- *Gyulumyan and Others v. Armenia* (dec.), no. 25240/20, 21 November 2023 (Article 8 not applicable);
- *Golovchuk v. Ukraine*, nos. 16111/19 and 4737/21, 27 March 2025 (Article 8 applicable, violation);
- *Barbălată v. Romania* (dec.), no. 56558/16, 29 April 2025 (manifestly ill-founded).

Cases under Article 10:

- *Wille v. Liechtenstein* [GC], no. 28396/95, 28 October 1999 (violation of Article 10);
- *Pitkevich v. Russia* (dec.), no. 47936/99, 8 February 2001 (inadmissible – manifestly ill-founded);
- *Albayrak v. Turkey*, no. 38406/97, 31 January 2008 (violation of Article 10);
- *Kayasu v. Turkey*, nos. 64119/00 and 76292/01, 13 November 2008 (violation of Article 10);
- *Kudeshkina v. Russia*, no. 29492/05, 26 February 2009 (violation of Article 10);
- *Tosti v. Italy* (dec.), no. 27791/06, 12 May 2009 (inadmissible – manifestly ill-founded);
- *Harabin v. Slovakia*, no. 58688/11, 20 November 2012 (inadmissible – manifestly ill-founded);
- *Di Giovanni v. Italy*, no. 51160/06, 9 July 2013 (no violation of Article 10);
- *Baka v. Hungary* [GC], no. 20261/12, 23 June 2016 (violation of Articles 6 § 1 and 10);
- *Brisc v. Romania*, no. 26238/10, 11 December 2018 (violation of Article 10);
- *Kövesi v. Romania*, no. 3594/19, 5 May 2020 (violation of Article 10);
- *Goryaynova v. Ukraine*, no. 41752/09, 8 October 2020 (violation of Article 10);
- *Guz v. Poland*, no. 965/12, 15 October 2020 (violation of Article 10);
- *Panioglu v. Romania*, no. 33794/14, 8 December 2020 (no violation of Article 10);
- *Eminağaoğlu v. Turkey*, no. 76521/12, 9 March 2021 (violation of Article 10);
- *Miroslava Todorova v. Bulgaria*, no. 40072/13, 19 October 2021 (violation of Article 10);
- *Kozan v. Turkey*, no. 16695/19, 1 March 2022 (violation of Article 10);

- *Żurek v. Poland*, no. 39650/18, 16 June 2022 (violation of Article 10);
- *M.D. and Others v. Spain*, no. 36584/17, 28 June 2022 (inadmissible – manifestly ill-founded);
- *Mnatsakanyan v. Armenia*, no. 2463/12, 6 December 2022 (inadmissible – *ratione materiae*);
- *Sarısu Pehlivan v. Türkiye*, no. 63029/19, 6 June 2023 (violation of Article 10);
- *Tuleya v. Poland*, nos. 21181/19 and 51751/20, 6 July 2023 (violation of Article 10).

Cases under Article 11:

- *Maestri v. Italy* [GC], no. 39748/98, 17 February 2004 (violation of Article 11).

Cases under Article 14:

- *Bakradze v. Georgia*, no. 20592/21, 7 November 2024 (violation of Article 14 in combination with Articles 10 and 11).

Cases under Article 18:

- *Miroslava Todorova v. Bulgaria*, no. 40072/13, 19 October 2021 (violation of Article 18 taken in conjunction with Article 10);
- *Juszczyszyn v. Poland*, no. 35599/20, 6 October 2022 (violation of Article 18 taken in conjunction with Article 8);
- *Ovcharenko and Kolos v. Ukraine*, nos. 27276/15 and 33692/15, 12 January 2023 (inadmissible under Article 18 taken in conjunction with Article 8 – manifestly ill-founded).

Cases under Article 1 of Protocol No. 1:

- *Denisov v. Ukraine* [GC], no. 76639/11, 25 September 2018 (inadmissible – *ratione materiae*);
- *Anželika Šimaitienė v. Lithuania*, no. 36093/13, 21 April 2020 (violation of Article 1 of Protocol No. 1);
- *J.B. and Others v. Hungary* (dec.), nos. 45434/12 and 2 others, 27 November 2018 (inadmissible – *ratione materiae*);
- *Juszczyszyn v. Poland*, no. 35599/20, 6 October 2022 (inadmissible – *ratione materiae*);
- *Kubát and Others v. the Czech Republic*, nos. 61721/19 and 5 others, 22 June 2023 (no violation of Article 1 of Protocol No. 1).