Hate speech

Threat to the democratic order

As a rule, the Court will declare inadmissible, on grounds of incompatibility with the values of the Convention, applications which are inspired by totalitarian doctrine or which express ideas that represent a threat to the democratic order and are liable to lead to the restoration of a totalitarian regime.

Racial hate

Glimmerveen and Haqenbeek v. the Netherlands

11 October 1979 (decision of the European Commission of Human Rights4)

In this case, the applicants had been convicted for possessing leaflets addressed to “White Dutch people”, which tended to make sure notably that everyone who was not white left the Netherlands.

Negationism and revisionism

Garaudy v. France

24 June 2003 (decision on the admissibility)

The applicant, the author of a book entitled The Founding Myths of Modern Israel, was convicted of the offences of disputing the existence of crimes against humanity, defamation in public of a group of persons – in this case, the Jewish community – and incitement to racial hatred. He argued that his right to freedom of expression had been infringed.

M’Bala M’Bala v. France

20 October 2015 (decision on the admissibility)

This case concerned the conviction of Dieudonné M’Bala M’Bala, a comedian with political activities, for public insults directed at a person or group of persons on account of their origin or of belonging to a given ethnic community, nation, race or religion, specifically in this case persons of Jewish origin or faith. At the end of a show in December 2008 at the “Zénith” in Paris, the applicant invited Robert Faurisson, an academic who has received a number of convictions in France for his negationist and revisionist opinions, mainly his denial of the existence of gas chambers in concentration camps, to join him on stage to receive a “prize for unfrequentability and insolence”. The prize, which took the form of a three-branched candlestick with an apple on each branch, was awarded to him by an actor wearing what was described as a “garment of light” – a pair of striped pyjamas with a stitched-on yellow star bearing the word “Jew” – who thus played the part of a Jewish deportee in a concentration camp.

Williamson v. Germany

8 January 2019 (decision on the admissibility)

The applicant, a bishop and a former member of the Society of Saint Pius X, complained about his criminal conviction of incitement to hatred for denying the Holocaust on Swedish TV. In particular, he argued that German law was not applicable to his statements as the offence had not been committed in Germany, but in Sweden – where that statement was not subject to criminal liability. Moreover, he had never intended that his statement be broadcast in Germany and had done everything in his power to prevent its broadcast there.

Pastörs v. Germany

3 October 2019

This case concerned the conviction of a Land deputy for denying the Holocaust during a speech in the regional Parliament.

Religious hate

Norwood v. the United Kingdom

16 November 2004 (decision on the admissibility)

The applicant had displayed in his window a poster supplied by the British National Party, of which he was a member, representing the Twin Towers in flame. The picture was accompanied by the words “Islam out of Britain – Protect the British People”. As a result, he was convicted of aggravated hostility towards a religious group. The applicant argued, among other things, that his right to freedom of expression had been breached.

Belkacem v. Belgium

27 June 2017 (decision on the admissibility)

This case concerned the conviction of the applicant, the leader and spokesperson of the organisation “Sharia4Belgium”, which was dissolved in 2012, for incitement to discrimination, hatred and violence on account of remarks he made in YouTube videos concerning non-Muslim groups and Sharia. The applicant argued that he had never intended to incite others to hatred, violence or discrimination but had simply sought to propagate his ideas and opinions. He maintained that his remarks had merely been a manifestation of his freedom of expression and religion and had not been apt to constitute a threat to public order.

Ethnic hate

Pavel Ivanov v. Russia

20 February 2007 (decision on the admissibility)

The applicant, owner and editor of a newspaper, was convicted of public incitement to ethnic, racial and religious hatred through the use of mass-media. He authored and published a series of articles portraying the Jews as the source of evil in Russia, calling for their exclusion from social life. He accused an entire ethnic group of plotting a conspiracy against the Russian people and ascribed Fascist ideology to the Jewish leadership. Both in his publications, and in his oral submissions at the trial, he consistently denied the Jews the right to national dignity, claiming that they did not form a nation. The applicant complained, in particular, that his conviction for incitement to racial hatred had not been justified.

Incitement to violence and support for terrorist activity

Roj TV A/S v. Denmark

17 April 2018 (decision on the admissibility)

This case concerned the applicant company’s conviction for terrorism offences by Danish courts for promoting the Kurdistan Workers’ Party (PKK) through television programmes broadcast between 2006 and 2010. The domestic courts found it established that the PKK could be considered a terrorist organisation within the meaning of the Danish Penal Code and that Roj TV A/S had supported the PKK’s terror operation by broadcasting propaganda. It was fined and its licence was withdrawn. The applicant company complained that its conviction had interfered with its freedom of expression.

Incitement to violence or hatred against people because of their sexual orientation

Lenis v. Greece

27 June 2023 (decision on the admissibility)

This case concerned the posting by the applicant – who was the Metropolitan (equivalent of a bishop) of the Greek Orthodox Church for Kalavryta and Aigialeia at the time of the events – of a homophobic article on his personal blog in December 2015, when the Greek Parliament had been about to debate proposed legislation introducing civil unions for same-sex couples, and his subsequent prosecution and sentencing for incitement to hatred and discrimination.

Incitement to racial or religious discrimination or hatred

Jersild v. Denmark

23 September 1994

The applicant, a journalist, had made a documentary containing extracts from a television interview he had conducted with three members of a group of young people calling themselves the “Greenjackets”, who had made abusive and derogatory remarks about immigrants and ethnic groups in Denmark. The applicant was convicted of aiding and abetting the dissemination of racist remarks. He alleged a breach of his right to freedom of expression.

Soulas and Others v. France

10 July 2008

This case concerned criminal proceedings brought against the applicants, following the publication of a book entitled "The colonisation of Europe”, with the subtitle “Truthful remarks about immigration and Islam”. The proceedings resulted in their conviction for inciting hatred and violence against Muslim communities from northern and central Africa. The applicants complained in particular that their freedom of expression had been breached.

Féret v. Belgium

16 July 2009

The applicant was a Belgian member of Parliament and chairman of the political party Front National/Nationaal Front in Belgium. During the election campaign, several types of leaflets were distributed carrying slogans including “Stand up against the Islamification of Belgium”, “Stop the sham integration policy” and “Send non-European job-seekers home”. The applicant was convicted of incitement to racial discrimination. He was sentenced to community service and was disqualified from holding parliamentary office for 10 years. He alleged a violation of his right to freedom of expression.

Le Pen v. France

20 April 2010 (decision on the admissibility)

At the time of the facts, the applicant was president of the French “National Front” party. He alleged in particular that his conviction for incitement to discrimination, hatred and violence towards a group of people because of their origin or their membership or non membership of a specific ethnic group, nation, race or religion, on account of statements he had made about Muslims in France in an interview with Le Monde daily newspaper – he had asserted, among other things, that “the day there are no longer 5 million but 25 million Muslims in France, they will be in charge” – had breached his right to freedom of expression.

Perinçek v. Switzerland

15 October 2015 (Grand Chamber)

This case concerned the criminal conviction of the applicant, a Turkish politician, for publicly expressing the view, in Switzerland, that the mass deportations and massacres suffered by the Armenians in the Ottoman Empire in 1915 and the following years had not amounted to genocide. The Swiss courts held in particular that his motives appeared to be racist and nationalistic and that his statements did not contribute to the historical debate. The applicant complained that his criminal conviction and punishment had been in breach of his right to freedom of expression.

Šimunić v. Croatia

22 January 2019 (decision on the admissibility)

The applicant, a football player, was convicted of a minor offence of addressing messages to spectators of a football match, the content of which expressed or enticed hatred on the basis of race, nationality and faith. He submitted in particular that his right to freedom of expression had been violated.

Zemmour v. France

20 December 2022

The case concerned the conviction and sentencing of the applicant – a well known political journalist and pundit, who published several books on politics before launching his own political career in 2021 – for the offence of inciting discrimination and religious hatred against the French Muslim community for statements made on a television show in 2016. He alleged a violation of his right to freedom of expression.

Condoning war crimes

Lehideux and Isorni v. France

23 September 1998

The applicants wrote a text which was published in the daily newspaper Le Monde and which portrayed Marshal Pétain in a favourable light, drawing a veil over his policy of collaboration with the Nazi regime. The text ended with an invitation to write to two associations dedicated to defending Marshal Pétain’s memory, seeking to have his case reopened and to have the judgment of 1945 sentencing him to death and to forfeiture of his civic rights overturned, and to have him rehabilitated. Following a complaint by the National Association of Former Members of the Resistance, the two authors were convicted of publicly defending war crimes and crimes of collaboration with the enemy. They alleged a violation of their right to freedom of expression.

Apology of violence and incitement to hostility

Sürek (no.1) v. Turkey

8 July 1999 (Grand Chamber)

The applicant was the owner of a weekly review which published two readers’ letters vehemently condemning the military actions of the authorities in south-east Turkey and accusing them of brutal suppression of the Kurdish people in their struggle for independence and freedom. The applicant was convicted of “disseminating propaganda against the indivisibility of the State and provoking enmity and hatred among the people”. He complained that his right to freedom of expression had been breached.

Gündüz v. Turkey

13 November 2003 (decision on the admissibility)

The applicant, the leader of an Islamic sect, had been convicted of incitement to commit an offence and incitement to religious hatred on account of statements reported in the press. He was sentenced to four years and two months’ imprisonment and to a fine. The applicant argued, among other things, that his right to freedom of expression had been breached.

Gündüz v. Turkey

4 December 2003

The applicant was a self-proclaimed member of an Islamist sect. During a televised debate broadcast in the late evening, he spoke very critically of democracy, describing contemporary secular institutions as “impious”, fiercely criticising secular and democratic principles and openly calling for the introduction of Sharia law. He was convicted of openly inciting the population to hatred and hostility on the basis of a distinction founded on membership of a religion or denomination. The applicant alleged a violation of his right to freedom of expression.

Faruk Temel v. Turkey

1 February 2011

The applicant, the chairman of a legal political party, read out a statement to the press at a meeting of the party, in which he criticised the United States’ intervention in Iraq and the solitary confinement of the leader of a terrorist organisation. He also criticised the disappearance of persons taken into police custody. Following his speech the applicant was convicted of disseminating propaganda, on the ground that he had publicly defended the use of violence or other terrorist methods. The applicant contended that his right to freedom of expression had been breached.

Altıntaş v. Turkey

10 March 2020

This case concerned a judicial fine imposed on the applicant for an article published in 2007 in his periodical Tokat Demokrat, describing the perpetrators of the “Kızıldere events”, among others as “idols of the youth”. The events in question took place in March 1972, when three British nationals working for NATO were abducted and executed by their kidnappers. The applicant was convicted in 2008 by the Criminal Court, which found that the article glorified the insurgents involved in those events. He complained in particular of a breach of his freedom of expression on account of his criminal conviction and sentence to a judicial fine.

Incitement to religious intolerance

İ.A. v. Turkey (no. 42571/98)

13 September 2005

The applicant, the owner and managing director of a publishing company, published 2,000 copies of a book which addressed theological and philosophical issues in a novelistic style. The Istanbul public prosecutor charged the applicant with insulting “God, the Religion, the Prophet and the Holy Book” through the publication. The court of first instance sentenced the applicant to two years’ imprisonment and payment of a fine, and immediately commuted the prison sentence to a small fine. The applicant appealed to the Court of Cassation, which upheld the judgment. The applicant alleged that his conviction and sentence had infringed his right to freedom of expression.

Erbakan v. Turkey

6 July 2006

The applicant, a politician, was notably Prime Minister of Turkey. At the material time he was chairman of Refah Partisi (the Welfare Party), which was dissolved in 1998 for engaging in activities contrary to the principles of secularism. He complained in particular that his conviction for comments made in a public speech, which had been held to have constituted incitement to hatred and religious intolerance, had infringed his right to freedom of expression.

Tagiyev and Huseynov v. Azerbaijan

5 December 2019

This case concerned the conviction of the applicants – a well-known writer and columnist and an editor – for inciting religious hatred and hostility with their remarks on Islam in an article they had published in 2006.

Condoning terrorism

Leroy v. France

2 October 2008

The applicant, a cartoonist, complained of his conviction for publicly condoning terrorism following the publication in a Basque weekly newspaper on 13 September 2001 of a drawing representing the attack on the twin towers of the World Trade Center with a caption imitating the advertising slogan of a famous brand: “We all dreamt of it... Hamas did it”. He argued that his freedom of expression had been infringed.

Stomakhin v. Russia

9 May 2018

This case concerned the applicant’s conviction and sentence to five years in jail for newsletter articles he had written on the armed conflict in Chechnya, which the domestic courts said had justified terrorism and violence and incited hatred. He complained about his conviction for views expressed in the newsletters.

Erkizia Almandoz v. Spain

22 June 2021

This case concerned the participation by a Basque separatist politician in a ceremony to pay tribute to a former member of the ETA terrorist organisation, and his conviction for publicly defending terrorism, receiving a one-year prison sentence and seven years’ ineligibility. The applicant complained of an infringement of his right to freedom of expression on account of his conviction for publicly defending terrorism, whereas, in his view, his speech had been aimed solely at initiating an exclusively democratic and peaceful procedure for securing the independence of the Basque Country.

Rouillan v. France

23 June 2022

This case concerned the sentencing of the applicant, formerly a member of the terrorist group Action directe, to a term of 18 months’ imprisonment including a suspended portion of 10 months with probation, upon his conviction as an accessory to the offence of publicly defending acts of terrorism for remarks he had made on a radio show in 2016 and which had subsequently been published on a media website.

Rivadulla Duró v. Spain

12 October 2023 (decision – Committee – on the admissibility)

This case concerned the applicant’s – a rapper also known as “Pablo Hasél” – conviction and custodial sentence on charges of public praise or justification of terrorism, insult and slander against the Crown, and insult and slander against State institutions, for the content of several social-media posts and a song about King Emeritus Juan Carlos I of Spain. The applicant complained of a breach of his freedom of expression in the national court decisions, which had been linked to his ideological freedom, and alleged that the purpose of the punishment had been to silence him.

Incitement to ethnic hatred

Balsytė-Lideikienė v. Lithuania

4 November 2008

The applicant owned a publishing company. In March 2001 the Polish courts found that she had breached the Code on Administrative Offences on account of her publishing and distributing the “Lithuanian calendar 2000” which, according to the conclusions of political science experts, promoted ethnic hatred. She was issued with an administrative warning and the unsold copies of the calendar were confiscated. The applicant alleged in particular that the confiscation of the calendar and the ban on its further distribution had infringed her right to freedom of expression.

Atamanchuk v. Russia

11 February 2020

This case concerned a businessman’s criminal conviction for inciting hatred and enmity following statements about non Russians in an article published in a local newspaper.

Denigrating national identity

Dink v. Turkey

14 September 2010

Firat (Hrank) Dink, a Turkish journalist of Armenian origin, was publication director and editor-in-chief of a bilingual Turkish-Armenian weekly newspaper published in Istanbul. Following the publication in this newspaper of eight articles in which he expressed his views on the identity of Turkish citizens of Armenian origin, he was found guilty in 2006 of “denigrating Turkish identity”. In 2007 he was killed by three bullets to the head as he left the offices of the newspaper. The applicants, his relatives, complained in particular of the guilty verdict against him which, they claimed, had made him a target for extreme nationalist groups.

Insult of State officials

Otegi Mondragon v. Spain

15 March 2011

The applicant, the spokesperson for a left-wing Basque separatist parliamentary group, referred at a press conference to the closure of a Basque daily newspaper (on account of its suspected links with ETA) and to the alleged ill-treatment of the persons arrested during the police operation. In his statement he referred to the King of Spain as “the supreme head of the Spanish armed forces, in other words, the person in command of the torturers, who defends torture and imposes his monarchic regime on our people through torture and violence”. The applicant was sentenced to a term of imprisonment for the offence of serious insult against the King. He alleged a breach of his right to freedom of expression.

Stern Taulats and Roura Capellera v. Spain

13 March 2018

This case concerned the conviction of two Spanish nationals for setting fire to a photograph of the royal couple at a public demonstration held during the King’s official visit to Girona in September 2007. The applicants complained in particular that the judgment finding them guilty of insult to the Crown amounted to unjustified interference with their right to freedom of expression.

Agitation against a national or ethnic group

Vejdeland and Others v. Sweden

9 February 2012

This case concerned the applicants’ conviction for distributing in an upper secondary school approximately 100 leaflets considered by the courts to be offensive to homosexuals. The applicants had distributed leaflets by an organisation called National Youth, by leaving them in or on the pupils’ lockers. The statements in the leaflets were, in particular, allegations that homosexuality was a “deviant sexual proclivity”, had “a morally destructive effect on the substance of society” and was responsible for the development of HIV and AIDS. The applicants claimed that they had not intended to express contempt for homosexuals as a group and stated that the purpose of their activity had been to start a debate about the lack of objectivity in the education in Swedish schools.

Display of a symbol associated with a political movement or entity

Fáber v. Hungary

24 July 2012

The applicant complained that he had been fined for displaying the striped Árpád flag, which had controversial historical connotations, less than 100 metres away from a demonstration against racism and hatred.

Incitement to national hatred

Hösl-Daum and Others v. Poland

7 October 2014 (decision on the admissibility)

The applicants were charged with insulting the Polish nation and inciting national hatred. They alleged a breach of their right to freedom of expression on account of their conviction for putting up posters in the German language describing atrocities committed after the Second World War by the Polish and the Czechs against the Germans.

Extremism

Ibragim Ibragimov and Others v. Russia

28 August 2018

This case concerned anti-extremism legislation in Russia and a ban on publishing and distributing Islamic books. The applicants complained that the Russian courts had ruled in 2007 and 2010 that books by Said Nursi, a well-known Turkish Muslim theologian and commentator of the Qur’an, were extremist and banned their publication and distribution. The applicants had either published some of Nursi’s books or had commissioned them for publication.

Yefimov and Youth Human Rights Group v. Russia10

7 December 2021

This case concerned, in particular, the prosecution of the first applicant – who was the founder and director of the applicant association – for hate speech and his placement on a list of terrorists and extremists for publishing a note criticising the Russian Orthodox Church.

Missionary work

Ossewaarde v. Russia

7 March 2023

This case concerned a US national living in Russia, a Baptist Christian, who was fined for holding Bible study meetings in his home without notifying the authorities. The applicant complained in particular about being fined for preaching Baptism under the new legislation, arguing that he had not been a member of any religious association but had been exercising his right to spread his personal religious convictions.

Publishing statements by a terrorist organisation

Ali Gürbüz v. Turkey

12 March 2019

This case concerned seven sets of criminal proceedings brought against the applicant the owner of the daily newspaper Ülkede Özgür Gündem, at the relevant time – for publishing, in the newspaper, statements by the leaders of organisations characterised as terrorist under Turkish law. He was acquitted after proceedings which had lasted between five and over seven years, without having been remanded in custody.

Gürbüz and Bayar v. Turkey

23 July 2019

The case concerned criminal proceedings brought against the applicants – who were respectively, at the relevant time, the owner and the editor-in-chief of the daily newspaper Ülkede Özgür Gündem – for publishing statements by A.Ö. (head of the Kurdistan Workers’ Party (PKK), an illegal armed organisation) and M.K. (president of Kongra-Gel, a branch of the PKK) in an article which appeared in their newspaper in September 2004. After several years the first applicant’s prosecution became time barred; the second applicant received a suspended judicial fine.

Propaganda for a terrorist organisation

Özer v. Turkey (no. 3)

11 February 2020

This case concerned criminal proceedings brought against the applicant, the owner and editor of a magazine, over an article published in the magazine. The applicant was prosecuted and convicted of the criminal offence of providing propaganda for a terrorist organisation. He complained of an infringement of his right to freedom of expression.

Üçdağ v. Turkey

31 August 2021

This case concerned the applicant’s criminal conviction for disseminating propaganda in favour of a terrorist organisation on account of two posts published on his Facebook account, as well as the rejection of his individual application to the Constitutional Court as being out of time. At the relevant time, the applicant was a public official working as an imam at a local mosque. The impugned posts had included two photographs (of individuals in uniform similar to that of PKK members and of a crowd demonstrating in a public street in front of a fire), originally shared by two other Facebook users.

Publicly mocking, defaming, denigrating or threatening a person or group of persons for certain characteristics, including their sexual orientation or gender identity

Lilliendahl v. Iceland

12 May 2020 (decision on the admissibility)

This case concerned the applicant’s conviction and fine for homophobic comments he had made in response to an online article. The applicant alleged that his conviction had breached his right to freedom of expression.

Praising crime and criminals

Yasin Özdemir v. Turkey

7 December 2021

This case concerned the criminal conviction of the applicant, a teacher, for praising crime and criminals, on account of comments which he had posted on the social networks in April 2015, in favour of the Gülenist organisation and its leader (Fethullah Gülen). The applicant complained about his conviction, arguing that at the time he had published the contested comments, the organisation in question had not been known as a terrorist organisation.

Racial insults and questioning the existence of crimes against humanity

Bonnet v. France

25 January 2022 (decision on the admissibility)

This case concerned the criminal conviction of the applicant, known as Alain Soral, by the French courts for the offence of proffering a public insult of a racial nature against an individual or group on account of their origin or of belonging to a given ethnicity, nation, race or religion, and for the offence of questioning the existence of crimes against humanity. This conviction followed the publication, on the website “Equality and Reconciliation”, of a page headed “Chutzpah Hebdo”, a parody of the front page of the weekly Charlie Hebdo, containing the caption “historians all at sea” and a drawing representing the face of Charlie Chaplin in front of a Star of David asking the question “Shoah where are you?”, the answer being given in a number of speech bubbles, “here”, “over here” and “here too”, placed next to drawings depicting soap, a lamp-shade, a shoe without laces and a wig. The applicant complained of a violation of his freedom of expression.

Verbally insulting the national flag

Fragoso Dacosta v. Spain

8 June 2023

This case concerned the applicant’s criminal conviction (a fine of 1,260 euros), for having insulted the Spanish flag while protesting as a trade union representative, over unpaid wages of the cleaners of the Ferrol Military Arsenal building, a military base under the responsibility of the Ministry of Defence. From October 2014-March 2015, the employees, together with some trade-union representatives, held daily protests in front of the arsenal, shouting slogans, whistling and generally being noisy. Those protests coincided with the solemn daily raising of the national flag in the presence of the military. The applicant complained that the criminal sanction imposed on him had violated his right to freedom of expression.

Online hate speech

Delfi AS v. Estonia

16 June 2015 (Grand Chamber)

This was the first case in which the Court had been called upon to examine a complaint about liability for user-generated comments on an Internet news portal. The applicant company, which runs a news portal run on a commercial basis, complained that it had been held liable by the national courts for the offensive comments posted by its readers below one of its online news articles about a ferry company. At the request of the lawyers of the owner of the ferry company, the applicant company removed the offensive comments about six weeks after their publication.

Magyar Tartalomszolgáltatók Egyesülete and Index.hu Zrt v. Hungary

2 February 2016

This case concerned the liability of a self-regulatory body of Internet content providers and an Internet news portal for vulgar and offensive online comments posted on their websites following the publication of an opinion criticising the misleading business practices of two real estate websites. The applicants complained about the Hungarian courts’ rulings against them, which had effectively obliged them to moderate the contents of comments made by readers on their websites, arguing that that had gone against the essence of free expression on the Internet.

Pihl v. Sweden

7 February 2017 (decision on the admissibility)

The applicant had been the subject of a defamatory online comment, which had been published anonymously on a blog. He made a civil claim against the small non-profit association which ran the blog, claiming that it should be held liable for the third-party comment. The claim was rejected by the Swedish courts and the Chancellor of Justice. The applicant complained to the Court that by failing to hold the association liable, the authorities had failed to protect his reputation and had violated his right to respect for his private life.

Smajić v. Bosnia and Herzegovina

18 January 2018 (decision on the admissibility)

This case concerned the applicant’s conviction for incitement to national, racial and religious hatred, discord or intolerance following a number of posts on an Internet forum describing military action which could be undertaken against Serb villages in the Brčko District in the event of another war. The applicant alleged in particular that he had been convicted for expressing his opinion on a matter of public concern.

Nix v. Germany

13 mars 2018 (décision sur la recevabilité)

This case concerned the applicant’s conviction for posting picture of a Nazi leader and swastika in a blog. The applicant argued that the domestic courts had failed to take into account that his blog post was intended as a protest against school and employment offices’ discrimination against children from a migrant background.

Savva Terentyev v. Russia

28 August 2018

This case concerned the applicant’s conviction for inciting hatred after making insulting remarks about police officers in a comment under a blog post.

Kilin v. Russia

11 May 2021

This case concerned the applicant’s trial and conviction for disseminating extremist materials. The applicant in this case had been accused of posting allegedly racist video and audio files involving neo-Nazis, racial epithets, people of apparently Caucasian descent and calls to extremism on a popular online social network. He complained in particular that his criminal conviction had been in violation of his rights.

Standard Verlagsgesellschaft mbH v. Austria (No. 3)

7 December 2021

This case concerned court orders for the applicant media company to reveal the sign-up information of registered users who had posted comments on its website, the website of the newspaper Der Standard. This had followed comments allegedly linking politicians to, among other things, corruption or neo-Nazis, which the applicant company had removed, albeit refusing to reveal the information of the commenters.

Sanchez v. France

15 May 2023 (Grand Chamber)

This case concerned the criminal conviction of the applicant, at the time a local councillor who was standing for election to Parliament, for incitement to hatred or violence against a group of people or an individual on the grounds of their membership of a specific religion, following his failure to take prompt action in deleting comments posted by others on the wall of his Facebook account. The applicant alleged that his conviction had breached his right to freedom of expression.