

Switzerland before the ECtHR in cases relating to freedom of expression (Article 10 ECHR)

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- ▶ Violations of Article 10 against Switzerland since 1973: 10
 - ▶ Among them a few Grand Chamber cases:
 - ▶ Stoll, Verein gegen Tierfabriken II, Mouvement raëlien, Perinçek, and Bédat,
- ▶ Violations by Russia since 1998: 37

General ban on gaining access to certain places in order to prepare a publication (I)

- ▶ *Gsell v. Switzerland* (8 October 2009)
 - ▶ Refusal of the authorities to let the applicant gain access to the World Economic Forum (Davos)
 - ▶ Violation of Article 10 (unanimous)
 - ▶ Legal basis for interference was not sufficient (« general police clause »)
 - ▶ Just satisfaction award:
 - ▶ Approx. 1 000 EUR for pecuniary damage,
 - ▶ Violation constituted sufficient just satisfaction for non-pecuniary damage

General ban on gaining access to certain places in order to prepare a publication (II)

- ▶ *Schweizerische Radio- und Fernsehgesellschaft SRG v. Switzerland* (21 June 2012):
 - ▶ Absolute prohibition on filming an interview with an inmate inside prison
 - ▶ Violation of Article 10 ECHR (5 to 2):
 - ▶ Interference not necessary in a democratic society
 - ▶ No sufficient just satisfaction request has been made.

Conviction of journalist for publication of a diplomatic document classified as confidential

- ▶ *Stoll v. Switzerland* (GC, 10 December 2007):
 - ▶ Non-violation of Article 10 ECHR (12 to 5), in particular as a result of the reductive content of the articles and the language used that tended to suggest that the ambassador's remarks were anti-Semitic.
 - ▶ Important considerations on the notion of « confidential » and « secret ».

Convictions of journalists for publication of materials covered by the secrecy of a pending investigation

- ▶ *Bédats v. Switzerland* (GC, 29 March 2016)
 - ▶ Non-violation of Article 10 ECHR (15 to 2)

- ▶ *Y. v. Switzerland* (6 June 2017)
 - ▶ Non-violation of Article 10 ECHR (unanimous)

Criminal conviction of journalist for having obtained secret information on an ongoing criminal investigation

- ▶ *Dammann v. Switzerland* (25 April 2006):
 - ▶ Violation of Article 10 ECHR (unanimous)
 - ▶ Measure was not necessary in a democratic society
 - ▶ Just satisfaction:
 - ▶ approx. 3 200 EUR for costs and expenses
 - ▶ Violation of Article 10 ECHR considered sufficient non-pecuniary damage

Convictions for interception, recording and publication of conversations of others

- ▶ *Haldimann v. Switzerland* (24 February 2015)
 - ▶ Violation of Article 10 ECHR (6 to 1):
 - ▶ Interference in the rights protected by Article 10 was not necessary in a democratic society
 - ▶ No claim for just satisfaction submitted by the applicants.

Ban on advertising poster in public owing to immoral conduct of publishers

- ▶ *Mouvement raëlien v. Switzerland* (GC, 13 July 2012)
 - ▶ Non-violation of Article 10 ECHR (9 to 8!)
 - ▶ Interference was based on a legal basis, pursued a legitimate aim and was necessary in a democratic society.

Criminal conviction for rejecting « Armenian genocide »

- ▶ *Perinçek v. Switzerland* (GC, 15 October 2015)
 - ▶ Violation of Article 10 ECHR (13 to 4)
 - ▶ Interference not necessary in a democratic society
 - ▶ Article 17 ECHR not applicable
 - ▶ Just satisfaction:
 - ▶ Finding of a violation of Article 10 ECHR sufficient for non-pecuniary damage
 - ▶ Claim for pecuniary damage rejected