



One case referred to the Grand Chamber

At its last meeting (Monday 11 October 2021), the Grand Chamber panel of five judges decided:

- to refer the case **Hurbain v. Belgium** (application no. 57292/16) to the Grand Chamber of the European Court of Human Rights, and
- to reject requests to refer seven other cases¹ (detailed list below).

Referral accepted

[Hurbain v. Belgium \(no. 57292/16\)](#)

Principal facts

The applicant, Patrick Hurbain, is a Belgian national who was born in 1959 and lives in Genappe (Belgium).

The case concerned a civil judgment against Mr Hurbain, in his capacity as publisher of the daily newspaper *Le Soir* – one of Belgium's leading French-language newspapers – ordering him to anonymise an article in its electronic archive which mentioned the full name of a driver who had been responsible for a deadly road accident in 1994. The order was based on the individual's right to be forgotten.

Relying on Article 10 (freedom of expression), Mr Hurbain complained that he had been ordered to anonymise the archived version of an article on his newspaper's website.

Procedure

The application was lodged with the European Court of Human Rights on 26 September 2016.

In its Chamber judgment of 22 June 2021, the Court, by a majority (6 votes to 1), held that there had been no violation of Article 10 (freedom of expression) of the European Convention on Human Rights (link to the [press release](#) of 22 June 2021).

On 16 September 2021, the applicant requested that the case be referred to the Grand Chamber. On 11 October 2021 the Grand Chamber panel of five judges decided to refer the case to the Grand Chamber.

Requests for referral rejected

Judgments in the following 7 cases are now final²

Lapshin v. Azerbaijan (no. 13527/18), [judgment](#) of 20 May 2021;

Manzano Díaz v. Belgium (no. 26402/17), [judgment](#) of 18 May 2021;

¹ 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-member 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.

² 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.

Sandor Varga and Others v. Hungary (no. 39734/15 and 2 others), [judgment](#) of 17 June 2021;

Y.S. and O.S. v. Russia (no. 17665/17), [judgment](#) of 15 June 2021;

Milosavljević v. Serbia (application no. 57574/14), [judgment](#) of 25 May 2021;

Bulaç v. Turkey (no. 25939/17), [judgment](#) of 8 June 2021;

Ömür Çağdaş Ersoy v. Turkey (no. 19165/19), [judgment](#) of 15 June 2021

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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.