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

FIRST SECTION

DECISION

Application no. 21151/23
Daniela SPIŠÁKOVÁ and Carla SCHWEIZER
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. 21151/23) 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 22 May 2023 by two Slovak nationals, Ms Daniela Spišáková and Ms Carla Schweizer ("the applicants"), who were born in 2008 and 2010 respectively and live in Bratislava, and were represented by Mr I. Schweizer, a lawyer practising in Bratislava;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns a decree (*vyhláška*) of the Bratislava Regional Office of Public Health Service (*Regionálny úrad verejného zdravotníctva*), published on 1 December 2021 (no. 276/2021 of the Journal of the Cabinet (*Vestník vlády*)), which ordered the suspension of in-class school education in certain schools, including the applicants', with reference to the COVID-19 pandemic, and took effect from 6 December 2021. At that time, the applicants attended the seventh grade of an elementary school and the first grade of an eight-year secondary school respectively.

2. As a result of the decree, the applicants' courses continued online. They attempted to challenge the decree in the administrative judiciary and the Constitutional Court, but those attempts failed essentially on the grounds that

the decree amounted to legislation and the applicants, as individuals, lacked standing to challenge it.

3. Acting through their fathers, one of whom is also the applicants' lawyer before the Court, they alleged a violation of their rights under Article 2 of Protocol No. 1 to the Convention and under Article 6 of the Convention in that they had been deprived of their right to education by way of a decree, which they considered unjustified, and in that they had been denied their right of access to court with a view to contesting it.

THE COURT'S ASSESSMENT

4. The Court notes that the Convention does not provide for 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 being 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)).

5. 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 *Zambrano v. France* (dec.), no. 41994/21, § 42, 21 September 2021).

6. In their application, the applicants described the decree and the national litigation which they had resorted to in relation to that decree and laid out their reasons for considering the decree unwarranted, mentioning also that online education was less efficient than in-class education. However, these submissions are of a general nature, containing no information whatsoever concerning the applicants' specific situation, such as, for example, how long the on-line education lasted, which parameters it entailed, in which aspects it deprived the applicants of education, which, if any, measures were taken to compensate for any such deprivation, and which steps were taken by the applicants or on their behalf to obtain any such compensation. Likewise, no arguments of that kind appear in the submissions made in the case at the national level.

7. In such circumstances, the applicants' complaints essentially relate to no more than the state of the contested legislation (for illustrative purposes, see *Figeľ v. Slovakia* (dec.) [Committee], no. 12131/21, § 8, 3 July 2025), being devoid of any arguments to show how exactly the measures in question

affected, or were likely to affect them directly or targeted them because of any individual characteristics (see *Zambrano*, cited above, § 43).

8. The absence of such individual particulars makes it impossible for the Court to conduct an individual assessment of the applicants' situation (see *A.A. v. Serbia* (dec.), no. 50898/20, § 47, 14 October 2005).

9. In view of all the considerations above, the Court considers that the applicants cannot be regarded as victims for the purposes of Article 34 of the Convention.

10. 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 that it 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