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Meeting: 1531st meeting (June 2025) (DH)

Item reference: Action Report (03/03/2025)

Communication from Portugal concerning the case of Ferreira Victorino de Queiros v. Portugal (Application No. 23063/18) (Medipress-Sociedade Jornalística, Lda Group)

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Réunion : 1531^e réunion (juin 2025) (DH)

Référence du point : Bilan d'action (03/03/2025)

Communication du Portugal concernant l'affaire Ferreira Victorino de Queiros c. Portugal (requête n° 23063/18) (groupe Medipress-Sociedade Jornalística, Lda) (**anglais uniquement**)



AGENTE DO GOVERNO PORTUGUÊS JUNTO DO TRIBUNAL EUROPEU DOS DIREITOS HUMANOS

EXECUTION OF JUDGMENT

Action Report

DGI

03 MARS 2025

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

I. IDENTIFICATION

Date of Judgment: 11 June 2024

Application number: 23063/18

Applicant's name: Óscar Manuel Ferreira Victorino de Queirós

II. THE JUDGMENT

In this case the Court found that the criminal conviction of the applicant for defamation based on a news article published in a daily newspaper (JN) about a criminal investigation in respect to a teacher (R.B.), who had been indicted for five counts of sexual abuse of children and one count of child abuse, constituted a disproportionate interference with his right to freedom of expression, specifically his right to impart information, despite some inconsistencies it contained [the article did not reflect the latest procedural development regarding the slightly reduced number of charges against R.B. admitted for judicial consideration (*pronúncia*). However, for the Court, this news article reported about charges as stated in the indictment and was accurate as regards their nature]. In addition, considering the severity of the sanction imposed (a suspended prison sentence of fifteen months and an order to pay R.B., jointly with the company “GNP, SA”, €21,900 as compensation) the Court found it held a “chilling effect” on the freedom of expression and of the press. The Court thus found that the applicant’s conviction did not correspond to a pressing social need and, therefore, was not “necessary in a democratic society”, amounting to a violation of Article 10 of the Convention.

III. INDIVIDUAL MEASURES:

1. The Court dismissed the applicant’s claim for just satisfaction in its entirety and **no amount was awarded on the grounds of just satisfaction.**



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2. Other:

According to the information received, the applicant did not request a review (reopening) of the criminal proceedings pursuant to Articles 697.º, no. 7, b) and 696.º, f) of the Code of Civil Procedure (the deadline for such a request was 60 days from the date on which the judgment of the European Court of Human Rights became final, i.e. 11 September 2024). Nevertheless, the criminal record will not be definitively removed until 03/07/2025, five years after the date of extinction of the national conviction, which took place on 02/07/2020, in accordance with national legislation (see Article 11, n.º 1, a) of [Law n.º 37/2015](#)).

IV. GENERAL MESURES:

1. Publication, communication and diffusion:

- a) The judgment was publicized online on the official website of the Prosecutor's General Office (Procuradoria-Geral da República);
- b) The judgment was transmitted to the Superior Council of the Judiciary (Conselho Superior da Magistratura) in view of its dissemination among judges and public prosecutors and transmitted to the Centre for Judicial Studies (Centro de Estudos Judiciários) so that it can be included in the training courses for magistrates.

2. Other:

The Centre for Judicial Studies (Centro de Estudos Judiciários) has organised a number of training activities for judges and prosecutors in recent years, focusing on the area of freedom of expression (the programmes, some supporting material and the video webcasts are available at <https://cej.justica.gov.pt/Forma%C3%A7%C3%A3o/Forma%C3%A7%C3%A3o-Cont%C3%ADnua/Hist%C3%B3rico-Forma%C3%A7%C3%A3o-Cont%C3%ADnua-Outras-tem%C3%A1ticas>):

- “Magistratura, dever de reserva, liberdade de expressão e redes sociais” [“The Judiciary, Duty of Discretion, Freedom of Expression and Social Media”];



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- “Magistrados e jornalistas em diálogo: Removendo obstáculos e construindo pontes de comunicação, para reforço do Estado de Direito” [“Magistrates and Journalists in Dialogue: Removing Barriers and Building Bridges of Communication to Strengthen the Rule of Law”];
- “Humor, Direito e Liberdade de Expressão” [“Humour, Law and Freedom of Expression”].

At the suggestion of the Department for the Execution of Judgments, a proposal has been made to the Centre for Judicial Studies (Centro de Estudos Judiciários) to include in the training plan for judges and prosecutors a specific activity devoted to the right to freedom of expression and to the European Court’s case-law on this matter, with the participation of lawyers from the Department and/or from the Court and with the participation of judges from the Court, particularly in the framework of its confrontation with the protection of individual reputation and honour (in the context of exercising the right to information, among others).

With regard to other general measures, please refer to the general information in the action plan concerning the case *Medipress Sociedade Jornalística, Lda* (application no. 55442/12).

Lisbon, 3 march 2025