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**Short Research Item<sup>1</sup>**

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**The Rights and Duties of Judges under Article 10  
of the European Convention on Human Rights**

**(30/01/2019)**

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## Introduction

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The Court has developed a large body of case-law concerning the rights and duties of the judicial actors, among whom, and in the first place, the members of the judiciary. By virtue of their function of applying the law and settling disputes before them, but also of representing justice, members of the judiciary have specific rights and duties under the Convention. This “short research item” outlines, without being exhaustive, these rights and duties as examined in the case law of the Court in a variety of situations and in light of several Articles of the Convention.

## Article 10

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The effect of Article 10 in relation to judicial actors is twofold. On the one hand, members of the judiciary appear as primary *actors* who, under Article 10, exercise their right to freedom of expression but are also bound by a duty of discretion and restraint. On the other hand, members of the judiciary are *addressees* of expressions from other actors, inside and outside of the courtroom. Therefore, while as civil servants they lay themselves open to public scrutiny and are also expected to show wider tolerance for criticism, they are offered special protection against destructive attacks, particularly to maintain the authority and the impartiality of the judiciary.

## Applicability of Article 10 and general principles

- A high level of protection of freedom of expression, with the authorities thus having a narrow margin of appreciation, will normally be accorded where the remarks concern a matter of public interest, in particular, for remarks on the functioning of the judiciary ([Baka v. Hungary](#) [GC], § 159; [Morice v. France](#) [GC], § 125; [Narodni List D.D. v. Croatia](#), § 60). This principle applies regardless whether the case concerns the freedom of expression of the judiciary or of other actors.
- Although it is legitimate for a State to impose on civil servants, on account of their status, a duty of discretion, civil servants are individuals and, as such, qualify for the protection of Article 10 of the Convention ([Voigt v. Germany](#) [GC], § 53). Although the judiciary is not part of the ordinary civil service, the principles set for civil servants also apply to judges ([Pitkevich v. Russia](#) (dec.); [Wille v. Liechtenstein](#) [GC], § 42; [Baka v. Hungary](#) [GC], § 140) and prosecutors ([Kayasu v. Turkey](#), § 91-92; [Brisic v. Romania](#), § 105). As such, while the status of the applicants as members of the judiciary does not deprive them of the protection of Article 10, their freedom of expression goes hand in hand with a duty of discretion, on account of their status as civil servants ([Voigt v. Germany](#) [GC], § 53; [Baka v. Hungary](#) [GC], 162).
- It therefore falls to the Court, having regard to the circumstances of each case, to determine whether a fair balance has been struck between the fundamental right of the individual to freedom of expression and the legitimate interest of a democratic State in ensuring that its civil service properly furthers the purposes enumerated in Article 10 § 2. In carrying out this review, the Court will bear in mind that whenever a civil servant’s right to freedom of expression is in issue the “duties and responsibilities” referred to in Article 10 § 2 assume a special significance, which justifies leaving to the national authorities a certain margin of appreciation in determining whether the impugned interference is proportionate to the aim ([Baka v. Hungary](#) [GC], § 162). Given the prominent place among State organs that the judiciary occupies in a democratic society, the Court reiterates that

this approach also applies in the event of restrictions on the freedom of expression of a judge in connection with the performance of his or her functions, albeit the judiciary is not part of the ordinary civil service ([Baka v. Hungary](#) [GC], § 163).

## Statements made by members of the judiciary

### High level of protection under Article 10

- Having regard in particular to the growing importance attached to the separation of powers and the importance of safeguarding the independence of the judiciary, any interference with the freedom of expression of a judge, namely those holding a higher position in the judiciary, calls for close scrutiny on the part of the Court ([Wille v. Liechtenstein](#) [GC], § 64; [Baka v. Hungary](#) [GC], § 165; [Harabin v. Slovakia](#) (dec.)).
- Questions concerning the functioning of the justice system fall within the public interest, the debate of which generally enjoys a high degree of protection under Article 10 ([Baka v. Hungary](#) [GC], § 165). Issues relating to the separation of powers can involve very important matters in a democratic society which the public has a legitimate interest in being informed about and which fall within the scope of political debate ([Baka v. Hungary](#) [GC], § 165). However, even if an issue under debate has political implications, this is not in itself sufficient to prevent a judge from making a statement on the matter ([Baka v. Hungary](#) [GC], § 165; [Wille v. Liechtenstein](#) [GC], § 67).
- For its assessment of proportionality, the Court must take account of the circumstances and overall background against which the statements in question were made. It must look at the impugned interference in the light of the case as a whole, attaching particular importance to the office held by the applicant, his statements and the context in which they were made and the reaction thereto ([Baka v. Hungary](#) [GC], § 166; [Wille v. Liechtenstein](#) [GC], § 63). The Court also takes into account the fairness of proceedings and the procedural guarantees afforded to the applicant when assessing the proportionality of an interference with the freedom of expression guaranteed by Article 10 ([Baka v. Hungary](#) [GC], §§ 161, 174).
- The imposition of a criminal sanction on an official belonging to the national legal service would inevitably, by its very nature, have a chilling effect, not only on the official concerned but on the profession as a whole ([Kayas v. Turkey](#), § 106), and in particular on other judges wishing to participate in the public debate on issues related to the administration of justice and the judiciary ([Baka v. Hungary](#) [GC], § 167; [Kudeshkina v. Russia](#), §§ 99-100). This effect, which works to the detriment of society as a whole, is also a factor that concerns the proportionality of the sanction or punitive measure imposed ([Baka v. Hungary](#) [GC], § 167; [Kudeshkina v. Russia](#), §§ 99-100). For instance, the Court has dealt with cases where the judges were sanctioned for their criticism regarding the judiciary ([Kudeshkina v. Russia](#)), their comments on judicial reforms ([Baka v. Hungary](#) [GC]) or their remarks at a public lecture on the interpretation of the constitution ([Wille v. Liechtenstein](#) [GC]). In these contexts, the disciplinary sanctions or dismissals had a “chilling effect” on the exercise of freedom of expression and was likely to discourage the applicants and other judges alike from making future statements or from participating in public debates, for fear of the loss of their judicial office ([Wille v. Liechtenstein](#) [GC], § 50; [Kudeshkina v. Russia](#), § 98; [Baka v. Hungary](#) [GC], § 173).

The Court has dealt with cases where the applicant was dismissed from their post or was subject to disciplinary proceedings due to opinions they had expressed or to their conduct.

- In cases concerning disciplinary proceedings, removal or appointment of judges, the Court has had to ascertain first whether the measure complained of amounted to an interference with the exercise of the applicant's freedom of expression or whether the impugned measure merely affected the exercise of the right to hold a public post in the administration of justice, a right not secured in the Convention. In order to answer this question, the scope of the measure must be determined by putting it in the context of the facts of the case and of the relevant legislation (*Baka v. Hungary* [GC], 140; *Wille v. Liechtenstein* [GC], 42-43).
- In numerous cases, the Court has found that the impugned measures related to the applicant's freedom of expression, for example, when the measures had been prompted by views expressed by the President of the Liechtenstein Administrative Court in the course of a public lecture (*Wille v. Liechtenstein* [GC], §§ 48-50), by a judge's statements to the media (*Kudeshkina v. Russia*, § 79), by the information disseminated to the press (*Kayasu v. Turkey*, § 80; *Brisic v. Romania*, § 105), or when a judge received a disciplinary sanction for reading a daily newspaper and watching a television channel associated with an illegal armed organisation (*Albayrak v. Turkey*, § 47).

Domestic provisions may impose certain duties on judges as the guarantors of the rule of law and provide for their dismissal in case of non-compliance, with a view to protecting the rights of others and maintaining the authority and impartiality of the judiciary (*Pitkevich v. Russia* (dec.)). In this regard, one of the essential factors for the Court in assessing the necessity of the measure taken by the authorities is whether the applicant's impugned conduct had a bearing on his or her performance as a judge and, particularly, during any previous, pending or imminent proceedings (*Wille v. Liechtenstein* [GC], § 69; *Albayrak v. Turkey*, § 46). The Court found a violation of Article 10 when the applicant's view or conduct had no bearing on the performance of his or her judicial duties (*Wille v. Liechtenstein* [GC], § 69; *Albayrak v. Turkey*, § 46) and when no evidence was adduced to demonstrate that the applicant had behaved in a way that would call into question his capacity to deal with cases impartially (*Albayrak v. Turkey*, § 46). Compare and contrast with *Pitkevich v. Russia* (dec.).

- In *Wille v. Liechtenstein* [GC], the applicant commented on the competences of the Constitutional Court in an academic lecture as the President of the Administrative Court. The Prince disagreed with his comments and referring also to the applicant's previous conduct in political office, the Prince declined to re-appoint him as the President of the Administrative Court. No reference was made to any incident suggesting that the applicant's view, as expressed at the lecture in question, had a bearing on his performance as President of the Administrative Court or on any other pending or imminent proceedings. The Court found that even allowing for a certain margin of appreciation, the Prince's action appeared disproportionate to the aim pursued (§§ 63-70).
- In *Baka v. Hungary* [GC], the premature termination of the mandate of the applicant from his post as the President of the Supreme Court stemmed not from any grounds of professional incompetence or misconduct, but from his public statements criticising legislative reforms affecting the judiciary (§§ 170-175). The Court considered that it was not only the applicant's right but also his duty as President of the National Council of Justice to express his opinion on legislative reforms affecting the judiciary (§ 168). The applicant had expressed his views and criticisms on constitutional and legislative reforms affecting the judiciary, on issues related to the functioning and reform of the judicial system, the independence and irremovability of judges and the lowering of the retirement age for judges, all of which are questions of public interest. His statements did not go beyond mere criticism from a strictly professional perspective (*Baka v. Hungary* [GC], § 171). Taking into account his premature removal from office and the lack of effective and adequate

procedural safeguards against abuse, the interference was not considered to be “necessary in a democratic society” ([Baka v. Hungary](#) [GC], §§ 172-175).

### Duty of judicial restraint and discretion

The particular task of the judiciary in society requires judges and prosecutors, as persons invested with public responsibilities to observe a duty of discretion and restraint ([Wille v. Liechtenstein](#) [GC], § 64; [Baka v. Hungary](#) [GC], § 164; [Kayasu v. Turkey](#), §§ 91-92; [Poyraz v. Turkey](#), § 76). This duty is relevant for the judiciary’s remarks regarding, for example, ongoing cases or investigations (see [Lavents v. Latvia](#) and [Brisc v. Romania](#), § 104), judicial reforms (see [Baka v. Hungary](#) [GC], § 145), or fellow judges (see [Di Giovanni v. Italy](#), § 81).

- As the guarantor of justice, a fundamental value in a law-governed State, the judiciary must enjoy public confidence if it is to be successful in carrying out its duties ([Baka v. Hungary](#) [GC], § 164; [Kudeshkina v. Russia](#), § 86; [Di Giovanni v. Italy](#), § 71). This entails the confidence which the courts in a democratic society must inspire in the accused, as far as criminal proceedings are concerned, and also in the public at large ([Baka v. Hungary](#) [GC], § 164; [Kudeshkina v. Russia](#), § 86; [Di Giovanni v. Italy](#), § 71). For this reason the Court has found it incumbent on public officials serving in the judiciary that they should show restraint in exercising their freedom of expression in all cases where the authority and impartiality of the judiciary are likely to be called into question ([Wille v. Liechtenstein](#) [GC], § 64; [Baka v. Hungary](#) [GC], § 164; [Kayasu v. Turkey](#), § 92; [Di Giovanni v. Italy](#), § 71).
- The speech of judges, unlike that of lawyers or journalists, is received as the expression of an objective assessment which commits not only the person expressing himself, but also, through him, the entire justice system ([Morice v. France](#) [GC], § 168).
- The duty of loyalty and discretion requires that the dissemination of even accurate information is carried out with moderation and propriety ([Kudeshkina v. Russia](#), § 93).
- The fact that judges are subject to a duty of discretion that precludes them from replying deems it necessary to protect the judiciary against destructive attacks which are essentially unfounded ([Prager and Oberschlick v. Austria](#), § 34; see section below on [Defamation of judges and contempt of court](#)).

### Right of parties to an impartial tribunal

- The failure of judges to show discretion and restraint may infringe upon the rights of applicants to an impartial tribunal as guaranteed under Article 6 § 1.
- The Court has stressed, above all, that the judicial authorities are required to exercise maximum discretion with regard to the cases with which they deal in order to preserve their image as impartial judges ([Baka v. Hungary](#) [GC], § 164). That discretion should dissuade them from making use of the press, even when provoked. It is the higher demands of justice and the elevated nature of judicial office which impose that duty ([Buscemi v. Italy](#), § 67; [Kayasu v. Turkey](#), § 100; [Poyraz v. Turkey](#), § 69; [Di Giovanni v. Italy](#), § 80).
- An opinion by a judge concerning the morality of a party may justify an appearance of bias by the judge, unless the opinion was necessary to resolve the case and substantiate the judgment ([Pitkevich v. Russia](#) (dec.)).
- The Court has found a violation of Article 6 § 1 where the statements or conduct of judges appear incompatible with the impartiality required of any court ([Buscemi v. Italy](#), § 68; [Lavents v. Latvia](#), §§ 118-119). For instance, in [Kyprianou v. Cyprus](#) [GC], the Court considered that the emphatic language used by the judges throughout their decision

conveyed a sense of indignation and shock, which ran counter to the detached approach expected of judicial pronouncements (§ 130). Taking into account additional factors, the Court then held that the applicant's misgivings about the impartiality of the court were justified (§ 133). On the other hand, in another case, while noting that it would have been preferable for the judge to have refrained from expressing his views in the media entirely, the Court did not find that the judge had displayed personal bias against the applicants ([Chim and Przywieczerski v. Poland](#), §§ 165-166).

### Presumption of innocence

- Judicial authorities are also expected to show the discretion and circumspection necessary while informing the public about criminal investigations in progress ([Fatullayev v. Azerbaijan](#), § 159). Without the required discretion, the remarks of a judge or prosecutor may violate the presumption of innocence as guaranteed under Article 6 § 2 ([Lavents v. Latvia](#), §§ 126-127; [Slavov and Others v. Bulgaria](#), §§ 128-130; [Fatullayev v. Azerbaijan](#), §§ 159-162). This applies also to spokespeople for the Prosecutor General's office who are required to take the necessary precautions to avoid any confusion as to the scope of their comments ([Maslarova v. Bulgaria](#), § 42).
- The Court emphasises the importance of the choice of words in statements made before a person has been tried and found guilty of an offence ([Daktaras v. Lithuania](#), § 41; [Slavov and Others v. Bulgaria](#), § 116). The context and the particular circumstances in which the statements were made is also of importance ([Daktaras v. Lithuania](#), § 43), for instance whether statements were made in the course of a reasoned decision as opposed to in a press conference ([Daktaras v. Lithuania](#), § 44; [Butkevičius v. Lithuania](#), § 50). See also [Gutsanovi v. Bulgaria](#), §§ 197, 202-203).

### Statements targeting members of the judiciary (Defamation of judges and contempt of court)

- As discussed in the previous section, public confidence in the judiciary is essential for it to carry out its duties. It may therefore prove necessary to protect such confidence against gravely damaging attacks that are essentially unfounded, especially in view of the fact that judges who have been criticised are subject to a duty of discretion that precludes them from replying ([Morice v. France](#) [GC], § 128; [Prager and Oberschlick v. Austria](#), § 34). Public prosecutors, who form part of the judicial machinery in the broader sense of the term and should also enjoy public confidence, are similarly protected from accusations that are unfounded ([Lešník v. Slovakia](#), § 54).
- Nevertheless, this protection cannot have the effect of prohibiting individuals from expressing their views, through value judgments with a sufficient factual basis, on matters of public interest related to the functioning of the justice system, or of banning any criticism of the latter ([Morice v. France](#) [GC], § 168). Members of the judiciary, forming part of a fundamental institution of the State, may be subject to personal criticism within the permissible limits ([Morice v. France](#) [GC], § 131).
- A clear distinction must, however, be made between criticism and insult. If the sole intent of any form of expression is to insult a court, or members of that court, an appropriate punishment would not, in principle, constitute a violation of Article 10 § 2 of the Convention ([Skatka v. Poland](#), § 34; [Mustafa Erdoğan and Others v. Turkey](#), § 44; [Nikula v. Finland](#), § 52). That said, the use of a sharp, even sarcastic or "caustic tone" in comments

aimed at a judge is also not incompatible with the provisions of Article 10 ([Morice v. France](#) [GC], § 161; [Gouveia Gomes Fernandes and Freitas e Costa v. Portugal](#), § 48).

### Wider limits of acceptable criticism

- Whilst it cannot be said that they knowingly lay themselves open to close scrutiny of their every word and deed to the extent to which politicians do and should therefore be treated on an equal footing with the latter when it comes to the criticism of their actions, civil servants acting in an official capacity, as in the case with judges and prosecutors, may nevertheless be subject to wider limits of acceptable criticism than ordinary citizens ([July and SARL Libération v. France](#), § 74; [Morice v. France](#) [GC], § 131).

### Impact of the statements on public confidence in the administration of justice

- The Court makes a distinction between whether the applicant's submissions were confined to the courtroom, as opposed to criticism against a judge or a prosecutor voiced in, for instance, the media ([Morice v. France](#) [GC], §§ 136-139, 171; [Nikula v. Finland](#), § 52; compare and contrast with [Peruzzi v. Italy](#), §§ 62-63). For instance, where the applicant's remarks had been recorded only in writing and had not been made public, the Court will consider their impact on public confidence in the administration of justice to be very limited ([Ümit Bilgiç v. Turkey](#), § 133).
- The Court has noted also the distinction between the role of the prosecutor as the opponent of the accused, and that of the judge. The Court thus considers that, generally speaking, this difference should provide increased protection for statements whereby an accused or a lawyer criticises a prosecutor, as opposed to verbally attacking the judge or the court as a whole ([Morice v. France](#) [GC], § 137; [Nikula v. Finland](#), § 50).

### Author of the statements

- A distinction can be made between the different categories of applicants whose statements against the judiciary were considered to constitute defamation of judges or contempt of court.

#### i. Press

- The press plays a pre-eminent role in a State governed by the rule of law and in a democratic society. Although it must not overstep certain bounds set, inter alia, for the protection of the reputation of others, it is nevertheless incumbent on it to impart - in a way consistent with its duties and responsibilities - information and ideas on political questions and on other matters of public interest ([Prager and Oberschlick v. Austria](#), § 34; [Perna v. Italy](#) [GC], § 39). In this regard, the press enjoy a high level of protection of freedom of expression. A degree of hostility and the potential seriousness of certain remarks do not obviate the right to a high level of protection, given the existence of a matter of public interest ([Bédat v. Switzerland](#) [GC], § 49). That said, the protection afforded by Article 10 of the Convention to journalists is subject to the proviso that they act in good faith in order to provide accurate and reliable information in accordance with the tenets of responsible journalism ([Bédat v. Switzerland](#) [GC], § 50).



- Matters of public interest undoubtedly include questions concerning the functioning of the justice system – an institution that is essential for any democratic society – which serves the interests of the community at large and requires the cooperation of an enlightened public (*Narodni List D.D. v. Croatia*, § 59). Indeed, the press is one of the means by which politicians and public opinion can verify that judges are discharging their heavy responsibilities in a manner that is in conformity with the aim which is the basis of the task entrusted to them (*Prager and Oberschlick v. Austria*, § 34; *Narodni List D.D. v. Croatia*, § 59). Therefore, not only does the press have the task of imparting such information and ideas: the public also has a right to receive them (*Perna v. Italy* [GC], § 39).
  - The Court considers it inconceivable that there should be no prior or contemporaneous discussion of the subject matter of trials, be it in specialised journals, in the general press or amongst the public at large (*Bédat v. Switzerland* [GC], § 50).
  - In assessing whether the interference was necessary in a democratic society, the Court will take into account the article's overall content and its very essence. In *Perna v. Italy* [GC], the Court found that the applicant journalist did not confine his remarks to the assertion that the public prosecutor's political beliefs justified doubts about his impartiality, but he sought to convey a clear and unambiguous message that the public prosecutor had committed an abuse of authority. The applicant had also not tried to prove the truth to his allegations. The Court found that the applicant's conviction of defamation did not violate Article 10 (§§ 40-48).
  - Moreover, the Court will examine not only the content but the form of expression, as well as the medium it was published in. For instance, in *Mustafa Erdoğan and Others v. Turkey*, the Court considered that the language and expressions used in an article criticising a Constitutional Court judgment were harsh and that they could be perceived as offensive. They were, however, value judgments, pertaining to an issue that was already subject to virulent public debate. Moreover, the remarks appeared in a quasi-academic journal and not a popular newspaper. In light of these considerations, there had been a violation of Article 10 (*Mustafa Erdoğan and Others v. Turkey*, §§ 41-46).

## ii. Lawyers

- The special status of lawyers gives them a central position in the administration of justice as intermediaries between the public and the courts. They therefore play a key role in ensuring that the courts, whose mission is fundamental in a State based on the rule of law, enjoy public confidence (*Morice v. France* [GC], § 132; *Kyprianou v. Cyprus* [GC], § 173).
- Freedom of expression is also applicable to lawyers and protects not only the substance of the ideas and information expressed, but also the form in which they are conveyed (*Kyprianou v. Cyprus* [GC], § 174; *Morice v. France* [GC], § 134). Lawyers are entitled, in particular, to comment in public on the administration of justice, provided that their criticism does not overstep certain bounds (*Morice v. France* [GC], § 134; *Nikula v. Finland*, § 46). In that connection, account must be taken of the need to strike the right balance between the various interests involved, which include the public's right to receive information about questions arising from judicial decisions, the requirements of the proper administration of justice and the dignity of the legal profession (*Nikula v. Finland*, § 46).
  - It is important to note that the respective positions and roles of lawyers and journalists in judicial proceedings are intrinsically different. Journalists have the task of imparting, in conformity with their duties and responsibilities, information and ideas on all matters of public interest, including those relating to the administration of justice. Lawyers, for their part, are protagonists in the justice system, directly involved in its functioning and

in the defence of a party. They cannot therefore be equated with an external witnesses whose task it is to inform the public (*Morice v. France* [GC], § 148).

- Whilst lawyers are subject to restrictions on their professional conduct, which must be discreet, honest and dignified, they also enjoy exclusive rights and privileges that may vary from one jurisdiction to another – among them, usually, a certain latitude regarding arguments used in court (*Morice v. France* [GC], § 133). It is evident that lawyers, while defending their clients in court, particularly in the context of adversarial criminal trials, can find themselves in the delicate situation where they have to decide whether or not they should object to or complain about the conduct of the court, keeping in mind their client's best interests (*Kyprianou v. Cyprus* [GC], § 175).
- Rules of conduct foreseen for lawyers contribute to the protection of the judiciary from gratuitous and unfounded attacks, which may be driven solely by a wish or strategy to ensure that the judicial debate is pursued in the media or to settle a score with the judges handling the particular case (*Morice v. France* [GC], § 134). The Court has thus rejected the applicant's argument that the defence counsel's freedom of expression should be unlimited (*Nikula v. Finland*, § 49). That said, it is only in exceptional cases that restriction – even by way of a lenient criminal penalty – of defence counsel's freedom of expression can be accepted as necessary in a democratic society (*Morice v. France* [GC], § 135; *Kyprianou v. Cyprus* [GC], § 174).
- In *Kyprianou v. Cyprus* [GC], the Court considered that the imposition of a custodial sentence would inevitably, by its very nature, have a “chilling effect”, not only on the particular lawyer concerned but on the profession of lawyers as a whole (§ 175). Moreover, the imposition of a prison sentence on defence counsel can in certain circumstances have implications not only for the lawyer's rights under Article 10 but also the fair trial rights of the client under Article 6 of the Convention (*ibid.*).

### iii. Defendants and others

- The judiciary may also receive criticising remarks from the defendant (see *Ümit Bilgiç v. Turkey* and *Saday v. Turkey*), an imprisoned person (see *Skatka v. Poland*), or from the members of the audience in a trial (see *Słomka v. Poland*). In such cases, the Court may take into account while determining whether the interference was necessary in a democratic society, that the applicant was not a member of the legal profession, a fact which had undoubtedly had a bearing on the tone and terms he used and his lack of familiarity with the conventions used in court documents (see *Ümit Bilgiç v. Turkey*, § 134).
- In a case of conviction for defamation following publication of a book in which a former defendant described his own trial the Court considered that, in the book, the applicant had simply made use of his freedom to recount his own trial as a former defendant. Although, unlike defence counsel, he did not enjoy a wide discretion to criticise a public prosecutor by virtue of the principle of equality of arms, that was not a sufficient reason to tolerate the ex post facto review of statements made by him in court. Furthermore, the comments made in the book few years after the trial and held to be defamatory were the same as those made by the applicant during the trial. At that time, however, no proceedings had been instituted against the applicant, a fact which the domestic court should have taken into account (*Roland Dumas v. France*, §§ 48-51).

## Further references

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### ***Press factsheets:***

- [Protection of reputation](#)

### ***Other:***

- [The Authority of the Judiciary \(Seminar background paper for the opening of the judicial year 2018\)](#)
- [Strengthening Confidence in the Judiciary \(Seminar background paper for the opening of the judicial year 2019\)](#)

## Case-Law References

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### Cases under Article 6

#### Leading cases

- [Oleksandr Volkov v. Ukraine](#), no. 21722/11, 9 January 2013
- [Baka v. Hungary](#) [GC], no. 20261/12, 23 June 2016
- [Denisov v. Ukraine](#) [GC], n°/no. 76639/11, 25 September 2018
- [Ramos Nunes de Carvalho e Sá v. Portugal](#) [GC], nos. 55391/13 and 2 others, 6 November 2018

#### Other cases

- [Daktaras v. Lithuania](#), no. 42095/98, 10 October 2000 (Article 6 § 2)
- [Butkevičius v. Lithuania](#), no. 48297/99, 26 March 2002 (Article 6 § 2)
- [Lavents v. Latvia](#), no. 58442/00, 28 November 2002 (Article 6 § 2)
- [Harabin v. Slovakia](#) (dec.), no. 62584/00, 29 June 2004
- [Vilho Eskelinen and Others v. Finland](#) [GC], no. 63235/00, 19 April 2007
- [Petrova and Chornobryvets v. Ukraine](#), nos. 6360/04 and 16820/04, 15 May 2008
- [Olujić v. Croatia](#), no. 22330/05, 5 February 2009
- [Tosti v. Italy](#) (dec.), no. 27791/06, 12 May 2009
- [Micallef v. Malta](#) [GC], no. 17056/06, 15 October 2009
- [Fatullayev v. Azerbaijan](#), no. 40984/07, 22 April 2010
- [Juričić v. Croatia](#), no. 58222/09, 26 July 2011
- [Dzhidzheva-Trendafilova v. Bulgaria](#) (dec.), no. 12628/09, 9 October 2012
- [Harabin v. Slovakia](#), no. 58688/11, 20 November 2012
- [Di Giovanni v. Italy](#), no. 51160/06, 9 July 2013
- [Gutsanovi v. Bulgaria](#), no. 34529/10, 15 October 2013 (Article 6 § 2)
- [Smiljan Pervan v. Croatia](#) (dec.), no. 31383/13, 4 March 2014
- [Mitrinovski v. the former Yugoslav Republic of Macedonia](#), no. 6899/12, 30 April 2015
- [Tsanova-Gecheva v. Bulgaria](#), no. 43800/12, 15 September 2015
- [Slavov and Others v. Bulgaria](#), no. 58500/10, 10 November 2015 (Article 6 § 2)
- [Poposki and Duma v. the former Yugoslav Republic of Macedonia](#), nos. 69916/10 and 36531/11, 7 January 2016
- [Kulykov and Others v. Ukraine](#), nos. 5114/09 and 17 others, 19 January 2017
- [Sturua v. Georgia](#), no. 45729/05, 28 March 2017
- [Paluda v. Slovakia](#), no. 33392/12, 23 May 2017
- [Kamenos v. Cyprus](#), no. 147/07, 31 October 2017
- [Chim and Przywieczerski v. Poland](#), nos. 36661/07 and 38433/07, 12 April 2018
- [Maslarova v. Bulgaria](#), no. 26966/10, 31 January 2019

## Cases under Article 8

- [Özpinar v. Turkey](#), no. 20999/04, 19 October 2010
- [Oleksandr Volkov v. Ukraine](#), no. 21722/11, 9 January 2013
- [Kulykov and Others v. Ukraine](#), nos. 5114/09 and 17 others, 19 January 2017
- [Denisov v. Ukraine](#) [GC], no. 76639/11, 25 September 2018
- [J.B. and others v. Hungary](#) (dec.), nos. 45434/12 and 2 others, 17 November 2018

## Cases under Article 9

- [Pitkevich v. Russia](#) (dec.), no. 47936/99, 8 February 2001

## Cases under Article 10

### Statements made by members of the judiciary

#### Leading cases

- [Wille v. Liechtenstein](#) [GC], no. 28396/95, 28 October 1999
- [Baka v. Hungary](#) [GC], no. 20261/12, 23 June 2016

#### Other cases

- [Buscemi v. Italy](#), no. 29569/95, 16 September 1999
- [Pitkevich v. Russia](#) (dec.), no. 47936/99, 8 February 2001
- [Harabin v. Slovakia](#) (dec.), no. 62584/00, 29 June 2004
- [Albayrak v. Turkey](#), no. 38406/97, 31 January 2008
- [Kayasu v. Turkey](#), nos. 64119/00 and 76292/01, 13 November 2008
- [Kudeshkina v. Russia](#), no. 29492/05, 26 February 2009
- [Poyraz v. Turkey](#), no. 15966/06, 7 December 2010
- [Di Giovanni v. Italy](#), no. 51160/06, 9 July 2013
- [Simić v. Bosnia and Herzegovina](#) (dec.), no. 75255/10, 15 November 2016
- [Brisic v. Romania](#), no. 26238/10, 11 December 2018

### Statements targeting the members of the judiciary

#### Leading cases

- [Kyprianou v. Cyprus](#) [GC], no. 73797/01, 15 December 2005
- [Morice v. France](#) [GC], no. 29369/10, 23 April 2015

#### Other cases

- [Prager and Oberschlick v. Austria](#), 26 April 1995, 26 April 1995

- [De Haes and Gijssels v. Belgium](#), 24 February 1997, 24 February 1997
- [Worm v. Austria](#), no. 22714/93, 29 August 1997
- [Nikula v. Finland](#), no. 31611/96, 21 March 2002
- [Lešník v. Slovakia](#), no. 35640/97, 11 March 2003
- [Perna v. Italy](#) [GC], no. 48898/99, 6 May 2003
- [Skatka v. Poland](#), no. 43425/98, 27 May 2003
- [Amihalachioaie v. Moldova](#), no. 60115/00, 20 April 2004
- [Saday v. Turkey](#), no. 32458/96, 30 March 2006
- [July and SARL Libération v. France](#), no. 20893/03, 14 February 2008
- [Roland Dumas v. France](#), no. 34875/07, 15 July 2010
- [Gouveia Gomes Fernandes and Freitas e Costa v. Portugal](#), no. 1529/08, 29 March 2011
- [Ümit Bilgiç v. Turkey](#), no. 22398/05, 3 September 2013
- [Mustafa Erdoğan v. Turkey](#), nos. 346/04 and 39779/04, 27 May 2014
- [Peruzzi v. Italy](#), no. 39294/09, 30 June 2015
- [Bono v. France](#), no. 29024/11, 15 December 2015
- [Radobuljac v. Croatia](#), no. 51000/11, 28 June 2016
- [Čeferin v. Slovenia](#), no. 40975/08, 16 January 2018
- [Mikhaylova v. Ukraine](#), no. 10644/08, 6 March 2018
- [Narodni List D.D. v. Croatia](#), no. 2782/12, 8 November 2018
- [Słomka v. Poland](#), no. 68924/12, 6 December 2018

## Cases under Article 11

- [Maestri v. Italy](#) [GC], no. 39748/98, 17 February 2004