



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 6796/23
Ján TATIČ against Slovakia
and 5 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 1 and 29 September 2026 as a Chamber composed of:

Ivana Jelić, *President*,
Erik Wennerström,
Raffaele Sabato,
Davor Derenčinović,
Alain Chablais,
Artūrs Kučs, *judges*,
Katarína Šmigová, *ad hoc judge*,

and Ilse Freiwirth, *Section Registrar*,

Having regard to the applications lodged on the various dates indicated in the appended table;

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicants;

Having regard to the decision of the President of the Chamber to appoint Ms Katarína Šmigová to sit as an *ad hoc* judge from a list submitted in advance by the respondent Government (Article 26 § 4 of the Convention and Rule 29 § 1 (a) of the Rules of Court), since the office of judge elected in respect of Slovakia is presently vacant;

Having deliberated, decides as follows:

THE FACTS

1. The applicants, whose list is set out in the appendix, are Slovak nationals who were represented before the Court by Mr T. Bacsó, succeeded by Mr P. Tulinský, lawyers practising in Košice.

2. The Government of the Slovak Republic (“the Government”) were represented by their Agent, Ms M. Bálintová.

The circumstances of the case

3. The facts of the case, as submitted by the parties, may be summarised as follows.

1. The applicants

4. The applicant, Mr Ján Tatič, born in 1974 (“the first applicant”), has been serving a sentence for fraud since 2016. Until July 2023 he was held in a maximum-security facility, following which he was transferred to a medium-security facility.

5. The remaining applicants have the following relationship with the first applicant: mother (Ms Veronika Tatičová, born 1949); father (Mr Ján Tatič, born 1938); daughter (Ms Ivana Tatičová, born 1998); son (Mr Matúš Tatič, born 2003); former spouse (Ms Ivana Tatičová, born 1974); and friend (Ms Andrea Pastorová, born 2001). It has been alleged by the applicants and uncontested by the Government that the first applicant’s former spouse, daughter and son have been living in a common household.

6. The applicant Mr Tatič, born 1938, died in 2026. His daughter and heir, Ms Monika Hromčová, born in 1979, subsequently expressed the wish to pursue the proceedings in his stead.

2. Telephone communication between prisoners and the outside world

7. The general framework governing the service of prison sentences is set out in the Execution of Prison Sentences Act (Law no. 475/2005 Coll., as amended – “the EPSA”) and the Execution of Prison Sentences Order (Decree of the Minister of Justice no. 368/2008 Coll., as amended – “the EPSO”).

8. Inmates’ entitlement to telephone persons outside prison (“prison telephone communication”) is mainly dealt with under section 27 of the EPSA and section 39 of EPSO.

9. An inmate wishing to engage in prison telephone communication must request authorisation from the prison governor (section 27(2) of the EPSA and section 39(2) of the EPSO). Such communication is conducted via a telephone unit provided by the prison administration, configured to allow outgoing calls only (section 39(1) and (5) of the EPSO).

10. In practical terms, once prison telephone communication has been authorised, an inmate may call the persons named in the authorisation, within the scope provided for by the EPSA. The service is operated by a private provider (*dodávateľ neverejnej telefónnej služby*).

11. Section 27(3) to (5) of the EPSA gives the prison administration the power to (i) record (*zaznamenávanie*) and retain the content of and metadata in relation to prison telephone communication; (ii) listen to such communication in real time (*monitorovanie*) or retrospectively from the

recording (*vypočutie*); and (iii) provide such records and metadata to authorised third parties.

12. Additional provisions are laid down in the Prison and Court Guard Service Act (Law no. 4/2001 Coll., as amended – “the PCGS Act”) and in Order no. 8/2016 of the Minister of Justice on the Conditions for the Monitoring and Recording of the Telephone Communication of Charged and Convicted Persons, as amended (“the 2016 Order”). For further details, see “Relevant legal framework and practice” below.

13. The recording and listening measures are disclosed to the parties of the prison telephone communication *inter alia* via interactive voice response message (“IVRM”) at the beginning of each telephone call.

3. Retention of the records of prison telephone communication

14. Referring to Order no. 19/2017 of the Director General of the Prison and Court Guard Service (“the PCGS”) on Ensuring Inmates’ Right to Telephone Communication, the Government explained – and the applicants did not contest – that the digital records of prison telephone communication were stored in encrypted form on servers of the Directorate General of the PCGS. These servers were only accessible by members of the PCGS’s information technology branch and the system was protected by firewalls. The records themselves could only be accessed by the Service for Prevention and Security (*preventívno – bezpečnostná služba* – “the SPS”) of the relevant prison. To ensure that such access was traceable and subject to oversight, the system was equipped with a logging function.

4. The applicants’ prison telephone communication

15. According to his prison file, on 13 January 2017 the first applicant was informed of the prison administration’s power to monitor his prison telephone communication under section 27(3) of the EPSA and the 2016 Order, as in force since 1 January 2017.

16. His requests for authorisation to telephone the other applicants have been made on pre-printed forms. These included requests dated 27 June 2017, 2 September 2021 and 14 and 21 February 2023, made in respect of his father, mother, daughter, son and friend. One of the numbers registered on these forms in the name of the first applicant’s mother, which was a mobile phone number, had previously (in 2015) also been registered in the name of the applicant’s former spouse. Another number, which was a landline number, was registered in the name of his daughter. The form of 2 September 2021 indicates the same number, albeit with reference to the first applicant’s son. The forms also included information about the prison administration’s power to monitor the first applicant’s prison telephone communication with these applicants.

17. According to the records of the first applicant's prison telephone communication submitted to the Court, between December 2017 and March 2024 he made telephone calls to numbers registered in the respective authorisations.

18. It is undisputed that, prior to each telephone call, the first applicant has been informed via an IVRM that the upcoming call could be monitored and recorded, and that, since 30 September 2019, such messages have also been played to the other applicants as the recipients of his calls.

19. There has been no suggestion that the applicants' telephone communication has been listened to, either in real time or retrospectively, or that its content or metadata have ever been provided to any third party.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

A. The EPSA

20. Under section 1a of the EPSA, the execution of a prison sentence serves the purposes of protecting society from convicted individuals, preventing them from committing further offences and creating conditions conducive to the development of positive personality traits to facilitate their resocialisation, so that they may lead law-abiding lives.

21. During the execution of a prison sentence, inmates are required to accept restrictions on human rights and fundamental freedoms, the exercise of which either would be contrary to the purpose of the sentence or may not be exercised during its execution (section 4(1)).

22. Under section 27(3), which was introduced into the EPSA by an amendment entering into force on 1 January 2016 (Law no. 444/2015 Coll.), prison facilities are entitled to listen to prison telephone communication in real time and to record it for the following purposes: the fight against terrorism and organised crime; upholding the purpose of the sentence; detecting and investigating criminal offences; and ensuring the protection of public order and security in facilities protected by the Prison and Court Guard Service ("the PCGS"). These measures do not extend to prison telephone communication between inmates and their defence counsel. The prison concerned keeps the recordings of such prison telephone communication for twelve months.

23. In a letter dated 19 July 2023, issued at the applicant's request, the Directorate General of the PCGS specified that, upon the expiry of the twelve-month period (see paragraph 22 above), recordings were automatically destroyed.

24. Under section 36(1), to assert and seek protection of their rights and interests, convicted individuals are entitled to lodge requests, complaints and motions with national and international authorities. If they so request, they must likewise be granted an interview with the prison governor and members

of the Public Prosecution Service (“the PPS”) and other institutions inspecting the prison (section 36(2)).

25. Section 96 provides that the PPS is responsible for overseeing lawfulness in facilities where prison sentences are served, in accordance with section 18 of the Public Prosecution Service Act (Law no. 153/2001 Coll., as amended – “the PPS Act”, see paragraph 36 below).

B. The 2016 Order

26. Section 1 of the 2016 Order (see paragraph 12 above) specifies its purpose, namely to regulate the details of the recording of prison telephone communication, the listening to it, its assessment and the provision of recordings and their metadata to authorised third parties. These measures are carried out by the administration of a given prison (section 3(2)) and are generally coordinated by the Directorate General of the PCGS (section 3(1)).

27. Section 3(3) provides that listening to prison telephone communication in real time is only permissible with the approval of the prison governor, following a written and reasoned application by the prison’s SPS. Once authorised, the listening is permitted for a period of three months from the date of approval (section 4(10)).

28. Retrospective listening to prison telephone communication is likewise subject to approval by the prison governor, following an application by the prison’s SPS based on intelligence it has gathered (section 3(5)).

29. All prison telephone communication is recorded, except that between inmates and their legal counsel in criminal defence or other matters (section 3(4)). The recordings are stored automatically by the system (section 4(11)).

30. The prison’s SPS is responsible for listening to prison telephone communication and assessing its content (section 3(6)).

31. The system used for the monitoring of prison telephone communication must be configured in a way that prevents such communication from being listened to (both in real time and retrospectively) when it involves legal counsel in criminal defence or other matters. A member of the PCGS, designated by the prison governor, is responsible for ensuring the correctness of the data in the system that is necessary to ensure compliance with this rule (section 4(2) and (3)).

32. Under section 4(5), all information related to prison telephone communication that is listened to (in real time and retrospectively) is kept in a separate register, which is classified as “restricted” (*stupeň utajenia „Vyhradené“*) under the Official Secrets Act (Law no. 215/2004 Coll., as amended). A member of the prison’s SPS, designated by the prison governor, and under his or her supervision, is responsible for maintaining the register (section 4(6) and (7)).

33. If prison telephone communication has been listened to (in real time or retrospectively), the SPS member who listened to it must draw up a record assessing its content for the prison governor. Access to this record is also restricted as described above (section 4(9)).

C. The PCGS Act

34. If data in the information system of the PCGS are no longer needed, or if there is another lawful ground, the PCGS will destroy them. It must review the need to retain personal data at least once every three years (section 65b(3) and (5)).

D. The PPS Act

35. The PPS Act governs the status and jurisdiction of the PPS and its members (section 1). The PPS has a duty, *inter alia*, to protect the rights and legally recognised interests of individuals (section 3(1)) by overseeing lawfulness in places where persons are kept in deprivation of their personal liberty (section 4(1)(b)).

36. In fulfilling this duty in relation to facilities where persons are detained on remand or for the purposes of serving a prison sentence, the PPS must ensure that Acts of Parliament and any other statutes are complied with (section 18(1)(a)). For that purpose, the PPS is required to conduct inspections (section 18(3)(a)) and may quash or suspend the effects of any decision if it is contrary to an Act of Parliament or any other statute (section 18(3)(c)).

37. Details concerning the oversight of lawfulness in places where persons are detained on remand are set out in an Order of the Prosecutor General, issued on 12 May 2010 under authority granted by section 10(1) of the PPS Act.

38. The PPS exercises its jurisdiction under the Act when an application is lodged seeking its intervention, which involves taking necessary measures to rectify any established violations, provided such measures do not fall within the exclusive jurisdiction of other bodies under another Act of Parliament (section 31(1), (2) and (3)). A person lodging such an application is entitled to seek a review by a higher-level body within the PPS of the lawfulness of how his or her application has been handled if he or she is dissatisfied (section 36(1)). Any subsequent requests will only be examined if based on new facts or if a higher prosecutor so decides (section 36(2)).

39. In handling applications under section 31, the PPS is required to examine all relevant circumstances to assess whether an Act of Parliament or any other statute has been violated and whether any measures within the PPS's jurisdiction should be taken (section 36a(1)). If the application is well-founded, the PPS shall take such measures (section 36a(2)).

E. Power of the Constitutional Court to review legislation in the framework of the proceedings on an individual complaint

40. It was the Constitutional Court's long-established practice that neither Article 127, which provides for the individual-complaint procedure, nor any other provision of the Constitution, allowed individuals to challenge legislation as being incompatible with the Constitution or with international instruments, including the Convention (see, for example, decision of 7 November 2007, case no. IV. ÚS 287/07).

41. An amendment adopted on 9 December 2020, which entered into force on 1 January 2025 (Constitutional Law no. 422/2020 Coll.), added paragraph 5 to Article 127, providing as follows:

“A complaint under paragraph 1 may be accompanied by an application for the Chamber of the Constitutional Court [in charge of examining that complaint] to initiate proceedings under Article 125 § 1 [of the Constitution] for a review of the compatibility of [the statute applicable in the matter at hand] with the Constitution, constitutional statute, international treaties under Article 7 § 5 [of the Constitution]... If the Chamber [in question] finds the application well founded, it shall stay the proceedings [on the individual complaint] and file a motion for proceedings under Article 125 § 1 [of the Constitution]. The legal views of the Constitutional Court presented in a decision on that motion shall be binding on the [given] Chamber.”

COMPLAINTS

42. The applicants complained that the direct application of statutory provision on the monitoring of their prison telephone communication had violated their rights to respect for private and family life and to an effective remedy. In that regard, they invoked Articles 8 and 13 of the Convention.

THE LAW

A. Joinder of the applications

43. The applicants each separately complained about essentially the same matters, the only distinction being that the first applicant was incarcerated, while the others were not.

44. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

B. Standing of Ms Hromčová

45. The applicant in application no. 13641/23, Mr Ján Tatič (born in 1938), died in the course of the proceedings before the Court and a daughter and an heir of his has expressed the wish to pursue the proceedings in his stead (see paragraph 6 above). The Government objected arguing that the

applicant's complaints were purely personal in nature and pointing out that those of his family members affected by the alleged violation had already submitted applications to the Court in their own name.

46. Where the applicant has died after the application was lodged, the Court has accepted that the next of kin or heir may in principle pursue the application, provided that he or she has sufficient interest in the case (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 97, ECHR 2014, with further references). In such cases, the decisive point is not whether the rights in question are or are not transferable to the heirs wishing to pursue the procedure, but whether the heirs can in principle claim a legitimate interest in requesting the Court to deal with the case on the basis of the applicant's wish to exercise his or her individual and personal right to lodge an application with the Court (see *Singh and Others v. Greece*, no. 60041/13, § 26, 19 January 2017).

47. In the present case, having regard to its the subject-matter and the material before it, the Court considers that Ms Hromčová can in principle claim a legitimate interest in continuing the proceedings before the Court in the stead of the late Mr Tatič (see, for example, *Plechlo v. Slovakia*, no. 18593/19, § 28, 26 October 2023). The text of this decision will however continue to refer to Mr Tatič as "the applicant".

C. Article 8 of the Convention

48. The Court finds that, on the facts of this case, the applicants' complaints fall to be examined under Article 8 of the Convention, the relevant part of which reads as follows:

"1. Everyone has the right to respect for his private and family life, ... and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

1. Parties' arguments

(a) The Government

49. The Government pointed out what they considered to be inconsistencies in the available records concerning the telephone numbers and identities of the other applicants whom the first applicant had been authorised to call (see paragraphs 16 and 17 above) questioning whether there had, in fact, been any telephone communication between him and his former spouse and, after November 2021, also his son.

50. They further argued that it had been open to the applicants to assert their rights by submitting applications to the PPS (see paragraph 38 above)

and, if it failed to provide them with a remedy, by bringing the matter before the Constitutional Court. In such proceedings, the national authorities would be bound to examine not only the compliance of the contested measures with statute, but also their factual justification and proportionality. In that regard, they pointed out that the rules embodied in the EPSA provided the prison facilities the entitlement but no duty to listen to prison telephone communication and to record it (see paragraph 22 above). It had also been open to the applicants to seek protection of their rights under civil law, including actions for the protection of personal integrity, anti-discrimination claims and claims for damages under the State Liability Act.

51. Furthermore, the Government described the chronological development of the legal framework governing inmates' telephone rights, as set out in the EPSA and the 2016 Order. They pointed out that the monitoring of prison telephone communication was linked to the fight against terrorism and organised crime, as well as to the other purposes specified in section 27(3) of the EPSA (see paragraph 22 above). While all such communication was recorded, except for that between inmates and their lawyers, not all of it was listened to. The conditions for such interference and its operational modalities were regulated by statute and provided safeguards.

52. The legislation applied to the first applicant by virtue of his status as a convicted prisoner, and to the remaining applicants on account of their relationship with him. The first applicant had been specifically informed of the recording measure on 17 January 2017 (see paragraph 15 above) and an IVRM was played prior to each call (see paragraph 18 above).

53. Moreover, the Government pointed out that some degree of control over prisoners' correspondence was called for and not in itself incompatible with the Convention. The "necessity" of such control had to be examined with regard to the ordinary and reasonable requirements of imprisonment. The necessity of monitoring prison telephone communication was to be assessed in terms of its effectiveness. Having regard to its parameters and the safeguards in place, it was justified and compatible with the applicants' rights.

(b) The applicants

54. The applicants argued that the recording of and listening to their prison telephone communication was incompatible with their rights protected under Article 8 of the Convention because it took place automatically and permanently by operation of law and without judicial involvement. No distinction was made between accused and convicted inmates, and there were no other criteria or safeguards, including with regard to the handling of any recordings of such communication beyond the twelve-month retention period under section 27(3) of the EPSA (see paragraph 22 above). In their view, the contested provisions did not serve a legitimate purpose, nor was there a reasonable relationship of proportionality between the means

provided and the aim pursued. Moreover, the applicable statutory framework was flawed in that it failed to provide sufficient safeguards against abuse, and the applicable rules were not sufficiently clear and detailed.

55. In their reply to the Government, the applicants explained that, in view of their family relationship, the authorised telephone numbers for their communication, and especially the landline number referred to above (see paragraph 16), had been used by several of them, including the first applicant's former spouse, daughter and son, and that they had been in regular telephone contact with the first applicant. All their telephone communication had been recorded as provided for by the 2016 Order. As the interference stemmed directly from statute, there was no individual remedy in relation to it and the remedies suggested by the Government were ineffective.

56. The applicants further explained that none of the first applicant's requests for authorisation to telephone the other applicants involved any consent on his part to the recording of their prison telephone communication, that the IVRM played at the beginning of each call were not regulated by law at all, and that even though they had been informed of the recording, no advice had been given to them as regards any means of how to contest it.

57. In the applicants' view, the system of recording prison telephone communication implied suspicion against the entire prison population and their interlocutors of engaging in illicit activities, which was clearly excessive.

58. Lastly, the applicants argued that the fact that the parties to prison telephone communication were informed of its recording defeated its purpose, maintaining that a comparable effect could be achieved by less invasive measures.

2. The Court's assessment

(a) Preliminary remarks

59. The present case concerns the framework governing prison telephone communication in Slovakia, which presupposes that it is recorded, that the recordings are kept for a specified time, that the communication may be listened to (in real time and retrospectively), and that information relating to it may be provided to authorised third parties. Irrespective of how these components are labelled at the domestic level, this decision refers to them in their totality as the monitoring of such communication.

60. The essence of the applicants' complaints, as expressed in the application forms, concerns the fact that the applicable legislation commands or enables the recording of and listening to their prison telephone communication, the fact that such intrusion takes place indiscriminately and permanently by operation of law, and the fact that there are no judicial and other safeguards, including as to the handling of any recordings of such

communication beyond the twelve-month retention period under section 27(3) of the EPSA (see paragraph 22 above).

61. Reiterating that a complaint under the Convention comprises two elements, namely factual allegations and the legal arguments underpinning them, the Court notes that the applicants' complaints, as expressed in the application forms (see *Grosam v. the Czech Republic* [GC], no. 19750/13, §§ 88-95, 1 June 2023), contain no mention of the further form of monitoring prison telephone communication, consisting of providing information relating it to authorised third parties. Such form of monitoring is accordingly beyond the scope of the present case.

62. As a starting point for its analysis of the admissibility of this case, the Court observes that it has not been disputed between the parties that, as a matter of principle, prison telephone communication falls within the scope of the right to respect for "private life" and "correspondence" within the meaning of Article 8 of the Convention (see *Klass and Others v. Germany*, 6 September 1978, § 41, Series A no. 28, and *Wisse v. France*, no. 71611/01, § 29, 20 December 2005). The Court sees no reason to find otherwise.

The Court will now turn to examine the alleged listening to the applicants' prison telephone communication on the one hand and the recording of such communication on the other hand.

(b) Listening to prison telephone communication

63. As has been established upon the communication of this case to the respondent Government, the monitoring of prison telephone communication in Slovakia comprised various components, and the component of listening (in real time or retrospectively) was an individual measure authorised by a separate decision of the prison governor. There has been no claim or other indication that such a measure has ever been adopted in relation to the applicants. The gist of their complaint may accordingly be understood as being that they were a victim of a violation of their right to respect for private life and correspondence under Article 8 § 1 of the Convention occasioned by the mere existence of legislation permitting the listening to their communication. While the possibility of prison telephone communication being listened to is a fully disclosed fact (see paragraph 18 above), the actual listening is a covert measure. In such circumstances, the applicants' victim status falls to be examined under the criteria formulated in *Roman Zakharov v. Russia* ([GC], no. 47143/06, § 171, ECHR 2015). The Court notes that as users of prison telephone communication they fell within the scope of the contested legislation. It will therefore examine the other criteria, whether the national system provides for effective remedies and, if so, whether the applicants are able to show that, due to their personal situation, they were potentially at risk of having their prison telephone communication listened to.

64. As to the first of the said criteria, concerning the existence of any effective domestic remedies, the Court notes the Government's objection under Article 35 § 1 of the Convention, made without distinguishing between the various forms of alleged violation of the applicants' rights, that it had been possible for them to vindicate their rights before the PPS and the Constitutional Court (see paragraph 50 above). The applicants' counterargument that the alleged violations stemmed directly from statute and that, accordingly, no domestic remedies in relation to them were effective (see paragraph 55 above) cannot be sustained on the following grounds.

65. In contrast to the general nature of the measure of recording prison telephone communication, listening to it (in real time or retrospectively) is an individual measure. As noted above, it is authorised by a separate decision of the prison governor, following a written and reasoned application by the prison's SPS (see paragraphs 27 and 28 above). The measure is subject to rules and procedures (see paragraphs 22 and 31 above) the compliance with which is supervised by the PPS (see paragraphs 25 and 35-39 above), under the ultimate scrutiny of the Constitutional Court. In other words, complaints or requests concerning such a measure may be addressed successively to the prison governor and the PPS (see paragraphs 24 and 38 above), and the intervention by the latter may further be contested before the Constitutional Court. The general effectiveness of this mechanism from the point of view of an effective remedy for the purposes of Article 35 § 1 of the Convention has recently been examined in detail and upheld in *Ribár v. Slovakia* (no. 56545/21, §§ 71, 74-78, 81, 82 and 87, 12 December 2024). Nothing has been argued or established in the present case to show otherwise.

66. As regards the second of the said criteria, concerning a potential risk of having one's own prison telephone communication listened to, it stems from the principles reaffirmed in *Roman Zakharov* (cited above, § 171) that in cases where, as in the present one, there is an effective remedy for those suspecting that they were subjected to secret surveillance, the degree of the Court's scrutiny is adjusted and a widespread suspicion of abuse is more difficult to justify. In such cases, individuals may claim to be a victim of a violation occasioned by the mere existence of secret measures or of legislation permitting secret measures only if they are able to show that, due to their personal situation, they are potentially at risk of being subjected to such measures.

67. In this case, the applicable rules enable listening to prison telephone communication for the purpose of combating terrorism and organised crime; upholding the purpose of the sentence; detecting and investigating criminal offences; and ensuring the protection of public order and security in facilities protected by the PCGS (see paragraph 22 above). There is nothing to suggest that the measure under review would in this case or others be applied in disrespect of the said rules (contrast, *ibid.* § 303).

68. While the first applicant is serving a sentence for fraud (see paragraph 4 above), there has been no indication that the service of his sentence has ever produced any incident relevant for any of the above categories or that there would be any other reason for any of them to pertain to the applicants more than to any other inmate and those communicating with him or her by telephone. After all, the applicants themselves direct their complaint against the applicable rules in general, stopping short of expressing any suspicion that they may in fact have been applied in respect of them.

69. In such circumstances, as regards the legislation permitting the listening to prison telephone communication, the applicants cannot claim to be victims of a violation of their Article 8 rights.

This part of the application must accordingly be rejected in accordance with Article 35 §§ 3 (a) and 4.

(c) Recording of the applicants' prison telephone communication

70. In their observations, the Government challenged the admissibility of the remainder of the case on account of the alleged lack of victim status of some of the applicants and non-exhaustion of domestic remedies (see paragraphs 49 and 50 above). However, the Court finds it unnecessary to rule separately on these objections because, even assuming that all the applicants have victim status for the purposes of the Convention and that their complaints may not be rejected for non-exhaustion of domestic remedies, they are in any event inadmissible for the reasons specified below.

71. In that regard, the Court notes at the outset the scope of the complaint (see paragraph 60 above), considering that the recording of the applicants' prison telephone communication cannot be meaningfully dissociated from the fact that such recordings are subsequently retained for a certain period of time. It accordingly forms part of it.

72. At the same time, the Court notes the nature of the applicants' complaints, in that they referred, in general terms, to certain parameters of the system for monitoring prison telephone communication, without specifying their individual situation or any possible impact of the contested system on the enjoyment of their Convention rights.

73. The applicants' complaints have remained entirely abstract. They have not alleged that the contested measures affected their ability to communicate by telephone, and there is no indication of any particular limitations on their ability to communicate and maintain contact by other means. For the sake of completeness, the Court notes that the amendment which entered into force on 1 January 2025 (see paragraph 41 above) appears to have opened an avenue to bring complaints such as those raised by the applicants before the Constitutional Court.

74. In view of the limited scope and content of the applicants' complaint and its complete lack of individual substantiation, the Court finds that it does

not disclose any appearance of a violation of the rights and freedoms set out in the Convention.

75. The remainder of the applications is therefore in any event manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

1. *Decides* to join the applications;
2. *Holds* that Ms M. Hromčová has standing to continue the present proceedings in application no. 13641/23 in the stead of the late applicant Mr J. Tatič, born in 1938;
3. *Declares* the applications inadmissible.

Done in English and notified in writing on 22 October 2026.

Ilse Freiwirth
Section Registrar

Ivana Jelić
President

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on	Applicant Place of Residence
1.	6796/23	Tatič v. Slovakia	31/01/2023	Ján TATIČ Leopoldov
2.	8123/23	Tatičová v. Slovakia	03/02/2023	Veronika TATIČOVÁ Košice
3.	13641/23	Tatič v. Slovakia	20/03/2023	Ján TATIČ Košice
4.	13848/23	Tatičová and Tatič v. Slovakia	20/03/2023	Ivana TATIČOVÁ Košice Matúš TATIČ Košice
5.	16058/23	Tatičová v. Slovakia	11/03/2023	Ivana TATIČOVÁ Košice
6.	20789/23	Pastorová v. Slovakia	16/05/2023	Andrea PASTOROVÁ Veľké Kapušany