

Judgment in case against Lithuania: The use of religious symbols cannot be completely prohibited in commercial advertisements

On 30 January 2018, the European Court of Human Rights ruled that national authorities must strike a fair balance between the rights of religious people and the right to freedom of expression.

The case concerned the company Sekmadienis Ltd., a clothing company, that had a fine imposed for displaying a series of advertisements in Vilnius and on its own website. The Lithuanian courts and other authorities found that these advertisements offended public morals. The advertisements used models and captions referring to “Jesus” and “Mary”.

The European Court of Human Rights acknowledged that the margin of appreciation left to the national authorities to decide on such matters was broader in cases as the present one, due to the commercial nature of the advertisements. Having found that the advertisements did not appear to be gratuitously offensive or profane, nor incited hatred on religious grounds, the European Court of Human Rights underlined the duty of the domestic courts and other authorities to provide relevant and sufficient reasons why such expressions were nonetheless offending public morals.

The European Court of Human Rights stressed that the right to freedom of expression extended to ideas which offend, shock or disturb. The Court stated that, even if most people in Lithuania had been offended by the advertisements, as argued by the Lithuanian Government, a minority’s rights under the Convention for the Protection of Human Rights and Fundamental Freedoms could not be dependent on those rights being accepted by the majority.

Contact Partner Laimonas Markauskas for more detailed information regarding rules on commercial advertisement in Lithuania.



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