



KEY THEME¹

Article 8

The right to private life

protecting or limiting the role of public watchdogs

(Last updated: 21/02/2022)

Introduction

The Court has accepted that there are different types of public watchdog. Although the press has been identified as such early on (*Barthold v. Germany*, 1985, § 58), NGOs have now been recognised as such when they draw attention to matters of public interest (*Vides Aizsardzības Klubs v. Latvia*, 2004, § 42; *Animal Defenders International v. the United Kingdom* [GC], 2013, § 103). An NGO is exercising a “public watchdog” role of similar importance to that of the press and may be characterised as a social “watchdog” warranting similar protection under the Convention as that afforded to the press (*Magyar Helsinki Bizottság v. Hungary* [GC], 2016, § 159; *Margulev v. Russia*, 2019, §§ 47-48; *Association Burestop 55 and Others v. France*, 2021, § 88).

The role of bloggers/popular users of social media may be considered to be “public watchdogs” in so far as the protection afforded by Article 10 is concerned (*Magyar Helsinki Bizottság v. Hungary* [GC], 2016, § 168), although this is case-law in the early days of development. Lawyers have not been considered to come under this category (*Studio Monitori and Others v. Georgia*, 2020, § 42).

This Key Theme describes how the right to privacy can protect and limit the vital role of those ‘public watchdogs’. On the one hand, the right to privacy can shelter a watchdog from arbitrary interferences by the State and, on the other, limit their activities given the rights and freedoms of others and, indeed, the general interest. Relevant in this latter aspect are the “duties and responsibilities” of a public watchdog (for the duties and responsibilities of journalists, see for example *Pentikäinen v. Finland* [GC], 2015, §§ 88-91, *Amaghlobeli and Others v. Georgia*, 2021, § 39, *Milosavljević v. Serbia (no. 2)*, 2021, § 65; and for ethical journalism considerations applying to NGOs, see *Magyar Helsinki Bizottság v. Hungary* [GC], 2016, § 159 and *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], 2017, § 87).

States are obliged by their positive obligations under Article 8 of the Convention to regulate the exercise of freedom of expression so as to ensure adequate protection by law of individuals’ reputation; but they must not do so in a manner that unduly deters the media from fulfilling their “public watchdog” role (*Atamanchuk v. Russia*, 2020, §§ 66 and 70).

The Court has therefore developed guiding principles as to how to strike the right balance between the relevant competing rights and interests. Articles 8 and/or 10 are invoked depending on the particular applicant and their complaint. This Key Theme focuses on cases brought before the Court under Article 8, under both Articles 8 and 10 (when relevant) and under certain other Articles (*idem*).

¹ Prepared by the Registry. It does not bind the Court.

Principles drawn from the current case-law

Surveillance of communication:

- The law must provide safeguards appropriate to powers of surveillance of journalists, such as interception and recording of their telecommunications with a view to discovering their sources (*Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, 2012, § 102 – violation of Articles 8 and 10).
- Secret surveillance might have an impact on the watchdog activities of NGOs (*Szabó and Vissy v. Hungary*, 2016, § 38 – violation of Article 8).
- Certain cases, in which the Court assessed secret surveillance regimes in general without referring specifically to watchdogs, were in fact introduced by watchdogs (*Association for European Integration and Human Rights and Ekimdzhev v. Bulgaria*, 2007, § 69 – violation of Article 8; *Liberty and Others v. the United Kingdom*, 2008, § 57 – violation of Article 8; *Roman Zakharov v. Russia* [GC], 2015, § 175-179 – violation of Article 8; *Centrum för rättvisa v. Sweden* [GC], 2021 - violation of Article 8 (bulk interception of communications and intelligence sharing); *Big Brother Watch and Others v. the United Kingdom* [GC], 2021 - violation of Article 8 and Article 10 (bulk interception regime and acquisition of communications data from communications service providers), no violation of Article 8 and Article 10 (receipt of intelligence from foreign intelligence services).

Search of a journalist's home/workplace: seizure of journalist's material:

- The case-law on the obligation to protect one's home (*Ernst and Others v. Belgium*, 2003, § 110) and one's office (*Ernst and Others v. Belgium*, 2003, § 110 – violation of Articles 8 and 10; *Saint-Paul Luxembourg S.A. v. Luxembourg*, 2013, § 39 – violation of Articles 8 and 10) has been applied to journalists.
- Searches conducted in the office of the journalist's lawyer may violate Article 8 and also have a bearing on the journalist's rights under Article 10 of the Convention (*Roemen and Schmit v. Luxembourg*, 2003, § 71 – violation of Articles 8 and 10).
- Any search involving the seizure of data storage devices belonging to a journalist raises a question of the journalist's freedom of expression (including source protection) and access to the information contained therein must be protected by sufficient and adequate safeguards against abuse (*Nagla v. Latvia*, 2013, § 101 – violation of Article 10, no separate examination under Article 8 deemed necessary).
- Seizure of a journalist's communications data must be justified by an overriding requirement in the public interest: vital interest in obtaining such data, whether reasonable alternative measures for obtaining the information sought and a legitimate interest in the disclosure clearly outweighing the public interest in the non-disclosure (*Sedletska v. Ukraine*, 2021, § 70 - violation of Article 10).
- Bulk interception regimes may have repercussions on confidential journalistic material under Article 10. In this regard, the Court distinguishes between *intentional* access to such material, for example, through the deliberate use of a strong selector connected to a journalist or where there is a high probability that such material will be selected for examination as a result of such selectors, and *unintentional* access as a "bycatch" of such an operation (*Big Brother Watch and Others v. the United Kingdom* [GC], 2021, §§ 447-450 – violation of Article 8 and 10). As regards intentional access, preventive independent review is required given the significant degree of interference with journalistic communications, commensurate with that occasioned by the search of a journalist's home or workplace: the selectors or search terms have to be authorised by a judge or other independent and impartial decision-making body vested with the power to determine

whether they have been “justified by an overriding requirement in the public access” (*ibid.*, § 448). As to non-intentional access, domestic law must contain robust safeguards regarding the storage, examination, use, onward transmission and destruction of confidential material. Moreover, if and when it becomes apparent that the communication or data contain confidential journalistic material, their continued storage and examination should only be possible if authorised by a judge or other independent and impartial decision-making body invested with the power to determine whether continued storage and examination is “justified by an overriding requirement in the public interest” (*ibid.*, §§ 449-450 and 458).

Investigative journalism and the obligations of the State:

- *Khadija Ismayilova v. Azerbaijan*, 2019: Intrusion into the private life of a well-known investigative journalist (including dissemination on the Internet of secretly filmed videos of her) allegedly committed in connection with her highly critical journalistic activity, and significant flaws in the manner in which the authorities investigated the matter. Complaint examined from the standpoint of the State’s positive obligations under Article 8: see §§ 113-114. Important to investigate whether the dissemination of the video was connected to the applicant’s professional activity and by whom it had been made. Grave acts and an affront to human dignity against a journalist: § 116.
 - Particular private information, obtained during the investigation, referenced in a press release of the Prosecutor’s Office (Article 8, private life). The authorities should have exercised care in order not to further compound the existing breach of the applicant’s privacy (§ 148).
 - Acts of a criminal nature committed against the applicant apparently linked to her journalistic activity brought to the attention of the authorities. Article 10. Situation “contrary to the spirit of an environment protective of journalism” (§ 165) and failure of the State to comply with its positive obligation to protect the applicant in the exercise of her freedom of expression.

Balancing the right to private life and freedom of expression:

- As a matter of principle rights under Articles 8 and 10 deserve equal respect. The Court considers that the outcome of the application should not, in theory, depend on whether it has been lodged by the person who was the subject of the article (Article 8) or by the publisher (Article 10) (*Von Hannover v. Germany (no. 2)* [GC], 2012, § 106 – no violation of Article 8). For a recapitulation of general principles concerning the balancing of Articles 8 and 10, see *ibid.*, §§ 95-113.
- A fundamental distinction needs to be made between, on the one hand, reporting facts - even controversial ones - capable of contributing to a debate in a democratic society relating to politicians in the exercise of their functions, where the press exercises its vital role of “watchdog” in a democracy and, on the other, reporting details of the private life of an individual who does not necessarily exercise official functions, and where the press does not exercise such role (*Von Hannover v. Germany*, 2004, § 63 – violation of Article 8; *Von Hannover v. Germany (no. 2)* [GC], 2012, § 110 – no violation of Article 8).
- The Court has stressed the importance of assessing the contribution to a debate of general public interest made by images published in the press, particularly when these have been taken covertly and the applicant is not known to the public (*Hájovský v. Slovakia*, 2021, §§ 31, 43 and 49-50 – violation of Article 8).
- Having regard, among other things, to the chilling effect on the freedom of expression to which it may give rise, Article 8 does not require an obligation to give a personal advance

notification prior to the publication of intimate details of his or her private life (*Mosley v. United Kingdom*, 2012, § 132 – no violation of Article 8).

- The disclosure by a journalist of highly personal (including medical) information of an accused person calls for the highest level of protection under Article 8; this is especially important when the accused is not known to the public (*Bédât vs. Switzerland* [GC], 2016, § 76 – no violation of Article 10).
- In some cases, the nature and degree of the allegations do not raise an issue under Article 8 but instead only relate to Article 10 and its restrictions; the Court therefore may refuse to engage in a balancing exercise (*Magyar Helsinki Bizottság v. Hungary* [GC], 2016, § 196; see also *Lingens v. Austria*, § 38; *Centre for Democracy and the Rule of Law v. Ukraine*, 2020, § 116).

Watchdogs on the Internet and Article 8:

- 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 (*Węgrzynowski and Smolczewski v. Poland*, 2013, § 58 – no violation of Article 8).
- For complaints regarding the deletion of material published online, the balancing of the competing interests could result in different outcomes, depending on whether the deletion request was made against the entity which had originally published the information (whose activity was generally at the heart of what freedom of expression was intended to protect), or against a search engine (whose main interest was not in publishing the initial information but in facilitating the identification of all available information about him or her and creating a profile of it) (*M.L. and W.W. v. Germany*, 2018, § 97 – no violation of Article 8).

Noteworthy examples

- *Von Hannover (no. 2) v. Germany* [GC], 2012: Refusal of domestic courts to issue an injunction restraining further publication of a photograph of a famous couple taken without their knowledge (no violation of Article 8);
- *Roman Zakharov v. Russia* [GC], 2015: Shortcomings in legal framework governing secret surveillance of mobile telephone communications (violation of Article 8);
- *Roemen and Schmit v. Luxembourg*, 2003: Search of journalist's home and office with a view to identifying sources, search of lawyer's office and seizure of a letter (violation of Articles 8 and 10);
- *Ernst and Others v. Belgium*, 2003: Search and seizure in a press context (violation of Article 8);
- *Weber and Saravia v. Germany* (dec.), 2006: Strategic monitoring of telecommunications interfering with the journalist's freedom of expression but not constituting a serious interference (inadmissible under Articles 8 and 10);
- *Association for European Integration and Human Rights and Ekimdzhiiev v. Bulgaria*, 2007: Lack of sufficient safeguards in a law allowing secret surveillance measures (violation of Article 8);
- *Liberty and Others v. the United Kingdom*, 2008: Interception by the Ministry of Defence of the external communications of civil-liberties organisations on the basis of a warrant issued under wide discretionary powers (violation of Article 8);
- *Mosley v. United Kingdom*, 2011: No legal requirement for newspapers to give advance notice before publishing details of a person's private life (no violation of Article 8);

- *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, 2012: Surveillance of journalists and order for them to surrender documents capable of identifying their sources (violation of Articles 8 and Article 10);
- *Saint-Paul Luxembourg S.A. v. Luxembourg*, 2013: Search and seizure operation at newspaper to confirm the identity of the author of an article (violation of Articles 8 and 10);
- *Węgrzynowski and Smolczewski v. Poland*, 2013: Courts' refusal to order newspaper to remove article damaging applicant's reputation from its Internet archive (no violation of Article 8);
- *Szabó and Vissy v. Hungary*, 2016: Absence of sufficient guarantees against abuse in legislation on secret surveillance (violation of Article 8);
- *M.L. and W.W. v. Germany*, 2018: Refusal to oblige media to anonymise online archive material about a crime at the request of its perpetrators in view of their imminent release (no violation of Article 8);
- *Khadija Ismayilova v. Azerbaijan*, 2019: Intrusion into the private life of a well-known investigative journalist allegedly committed in connection with her journalistic activity (violation of Articles 8 and 10);
- *Monica Macovei v. Romania*, 2020: politician held liable in defamation for statements of a collective nature made against certain members of parliament alleging corruption (violation of Article 10);
- *Centrum för rättvisa v. Sweden* [GC], 2021: actual or potential interception in bulk of communications through mobile telephones and mobile broadband by way of signals intelligence (violation of Article 8 - bulk interception of communications and intelligence sharing);
- *Big Brother Watch and Others v. the United Kingdom* [GC], 2021: scope and magnitude of secret surveillance regimes including bulk interception of communications and intelligence sharing (violation of Article 8 and Article 10 - bulk interception regime and acquisition of communications data from communications service providers; no violation of Article 8 and Article 10 - receipt of intelligence from foreign intelligence services);
- *Hájovský v. Slovakia*, 2021: flawed assessment by domestic courts of the applicant's privacy rights following newspaper publication of private information and non-blurred images of applicant taken covertly and under pretences (violation of Article 8);
- *Milosavljević v. Serbia (no. 2)* 2021: civil judgment against, *inter alia*, the editor-in-chief of a news magazine, for defaming the director of a State-run public utility company (no violation of Article 10);
- *M.L. v. Slovakia*, 2021: dismissal of action against tabloids, which published unverified tawdry statements on, and pictures of, a priest convicted of sexual offences, years after his death (violation of Article 8).

Watchdog role and other Articles of the Convention

Measures which restrict press freedom and impair the ability of NGOs/press to act as watchdogs will very often be examined under **Article 10**, without any reference to Article 8: only major cases are cited in this Key Theme. Such restrictive measures may also fall to be examined under other Articles in the Convention.

See for example:

- *Lingens v. Austria*, 1986 (violation of Article 10);

- *Animal Defenders International v. United Kingdom* [GC], 2013 (no violation of Article 10);
- *Nagla v. Latvia*, 2013 (violation of Article 10);
- *Pentikäinen v. Finland* [GC], 2015 (no violation of Article 10);
- *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], 2017 (no violation of Article 10);
- *GRA Stiftung gegen Rassismus und Antisemitismus v. Switzerland*, 2018 (violation of Article 10);
- *Şahin Alpay v. Turkey*, 2018 (violation of Articles 10 and 5 § 1);
- *Margulev v. Russia*, 2019 (violation of Article 10);
- *Centre for Democracy and the Rule of Law v. Ukraine*, 2020 (violation of Article 10);
- *Baldassi and Others v. France*, 2020 (violation of Article 10);
- *Sedletska v. Ukraine*, 2021 (violation of Article 10);
- *Amaghlobeli and Others v. Georgia*, 2021 (no violation of Article 10);
- *Association Burestop 55 and Others v. France*, 2021 (no violation of Article 10).

Article 2:

In cases where the victim of a killing is a journalist, it is of utmost importance to check a possible connection of the crime to the journalist's professional activity (*Mazepa and Others v. Russia*, 2018, § 73; see also *Adali v. Turkey*, 2005, § 231 and *Huseynova v. Azerbaijan*, 2017, § 115). *The investigation into the motives behind the crime requires particular diligence as the killing of a journalist could have a chilling effect on the work of other journalists in the country* (*Huseynova v. Azerbaijan*, 2017, § 115).

The victim's identity as a journalist is also significant under the substantive limb of Article 2, while determining whether the authorities knew or ought to have known at the time of the existence of a real and immediate risk to life and hence whether they have failed to comply with their positive obligation to protect. The Court takes into account that the authorities ought to be aware of the vulnerable position of a journalist who covers politically sensitive topics (*Gongadze v. Ukraine*, 2005, § 168). Article 2 under its substantive limb is also violated when state authorities fail to take necessary measures to protect the life of a journalist following threats of assassination (*Dink v. Turkey*, 2010, § 74) or in case of a risk arising as part of a concerted campaign against those involved in the publication and distribution of a particular newspaper (*Kılıç v. Turkey*, 2000, §§ 66, 76; compare and contrast with *Tepe v. Turkey*, 2003, §§ 173-174; for the procedural limb see also *Yaşa v. Turkey*, 1998, §§ 106-107).

- *Yaşa v. Turkey*, 1998, §§ 106-107: Lack of effective investigations into the death of a journalist (violation of Article 2 under its procedural limb).
- *Kılıç v. Turkey*, 2000: State authorities' failure to take necessary measures to protect the right to life of a journalist during a concerted campaign against those involved in the publication and distribution of a particular newspaper (§§ 66, 76: violation of Article 2 under its substantive limb); lack of any inquiry as to the possible targeting of the applicant due to his job as a journalist and lack of an effective investigation (§§ 82-83: violation of Article 2 under its procedural limb).
- *Tepe v. Turkey*, 2003: Lack of material to conclude beyond reasonable doubt that the journalist was abducted and killed by a State agent or person acting on behalf of the State authorities, although the applicant's son working for a pro-Kurdish newspaper militated in favour of the applicant's allegations (§§ 173-174: no violation of Article 2 under its substantive limb); lack of an adequate and effective investigation (§§ 178-181: violation of Article 2 under its procedural limb).

- *Adali v. Turkey*, 2005: Murder of a journalist by unidentified perpetrators; lack of an adequate and effective investigation (§§ 226-232) and failure to inquire sufficiently into whether the killing was motivated by or had any link with his work as a journalist (§ 231) (violation of Article 2 under its procedural limb).
- *Gongadze v. Ukraine*, 2005: Death of a political journalist, allegedly as a result of a forced disappearance and failure of the authorities to protect his life (§§ 167-170: violation of Article 2 under its substantive limb); and lack of an effective investigation (§§ 178-179: violation of Article 2 under its procedural limb).
- *Dink v. Turkey*, 2010: Failure of authorities to protect the life of a journalist following death threats (§ 74) and lack of an effective investigation (§§ 82-91: violation of Article 2 under its substantive and procedural limbs).
- *Huseynova v. Azerbaijan*, 2017, §§ 110-116: Lack of effective investigation into the murder of a journalist critical of the Government, lack of inquiry into whether the killing of the applicant's husband was related to his journalistic activities (violation of Article 2 under its procedural limb).
- *Mazepa and Others v. Russia*, 2018, §§ 73-78, 82: Inadequate and protracted investigation into the contract killing of an investigative journalist (violation of Article 2 under its procedural limb).

Article 3:

While assessing whether the use of force against the applicant was necessary during a demonstration, the Court takes into account the role of the applicant, clearly wearing his press vest, as a journalist covering the demonstration (*Rizvanov v. Azerbaijan*, 2012, §§ 50-51, 58-60).

Similar to Article 2 (see above), State authorities are obliged under the procedural limb of Article 3 to take adequate steps to investigate the possibility that ill-treatment could have been linked to the applicant's work as a journalist (*Uzeyir Jafarov v. Azerbaijan*, 2015, § 52).

- *Najafli v. Azerbaijan*, 2012, §§ 38-40, 49-55: Ill-treatment by the police of a journalist attempting to report on a matter of public interest (violation of Article 3 under its substantive and procedural limbs).
- *Uzeyir Jafarov v. Azerbaijan*, 2015, §§ 49-52: Violent physical attack against a journalist (violation of Article 3 under its procedural limb).
- *Emin Huseynov v. Azerbaijan*, 2015, §§ 65-66, 74-75: Ill-treatment by the police of a journalist taken into custody at a gathering (violation of Article 3 under its substantive and procedural limbs; see also violation of Articles 5 § 1 and 11).

Article 5, Article 18:

- *Rasul Jafarov v. Azerbaijan*, 2016 (violation of Articles 5 § 1 and 5 § 4 and Article 18 in conjunction with Article 5);
- *Şahin Alpay v. Turkey*, 2018 (violation of Articles 10 and 5 § 1);
- *Khadija Ismayilova v. Azerbaijan (no. 2)*, 2020 (violation of Articles 5 § 1, 5 § 4, 6 § 2 and Article 18 in conjunction with Article 5);
- *Sabuncu and Others v. Turkey*, 2020 (violation of Articles 5 § 1 and 10; no violation of Articles 5 § 4 and 18).

Recap of general principles

- For a recapitulation of general principles concerning the balancing of Articles 8 and 10 (see *Von Hannover v. Germany (no. 2)* [GC], 2012, §§ 95-113).

Further references

Press factsheets:

- Protection of reputation
- Right to the protection of one's image
- Protection of journalistic sources
- Mass surveillance

Council of Europe:

- Resolution 1003 of the Parliamentary Assembly on Ethics of journalism (1993)
- Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on Right to Privacy (1998)
- Recommendation No. R (2000) 7 of the Committee of Ministers to member states on the right of journalists not to disclose their sources of information (2000)
- Resolution 2045 (2015) of the Parliamentary Assembly of the Council of Europe on Mass Surveillance (2015)
- Recommendation CM/Rec(2016)4 of the Committee of Ministers to member States on the protection of journalism and safety of journalists and other media actors (2016)
- Resolution 2212 (2018) of the Parliamentary Assembly of the Council of Europe on The protection of editorial integrity (2018)

European Union:

- Google Spain SL, Google Inc. v. Agencia Española de Protección de Datos (AEPD), Mario Costeja González (2014)
- General Data Protection Regulation (2016)

United Nations:

- United Nations General Assembly, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/HRC/23/40) (2013)

KEY CASE-LAW REFERENCES

Leading cases:

- *Von Hannover v. Germany (no. 2)* [GC], nos. 40660/08 60641/08, 7 February 2012 (no violation of Article 8).

Other cases under Article 8:

- *Roemen and Schmit v. Luxembourg*, no. 51772/99, 25 February 2003 (violation of Articles 8 and 10);
- *Ernst and Others v. Belgium*, no. 33400/96, 15 July 2003 (violation of Article 8);
- *Weber and Saravia v. Germany* (dec.), no. 54934/00, 29 June 2006 (inadmissible under Articles 8 and 10);
- *Association for European Integration and Human Rights and Ekimdzhiev v. Bulgaria*, no. 62540/00, 28 June 2007 (violation of Article 8);
- *Liberty and Others v. the United Kingdom*, no. 58243/00, 1 July 2008 (violation of Article 8);
- *Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands*, no. 39315/06, 22 November 2012 (violation of Articles 8 and 10);
- *Saint-Paul Luxembourg S.A. v. Luxembourg*, no. 26419/10, 18 April 2013 (violation of Articles 8 and 10);
- *Roman Zakharov v. Russia* [GC], no. 47143/06, 4 December 2015 (violation of Article 8);
- *Szabó and Vissy v. Hungary*, no. 37138/14, 12 January 2016 (violation of Article 8);
- *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, 10 January 2019 (violation of Articles 8 and 10)
- *Centrum för rättvisa v. Sweden* [GC], no. 35252/08, 25 May 2021 (violation of Article 8);
- *Big Brother Watch and Others v. the United Kingdom* [GC], nos. 58170/13 and 2 others, 25 May 2021 (violation, no violation of Article 8; violation, no violation of Article 10).

Other cases on the balancing of Article 8 and 10:

- *Von Hannover v. Germany*, no. 59320/00, ECHR 2004-VI (violation of Article 8);
- *Mosley v. the United Kingdom*, no. 48009/08, 10 May 2011 (no violation of Article 8);
- *Magyar Helsinki Bizottság v. Hungary* [GC], no. 18030/11, 8 November 2016 (violation of Article 10);
- *Węgrzynowski and Smolczewski v. Poland*, no. 33846/07, 16 July 2013 (no violation of Article 8);
- *Bédat v. Switzerland* [GC], no. 56925/08, 29 March 2016 (no violation of Article 10);
- *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no 17224/11, 27 June 2017 (no violation of Article 10);
- *M.L and W.W v. Germany*, nos. 60798/10 and 65599/10, 28 June 2018 (no violation of Article 8);
- *Atamanchuk v. Russia*, no. 4493/11, 11 February 2020 (no violation of Article 10);
- *Monica Macovei v. Romania*, no. 53028/14, 28 July 2020 (violation of Article 10);
- *Hájovský v. Slovakia*, no. 7796/16, 1 July 2021 (violation of Article 8);
- *Milosavljević v. Serbia (no. 2)*, no. 47274/19, 21 September 2021 (no violation of Article 10);

- *M.L. v. Slovakia*, no. 34159/17, 14 October 2021 (violation of Article 8).

The role of watchdogs and other Articles:

Article 2:

- *Yaşa v. Turkey*, no. 22495/93, 2 September 1998 (no violation of Article 2 under its substantive limb; violation of Article 2 under its procedural limb);
- *Kılıç v. Turkey*, no. 22492/93, ECHR 2000-III (violation of Article 2 under its substantive and procedural limbs);
- *Tepe v. Turkey*, no. 27244/95, 9 May 2003 (no violation of Article 2 under its substantive limb; violation of Article 2 under its procedural limb);
- *Adalı v. Turkey*, no. 38187/97, 31 March 2005 (no violation of Article 2 under its substantive limb; violation of Article 2 under its procedural limb);
- *Gongadze v. Ukraine*, no. 34056/02, 8 November 2005 (violation of Article 2 under its substantive and procedural limbs);
- *Dink v. Turkey*, nos. 2668/07 and 4 others, 14 September 2010 (violation of Article 2 under its substantive and procedural limb);
- *Huseynova v. Azerbaijan*, no. 10653/10, 13 April 2017 (no violation of Article 2 under its substantive limb; violation of Article 2 under its procedural limb);
- *Mazepa and Others v. Russia*, no. 15086/07, 17 July 2018 (violation of Article 2 under its procedural limb).

Article 3:

- *Rizvanov v. Azerbaijan*, no. 31805/06, 17 April 2012 (violation of Article 3 under its substantive and procedural limbs);
- *Najafli v. Azerbaijan*, no. 2594/07, 2 October 2012 (violation of Article 3 under its substantive and procedural limbs; violation of Article 10);
- *Uzeyir Jafarov v. Azerbaijan*, no. 54204/08, 29 January 2015 (no violation of Article 3 under its substantive limb; violation of Article 3 under its procedural limb);
- *Emin Huseynov v. Azerbaijan*, no. 59135/09, 7 May 2015 (violation of Article 3 under its substantive and procedural limbs).

Article 10:

- *Barthold v. Germany*, 25 March 1985, Series A no. 90 (violation of Article 10);
- *Lingens v. Austria*, 8 July 1986, Series A no. 103 (violation of Article 10);
- *Vides Aizsardzības Klubs v. Latvia*, no. 57829/00, 27 May 2004 (violation of Article 10);
- *Animal Defenders International v. United Kingdom* [GC], no. 48876/08, 22 April 2013 (no violation of Article 10);
- *Nagla v. Latvia*, no. 73469/10, 16 July 2013 (violation of Article 10);
- *Pentikäinen v. Finland* [GC], no. 11882/10, ECHR 2015 (no violation of Article 10);
- *Medžlis Islamske Zajednice Brčko and Others v. Bosnia and Herzegovina* [GC], no. 17224/11, 27 June 2017 (no violation of Article 10);
- *GRA Stiftung gegen Rassismus und Antisemitismus v. Switzerland*, no. 18597/13, 9 January 2018 (violation of Article 10);
- *Şahin Alpav v. Turkey*, no. 16538/17, 20 March 2018 (violation of Articles 10 and 5 § 1);

- *Khadija Ismayilova v. Azerbaijan*, nos. 65286/13 and 57270/14, 10 January 2019 (violation of Articles 8 and 10);
- *Cangi v. Turkey*, no. 24973/15, 29 January 2019 (violation of Article 10);
- *Margulev v. Russia*, no. 15449/09, 8 October 2019 (violation of Article 10);
- *Studio Monitori and Others v. Georgia*, nos. 44920/09 and 8942/10, 30 January 2020 (no violation of Article 10);
- *Centre for Democracy and the Rule of Law v. Ukraine*, no. 10090/16, 26 March 2020 (violation of Article 10);
- *Baldassi and Others v. France*, nos. 15271/16 and 6 others, 11 June 2020 (violation of Article 10);
- *Sedletska v. Ukraine*, no. 42634/18, 1 April 2021 (violation of Article 10);
- *Amaghlobeli and Others v. Georgia*, no. 41192/11, 20 May 2021 (no violation of Article 10);
- *Association Burestop 55 and Others v. France*, no. 56176/18, 1 July 2021 (no violation of Article 10).

Others:

- *Rasul Jafarov v. Azerbaijan*, no. 69981/14, 17 March 2016 (violation of Article 5 § 1 and 5 § 4 and Article 18 in conjunction with Article 5);
- *Şahin Alpay v. Turkey*, no. 16538/17, 20 March 2018 (violation of Articles 10 and 5 § 1);
- *Khadija Ismayilova v. Azerbaijan (no. 2)*, no. 30778/15, 27 February 2020 (violation of Article 5 § 1, 5 § 4, 6 § 2 and Article 18 in conjunction with Article 5);
- *Sabuncu and Others v. Turkey*, no. 23199/17, 10 November 2020 (violation of Articles 5 § 1 and 10; no violation of Articles 5 § 4 and 18).