

## Grand Chamber Panel's decisions

At its last meeting on 23 March 2026, the Grand Chamber panel of five judges decided to refer the case **Vainik and Others v. Estonia** (application nos. 17982/21, 43852/21 and 44600/21) to the Grand Chamber and to reject the requests to refer eight other cases <sup>1</sup>.

A legal summary of this case is available in the Court's database HUDOC ([link](#)).

### Referral accepted

#### **Vainik and Others v. Estonia (nos. 17982/21, 43852/21 and 44600/21)**

The case concerns the total ban on smoking in prisons in Estonia from October 2017.

The applicants are Rene Vainik, Dmitri Tsajun, two Estonian nationals, and Nikolai Smeljov, who is of unknown citizenship. They are all long-term smokers and were prisoners at the time the smoking ban entered into force in Estonia, namely on 1 October 2017.

The applications were lodged with the European Court of Human Rights on various dates in 2021.

Relying on Article 8 (right to respect for private and family life), the applicants complain both about the ban on smoking itself and about the withdrawal symptoms they had – including weight gain, sleeping problems, depression and anxiety. Mr Tsajun and Mr Smeljov also allege that they were not offered nicotine replacement therapy for their withdrawal symptoms.

In its [judgment](#) of 4 November 2025, the Court held, by 4 votes to 3, that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights as concerned the three applicants.

On 23 March 2026 the case was referred to the Grand Chamber at the Estonian Government's request.

### Requests for referral rejected

Judgments in the following 8 cases are now final<sup>2</sup>

**Selimi v. Albania** (application no. 37896/19), [judgment](#) of 25 November 2025

**Constantinou and Others v. Cyprus** (no. 77396/14), **Aresti and Others v. Cyprus** (no. 45039/20), **Hadjipetrou and Others v. Cyprus** (no. 45089/20), **Avgoustis and Others v. Cyprus** (no. 45101/20), and **Lazouras and Panagiotou v. Cyprus** (no. 45899/20), [judgment](#) of 13 November 2025

**Rasmussen and Others v. Denmark** (no. 2390/24), [judgment](#) of 25 November 2025

**Renouard v. France** (no. 46911/21), [judgment](#) of 27 November 2025

**Zakaidze v. Georgia** (no. 42199/22), [judgment](#) of 4 November 2025

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-judges Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise, Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

<sup>2</sup> Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

**Europa Way S.r.l. v. Italy** (no. 64356/19), [judgment](#) of 27 November 2025

**Sanchez i Picanyol and Others v. Spain** (no. 25608/20), **Turull I Negre v. Spain** (no. 27250/20), and **Junqueras Vies v. Spain** (no. 46481/20), [judgment](#) of 6 November 2025

**Abo v. Türkiye** (application no. 3772/17), [judgment](#) of 13 November 2025

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