



FLASH NEWS

08/25

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 24/11 TO 19/12

RU / ANTI-CORRUPTION FOUNDATION (FBK) AND OTHERS v. RUSSIA

Multiple violations of the ECHR resulting from large-scale coordinated measures aimed at dismantling the Navalnyy network - Restrictions for unauthorised purposes - Concerted action on an unprecedented scale aimed at striking at the heart of and eliminating the democratic opposition

Infringement of Article 8 (right to respect for private and family life, home and correspondence), Article 10 (freedom of expression), Article 11 (freedom of assembly and association), Article 18 (limitation of the use of restrictions on rights) of the ECHR and Article 1 (protection of property) of Protocol No 1 to the ECHR.

The case concerns a series of measures taken since 2019 against organisations linked to Aleksey Navalnyy, members of his family, his colleagues and their families. These measures included large-scale coordinated searches of homes and offices, the seizure of property during these searches, the freezing of bank accounts, the classification of FBK as a 'foreign agent' and then its designation, along with that of the other applicant organisations, as 'extremist'. This was followed by the dissolution of some of the applicant organisations and the criminalisation of all activities related to them.

The European Court of Human Rights (ECtHR) ruled in particular that the measures in question were part of a concerted action of unprecedented scale aimed at striking at the heart of and eliminating the organised democratic opposition centred on Mr Navalnyy. The official reasons for these measures, namely the fight against money laundering and extremism, were not supported by any evidence of actual criminal behaviour, but served as a pretext for dismantling independent political and civic structures.

The ECtHR emphasises that the measures were taken in the context of reprisals against Mr Navalnyy and his associates and the gradual repression of political pluralism in Russia.

Finally, the ECtHR notes that the Committee of Ministers of the Council of Europe is continuing to monitor the execution of judgments against Russia, which, under Article 46 of the ECHR (binding force and execution of judgments), remains obliged to execute judgments against it concerning events that occurred before 16 September 2022 (the date on which it ceased to be a party to the ECHR).

Judgment of 16.12.2025 (applications Nos 13505/20 and 138 others) ([EN](#))

DE / GONDERT v. GERMANY and DE SIMONE v. GERMANY

Right to a fair trial - Refusal by the German Federal Court of Justice, ruling in the final instance, to make a reference for a preliminary ruling - Lack of reasoning

Case of Mr Gondert: infringement of Article 6 § 1 (right to a fair trial) of the ECHR.

Case of Mr De Simone: inadmissibility of complaints under Article 6 § 1 (right to a fair trial) of the ECHR on the grounds that they are manifestly ill-founded [Article 35 §§ 3 a) and 4 of the ECHR].

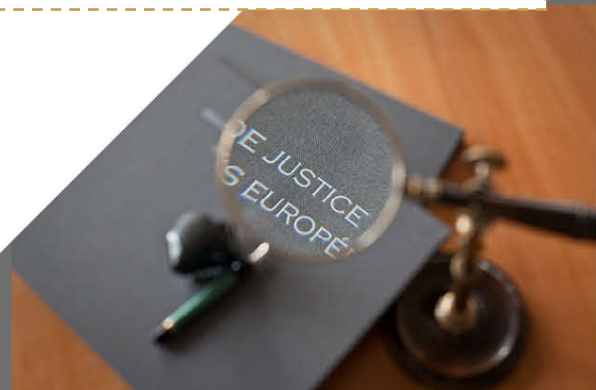
In both cases, the European Court of Human Rights (ECtHR) noted that when a party to proceedings expressly requested a reference for a preliminary ruling to the CJEU and was refused by a domestic court whose decisions are final, that court is required to give reasons for its refusal.

Consequently, in its Chamber judgment delivered on 16 December 2025 in the case of Mr Gondert, which is not final, the ECtHR unanimously held that there had been an infringement of Article 6 § 1 of the ECHR. The Federal Court of Justice did not give reasons for refusing to refer questions to the CJEU for a preliminary ruling, despite Mr Gondert's specific request and the detailed arguments he had presented in that regard.

Mr De Simone, on the other hand, did not make an express request for referral to the CJEU before the Federal Court of Justice, and in its decision on his case, the ECtHR unanimously declared the application inadmissible. This decision is final.

Judgment (application No 34701/21) ([EN](#)) and decision (application No 21853/23) ([EN](#)) of 16.12.2025

Press release ([FR/EN](#))



RO / DANILEȚ v. ROMANIA [GC]

Freedom of expression - Disciplinary sanction imposed on a judge who published two messages on his Facebook page - Comments made by the applicant on matters of general interest, whether or not directly related to the functioning of the justice system - Interference not meeting a 'pressing social need'

Infringement of Article 10 (freedom of expression) of the ECHR.

The case concerns the freedom of expression of a judge who was sanctioned by the High Council for the Judiciary for posting two messages on his publicly accessible Facebook account.

The European Court of Human Rights (ECtHR) points out that judges have the right, when democracy or the rule of law are seriously threatened, to speak out publicly on matters of public interest. Statements made in such a context generally enjoy a high level of protection.

It then notes that the messages published by the applicant did not upset the reasonable balance between, on the one hand, the degree of commitment of the applicant, as a judge, to society, in defending the constitutional order and institutions, and, on the other hand, his duty to preserve his independence, impartiality and the appearance of that independence and impartiality in the performance of his duties.

In this case, it notes that the first message was intended to defend the constitutional order and preserve the independence of institutions, and that the second concerned the functioning of the national judicial system. Both concerned matters of public interest, about which the public had a legitimate interest in being informed. In its view, none of the reasons put forward by the national authorities convincingly demonstrate how these statements could have disrupted the proper functioning of the national judicial system and undermined the dignity and honour of the judicial profession or the confidence that litigants should have in it.

Examining the messages posted in the light of the criteria it has established regarding the freedom of expression of magistrates on the internet, the ECHR ruled that the interference with the applicant's freedom of expression was not based on relevant and sufficient grounds and did not meet a pressing social need.

Judgment of 15.12.2025 (application No 16915/21) ([FR/EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))

ES / ORTEGA ORTEGA v. SPAIN

Prohibition of discrimination - Equal pay - Complaint lodged to enforce the right not to be discriminated against on grounds of gender in relation to pay - Dismissal following complaint of discrimination on grounds of gender

Infringement of Article 14 (prohibition of discrimination) in conjunction with Article 8 (right to respect for private life) of the ECHR.

The case concerns the dismissal of the applicant after she had lodged a complaint for discrimination on the grounds of gender.

In 2017, an employment judge upheld the claim of discrimination on the basis of gender that Ms Ortega Ortega had brought against her employer. Prior to this ruling, the applicant had been dismissed for breaching confidentiality rules, having been accused of disclosing personal data in connection with the aforementioned action.

Ms Ortega Ortega initiated a second set of proceedings, claiming that her dismissal was a retaliatory measure. In 2019, the labour court judge upheld the dismissal decision, considering that the employee had committed gross misconduct by using and communicating the personal data of others, which was protected, for non-work-related purposes. Subsequent appeals lodged by Ms Ortega Ortega against this decision were declared inadmissible.

The European Court of Human Rights (ECtHR) ruled, in particular, that the grounds put forward by the national courts to uphold the applicant's dismissal were insufficient. The dismissal had the effect of nullifying the protection against discrimination that went hand in hand with the separate procedure for discrimination, a consequence that the national courts failed to address. Furthermore, they did not give sufficient weight to certain relevant aspects that could have revealed a motive related to retaliation.

Judgment of 4.12.2025 (application No 36325/22) ([EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))