



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIRST SECTION

Application no. 12131/21
Ján FIGEL
against Slovakia
lodged on 24 February 2021
communicated on 12 December 2022

SUBJECT MATTER OF THE CASE

The application concerns anti-Covid measures taken in Slovakia within the framework provided by 2021 resolutions of the Cabinet nos. 77, 123 and 160, which were followed by decrees of the Public Health Authority (PHA). These entailed *inter alia* a ban on public religious services. The applicant argues that his having been prevented from attending such services violated his rights under Article 9 of the Convention. In particular, he argues that the interference in question was not in accordance with the law (provided for only by implication and beyond the powers of the Cabinet/PHA in this matter), did not pursue a legitimate aim (no scientific evidence for a link between the measure and protection of public health) and was not necessary in a democratic society (measure indiscriminate, not shown that less restrictive measures insufficient).

QUESTIONS TO THE PARTIES

To the extent the application has been substantiated (compare *Zambrano v. France* (dec.), no. 41994/21, § 43, 21 September 2021), has there been an

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interference with the applicant's freedom of religion, within the meaning of Article 9 § 1 of the Convention?

If so, having regard to the applicant's objections and the level of individual substantiation of his complaint (see, *mutatis mutandis*, *Terheş v. Romania* (dec.), no. 49933/20, § 44, 13 April 2021), was that interference prescribed by law (see *Vavříčka and Others v. the Czech Republic* [GC], nos. 47621/13 and 5 others, § 266, 8 April 2021) and necessary in terms of Article 9 § 2?