APPLICATION TO THE ECHR – SUPPLEMENTARY DOCUMENT
(Rule 47(2)(b) of the Rules of the European Court of Human Rights)

I. STATEMENT OF FACTS

1. The facts set out below are established on the basis of the documents attached in the annex. They are presented in chronological order, distinguishing between the four main proceedings identified, in accordance with the Court's requirements for clarity and precision.

- **Proceedings on the merits concerning the Covid-19 passport (discrimination and freedom of religion)**

2. On 10 December 2021, the claimant, Mr Mika VAUHKALA, then aged 41, in good physical health and unvaccinated, both for health and safety reasons (one of his close friends, Mr [redacted], having lost his sight following inoculation with the Pfizer Comirnaty COVID-19 vaccine on [redacted] April 2021; the causal link was officially recognised on [redacted] July 2021 and the damage duly compensated) and for religious and philosophical reasons based on the Biblical Scriptures (notably 1 Corinthians 6:19-20, regarding the body as the temple of the Holy Spirit to be preserved from substances that are potentially harmful or that alter the human genome), was refused entry to the Fazer Kluuvi café in Helsinki (Fazer Ravintolat Oy), due to the absence of a Covid-19 vaccine passport, as required by Finnish law on infectious diseases (i.e. Act No. 1227/2016, Section 58(i), amended in 2021 following the adoption of Act No. 876/2021). Indeed, Article 58(i) of the amended Infectious Diseases Act stipulates that the Covid-19 passport (digital corona certificate) must prove, at national level, that a person has received a full course of vaccination at least seven days prior, has a negative corona test result dated within the last 72 hours, or has a laboratory-confirmed Covid-19 infection dated within the last six months.
3. In order to avoid the intense pressure exerted by the COVID passport, which was designed to encourage vaccination, the applicant had, in practice, no choice but to contract the coronavirus or pay between 100 and 200 euros every three days.
4. The alternative of paying for tests (€100–200 every three days, or around €1,000–2,000 a month for regular access) was financially unreasonable and effectively excluded people on low incomes or those who were unvaccinated for legitimate reasons from social life.
5. These provisions granted private entities, such as Fazer restaurants, the power to deny access to public places for lack of a Covid passport, coupled with interference in health data. These measures are eminently punitive in nature, as they deprive the individual of the right to a social and cultural life protected by the Finnish Constitution.
6. This refusal led the applicant to bring a **civil liability action against Fazer Ravintolat Oy** (claim for damages) **and the Finnish State** (alleged violation of the ECHR and the Finnish Constitution) **before the Helsinki District Court on 15 March 2022** (**Appendix No. 1**) summary statement of 29 December 2023 – Case L706/2022/1504), alleging unlawful discrimination and disproportionate interference with his fundamental rights protected by the Convention.

7. **The District Court dismissed the application on 31 May 2024 (Decision No. 1017 5944 – Annex No. 2)**, ordering the applicant to **pay exorbitant costs of €127,500** (€107,500 to the Ministry of Health and €20,000 to Fazer Ravintolat Oy, of which €20,000 jointly and severally with his lawyer, Mr Aki Nummelin).
8. The applicant lodged an appeal against this decision on 22 June 2024 (**Appendix No. 3**), setting out arguments regarding the unconstitutionality of the law, the lack of scientific proportionality and violations of the Convention, with reference to the resolutions of the Parliamentary Assembly of the Council of Europe (PACE) No. 2361 (2021, §§ 7.3.1–7.3.2) and No. 2383 (2021, § 13.3.8), which prohibit any discrimination based on refusal of vaccination on personal grounds or on grounds of conscience), **the Helsinki Court of Appeal upheld the first-instance decision on 28 November 2024 (No. 1022 9965) and dismissed the appeal (Annex No. 4)**
9. **The Finnish Supreme Court dismissed the application for a cassation appeal without giving reasons on 12 November 2025 (No. 1039 7918 S1/2025/80) - Annex No. 6)**, despite the application of 24 January 2025 (**Annex No. 5** – an application alleging procedural and substantive errors, including the failure to examine scientific controversies regarding the vaccine's effectiveness against transmission, and the violation of Article 124 of the Finnish Constitution concerning the delegation of public authority to private operators).
10. These proceedings on the merits highlight the lack of scientific justification for the vaccine passport, as attested by the experts heard or cited.
11. Furthermore, the applicant emphasises that no proceedings before the administrative courts to challenge the contested act could be brought in Finland.

- **Procedure for requesting the recusal of Judge Markku Saarikoski on grounds of a conflict of interest (judicial impartiality)**

12. In parallel with the proceedings on the merits, the applicant filed a motion to challenge Judge Markku Saarikoski before the Helsinki District Court on 11 November 2023 (**Annex 7**), alleging an objective conflict of interest arising from his appointment as mediator by the Council of Ministers (representing the State, the defendant) in September 2021, for a term overlapping the period of the trial (until 2025). This appointment, involving a direct link to the Ministry of Labour and the Economy responsible for Covid-19 legislation, was never declared in the official register of judges' interests and secondary activities (Sidonnaisuus- ja sivutoimirekisteri – Sisi), in flagrant violation of Finnish Act No. 565/2015 on judicial transparency. Screenshots of the Sisi register, dated 27 April 2025, 12 September 2025 and 1 October 2025 (**Appendix No. 8**), confirm the complete absence of any declaration, demonstrating a persistent omission that raises legitimate doubts as to the judge's impartiality. The absence of a declaration was acknowledged both by the judge concerned in an email (**Appendix No. 9**) and by the Helsinki District Court.
13. **The application for recusal was nevertheless dismissed by the Helsinki District Court on 22 January 2024 (decision no. 1015 0438 – annex no. 10)**, the judge considering the connection to be tenuous and the failure to disclose to be immaterial. This rejection was challenged in the appeal brief of 22 June 2024 and in the appeal to the Supreme Court of 24 January 2025. The Court of Appeal and the Supreme Court upheld the rejection, thereby exhausting domestic remedies in this matter.

14. **Criminal complaint regarding conflict of interest**: The applicant lodged a complaint requesting a police investigation on 27 April 2024 concerning Judge Markku Saariskoski (**Annex 11**), which was dismissed by the Helsinki Police Department on 8 September 2025 (**Annex 12**).

15. **Complaint to the Parliamentary Ombudsman regarding conflict of interest and breach of professional duties**: The complainant submitted a complaint to the Parliamentary Ombudsman on 7 October 2025 (**Appendix No. 13**) and a supplementary submission on 26 November 2025 (**Appendix No. 14**) regarding repeated breaches and negligence in relation to professional duties.

- **Proceedings concerning the refusal to hear key witnesses (procedural fairness)**

16. In the proceedings on the merits, the Helsinki District Court refused to hear two key witnesses proposed by the applicant (single-judge decision of Judge Markku Saarikoski dated 28 March 2024, not subject to appeal – **Annex No. 15**): Ms Sanna Marin (former Prime Minister of Finland, to testify regarding the legislative preparation of the vaccine passport and the failure to monitor scientific developments on vaccine efficacy, as required by the Constitutional Committee of the Finnish Parliament) and Ms Satu Koskela (civil servant at the Ministry of Health and Social Affairs, to testify on the scientific basis of vaccination guidelines and the impact of variants such as Omicron). These refusals, justified on the grounds of an alleged lack of relevance or necessity, were deemed arbitrary by the applicant, depriving the proceedings of a full adversarial examination of the constitutional and scientific issues central to the case.
17. These refusals were expressly challenged before the higher courts, which nevertheless upheld the refusals, thereby exhausting the remedies and exacerbating the procedural unfairness.

- **Enforcement proceedings for the payment of costs and interest (access to the courts and deterrent effect)**

18. Following the final dismissal on the merits, enforcement proceedings for the payment of costs were initiated by the Finnish authorities in January 2026. Indeed, collection notices nos. 2512857516 and 2540657461 were issued on 3 January 2026 (payment due date set for 19 January 2026 - **Annexes Nos. 16 and 17**) for a **total amount of €127,583** (€19,350 payable to Fazer Ravintolat Oy and €108,233 payable to the State, including default interest in accordance with Section 4(1) of the Finnish Interest Act).
19. The compliance report dated 21 January 2026 submitted by the applicant to the bailiff regarding his income, debts and assets (**Appendix 18**) details his precarious financial situation: monthly net income of €2,433 (annual net income of €29,200), total debts of approximately €79,000 (including previous loans), and no real estate. Garnishments of wages, bank accounts and movable property could soon lead to an entry in the register of payment defaults and thus a worsening of his financial precariousness. However, Finnish law required the Helsinki District Court to assess on its own initiative whether the legal costs were excessive for the applicant.
20. When the applicant verified the validity of the electronic signatures affixed to the

Supreme Court's decision of 12 November 2025, it transpired that the electronic signature of Judge Ari Kantor was invalid, a fact acknowledged by the court registry (**Appendix No. 19** – correspondence and screenshot of the error message). On 21 January 2026, the applicant therefore lodged an appeal on the grounds of a miscarriage of justice, given that this anomaly is such as to cast doubt on the validity of the decision (**Appendix No. 20**).

21. The applicant requested a stay of enforcement, arguing that the enforcement order was not final until the Supreme Court had validly ruled on the appeal for judicial error relating to the error message concerning the electronic signature of one of the judges who had delivered the judgment of 12 November 2025. The bailiff rejected this request on 25 January 2026, as did the Enforcement Agency (**Annex 21)**.
22. The appeal against enforcement was brought before the Helsinki District Court and dismissed on 30 January 2026 (Case U 26/4951, **Annex No. 22**), the court considering the decision on the merits to be enforceable despite the pending appeal, pursuant to Section 2(3) of the Finnish Enforcement Code (which excludes extraordinary appeals as an obstacle to enforcement). The judgment was upheld by the Helsinki Court of Appeal on 11 February 2026 (**Annex No. 23**).
23. Dr Muukkonen, Doctor of Laws, observes that the imposition of substantial costs without prior assessment of the claimant's financial capacity risks undermining the very essence of the right of access to the courts and reinforces the deterrent effect of such measures, in line with Finnish doctrine on legal costs (Siro, 2021; Saarensola, 2017; Ervasti, 2006).

24. The facts reveal a pattern of procedural and substantive violations, with domestic remedies having been exhausted on 12 November 2025 (final decision of the Supreme Court), and a four-month time limit expiring on 12 March 2026 for lodging an application with this Court.

II. GRIEVANCES – STATEMENT OF ALLEGED VIOLATIONS OF THE CONVENTION AND SUPPORTING ARGUMENTS

25. The complaints are structured according to the separate proceedings, with reference to the articles of the European Convention on Human Rights, the Court's case-law, legal doctrine and supporting evidence.

A. ON THE VIOLATION OF THE RIGHT TO A FAIR TRIAL – EFFECTIVE REMEDY (Art. 6 and Art. 13):

26. The applicant alleges a systemic violation of Article 6 § 1 of the Convention, in respect of the objective impartiality of the courts, procedural fairness and effective access to justice, resulting from the cumulative irregularities in the domestic proceedings. Article 6 of the ECHR provides for the right to a fair trial in this regard, as reiterated in the Court's case law (ECHR, 19 April 2007, Vilho Eskelinen v. Finland).
27. Furthermore, the Court has consistently held that Article 6 § 1 requires an independent and impartial review, in which the appearance of justice is essential to maintaining public confidence in the administration of justice (see Campbell and

Fell v. the United Kingdom, applications nos. 7819/77 and 7878/77, 28 June 1984, §§ 78–81; Kleyn and Others v. the Netherlands [GC], application no. 39343/98 and others, 6 May 2003, § 192, emphasising the obligation of transparency to avoid any legitimate doubt as to impartiality).

1) Objective impartiality of Judge Saarikoski (challenge proceedings)

28. The appointment of Judge Markku Saarikoski as mediator by the Council of Ministers (representing the State, the defendant) in September 2021, for a term overlapping the trial period (until 2025), combined with the complete absence of any declaration of this connection in the official register of judges' interests and secondary activities (Sidonnaisuus- ja sivutoimirekisteri – Sisi), creates an appearance of objective bias capable of giving rise to legitimate doubt as to the court's impartiality. The screenshots from the Sisi register (dated 27 April 2025, 12 September 2025 and 1 October 2025) constitute tangible evidence of this persistent omission, in flagrant violation of Finnish Act No. 565/2015 on judicial transparency, which imposes a duty to declare any secondary activity likely to compromise impartiality.
    The Court held that any institutional or professional link with a party, even if indirect, is sufficient to breach Article 6 § 1 if it gives rise to legitimate doubt in the mind of a reasonable observer and creates the appearance of bias. Both subjective and objective impartiality on the part of judges is required (see Piersack v. Belgium, application no. 8692/79, 1 October 1982, § 30, where a prior connection with the public prosecutor's office was deemed incompatible with objective impartiality; De Cubber v. Belgium, application no. 9186/80, 26 October 1984, § 26, emphasising that 'the appearance of impartiality is sufficient to constitute a violation'; Micallef v. Malta, application no. 17058/06, 15 October 2009, § 98, where a judge's failure to make a **declaration of interest**, revealing a personal interest in the case, was considered an **aggravating factor**, as it deprived the parties of the opportunity to challenge the judge in full knowledge of the facts; Piersack v. Belgium, application no. 8692/79, 1 October 1982, § 30).
29. Here, the district court's dismissal of the challenge on 22 January 2024 (decision no. 1015 0438), on the grounds that the connection was allegedly 'tenuous' and the omission deemed 'irrelevant', overlooks the manifest breach of the duty of transparency, as Judge Saarikoski himself acknowledges. This rejection was upheld by the Court of Appeal and the Supreme Court, exhausting the appeals without substantive examination.
30. Finnish legal doctrine supports this analysis, criticising shortcomings in the declaration of interests as contrary to the rule of law (see GRECO report on Finland, 2023, recommending a strengthening of judicial transparency mechanisms; Siro, 2021, on the costs and deterrent effects of recusal procedures).
31. The lack of objective impartiality on the part of Judge Saarikoski, who failed to declare his conflicts of interest, provides well-founded grounds for doubting his impartiality" and is in line with the Court's case law.

2) Refusal to hear key witnesses (proceedings relating to the refusal to hear witnesses and fair trial)

32. The district court's refusal to hear two key witnesses – Ms Sanna Marin (former

Prime Minister, to testify regarding the legislative process and the failure to examine scientific controversies during the drafting of the vaccine passport law) and Ms Satu Koskela (civil servant at the Ministry of Health, regarding the scientific basis of the guidelines) – undermines the overall fairness of the trial and the right to a cross-examination. These refusals, justified on the grounds of alleged irrelevance, were upheld by the Court of Appeal and the Supreme Court.
The Court has consistently held that a refusal to hear witnesses must be reasoned and proportionate, without impeding the right to an effective defence and a fair examination of the evidence (see Dombo Beheer B.V. v. the Netherlands, application no. 14448/88, 27 October 1993, § 35, the refusal to hear a witness undermined the overall fairness of the trial).

33. In this case, these witnesses were crucial to demonstrating the lack of a factual basis in the legislative process, as confirmed by Dr Muukkonen, a Doctor of Law, who was heard during the domestic proceedings. In his expert opinion of 26 February 2026 (**Annex 24),** he confirms the Ministry's refusal to receive his expert opinion in August 2021, thereby breaching the duty to investigate under Article 31 of the Administrative Procedure Act, and the State's positive obligation to establish a sufficient factual basis in cases of serious interference with fundamental rights.
34. In this regard, the right to evidence (i.e. access to evidence and disclosure of the content of a piece of evidence) is recognised by the Court through its case-law as deriving from Article 6 § 1 of the Convention, which safeguards the fairness of proceedings (L.L. v. France, application no. 7508/02, § 40, 10 October 2006; N.N. and T.A. v. Belgium, application no. 65087/01, 13 May 2008).

3) Failure by the Supreme Court to state reasons (fair trial):

35. In its decision of 12 November 2025, the Supreme Court failed to give reasons for dismissing the applicant's appeal.
36. The Court considers the obligation to state reasons for judicial decisions to be an essential component of **the right to a fair trial**, guaranteed by Article 6 of the Convention. According to international doctrine (P. Pinto de Albuquerque, "The Role of the European Court of Human Rights in the Protection of Democracy", in Judicial Power in a Globalised World, Springer, 2019, pp. 123–145), the **refusal by supreme courts to provide reasons** is criticised as an infringement of the rule of law, as it undermines the transparency, predictability and legitimacy of the judgment. This lack of justification makes effective judicial review impossible and undermines citizens' trust in institutions (Sanofi Pasteur v. France, application no. 25137/16, 13 February 2020).
37. Furthermore, when read in conjunction with Article 13 of the ECHR, the rejection of the appeal without reasons deprives the applicant of an effective remedy against the alleged violations (Kudla v. Poland, 26 October 2000).
38. Regarding the lack of an effective remedy against the delegation of public authority to private operators such as Fazer Ravintolat Oy restaurants, Dr Muukkonen, a Doctor of Law, observes that the law transferred to private operators the power to decide whether a person could exercise their fundamental rights, without review by the Constitutional Committee, thereby violating Article 124 of the Finnish Constitution. He adds that no proceedings before the Finnish administrative courts were available to Finnish citizens who were victims of discrimination following the introduction of the corona passport.

<u>4) The deterrent effect of exorbitant costs and enforcement (enforcement proceedings)</u>

39. The imposition of cumulative costs of 128,900, 03 euros to date, without prior assessment of the applicant's financial capacity (annual net income of 29,200 euros), followed by immediate enforcement despite the pending complaint of judicial error, undermines the very essence of the right of access to the courts and renders the exercise of remedies illusory. According to the enforcement report dated 21 January 2026 detailing the applicant's financial situation, it is clear that this seizure creates significant financial insecurity for the applicant and exposes him to the risk of a negative entry on his credit record. The cumulative amount of the claims is expected to exceed 130,000 euros shortly.
40. However, Finnish legislation required the district court to assess **<u>on its own initiative</u>** whether the legal costs were excessive for a party. Indeed, the Finnish Code of Judicial Procedure (Oikeudenkäymiskaari, 4/1734) provides in Chapter 21: Section 8a (19.3.1999/368): 'If the case was so unclear in law that the unsuccessful party had reasonable grounds to bring the proceedings, the court may order that the parties bear all or part of the costs themselves.' § 8 b (3.2.2023 / 143): "The court shall, **<u>on its own initiative</u>**, reduce the amount of costs to be borne by a party if, having regard to the circumstances of the case, the situation of the parties and the importance of the case as a whole, it would be unreasonable to require a party to pay the other party's costs."
41. The Court has ruled that such prohibitive costs constitute a violation of Article 6 § 1, particularly where they deter litigants from exercising their rights (see Airey v. Ireland, application no. 6289/73, 9 October 1979, § 24, stating that "access to a court must not be theoretical or illusory"; Kreuz v. Poland, application no. 28249/95, 19 June 2001, § 60, requiring an individual assessment of costs, taking into account the applicant's financial situation, and held that excessive costs may violate Article 6 § 1; Podbielski and PPU Polpure v. Poland, application no. 39199/98, 26 July 2005, § 65, on the deterrent effect of high costs in cases involving fundamental rights).
42. According to Dr Muukkonen, the imposition of substantial costs without prior assessment of the applicant's financial capacity risks undermining the very essence of the right of access to the courts, as illustrated by Finnish legal doctrine on legal costs.
43. International legal doctrine emphasises the deterrent effect of high legal costs in human rights cases (Gerards, Janneke H., 'Fundamental Rights and other interests: Should it really make a difference?', in E. Brems (ed.), Conflicts between Fundamental Rights, Intersentia, 2008, p. 690; Gerards, Access to Justice as a Human Right, in The European Court of Human Rights: Implementing Strasbourg's Judgments on Domestic Policy, Cambridge University Press, 2010, and his subsequent work on access to justice).
44. In the context of a health crisis, prohibitive costs may hinder appeals against health measures.
45. These cumulative irregularities render the procedure, on the whole, incompatible with Article 6 § 1.

B. ON THE FINNISH STATE'S FAILURE TO INVOKE THE DEROGATION CLAUSE – STRICTER SCRUTINY (Art. 15):

1) This results in a stricter scrutiny of the measures:

46. In accordance with the provisions of Article 15(1) and (3) of the ECHR: '1. In time of war or other public emergency threatening the life of the nation, any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law. (…) 3. Any High Contracting Party exercising this right of derogation shall keep the Secretary General of the Council of Europe fully informed of the measures taken and the reasons for them. It shall also inform the Secretary General of the Council of Europe of the date on which these measures cease to be in force and the provisions of the Convention are again fully applicable."
47. The State Party has the right, but not the obligation, to derogate from the Convention and enjoys a wide margin of appreciation in this regard. Thus, in the judgment in Ireland v. the United Kingdom, 1978, § 207, the Court stated that "it is for each Contracting State, responsible for the life of its nation, to determine whether the 'normal' restrictions made available to it by the public order clause are sufficient to deal with the 'public danger' threatening it or, on the contrary, **whether more extensive restrictions on the guaranteed rights prove necessary, in which case, it must trigger the mechanism provided for in Article 15.**
48. It is therefore a unilateral and sovereign decision by the State, which also has complete discretion – **subject only to non-derogable rights** – to determine which treaty rights it intends to derogate from.
49. The COVID-19 health crisis has clearly revealed a divergence in the States' interpretations regarding the implementation of this 'general clause'.
50. Indeed, some States Parties have declared a state of emergency or a 'public health emergency' and restricted fundamental freedoms without invoking the derogation clause. Conversely, other States Parties, such as Albania, Armenia, Estonia, Georgia, Latvia, North Macedonia, Moldova, Romania, San Marino and Serbia, have notified the Council of Europe Secretariat of their intention to invoke Article 15 of the Convention, demonstrating that this course of action was available to all States Parties.
51. **Finland has therefore not formally invoked the derogation provided for in Article 15 of the Convention during the Covid-19 health crisis**. This is evident from the official page of the Council of Europe's Treaty Office, which provides an exhaustive list of all notifications of derogations relating to the Covid-19 health crisis (https://www.coe.int/en/web/conventions/derogations-covid-19).
52. The absence of a notification of derogation under Article 15 means that the restrictive measures adopted by Finland during the health crisis remained subject to the Court's normal and strict review of compliance with the Convention. **Restrictions on rights and freedoms had to be justified under the general law governing limitations provided for by the Convention, given that States Parties to the Convention do not enjoy unlimited power**.
53. Measures taken under ordinary law are subject to stricter scrutiny than those ta-

ken under a formal derogation under Article 15 (ECHR, *Brannigan and McBride v. the United Kingdom*, 1993).

2) Review of the proportionality of restrictions on rights and freedoms:

54. The principle of proportionality, set out in particular in Article 4 of the International Covenant on Civil and Political Rights (ICCPR) of 16 December 1966 and in Article 15 of the ECHR, is binding on Finland, a signatory to the Conventions in which it is enshrined. It implies that, where a State contemplates derogating from fundamental rights, such derogation must be **strictly proportionate to the danger. Otherwise, that derogation and the measures resulting from it are unlawful**.
55. It is also unlawful where the State Party has not notified the Secretaries-General of the Council of Europe and the UN, as is the case here with Finland.
56. **Since the Lawless v. Ireland judgment, the Court has held that the terms of Article 15 refer to 'a situation of crisis or exceptional and imminent danger affecting the entire population and constituting a threat to the organised life of the community comprising the State'.**
57. **If the Covid-19 pandemic had had catastrophic effects on the health of the vast majority of citizens, on society, on the economy or on the functioning of the state, the request for a derogation should have been notified to the Secretary General of the Council of Europe.**
58. Indeed, The crisis or danger must be exceptional, that is to say, the normal measures or restrictions permitted by the Convention for the purposes of protecting public safety, public order and public health must be manifestly insufficient (Denmark, Norway, Sweden and the Netherlands v. Greece (the 'Greek Case'), Commission report, 1996, § 153).
59. **National margin of appreciation is subject to European review** (Mehmet Hasan Altan v. Turkey, 2018, § 91; Sahin Alpay v. Turkey, 2018, § 75; Brannigan and McBride v. the United Kingdom, 1993, § 43).
60. The concept of necessity entails two conditions: any interference must be based on **a 'pressing social** need' and the interference must be proportionate to the legitimate aim pursued. The Court's case-law shows that **the more important the right in question is within the framework of the Convention, the more convincing the reasons put forward to justify a restriction on that right must be**.
61. Interference is not considered disproportionate if it is **limited in its scope and effects and if it is duly accompanied by the safeguards provided for under domestic law to protect the individual against arbitrariness** (M.S. v. Sweden, 1997).
62. The Court requires that the allegation of interference be based **on grounds that are not only relevant, such as the welfare of the country, but also sufficiently specific and justified. The State must therefore have fulfilled its duty of care. These grounds are sufficient only in the absence of other possible interferences that are less radical from the perspective of fundamental rights**. **In practice, striking the right balance involves giving priority to the interests of the individual's rights over the general interests of the community as a whole.**
63. Indeed, the Court refers to 'a reasonable relationship of proportionality between the means employed and the aim sought to be achieved' (ECHR, 24 October

1986, Agosi v. the United Kingdom, no. 9118/80).

64. Above all, the requirement of proportionality means that, from the range of measures the government could have implemented, the Court ensures that the government makes use only of those which, in a given case, appear strictly justified for the protection of the legitimate aim it has set itself, **thereby imposing the least restrictive measure possible on the fundamental freedoms at stake.**
65. **These measures must always have a legitimate aim and comply with the principle of proportionality between the means employed and the objective pursued** (ECHR, 14 December 1999, Khalfaoui v. France, no. 34791/97).
66. Interference with the rights recognised by the ECHR is subject to a threefold condition. **The first condition is that the measure must 'be prescribed by law'.** The international instrument therefore entrusts the State with the task of defining infringements of the recognised right. This law must be accessible to citizens and define with sufficient precision the conditions and procedures for the restriction of the right, so as to enable individuals to regulate their conduct. A lack of foreseeability of the 'law' constitutes a violation of the Convention (ECHR, 23 February 2017, Tommaso v. Italy, no. 43395/09).
67. **The second condition concerns the interference, which must pursue a 'legitimate aim'.** This is broadly understood to include national security, public safety, the economic well-being of the country, the maintenance of public order, the prevention of criminal offences, the protection of public health or morals, or the protection of the rights and freedoms of others.
68. **The third condition requires that such interference be 'necessary in a democratic** society' (ECHR, 7 December 1976, Handyside v. the United Kingdom, No. 5493/72). Necessity refers to the concept of proportionality. A measure is lawful, and therefore proportionate to the legitimate aim pursued, only when it respects the principles inherent in a democratic society: **"pluralism, tolerance and a spirit of openness**". This proportionality also extends to respect for the principle of the rule of law (ECHR, 21 February 1975, Golder v. the United Kingdom, no. 4451/70; ECHR, 13 February 2003, Refah Partisi and Others v. Turkey).
69. Strict scrutiny of these three conditions is essential, lest states be granted, when implementing restrictions on rights, a margin of discretion that could effectively nullify the substance of the guaranteed right.
70. In his expert opinion, Matti Muukkonen, Doctor of Law, confirms the Ministry of Health and Social Affairs' refusal to accept his expert opinion on public law in August 2021. He notes the Finnish State's breach of its duty to investigate (Section 31 of the Administrative Procedure Act), which is a positive obligation on the State to establish a sufficient factual basis in the event of a serious interference with fundamental rights (**Annex No. 24**).
71. In her expert opinion, Dr Astrid Stückelberger establishes that RT-PCR tests used as an alternative to vaccination do not measure the individual's actual infectiousness but rather non-viable viral RNA fragments. The RT-PCR test is neither valid nor reliable for diagnosing infectiousness due to an excessive amplification rate (40–45 cycles, generating over 97% false positives), thereby violating the obligation of proportionality and the requirement for a sufficient factual basis. It states specifically that 'the PCR test is a technique used for laboratory research [...] it does not detect the whole virus', with a false positive rate of 97% at 40

amplification cycles' (**Annex 25**).

72. The official hearings of Dr Hanna Nohynek (an expert from THL and the WHO) and Dr Asko Järvinen (an expert from HUS) confirm that, as early as autumn 2021, the vaccines did not prevent transmission, with efficacy reduced to 50% against the Alpha/Delta variants, declining to 40–0% within 2–3 months with the Omicron variant, rendering the measure obsolete and disproportionate (**Appendices 26 and 27**).
73. Dr Craig's expert opinion demonstrates that mRNA vaccines did not produce the IgA mucosal immunity necessary to prevent infection or transmission. Outbreaks in highly vaccinated populations (Massachusetts, Israel, the UK) and identical viral loads between vaccinated and unvaccinated individuals confirm the absence of any measurable reduction in transmission. The individual risk for a healthy 41-year-old man was 35 deaths per million, rendering the imposed restriction manifestly disproportionate (**Appendix 28**).
74. In conclusion to his expert opinion, Dr Malhotra observes that there has 'never been any evidence to justify COVID-19 vaccination mandates, vaccine passports or any other coercive measures adopted by various governments around the world. (…) I can confirm that by December 2021, the medical and scientific communities should have known that COVID-19 vaccines were far from safe or effective and far from preventing the transmission of COVID-19 (…)" (**Appendix 29**).
75. The consensus among the experts – Dr Matti Muukkonen (LL.D.), Dr Clare Craig, Dr Astrid Stückelberger, Dr Aseem Malhotra, and the official Finnish experts Dr Hanna Nohynek (THL) and Dr Asko Järvinen (HUS) unanimously establishes that the contested measures lacked a sufficient factual basis as of 10 December 2021.
76. Consequently, the Finnish State failed to fulfil its duty of care and disproportionately infringed the applicant's fundamental rights.

C. ON THE VIOLATION OF ARTICLE 14 IN CONJUNCTION WITH ARTICLES 8 AND 9 OF THE CONVENTION, AND OF ARTICLE 1 OF PROTOCOL NO. 12 (PROHIBITION OF DISCRIMINATION):

77. The Court defines discrimination as differential treatment lacking any objective and reasonable justification , that is to say, where it does not pursue a 'legitimate aim' or where there is no 'reasonable relationship of proportionality between the means employed and the aim sought to be achieved " (Willis v. the United Kingdom, application no. 36042/97, 11 June 2002, § 39).
78. In the present case, the Covid-19 passport constituted direct discrimination based on the applicant's presumed state of health (being unvaccinated being equated with a 'potential danger') and his religious and philosophical beliefs, without objective and reasonable justification, thereby violating Article 14 of the Convention (prohibition of discrimination in the enjoyment of guaranteed rights) in conjunction with Articles 8 and 9, as well as Article 1 of Protocol No. 12 (general prohibition of discrimination).
79. The applicant also argued that tasks involving the significant exercise of public authority may only be entrusted to a public authority. However, under the legislation relating to the Covid-19 passport, a private legal entity was granted the power to process the applicant's sensitive health data and to deny him access to the

café. Yet the power thus conferred affected essential fundamental and human rights.

1) **Discrimination based on presumed state of health (merits of the case):**

80. In the case of I.B. v. Greece brought before the Court (ECHR, 21 October 2013, I.B. v. Greece, application no. 552/10), the applicant, who was HIV-positive (i.e. a carrier of the human immunodeficiency virus (HIV)), had been dismissed shortly after his diagnosis and the disclosure of his condition within the company. According to the Court, this dismissal constituted discrimination within the meaning of Article 14 of the Convention, read in conjunction with Article 8 of the Convention, which guarantees the right to respect for private life.
81. This case bears similarities to the present case, as the introduction of the Covid-19 passport is also based on manifestly erroneous premises regarding the applicant's presumed infectiousness.
82. As we have seen very briefly above, the opinions of international health experts (Annexes 25 to 28) clearly confirm the lack of necessity, effectiveness and proportionality of the Covid-19 passport, given that this tool does not make it possible to ensure that holders of said passport are not infectious. Those in possession of a Covid-19 passport therefore benefited from a completely unfounded presumption of non-contagiousness. Conversely, those without one were wrongly presumed to be contagious as a matter of principle.
83. In order to avoid vaccination and still obtain the Covid-19 passport, the applicant therefore had, in practice, no choice but to contract the coronavirus or to pay between 100 and 200 euros every three days to take a test. This alternative (costing approximately €1,000–2,000 per month for regular access) was financially unfeasible for the applicant given his financial circumstances (Annex 18).
84. However, **the Court has ruled that health measures are discriminatory if they lack proportionality and do not provide an accessible, free alternative** (Thévenon v. France, judgment of 28 June 2022, concerning Covid-19 restrictions without a free alternative).
85. Furthermore, in his expert opinion of 6 February 2026, Matti Muukkonen, Doctor of Law, corroborates this analysis by emphasising that 'the legislation placed healthy, unvaccinated individuals in a position of manifest inequality, forcing them to undergo recurring tests costing €100–200 every three days, in contravention of PACE Resolutions No. 2361 (2021, §§ 7.3.1–7.3.2) and No. 2383 (2021, § 13.3.8). He adds that the Finnish law on the Covid-19 passport infringes the right to equality by introducing ineffective and disproportionate measures, and in particular infringes the right to social and cultural life protected by both the Finnish Constitution and the Convention, regardless of the financial circumstances of the citizen concerned.
86. International legal scholarship criticises vaccine passports as potentially discriminatory when alternatives are costly (see Iñigo de Miguel Beriain, Jon Rueda, 'Immunity passports, fundamental rights and public health hazards: a reply to Brown et al', emphasising that access to tests or certificates must not depend on personal wealth; Brown R, Savulescu J, Williams B, et al. 'A passport to freedom? Immunity passports for COVID-19. Journal of Medical Ethics, 15 August 2020).
87. Consequently, the Finnish Covid-19 passport, which did not offer a genuine and free alternative to vaccination, therefore interfered with the applicant's right to private and social life in disregard of his most fundamental rights and gave rise

to discrimination.

<u>2) Discrimination on the grounds of religious belief (in conjunction with Article 9):</u>

88. The applicant, a practising Christian since 1994, invokes his sincere and consistent beliefs based on the Bible to refuse Covid-19 vaccines, which he considers potentially harmful or capable of altering the human genome (testimony of Mr Mika Jantunen, pastor, Family Church of Helsinki, **<u>Annex No. 30</u>**).
89. The applicant's refusal is based on a structured religious belief: the sanctity of the human body; the moral prohibition of any genetic manipulation; and the ecclesiological concept of the 'body of Christ'.
90. The absence of a religious exemption in Finnish legislation relating to infectious diseases violates Article 9 (freedom of conscience and religion) in conjunction with Article 14, constituting a disproportionate interference without legitimate justification and discrimination (see also Article 18 of the 1966 International Covenant on Civil and Political Rights).
91. The Court protects beliefs that are 'sufficiently coherent, serious and significant' (Vavřička, cited above, § 335, distinguishing between proportionate obligations and exemptions required on grounds of sincere belief; Pasquinelli and Others v. San Marino, cited above, § 77, on personal autonomy in relation to vaccination).
92. According to Professor of Public Law Mr Muukkonen, Finnish legislation did not provide for any exemption on religious grounds, whilst it protected institutional religions, creating an internal contradiction between collective and individual protection. This highlights this discriminatory asymmetry.

<u>3) Interference with private and family life (in conjunction with Article 8):</u>

93. The right to private and family life, protected by Article 8 of the Convention, aims to prevent public authorities from arbitrarily interfering in the private sphere of individuals.
94. Generally speaking, compulsory treatment or care, regardless of its severity, constitutes a violation of the right to private life as understood under Article 8 of the European Convention on Human Rights (ECHR 22 July 2003, Y. F. v. Turkey, application no. 24209/94), and, if the measure imposed proves to be invasive and particularly restrictive, a violation of Article 3 of the Convention (ECHR, Grand Chamber, 11 July 2006, Alloh v. Germany, application no. 54810/0).
95. Indeed, the principle established by the Court is that 'a person's body represents the most intimate aspect of private life. Thus, a compulsory medical intervention, even a minor one, constitutes an interference with the right to respect for private life'. It was only by way of exception that the Court accepted that medical examinations carried out without the patient's consent could constitute a proportionate interference with the right to respect for private life.
96. According to case law, the sphere of private life, as the Court conceives it, covers a person's physical and moral integrity; the guarantee provided by Article 8 of the Convention is primarily intended to ensure the development, **free from external interference**, of each individual's personality in their relations with their fellow human beings (*Botta v. Italy*, judgment of 24 February 1998, *Reports of Judgments and Decisions* 1998-I, p. 422, § 32).

Indeed, the right to privacy implies the right of every individual to reach out to others in order to **establish and develop relationships with their fellow human beings, that is to say, the right to a 'social private life'** (ECHR, 5 September 2017, Barbulescu v. Romania, no. 61496/08, §71).

97. In this case, the contested measure infringed the applicant's right to personal fulfilment and psychological well-being. In this regard, the preservation of mental stability is an essential prerequisite for the effective enjoyment of the right to respect for private life.
98. Privacy is, according to the European Court, understood as 'the right of a person to be free to lead his or her own life as he or she sees fit with the minimum of external interference' (ECHR, 29 April 2002, *Pretty v. the United Kingdom*, No. 2346/02, § 61).
99. Furthermore, the Court held that compulsory vaccination is compatible with a democratic society subject to five conditions (European Court of Human Rights, 8 April 2021, Vavřička and Others v. the Czech Republic, no. 47621/13):
   - Vaccination has been in existence for many years;
   - The diseases against which the vaccine is designed to protect are serious;
   - The side effects are known and the benefits to health far outweigh them;
   - The consequences of not being vaccinated were temporary and limited;
   - Compulsory vaccination did not entail physical coercion to undergo vaccination.
100. These cumulative conditions are not met in this case, with regard to Covid-19 vaccines. The Vavřička case concerned traditional vaccines that had been in use for decades, whose safety profile and potential short- and long-term side effects were well known to the scientific community and the public. However, most of the coronavirus vaccines used in Finland were mRNA gene therapies, which had never been used in humans prior to the 2020 health crisis and whose mechanism of action is entirely different from that of traditional vaccines.
101. Furthermore, the scientific community was not unanimous regarding the safety and efficacy of mRNA vaccines. The European and US authorities knew, as early as 2020, that potential serious side effects of the vaccines existed (FDA Report, 22 Oct. 2020, p.17).
102. However, the obligation to undergo an innovative, untested gene therapy is entirely contrary to the international treaties si ned and ratified by Finland.
103. A close friend of the claimant, Mr [redacted], received the Pfizer Comirnaty vaccine on [redacted] April 2021 and immediately lost his sight (upon admission, he was diagnosed with occlusion of the central retinal artery in the left eye and retinal ischaemia). The causal link between the administration of the vaccine and the injury was recognised on [redacted] uly 2021, and compensation was subsequently awarded. (extract from Mr [redacted]'s file in **Annex 31)**.
104. In his expert opinion, Dr Aseem Malhotra states that, based on an analysis of randomised trials and real-world data up to the end of 2021, mRNA vaccines against Covid-19 (notably Pfizer) present a higher risk of serious adverse events than the risk of hospitalisation due to the virus, particularly in terms of cardiovascular events (myocarditis, cardiac arrest). Pharmacovigilance data, increases in calls for cardiac arrests correlated with vaccination and with no clear link to the infection itself, as well as plausible biological mechanisms, raise serious safety concerns, particularly among young and healthy individuals. Mandatory vaccination policies and Covid-19 passports have violated the principles of medical

ethics, free and informed consent, and evidence-based medicine, resulting from regulatory capture by the pharmaceutical industry and massive institutional misinformation.

105. The claimant, who was young and in good health at the time of the events, was therefore fully justified in questioning the safety of the Covid vaccines.

106. With regard to the duty to examine scientific controversies (due diligence), according to Dr Muukkonen, the Finnish State should have exercised due diligence and investigated the facts, taking into account the diversity of views (Section 31 of the Administrative Procedure Act), and thus analysed the effectiveness of vaccines against transmission and the risks to healthy unvaccinated individuals.

107. **In terms of medical ethics**, Article 3 of the Universal Declaration on Bioethics and Human Rights provides that: *'1. Human dignity, human rights and fundamental freedoms must be fully respected. 2. The interests and well-being of the individual should take precedence over the interests of science or society alone'.*

108. In her analysis of medical ethics, Dr Craig points out that the Oviedo Convention (ratified by Finland) requires that the interests of the individual take precedence over those of society. Dr Clare Craig also points out that the Nuremberg Code (1947) and the Declaration of Helsinki (1964, revised in 2013) require that consent to any medical intervention be 'free' and given without pressure (see Annex 28).

109. We would point out that, from 27 January 1947, the views of experts in medical ethics were clearly set out before the Doctors' Tribunal (the American experts Dr Ivy and Dr Alexander, and the German experts Prof. Leibbrand and Hoering, with reference to Prof. Moll, an international authority on medical ethics and case law).

110. Professor Leibbrand stated that: 'Above humanity, for the doctor, stands the individual' (*Bayle, F. The Swastika versus the Caduceus: Human Experiments in Germany during the Second World War, 1950, p. 1427*).

111. Dr Alexander pointed out that the legal and ethical conditions permitting human experimentation include the obligation to protect the subject from the possibility of illness, disability or death. The degree of risk involved must not exceed the importance of the problem to be solved (*op. cit., p. 1430*).

112. Dr Ivy pointed out that, before undertaking any experiment, one must first ensure that results cannot be achieved by any other method (*op. cit., p. 1431*). He further stated that, in the hypothetical scenario of a city ravaged by the plague, he would 'formally refuse to carry out a lethal experiment on five people in order to save five hundred or more. Neither urgency nor necessity would cause him to change his stance, and he referred to the consistent nature of the principles of medical ethics in the past, whilst taking care not to express a personal opinion on the matter" (*op. cit., p. 1439*). During his hearing, he stated that one "cannot justify the killing of five people to save five hundred. To the lawyer's question: 'Do you think one must save the life of a single prisoner even if the city must perish?', he replied: 'In order to preserve the means of doing good, yes'. To the following question: "Do you consider that a politician acts correctly by allowing the city to perish in order to preserve this principle, and to preserve the life of a prisoner?", he replied again: "Unless he is knowledgeable in medicine and medical ethics, the politician has no reason to make a decision on this matter". Then, to the question: 'In that case, despite the order, you would not carry it out; you would prefer to be executed as a martyr?', he replied: 'That is correct (….)' (*op.*

cit., pp. 1453–1454).

113.Furthermore, in Resolution 2361 (2021) "COVID-19 vaccines: ethical, legal and practical considerations", adopted on 27 January 2021 (5th sitting)(1), the Parliamentary Assembly of the Council of Europe called for safeguards to ensure that vaccination against SARS-CoV-2 is not compulsory:

114.The Assembly therefore urged the member states and the European Union:

115."7.3 with regard to ensuring a high level of acceptance of vaccines:

116."7.3.1 to ensure that citizens are informed that vaccination is not compulsory and that no one is subjected to political, social or other pressure to be vaccinated if they do not wish to do so personally (….)

117."7.3.2 to ensure that no one is discriminated against for not having been vaccinated, due to potential health risks or for not wishing to be vaccinated; (….)

118.Similarly, Report No. 15212 dated 11 January 2021, submitted by the Committee on Social Affairs, Health and Sustainable Development (https://pace.coe.int/fr/files/28925), adopted on 27 January 2021, affirmed the following points:

119."60. However, the measures adopted must not infringe **upon an individual's** right and **freedom to bodily autonomy and informed consent**, as guaranteed by Articles 2 and 5 of the Oviedo Convention. The Convention protects human dignity and identity and guarantees to everyone, without discrimination, respect for their integrity and other fundamental rights and freedoms in relation to the applications of biology and medicine. Article 2 states that the interests and welfare of the human being must take precedence over the sole interests of society or science. Furthermore, Article 5 states that any intervention in the field of health may only be carried out after the person concerned has given their free and informed consent. In view of the mistrust surrounding vaccines, care must be taken to ensure that vaccines are not imposed on the persons concerned.

120.« 61. It is therefore clear that vaccination cannot be imposed on an individual under normal circumstances. However, some have raised the question of whether vaccines should be made compulsory, for example as a condition for working with or caring for elderly people and those at high risk of serious illness or death from COVID-19. This could again constitute a **breach of Articles 8 and 9 of the European Convention on Human Rights (ETS No. 5) concerning the right to respect for private and family life and respect for freedom of thought, conscience and religion**, respectively. (….)

121."62. I will not recommend compulsory vaccination, for the simple reason that compulsory vaccination has not proven its effectiveness. Historically, such regulations have been associated with systemic government oppression of marginalised groups. (….)"

D. ON THE VIOLATION OF ARTICLE 9 OF THE CONVENTION (FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION)

122.Generally speaking, freedom of thought, conscience and religion is regarded as one of the cornerstones of a democratic society; more specifically, judges view religious freedom as a vital element in shaping believers' identity and their outlook on life. In fact, the Court has elevated religious freedom to the status of a substantive right under the Convention.

123.For a personal or collective belief to fall within the scope of the right to 'freedom of thought, conscience and religion', it must attain a sufficient degree of

strength, seriousness, coherence and importance (Vavřička and Others v. the Czech Republic [GC], nos. 47621/13 and 5 others, 8 April 2021, § 335; Boffa and Others v. San Marino, no. 26536/95, Commission decision of 15 January 1998, DR 95).

124. Indeed, religious and philosophical convictions relate to individuals' attitudes towards the divine, in which even subjective perceptions may be of significance, given that religions form a very broad dogmatic and moral framework which has, or may have, answers to any question of a philosophical, cosmological or ethical nature (İzzettin Doğan and Others v. Turkey [GC], no. 62649/10, ECHR 2016, §107).

125. In certain situations, an individual may, in exercising their freedom to manifest their religion, have to take account of their particular circumstances, whether of a professional or contractual nature (X. v. the United Kingdom, no. 8160/78, Commission decision of 12 March 1981, DR 22; Kalaç v. Turkey, 1 July 1997, Reports of Judgments and Decisions 1997-IV, § 27; C.R. v. Switzerland (dec.), no. 40130/98, 14 October 1999).

126. The State's duty of neutrality and impartiality is incompatible with any discretion on its part as to the legitimacy of the beliefs in question or the manner in which they are expressed (Eweida and Others v. the United Kingdom, nos. 48420/10 and 3 others, ECHR 2013, § 81). The State may not dictate to the individual what he or she must believe, nor may it take measures aimed at forcing him or her to change his or her beliefs (Nolan and K. v. Russia, no. 2512/04, 12 February 2009, § 73).

127. The Convention bodies have explicitly or implicitly recognised that the guarantees of Article 9 § 1 of the Convention apply to the various Christian denominations (Sviato-Mykhailivska Parafiya v. Ukraine, no. 77703/01, 14 June 2007; Savez crkava "Riječ života" and Others v. Croatia, no. 7798/08, 9 December 2010).

128. No legal or logical argument can be invoked to counter a believer's assertion that a specific practice constitutes an important element of their religious duties. However, this does not prevent the Court from making certain factual findings in order to determine whether an applicant's religious claims are genuinely serious and sincere (SSkugar and Others v. Russia (dec.), no. 40010/04, 3 December 2009).

129. Where the applicant complains that domestic law provides for a penalty for conduct which he intends to engage in and which he considers to be protected by Article 9, he may claim to be a 'victim' of interference within the meaning of Article 34 of the Convention, even in the absence of an individual enforcement measure, if he is compelled to alter his conduct on pain of prosecution or if he belongs to a category of persons likely to suffer the direct effects of the legislation.

130. Regarding the refusal of blood transfusions freely consented to by Jehovah's Witnesses, the Court held that this fell in principle within the scope of the individual's personal autonomy and was, as such, protected by Articles 8 and 9 of the Convention (Pindo Mulla v. Spain [GC], no. 15541/20, 17 September 2024, § 97). The same should therefore apply to the applicant, who is a Christian.

131. For this freedom to be genuine, patients must be able to make choices in accordance with their own opinions and values, even if those choices appear irrational, ill-advised or imprudent in the eyes of others.

132. Similarly, the observance of dietary rules dictated by a religion or philosophical

system constitutes a 'practice' protected by Article 9 § 1 of the Convention (Cha'are Shalom Ve Tsedek v. France [GC], no. 27417/95, ECHR 2000-VII, §§ 73–74; Jakóbski v. Poland, no. 18429/06, 7 December 2010; Executief van de Moslims van België and Others v. Belgium, nos. 16760/22 and 8 others, 13 February 2024, § 65).

133. The Court has not yet formally ruled on the question of whether the guarantees of Article 9 of the Convention apply to a refusal to be vaccinated or to have one's minor children vaccinated, based on a critical stance towards vaccination on religious grounds. The Court requires a proportionate justification to permit interference (Pasquinelli, § 77, on personal autonomy).

134. In the case of Lindholm and Estate after Leif Lindholm v. Denmark, application no. 31617/17, 11 June 2024, the Court condemned the refusal to grant exemptions on grounds of sincere religious objections, such as those held by Jehovah's Witnesses.

135. The Court's task is to determine whether the measures taken at national level are justified in principle and proportionate (Leyla Şahin v. Turkey [GC], no. 44774/98, ECHR 2005-XI, § 110). For a measure to be considered proportionate, it must first be established that it does not restrict the rights which the person concerned derives from Article 9 to an extent exceeding what is necessary to achieve the legitimate aim(s) pursued, which implies ensuring that such aim(s) be achieved by means of less intrusive or radical measures (Advisory Opinion on the refusal to authorise a person to practise the profession of security or guarding officer on the grounds of their association with or membership of a religious movement [GC], application no. P16-2023-001, Belgian Council of State, 2023, § 114). Article 9 § 2 of the Convention implies that any interference with the exercise of the right to freedom of religion must meet a 'pressing social need'. It is then for the Court to assess whether the interference with freedom of religion is justified in principle and whether it is proportionate to the legitimate aim pursued, having regard to the margin of appreciation enjoyed by the national authorities in this area (Executief van de Moslims van België and Others v. Belgium, 2024, § 107). Where a particularly important aspect of an individual's existence or identity is at stake, the margin of appreciation afforded to the State is more limited.

136. Furthermore, the quality of the parliamentary and judicial scrutiny of the necessity of the measure carried out at national level is of particular importance, especially in determining the application of the relevant margin of appreciation. Where a general rule is at issue, particular attention must be paid to the quality of the parliamentary scrutiny, including, amongst other things, the extent of consultation with the groups affected by the contested measure and the effort made by legislators to assess its impact on the fundamental right invoked and to weigh up the rights and interests at stake within the framework of a duly considered process.

137. The incentive to vaccinate via the Covid-19 passport therefore constituted an unjustified interference with the applicant's freedom of thought, conscience and religion, protected by Article 9 § 1 of the Convention.

138. The applicant, a practising Christian since 1994, bases his objection on sincere and consistent convictions drawn from the Bible (1 Corinthians 6:19–20: 'Do you not know that your body is a temple of the Holy Spirit who is in you, whom you have received from God, and that you do not belong to yourselves? For you

were bought at a price. Therefore glorify God in your body"; see also Genesis 1:27: "God created man in his own image", implying the sacred and inviolable nature of the human body, and Leviticus 19:28 on the prohibition of unnecessary bodily modifications). These convictions lead him to refuse Covid-19 vaccines, which he perceives as potentially harmful (cardiovascular and neurological risks confirmed by Dr Malhotra) or as altering the human genome, in violation of the biblical principle of preserving the temple of the Holy Spirit.

139. The alleged interference affects not only moral conscience but also the perception of bodily integrity, which the applicant regards as a sacred principle. The fear of genetic modification, even if hypothetical, touches upon the sphere of conscience and religious freedom protected by Article 9 of the ECHR. He regards any administration of an innovative gene therapy, referred to as a 'vaccine' by the public authorities, as indirect participation in a morally unlawful act and an infringement of sacred bodily integrity.

140. The Court protects the perception of the body as inviolable and freedom of conscience, even if the scientific risk is uncertain (see case law on pacifist or conscientious objector beliefs, e.g. Bayatyan v. Armenia, application no. 23459/03, 7 July 2011, § 109).

141. Then, as confirmed by the expert in medical ethics, Professor Ivy, in 1947: 'I believe that the Hippocratic Oath teaches a fundamental truth that is valid for all time: namely, respect for life, just as the principle of the Golden Rule teaches a morality and ethics that are valid for all eternity and for all time " (Bayle, F. The Swastika versus the Caduceus: Human Experiences in Germany during the Second World War, 1950, p. 1456).

142. Dr Muukkonen, a Doctor of Law, points out that the legislation made no provision whatsoever for exemptions on religious grounds, whilst it did protect institutional religious bodies (the ban on gatherings did not apply to religious services), thereby creating an internal contradiction between collective protection and individual protection of freedom of religion. This point highlights this discriminatory asymmetry, reinforcing the allegation of unjustified interference.

143. Dr Craig identifies the specific religious and ethical grounds underpinning the applicant's conscientious objection, all of which are consistent with Christian moral theology, including:
- the use of human cell lines derived from aborted foetal tissue (HEK293 line) in the testing and manufacture of vaccines (§ 232);
- the deployment of new technologies for which long-term data on human safety were not available (§ 233);
- the nature of these products as gene therapies, which differs from traditional vaccines (§§ 234–235).

144. Christian moral teaching affirms that acts of self-sacrifice or service to others have moral value only when they are freely chosen. A gift cannot be imposed (§ 236), which is in line with the principles of medical ethics regarding consent to a medical procedure.

145. International legal scholarship criticises the lack of accommodation for religious beliefs as undermining the balance between public health and fundamental freedoms (see Varnum LLP, "Religious Discrimination Found in COVID-19 Vaccine Mandates", July 2024, based on a specific case; European Parliamentary Research Service Briefing, Legal issues surrounding compulsory Covid-19 vaccination, March 2022, p. 6, noting that "the absence of exemptions for religious beliefs

may violate Article 14, particularly if the measure is not strictly necessary").

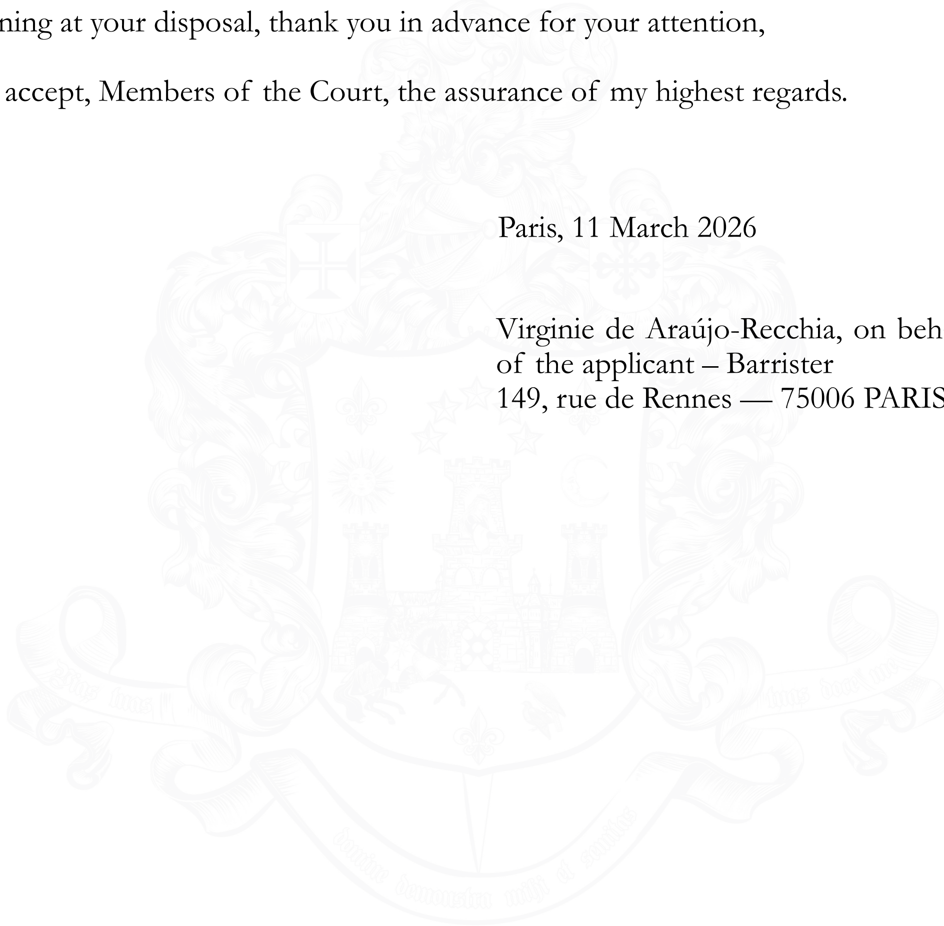
146. By offering no exemption for such sincere religious beliefs, Finnish legislation has failed to meet this fundamental requirement and has been responsible for a disproportionate and unnecessary interference in a democratic society (Article 9 § 2).

*****

147. On the basis of all the factual and legal grounds set out above and in the application form, the applicant requests the Court to take into account the significant harm suffered by the applicant and to sanction the manifest violation of his most fundamental freedoms and rights by awarding just, fair and appropriate satisfaction.

Remaining at your disposal, thank you in advance for your attention,

Please accept, Members of the Court, the assurance of my highest regards.



Paris, 11 March 2026

Virginie de Araújo-Recchia, on behalf of the applicant – Barrister
149, rue de Rennes — 75006 PARIS