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

FIRST SECTION

DECISION

Application no. 40478/22
Lenka IVANOVÁ
against Slovakia

The European Court of Human Rights (First Section), sitting on 29 January 2026 as a Committee composed of:

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Liv Tigerstedt, *Deputy Section Registrar,*

Having regard to:

the application (no. 40478/22) 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 16 August 2022 by a Slovak national, Ms Lenka Ivanová ("the applicant"), who was born in 1976, lives in Bratislava and was represented by Mr M. Mandzák, 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 case concerns the freezing of all of the applicant's assets (*zaistenie majetku*), under Article 425 of the Code of Criminal Procedure ("the CCP"), in order to facilitate their potential confiscation (*prepadnutie majetku*) in the context of ongoing criminal proceedings against her on charges of breach of trust and money laundering. It raises issues under Article 6 § 1 of the Convention and Article 1 of Protocol No. 1.

THE COURT'S ASSESSMENT

A. The complaint under Article 1 of Protocol No. 1

2. The Court notes from the outset that there is no doubt that the applicant was the lawful owner of the frozen assets in question. The property at issue was accordingly her "possession". Freezing it amounted to an interference with her right to the peaceful enjoyment of her possession, in the form of control of the use of property (see *Narbutas v. Lithuania*, no. 14139/21, §§ 313-14, 19 December 2023). The Court must accordingly establish whether that interference was lawful and "in accordance with the general interest", and whether there existed a reasonable relationship of proportionality between the means employed and the aim sought to be realised (see *Džinić v. Croatia*, no. 38359/13, § 62, 17 May 2016, with further references).

3. The contested measure clearly had a statutory basis in Article 425 of the CCP, which gave the authorities the power to freeze all of an accused person's assets if it was considered likely that the ancillary punishment of confiscation of those assets would be imposed. This power being discretionary, the authorities were not bound to apply the freezing measure. The present case, therefore, is not directly concerned with the fact that, at the given time, the penalty of confiscation of all of an accused's assets was mandatory in the event of a conviction for the offence of money laundering (contrast *Markus v. Latvia*, no. 17483/10, §§ 70 and 72, 11 June 2020).

4. On the facts, two stages of the freezing measure can be distinguished, its initial imposition (by order of 13 May 2021) and its duration in time (examined upon the applicant's request of 25 January 2022). The Court will examine these two stages separately below.

1. Freezing order

5. As regards the lawfulness of the measure, the applicant argued in particular that the domestic authorities had failed to establish that the frozen assets had constituted instrumentalities or proceeds of a crime for the purposes of extended confiscation within the meaning of Article 5 of Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. However, as noted by the Constitutional Court in its decision of 14 July 2022, the freezing measure at stake in the present case served the purpose of facilitating the implementation of the penalty of confiscation of all of an accused's assets in the traditional sense (contrast, for example, *Todorov and Others v. Bulgaria*, nos. 50705/11 and 6 others, §§ 189 et seq., 13 July 2021), rather than confiscation of a kind which was governed by the above-mentioned Directive and subject to other provisions of national law.

6. Given those circumstances, the Court has no doubt that the freezing order was lawful for the purposes of Article 1 of Protocol No. 1 to the Convention.

7. Furthermore, the Court finds that it served the general interest, in that it sought to punish acts of money laundering, ensure public order and prevent crime (see, for example, *Căpăţînă v. Romania*, no. 911/16, § 73, 28 February 2023).

8. Moving on to the issue of proportionality, in keeping with the Court's task not to review domestic law and practice *in abstracto* (see *Piras v. San Marino* (dec.), no. 27803/16, § 61, 27 June 2017), it notes that the objections raised by the applicant in her application to the Court (see *Grosam v. the Czech Republic* [GC], no. 19750/13, §§ 88-95, 1 June 2023) can be divided into those concerning matters of substance and those concerning procedure, as follows.

9. As to matters of substance, the applicant argued, in particular, that the domestic authorities had failed to take due account of the fact that she was a single mother and the sole provider for two minor children, with monthly expenses of about 1,000 euros (EUR); they had also frozen her bank accounts (but for an amount of EUR 410), thereby cutting her off from her savings and any source of income. In that respect, the Court notes at the outset that the applicant advanced no such arguments in her constitutional complaint leading to the constitutional decision of 14 July 2022. Be it as it may, the argument is, in part, not supported by the facts in that – as explained by the Government in their observations and noted by the Public Prosecution Service ("the PPS") in its decision of 3 February 2022 – the freezing order, by law, did not extend to income needed by the applicant for day-to-day subsistence. The rest of the argument is ambiguous in that, as the Court's correspondence with the parties has revealed, leaving the amount of EUR 410 at the applicant's disposal was a one-off measure taken when the freezing order was issued, and it was considered as such by the authorities at all subsequent stages of the proceedings without any specific objection by the applicant.

10. As to the scope of the freezing order, the Court notes that salary claims, alimony payments, and health-insurance and social-insurance benefits are by law exempt from freezing (Article 425 § 1, in conjunction with Article 50 § 3, of the CCP) and that the freezing does not extend to the financial means needed by the accused or any of his or her dependants for necessary living expenses (Article 425 § 1, in conjunction with Article 95 § 4, of the CCP). Moreover, while it is true that the frozen assets included the applicant's flat, her car and a share in a business, the Court's correspondence with the parties has revealed that the freezing measure only limited the applicant's ability to alienate or encumber those assets; it in no way prevented her from making use of them in other ways.

11. Still on matters of substance, the applicant argued that the domestic authorities had failed to take into account the length of the proceedings and the disparity between the value of the damage allegedly caused by her alleged criminal conduct and that of her frozen assets. However, the applicant has not shown that she ever raised such arguments at the domestic level.

12. Moreover, and at any event, the freezing order (of 13 May 2021) came relatively shortly after charges were brought against the applicant (on 15 October 2020). The time perspective of the freezing order further needs to be seen in the light of the following two factors. First, the Constitutional Court's review in respect of the freezing order did not prevent the applicant from lodging a request to have the assets unfrozen (Article 191 and Article 425 § 2 of the CCP). Second, under the subsidiarity principle, in its decision of 14 June 2022 the Constitutional Court retrospectively reviewed the assessment of the freezing order by the District Court, rather than the underlying situation at the time of its own review (see, *mutatis mutandis*, *Ribár v. Slovakia*, no. 56545/21, §§ 60, 61 and 78, 12 December 2024).

13. Furthermore, the proceedings against the applicant concerned a suspicion that, along with seven other persons, she had participated in a sophisticated contractual arrangement to fraudulently drain money from a private association and thereby generate unlawful profits of nearly EUR 900,000 for a private company.

14. Moving on to matters of procedure, the applicant also complained that in its decision of 14 July 2022 the Constitutional Court had rejected her complaint concerning the freezing order without examining its substance. That complaint is likewise not supported by the facts. It is true that the Constitutional Court expressed the view that the applicant's complaint could be seen as premature and that she had failed to raise her arguments in relation to the law of the European Union in due form. Nevertheless, it went on to review the assessment of her case by the District Court in terms of both the facts and the law, and answered her EU-law argument, as noted in paragraph 5 above. Moreover, the Constitutional Court reviewed and endorsed the District Court's assessment of the proportionality of the freezing order within the applicable statutory parameters, taking into account the amount of the suspected damage, the applicant's suspected motive (that is, substantial personal gain), and the sophisticated and coordinated nature of the suspected offence.

15. In view of all the circumstances, including the fact that the proceedings against the applicant were at a very early stage, the freezing of her assets under the order of 13 May 2021 cannot be seen as being manifestly without reasonable foundation. Accordingly, it is accepted as being within the State's wide margin of appreciation in the given area (see, *mutatis mutandis*, *Benet Czech, spol. s r.o. v. the Czech Republic*, no. 31555/05, §§ 35, 36 and 40, 21 October 2010, with further references).

16. It follows that this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

2. Subsequent course of the proceedings

17. As to the subsequent course of the proceedings, the Government raised an objection of non-exhaustion of domestic remedies which the Court accepts as follows. After the dismissal of the applicant's appeal in relation to the freezing order, she only asked (on 25 January 2022) in somewhat unclear terms that the one-off amount left at her disposal be increased from EUR 410 to EUR 1,000 monthly, but she has not challenged the dismissal of that request before the Constitutional Court. Moreover, she did not bring the District Court's final dismissal of that request on 17 March 2022 to the Constitutional Court's attention while it was still determining her complaint in relation to the freezing order of 13 May 2021 (with the Constitutional Court's decision on that order being given only on 14 June 2022).

18. In the circumstances, the Court cannot accept the applicant's argument that, since the Constitutional Court had arbitrarily denied her protection in relation to the freezing order of 13 May 2021, a constitutional complaint was not an effective remedy for her to pursue in relation to the dismissal of her request of 25 January 2022 for the freezing measure to be reconsidered.

19. Accordingly, the remainder of the applicant's complaint under Article 1 of Protocol No. 1 must be rejected under Article 35 §§ 1 and 4 of the Convention for non-exhaustion of domestic remedies.

B. Remaining complaint

20. Relying on Article 6 § 1 of the Convention, the applicant also complained that the domestic authorities had failed to support their decisions with adequate reasoning.

21. The Court considers that, in the light of all the material in its possession and in so far as the matter complained of is within its competence, this complaint does not disclose any appearance of a violation of the applicant's rights under Article 6 § 1 of the Convention.

Accordingly, this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 19 February 2026.

Liv Tigerstedt Deputy Registrar	Frédéric Krenc President