



Ban on disseminating opinion polls on voting intentions for 15 days prior to elections: applications inadmissible

In its decision in the case of [Dimitras and Others v. Greece](#) (applications nos. 59573/09 and 65211/09) the European Court of Human Rights has unanimously declared the applications inadmissible. The decision is final.

The case concerned the prohibition on publishing opinion polls on voters' intentions in the 15 days preceding the date of certain elections, and also the ban forbidding the media from broadcasting or re-broadcasting them.

The Court stressed that the legislation in question had not targeted the applicants personally and that they had been affected in precisely the same way as all voters in the elections of 4 October 2009, none of whom had had access to the opinion polls. They had not been barred from voting in the elections and had still been able, both in theory and in practice, to express their choice at the ballot box.

Principal facts

The five applicants are Greek nationals who were all eligible to vote in the parliamentary elections of 4 October 2009.

A 2009 law had re-enacted a legislative provision of 2007, pursuant to which the publication and dissemination by the media of political polls on voting intentions were forbidden for the 15 days preceding parliamentary elections, European Parliament elections and referenda, until 7 p.m. on election day. In addition, throughout the same period radio and television broadcasters, magazines, newspapers, political parties and candidates were also forbidden from disseminating to the public any research on political trends, the public's opinions and preferences with regard to the political parties, political questions or personalities, and other economic and social issues. The law provided for fines ranging from 30,000 to 300,000 euros (EUR) for failure to comply with those provisions.

Complaints, procedure and composition of the Court

The applications were lodged with the European Court of Human Rights on 13 October and 18 November 2009.

Relying on Articles 10 (freedom of expression), 13 (right to an effective remedy) and 14 (prohibition of discrimination), as well as on Article 3 of Protocol No. 1 (right to free elections), the applicants, in their capacity as voters, alleged that the ban on disseminating opinion polls had been in breach of their right to freedom to receive information. Given the duration of the ban, they also complained that they had been deprived of free access to information enabling them to exercise their right to vote effectively. Lastly, they submitted that no effective remedy had been available in Greece capable of redressing a breach of freedom to receive information.

The decision was given by a Chamber of seven, composed as follows:

Kristina **Pardalos** (San Marino), *President*,
Linos-Alexandre **Sicilianos** (Greece),
Aleš **Pejchal** (the Czech Republic),
Krzysztof **Wojtyczek** (Poland),

Armen Harutyunyan (Armenia),
Tim Eicke (the United Kingdom),
Jovan Ilievski ('the former Yugoslav Republic of Macedonia'), *Judges,*

and Abel Campos, *Section Registrar.*

Decision of the Court

[Articles 10, 13 and 14 of the Convention and Article 3 of Protocol No. 1 to the Convention](#)

The Court noted that all the persons concerned had been entitled to vote in the elections of 4 October 2009. It stressed that the legislation in question had not targeted the applicants personally and that they had been affected in precisely the same way as all voters in the elections of 4 October 2009, none of whom had had access to the opinion polls. They had not been barred from voting in the elections and had still been able, both in theory and in practice, to express their choice at the ballot box.

In order for the Court to find that the applicants had been directly affected by the law in question, it was not sufficient for legislation to exist affecting all Greek citizens who were eligible to vote. There had to be a direct link between the law in question and the obligations or effects it created for the persons concerned. The Court considered that the fact that the applicants had been unable to receive the results of opinion polls on voters' intentions for fifteen days prior to the vote was not sufficient for it to find that they had been directly affected by the legislation.

The Court therefore found that the applicants could not claim to be victims of a violation of Article 10 of the Convention and Article 3 of Protocol No. 1 to the Convention. In view of that finding, it also rejected their complaints under Articles 13 and 14 of the Convention.

The decision is available only in French.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.