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

FIRST SECTION

DECISION

Application no. 23445/21
Mikuláš BADO
against Slovakia

The European Court of Human Rights (First Section), sitting on 7 May 2026 as a Committee composed of:

Raffaele Sabato*, President*,
Frédéric Krenc,
Alain Chablais*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 23445/21) against the Slovak Republic lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 28 April 2021 by a Slovak national, Mr Mikuláš Bado ("the applicant"), who was born in 1965, lives in Ploské and was represented by Mr B. Fridrich, a lawyer practising in Bratislava;

the decision to give notice of the application to the Government of the Slovak Republic ("the Government"), represented by their Agent, Ms M. Bálintová;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The application concerns numerous resolutions and decrees adopted by the Cabinet and the Public Health Service Authority ("the PHSA") in response to the spread of the SARS-CoV-2 virus that causes COVID-19, starting with the resolution of the Cabinet of 30 September 2020 (no. 268/2020 Coll.,) approving the declaration of the state of emergency. By a subsequent resolution of 28 October 2020 (no. 298/2020 Coll.), the Cabinet imposed a curfew between 5 a.m. and 1 a.m. the next morning starting from 2 November 2020. In parallel to the curfew, the PHSA issued a ban on

individuals entering business premises. Both the curfew and the ban were subject to exceptions, including (i) in respect of persons in possession of a negative COVID-19 test result; and (ii) for the purpose of meeting vital needs, such as shopping for groceries, medication and personal hygiene products. This framework was extended over time and its contents amended by subsequent resolutions and decrees.

2. By not taking a COVID-19 test, the applicant had not qualified for the first exception, arguing that he had been treated arbitrarily compared to those who had fallen within the scope of the exception, and that he had had no effective remedy at his disposal in respect of the alleged violation of his rights under Article 2 of Protocol No. 4 to the Convention and Articles 13 and 14 of the Convention.

THE COURT'S ASSESSMENT

3. In so far as the Government submitted that the application had not been fully substantiated with reference to any of the individual circumstances of the applicant's case, the Court reiterates that the Convention does not envisage the bringing of an *actio popularis* for the interpretation of the rights it contains or permit individuals to complain about a provision of national law simply because they consider, without having been directly affected by it, that it may contravene the Convention. Nevertheless it is open to a person to contend that a law violates his or her rights, in the absence of an individual measure of implementation, if he or she is required either to modify his or her conduct or risks being prosecuted or if he or she is a member of a class of people who risk being directly affected by the legislation (see, for example, *S.A.S. v. France* [GC], no. 43835/11, § 57, ECHR 2014 (extracts)).

4. However, even in this context, in order to be able to claim victim status, the applicant must produce reasonable and convincing evidence of the likelihood that a violation affecting him or her personally will occur; mere suspicion or conjecture is insufficient in this respect (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 101, ECHR 2014, and *A.A. v. Serbia* (dec.), no. 50898/20, § 43, 14 October 2005, with a further reference).

5. In section E of his application form, which deals with the facts of the application, the applicant listed and described in detail the contested legislation. As to his personal situation, he merely indicated (i) his place of residence; (ii) that he owned and managed a fitness centre (which is known to the Court from his applications nos. 41271/20, 17262/21 and 22491/22, declared inadmissible in *Toromag, s.r.o. and Others v. Slovakia* (dec.) [Committee], nos. 41217/20 and 4 others, 28 June 2022, and *Scheffer and Others v. Slovakia* (dec.), no. 16627/21, 16 December 2025); (iii) that he is physically disabled; (iv) that he had not taken a COVID-19 test and had not therefore been "allowed to go to the place of his business, a post office, a bank

or a shop other than [those falling within the second of the exceptions mentioned in paragraph 1 above]"; and (v) that between 3 and 7 February 2021 he had fallen within the scope of a certain resolution of the Cabinet.

6. With regard to any other information about his personal situation provided in order to substantiate his allegations, in section F of the application form, which deals with complaints under the Convention, the applicant added that he had been subjected to the contested measures for a period of 14 days in 2020 and for at least 122 days in 2021, and – in relation to his complaint under Article 14 of the Convention – that, unlike persons with a negative COVID-19 test result, he had been unable to work.

7. The Court notes that the applicant's complaints essentially relate to the state of the contested legislation (see, for illustrative purposes, *Figel' v. Slovakia* (dec.) [Committee], no. 12131/21, § 8, 3 July 2025). It is, moreover, unclear to what extent his complaints relate, in essence, to his freedom of movement or other related matters, such as the ability to shop, receive services and operate his business.

8. Issues relating to the applicant's business operations have already been examined in the context of his other applications referred to above. Since the fitness centre was forcibly closed by virtue of the impugned measures, the business could not operate on the basis of the applicant's freedom of movement. Although the applicant complained about being unable to go to the post office, a bank or a shop other than those falling within the second exception mentioned in paragraph 1 above, he submitted nothing to show that he had actually intended to go out but had been unable to do so because of the contested measures (see *A.A. v. Serbia*, cited above, § 45). There is, *a fortiori*, no indication that the applicant had any intention to exercise his Convention rights and freedoms beyond the first of the exceptions mentioned in paragraph 1 above – an exception that was unquestionably available to him – or that he had been prevented from doing so on account of the measures in question (see, for illustrative purposes, *Magdić v. Croatia* (dec.) [Committee], no. 17578/20, § 10, 5 July 2022).

9. Accordingly, the applicant has not shown how exactly the impugned measures affected, or were likely to affect, him directly, or target him because of his possible individual characteristics (see *Zambrano v. France* (dec.), no. 41994/21, § 43, 21 September 2021).

10. In his observations in reply to the Government's observations, the applicant submitted a list of circumstances that he alleged had taken place between 2 November 2020 and 12 Aril 2021 and had involved him being denied access to various places. As noted by the Government, it may be questioned whether those alleged circumstances fall within the scope of the case referred to the Court (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, §§ 109, 121-22 and 126, 20 March 2018). At any rate, those allegations remained wholly unsubstantiated, despite the fact

that the applicant was represented before the Court by a lawyer well aware of its procedures (see *Scheffer and Others*, cited above, § 50).

11. Overall, the absence of individual particulars makes it impossible for the Court to conduct an individual assessment of the applicant's situation (see *A.A. v. Serbia*, cited above, § 47 and, for illustrative purposes, *Lörinc and Others v. Slovakia* (dec.) [Committee], no. 27877/21, § 10, 5 April 2022).

12. In view of all the above, the Court considers that the applicant cannot be regarded as a victim for the purposes of Article 34 of the Convention.

13. It follows that the application is incompatible *ratione personae* with the provisions of the Convention and the Protocols thereto within the meaning of Article 35 § 3 (a) and must be rejected pursuant to Article 35 § 4.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 28 May 2026.

Liv Tigerstedt
Deputy Registrar

Raffaele Sabato
President