European Court of Human Rights: *Tânia Alexandra Ferreira e Castro da Costa Laranjo v. Portugal*

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The European Court of Human Rights (ECtHR) has dismissed the complaint of a journalist invoking her right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR). The case concerns the criminal conviction of Tânia Alexandra Ferreira e Castro da Costa Laranjo for the publication of an article based on an audio recording of a taped telephone conversation between two politicians, without their consent.

The litigious article was published in a tabloid newspaper and quoted from a taped telephone conversation between two politicians, A.V., a former minister, and E.E., a member of the European Parliament at the time, in which they criticised other members of the European Parliament. The article was based on an audio recording of the conversation, to which the journalist had access in her capacity as an assistant to the Public Prosecutor in a high-profile criminal investigation and proceedings including A.V. The Criminal Court of Lisbon, acting on a criminal complaint by E.E., convicted Ferreira e Castro da Costa Laranjo for having published the impugned article, based on the taped conversation, without the prior consent of the parties involved. It also imposed a fine in the amount of EUR 1 000, corresponding to ten daily fines. The Lisbon Court of Appeal confirmed this conviction.

Relying on Article 10 ECHR Ferreira e Castro da Costa Laranjo alleged that the judgments against her had breached her right to freedom of expression and to impart information.

As the interference with the applicant’s right was prescribed by law and pursued the legitimate aim of protecting the privacy of A.V. and E.E., the ECtHR considered whether the interference complained of was necessary in a democratic society. It referred to the domestic courts' finding that the information published in the impugned article had not concerned the criminal proceedings ongoing at the time, but only the personal opinions of A.V. and E.E. about other politicians. Accordingly, it had not served any public interest.

The ECtHR emphasised in particular that, although the public has a right to be informed, an article, such as the one in the present case, that aimed solely at satisfying the curiosity of a particular readership regarding the personal opinion of a public figure about other public figures, does not contribute to any debate of

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general interest. Furthermore, regarding the sanction imposed, the ECtHR found that Ferreira e Castro da Costa Laranjo was sentenced to ten daily fines amounting to a total of EUR 1 000 which did not appear disproportionate in view of the particular circumstances of the case. The ECtHR concluded that the domestic courts had struck a fair balance, within their margin of appreciation, between the journalist's right to freedom of expression and to impart information under Article 10 ECHR and the rights of A.V. and E.E. to respect for their private life under Article 8 ECHR, taking into account the criteria set out in the Court's case-law. The journalist's complaint under Article 10 ECHR was found to be manifestly ill-founded, and therefore inadmissible.

Decision by the European Court of Human Rights , Fourth Section sitting as a Committee, in the case Tânia Alexandra Ferreira e Castro da Costa Laranjo v. Portugal, Application No. 50253/18, 8 September 2024 and notified in writing on 3 October 2024

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