KEY THEME[1]
Prisoners' Rights
Health care in prison

(Last updated: 31/08/2024)

Introduction

Issues related to the medical treatment of prisoners may fall to be examined under Article 2 (right to life), Article 3 (prohibition of torture) and Article 8 (right to respect for private life) of the Convention.

In general, the Court has considered that persons in custody are in a vulnerable position and the authorities have the duty to protect them (*Rooman v. Belgium* [GC], 2019, § 143).

Principles drawn from the Court's current case-law

In the context of Article 2:

- The authorities have an obligation to provide those in custody with the medical care necessary to safeguard their life (*Jasinskis v. Latvia*, 2010, § 60);
- Any death in suspicious circumstances in custody raises an issue as to whether the State has complied with its obligation to protect that person's right to life (*Karsakova v. Russia*, 2014, § 48);
- The State's duty to account for any injuries suffered in custody is particularly stringent when an individual dies (*Mustafayev v. Azerbaijan*, 2017, § 54).

In the context of Article 3:

- The State has a duty to provide those deprived of their liberty with the requisite medical care (*Kudla v. Poland* [GC], 2000, § 94; *Paladi v. Moldova* [GC], 2009, § 71; *Blokhin v. Russia* [GC], 2016, § 136; see also *Krivolapov v. Ukraine*, 2018, § 76, concerning the substantiation of complaints about inadequate health care in prison);
- The "adequacy" of medical assistance requires the authorities to ensure that: (1) a comprehensive record is kept concerning the detainee's state of health and his or her treatment (*Khudobin v. Russia*, 2006, § 83); (2) diagnosis and care are prompt and accurate (*Melnik v. Ukraine*, 2006, §§ 104-106); and (3) where necessitated by the nature of a medical condition, supervision is regular and systematic and involves a comprehensive therapeutic strategy aimed at adequately treating the detainee's health problems or preventing their aggravation (*Amirov v. Russia*, 2014, § 93);
- The medical recommendations, including, if appropriate, those made on the basis of an additional opinion must be followed, and it must be demonstrated that the detainee was

[1] Prepared by the Registry. It does not bind the Court.

administered the treatment corresponding to the disease(s) diagnosed (*Holomiov v. Moldova*, 2006, § 117, and *Wenner v. Germany*, 2016, § 57);

- Medical treatment provided within prison must be "appropriate". The standards of medical treatment provided within prison must be of a level comparable to that of medical treatment outside of prison: it does not imply a right to the same level of medical treatment that is available in the best health establishments outside prison (*Blokhin v. Russia* [GC], 2016, § 137, *Cara-Damiani v. Italy*, 2012, § 66);
- The Court reserves sufficient flexibility in defining the required standard of health care, deciding it on a case-by-case basis, as long as the standard is "compatible with the human dignity" of a detainee, taking into account "the practical demands of imprisonment" (*Blokhin v. Russia* [GC], 2016, § 138; *Aleksanyan v. Russia*, 2008, § 140; *Patranin v. Russia*, 2015, § 69).

In the context of Article 8:

- The Court has stressed the paramount importance of protecting the medical data of prisoners. This is essential not only to respect the sense of privacy of a patient but also to preserve his or her confidence in the medical profession and in the health services in general. Without such protection, detainees in need of medical treatment might not disclose information on their medical needs for fear of these being disclosed, or might even not seek medical treatment (*Szuluk v. the United Kingdom*, 2009, § 47).

Specific health care issues

The detention of an ill person may raise issue under Article 3. Health, age, and severe physical disability are among the factors to be taken into account in that respect (*Mouisel v. France*, 2002, § 38).

Physical illnesses:

Article 3 does not lay down the obligation to release a detainee on health grounds or to transfer a detainee to a hospital outside the prison facilities. However, there might be situations where the proper administration of criminal justice requires remedies to be taken in the form of humanitarian measures (*Grimailovs v. Latvia*, 2013, § 150; *Yunusova and Yunusov v. Azerbaijan*, 2016, § 138; *Enea v. Italy* [GC], 2009, § 58). In this connection, a violation of Article 3 has been found in a number of cases concerning, for instance, serious heart conditions (*Ashot Harutyunyan v. Armenia*, 2010, §§ 105-116; *Kolesnikovich v. Russia*, 2016, §§ 72-81), or serious kidney diseases (*Holomiov v. Moldova*, 2006).

It was held that, in order to assess whether the continued detention is compatible with the prisoner's state of health, three factors have to be taken into account: 1) the prisoner's condition; 2) the quality of care provided; and 3) whether or not the applicant should continue to be detained in view of his or her state of health (*Enea v. Italy* [GC], 2009, § 59).

Violations of Article 3 have also been found in relation to deficiencies in the provision of medical treatment concerning various other diagnoses and/or lack of access to the relevant medical aids, such as dentures (*V.D. v. Romania*, 2010, §§ 94-100); eyesight problems and the confiscation of a prisoner's glasses (*Slyusarev v. Russia*, 2010, §§ 34-44; see also *Xiros v. Greece*, 2010, §§ 84-90); as well as a lack of orthopaedic footwear (*Vladimir Vasilyev v. Russia*, 2012, §§ 67-68).

Undue delays in the establishment of a diagnosis or in the provision of medical treatment can lead to a violation of Article 3 (*Nogin v. Russia*, 2015, § 97; *Kondrulin v. Russia*, 2016, § 59). The Court also emphasises proper record-keeping of health care provided in detention (*Iacov Stanciu v. Romania*, 2012, §§ 180-186).

An unjustified refusal to transfer a prisoner to a civilian hospital for treatment, where the specialists and equipment required to treat him are lacking in prison, may also amount to a breach of Article 3 (*Mozer v. the Republic of Moldova and Russia* [GC], 2016, § 183; see also *Dorneanu v. Romania*, 2017, §§ 93-100, and *Gülay Çetin v. Turkey*, 2013, §§ 114-125).

Disabilities:

Where the authorities decide to detain a person with disabilities, they should demonstrate special care in guaranteeing such conditions as would correspond to the person's individual needs resulting from the disability (*Z.H. v. Hungary*, 2012, § 29; *Grimailovs v. Latvia*, 2013, § 151; see further, *Price v. the United Kingdom*, 2001, §§ 25-30; *Vincent v. France*, 2006, § 103; *Arutyunyan v. Russia*, 2010, § 77; *D.G. v. Poland*, 2013, § 177; *Zarzycki v. Poland*, 2013, § 125; *Grimailovs v. Latvia*, 2013, §§ 157-162).

In this connection, leaving a person with a serious physical disability to rely on his cellmates for assistance was found to amount to a violation of Article 3 as it was considered to be degrading treatment (*Engel v. Hungary*, 2010, §§ 27 and 30; see also *Helhal v. France*, 2015, § 62; and *Topekhin v. Russia*, 2016, § 86). The Court has, on several occasions, voiced doubts about assigning unqualified people with responsibility for looking after an individual suffering from a serious illness (*Potoroc v. Romania*, 2020, § 77; *Hüseyin Yıldırım v. Turkey*, 2007, § 84).

Old age:

An issue under the Convention may arise with regard to the prolonged detention of elderly prisoners, particularly those with health problems (*Farbtuhs v. Latvia*, 2004, §§ 56-61; *Contrada v. Italy (no. 2)*, 2014, §§ 83-85; by contrast, see *Papon v. France (no. 1)* (dec.), 2001).

Infectious diseases:

The authorities must take care to assess what tests should be carried out in order to diagnose the prisoner's condition, enabling them to identify the therapeutic treatment to be given and to evaluate the prospects for recovery (*Testa v. Croatia*, 2007, § 10; *Poghosyan v. Georgia*, 2009, § 57; *Cătălin Eugen Micu v. Romania*, 2016, § 58).

Moreover, inadequate housing of prisoners with infectious diseases raises an issue of appropriate treatment under Article 3 (*Dikaiou and Others v. Greece*, 2020, §§ 52-55; by contrast, see *Martzaklis and Others v. Greece*, 2015). On the other hand, no issue under Article 3 arises in relation to the mere fact that HIV-positive detainees use the same medical, sanitary, catering and other facilities as all other prisoners (*Korobov and Others v. Russia* (dec.), 2006; see further *Shelley v. the United Kingdom* (dec.), 2008, concerning the request for needle-exchange programme for drug users).

In *Feilazoo v. Malta*, 2021, § 92, (albeit in the context of immigration detention) the Court did not consider that in the absence of any indication the applicant (who had already spent a considerable period in isolation) was in need of a Covid-19 quarantine upon his admission to the general living quarters in detention. The Court stressed that the measure of placing him, for several weeks, with other persons who could have posed a risk to his health in the absence of any relevant consideration to this effect, could not be considered as a measure complying with basic sanitary requirements.

The Court has examined under Article 3 the treatment of different diagnoses, including cirrhosis of the liver caused by chronic hepatitis B (*Kotsaftis v. Greece*, 2008, §§ 51-61); HIV (*Aleksanyan*

v. Russia, 2008, §§ 156-158); as well as HIV and Hepatitis C (*Fedosejevs v. Latvia* (dec.), 2013, §§ 48-53).

A specific issue concerning infectious diseases arises in cases where such a disease has been contracted in prison (*Cătălin Eugen Micu v. Romania*, 2016, § 56). The Court stressed that the spread of transmissible diseases and, in particular, of tuberculosis, hepatitis and HIV/Aids, should be a public health concern, especially in the prison environment. On this matter, the Court considered it desirable that, with their consent, detainees can have access, within a reasonable time after their admission to prison, to free screening tests for hepatitis and HIV/Aids (*ibid.*, § 56; see also *Jeladze v. Georgia*, 2012, § 44; see, by contrast, *Salakhov and Islyamova v. Ukraine*, 2013, §§ 124-125). However, the relevant prison authorities have a duty to carry out an investigation and the necessary screening without delay as part of their general obligation to take effective measures aimed at preventing the transmission of contagious diseases in prisons (*Machina v. the Republic of Moldova*, 2023, § 44).

In the context of the Covid-19 pandemic, the Court has held that in order to protect the physical well-being of prisoners, the authorities had the obligation to put certain measures in place aimed at avoiding infection, limiting the spread once it reached the prison, and providing adequate medical care in the case of contamination. The Court also noted that preventive measures had to be proportionate to the risk at issue, however they should not pose an excessive burden on the authorities in view of the practical demands of imprisonment, particularly when the authorities were confronted with a novel situation such as a global pandemic to which they had to react in a timely manner (*Fenech v. Malta*, 2022, § 129).

In any event, according to the Court's case-law, irrespective of whether or not an applicant became infected while in detention, the State has a responsibility to ensure treatment for prisoners in its charge, and a lack of adequate medical assistance for serious health problems, from which the applicant had not suffered prior to detention, may amount to a violation of Article 3 (*Shchebetov v. Russia*, 2012, § 71).

Mental health care:

The Court has recognised that detainees with mental disorders are more vulnerable than ordinary detainees, and that certain requirements of prison life pose a greater risk to their health, exacerbating the risk that they suffer from a feeling of inferiority, and are necessarily a source of stress and anxiety. Such a situation therefore calls for increased vigilance in reviewing whether the Convention has been complied with (*Rooman v. Belgium* [GC], 2019, § 145).

In the case of mentally ill persons, the Court's assessment of whether the particular conditions of detention are incompatible with the standards of Article 3 takes into consideration their vulnerability and their inability, in some cases, to complain coherently or at all about how they are being affected by any particular treatment (*Sławomir Musiał v. Poland*, 2009, § 87; see further *Murray v. the Netherlands* [GC], 2016, § 106; *Herczegfalvy v. Austria*, 1992, § 82; and *Aerts v. Belgium*, 1998, § 66). Thus, obligations under Article 3 may go as far as to impose an obligation on the State to transfer prisoners to special facilities in order to receive adequate treatment (*Murray v. the Netherlands* [GC], 2016, § 105; *Raffray Taddei v. France*, 2010, § 63).

It is essential that proper treatment for the problem diagnosed and suitable medical supervision are provided (*Murray v. the Netherlands* [GC], 2016, § 106). The Court also takes account of the adequacy of the medical assistance and care provided in detention (*Rooman v. Belgium* [GC], 2019, §§ 146-147; *Strazimiri v. Albania*, 2020, §§ 108-112).

Furthermore, the conditions in which a person suffering from a mental disorder receives treatment are also relevant in assessing the lawfulness of his or her detention within the meaning of Article 5

of the Convention (*Rooman v. Belgium* [GC], 2019, § 194). Thus, an excessive delay in admission to a clinic or hospital would be contrary to Article 5 (*Pankiewicz v. Poland*, 2008, §§ 44-45).

There is, therefore, according to the Court's case-law, an intrinsic link to be drawn between the lawfulness of a deprivation of liberty and its conditions of execution (*Ilnseher v. Germany* [GC], 2018, §§ 139-141). Whether a specific facility is "appropriate" must include an examination of the specific conditions of detention prevailing in it, and particularly of the treatment provided to individuals suffering from psychological disorders (*Rooman v. Belgium* [GC], 2019, §§ 208-211).

In this context, the Court does not take account so much of the primary aim of the facility, but rather the specific conditions of the detention and the possibility for the individuals concerned to receive suitable treatment therein (*Bergmann v. Germany*, 2016, § 124; *Kadusic v. Switzerland*, 2018, §§ 56 and 59). Although psychiatric hospitals are by definition appropriate institutions, the Court has stressed the need to accompany such placement by efficient and consistent therapy measures, in order not to deprive the individuals in question of a prospect of release (*Frank v. Germany* (dec.), 2010).

In the context of the concept of "appropriate treatment", the Court takes into account the opinions of health professionals and the decisions reached by domestic authorities, as well as the more general findings at national and international level (*Hadžić and Suljić v. Bosnia and Herzegovina*, 2011, § 41). The Court also verifies, on the basis of the information available in the case file, whether an individualised and specialised approach has been adopted for the treatment of the psychological disorder in question aimed at future reintegration of the person concerned into society (*Rooman v. Belgium* [GC], 2019, §§ 203 and 209; see also *Murray v. the Netherlands* [GC], 2016, §§ 107-112, and *Epure v. Romania*, 2021, §§ 75-76).

Drug addiction:

The Court has also dealt with cases concerning specific issues of medical treatment of drug addiction and drug abuse in prisons.

As regards the medical treatment of drug addiction, the Court has held that the authorities have an obligation to adequately assess the person's state of health and to provide an appropriate treatment. Whether this obligation has been complied with depends on the particular circumstances of a case (*McGlinchey and Others v. the United Kingdom*, 2003; *Wenner v. Germany*, 2016; see *Abdyusheva and Others v. Russia*, 2019, in the context of Article 8).

With respect to drug abuse in prisons, the Court has held that the mere objective fact that a prisoner might have had access to narcotic substances could not constitute a breach of the State's positive obligations under the Convention. In this connection, the Court stressed that while the authorities have a duty to adopt anti-drug- trafficking measures, they cannot guarantee this absolutely and have broad discretion in the choice of the means to be used (*Marro and Others v. Italy* (dec.), 2014, §§ 45-51; see also *Patsaki and Others v. Greece*, 2019, and *Sahraoui and Others v. France**, 2024).

Other health-related issues

Passive smoking:

The Court has noted that there is no consensus among the member States of the Council of Europe on the protection against passive smoking in prisons. In some States, smokers are placed in cells together with non-smokers, in others, smokers are kept apart. Some States limit the areas where a detainee is allowed to smoke, others do not (*Aparicio Benito v. Spain* (dec.), 2006).

However, where warranted by health reasons, the authorities may be obliged to take measures to protect a prisoner from the harmful effects of passive smoking (*Elefteriadis v. Romania*, 2011; *Florea v. Romania*, 2010; see, by contrast, *Stoine Hristov v. Bulgaria (no. 2)*, 2008, §§ 43-46).

The Court has also held that passive smoking might be a factor considered to aggravate otherwise inadequate conditions of detention (*Sylla and Nollomont v. Belgium*, 2017, § 41).

Hunger strike:

Prisoners' hunger strike and the authorities' reaction to it may raise issues under different provisions of the Convention and from different perspectives of the Court's case-law under those provisions.

Under Article 2 of the Convention, the Court examines whether the authorities have taken measures to protect the prisoner's physical health through the requisite medical care, in which case they cannot be criticised for having accepted the prisoner's refusal to allow any intervention (*Horoz v. Turkey*, 2009, §§ 22-31).

With regard to the forced feeding of prisoners staging a hunger strike, the Court has noted that a conflict between an individual's right to physical integrity and the State's positive obligation under Article 2 might arise (*Nevmerzhitsky v. Ukraine*, 2005, § 93). In this connection, the Court has held that a measure which is of therapeutic necessity from the point of view of established principles of medicine – such as force-feeding – cannot in principle be regarded as inhuman and degrading. The Court must nevertheless satisfy itself that: (1) the medical necessity has been convincingly shown to exist; (2) the procedural guarantees for the decision to force-feed are complied with; and (3) the manner in which the person concerned is subjected to force-feeding during the hunger-strike must not trespass the threshold of the minimum level of severity under Article 3 of the Convention (*ibid.*, § 94; *Ciorap v. Moldova*, 2007, § 77; see also *Özgül v. Turkey* (dec.), 2007; *Rappaz v. Switzerland* (dec.), 2013).

Moreover, the Court stressed that it was crucial to ascertain the true intention of and real reasons for the detainee's protest, and if those reasons are not purely whimsical but, on the contrary, denounce serious medical mismanagement, the competent authorities must show due diligence by immediately starting negotiations with the striker with the aim of finding a suitable arrangement, subject, of course, to the restrictions that the legitimate demands of imprisonment may impose (*Yakovlyev v. Ukraine*, 2022, § 43).

In some cases the Court has invited applicants to end their hunger strike, in accordance with Rule 39 of the Rules of the Court (*Ilaşcu and Others v. Moldova and Russia* [GC], 2004, § 11; *Rodić and Others v. Bosnia and Herzegovina*, 2008, § 4).

An issue under Article 3 might arise in the case of the re-imprisonment of convicted persons suffering from the Wernicke-Korsakoff syndrome (brain disorder involving loss of specific brain functions caused by thiamine deficiency) as a result of going on prolonged hunger strike while in prison (for instance, *Tekin Yıldız v. Turkey*, 2005, § 83; by contrast, see *Sinan Eren v. Turkey*, 2005, § 50).

Where the authorities employ force to interrupt mass hunger strikes of prisoners protesting about their conditions of detention, a question under Article 3 might also arise (such as in the case of *Karabet and Others v. Ukraine*, 2013, §§ 330-332; by contrast, *Leyla Alp and Others v. Turkey*, 2013, §§ 88-93).

Noteworthy examples

- *Enea v. Italy* [GC], 2009 – possibility that, in particularly serious cases, situations may arise where the proper administration of criminal justice requires remedies to be taken in the form of humanitarian measures;
- *Blokhin v. Russia* [GC], 2016 – obligation of the State to provide detainees with the requisite and appropriate medical care;
- *Murray v. the Netherlands* [GC], 2016 – emphasis on the vulnerability of mentally ill detainees, whose medical assistance needs to be assessed, provided, and supervised;
- *Ilnseher v. Germany* [GC], 2018 – link between the lawfulness of a deprivation of liberty, and its conditions of execution, in the case of detention of a mentally ill person;
- *Rooman v. Belgium* [GC], 2019 – the detention of a mentally ill person must have a therapeutic purpose, namely the authorities must provide a fitting treatment which would help the individual to regain liberty;
- *Herczegfalvy v. Austria*, 1992 – applicant in a position of vulnerability due to his confinement in a psychiatric hospital, and therefore not entirely capable of deciding or complaining;
- *Price v. the United Kingdom*, 2001 – detention of a severely disabled person in conditions where she risked developing sores and was unable to go to the toilet or keep clean autonomously;
- *Nevmerzhitsky v. Ukraine*, 2005 – concerning the force-feeding of a prisoner on hunger strike through harsh manners despite the applicant's refusal to take food; conflict between the individual's right to physical integrity and the State's positive obligations under Article 2;
- *Aleksanyan v. Russia*, 2008 – concerning the required standard of health care, which should be compatible with the human dignity of a detainee, but should also take into account the practical demands of imprisonment;
- *Marro and Others v. Italy* (dec.), 2014 – duty of the authorities to take anti-drug-trafficking measures in prison;
- *Cătălin Eugen Micu v. Romania*, 2016 – concerning the contraction of infectious diseases in prison;
- *Wenner v. Germany*, 2016 – concerning the granting of the authorities to prisoners to get an independent specialised medical advice;
- *Feilazoo v. Malta*, 2021, § 92 – placement with new arrivals in Covid-19 quarantine in the context of immigration detention;
- *Fenech v. Malta*, 2022, § 129 – protection from the Covid-19 infection in detention.

Recap of general principles

- *Blokhin v. Russia* [GC], 2016, §§ 136-138;
- *Murray v. the Netherlands* [GC], 2016, §§ 101-127;
- *Rooman v. Belgium* [GC], 2019, §§ 143-148, 190-214.

Further references

Other key themes:

- Medical negligence (Article 2)

- Suicide (Article 2)
- Prisoners and discrimination (Article 14)

KEY CASE-LAW REFERENCES

Leading cases:

- *Herczegfalvy v. Austria* [GC], 24 September 1992, Series A no. 244 (no violation of Article 3; violation of Article 8 with respect to the applicant's correspondence, but not with respect to the medical treatment undergone by him);
- *Kudla v. Poland* [GC], no. 30210/96, ECHR 2000-XI (no violation of Article 3);
- *Nevmerzhitsky v. Ukraine*, no. 54825/00, 2005-II (extracts) (violation of Article 3 both in respect of the lack of medical treatment and assistance, and in respect of the force-feeding);
- *Enea v. Italy* [GC], no. 74912/01, 17 September 2009; (no violation of Article 3);
- *Mozer v. the Republic of Moldova and Russia* [GC], no. 11138/10, 23 February 2016 (violation of Article 3);
- *Blokhin v. Russia* [GC], no. 47152/06, 23 March 2016 (violation of Article 3);
- *Murray v. the Netherlands* [GC], no. 10511/10, 26 April 2016 (violation of Article 3);
- *Rooman v. Belgium* [GC], no. 18052/11, 31 January 2019 (violation of Article 3 from the beginning of 2004 until August 2017; no violation of Article 3 from August 2017 until the time of the judgment; no violation of Article 5 § 1).

Other cases:

- *Aerts v. Belgium*, no. 25357/94, 30 July 1998, Reports of Judgments and Decisions 1998-V (no violation of Article 3);
- *Papon v. France (no. 1)* (dec.), no. 64666/01, ECHR 2001-VI (Article 3: inadmissible – manifestly ill-founded);
- *Mouisel v. France*, no. 67263/01, ECHR 2002-IX (violation of Article 3);
- *McGlinchey and Others v. the United Kingdom*, no. 50390/99, ECHR 2003-V (violation of Article 3);
- *Farbtuhs v. Latvia*, no. 4672/02, 2 December 2004 (violation of Article 3);
- *Tekin Yıldız v. Turkey*, no. 22913/04, 10 November 2005 (violation of Article 3);
- *Sinan Eren v. Turkey*, no. 8062/04, 10 November 2005 (no violation of Article 3);
- *Melnik v. Ukraine*, no. 72286/01, 28 March 2006 (violation of Article 3);
- *Khudobin v. Russia*, no. 59696/00, ECHR 2006-XII (extracts) (violation of Article 3);
- *Holomiov v. Moldova*, no. 30649/05, 7 November 2006 (violation of Article 3);
- *Aparicio Benito v. Spain* (dec.), no. 36150/03, 13 November 2006 (Articles 2 and 8: inadmissible – manifestly ill-founded);
- *Özgül v. Turkey* (dec.), no. 7715/02, 6 March 2007 (Article 3: inadmissible – manifestly ill-founded);
- *Hüseyin Yıldırım v. Turkey*, no. 2778/02, 3 May 2007 (violation of Article 3);
- *Ciorap v. Moldova*, no. 12066/02, 19 June 2007 (violation of Article 3);
- *Testa v. Croatia*, no. 20877/04, 12 July 2007 (violation of Article 3);
- *Pankiewicz v. Poland*, no. 34151/04, 12 February 2008 (no violation of Article 5 § 1);
- *Kotsaftis v. Greece*, no. 39780/06, 12 June 2008 (violation of Article 3);

- *Stoine Hristov v. Bulgaria (no. 2)*, no. 36244/02, 16 October 2008 (Article 8: inadmissible – manifestly ill-founded);
- *Aleksanyan v. Russia*, no. 46468/06, 22 December 2008 (violation of Articles 3and 5 § 3);
- *Sławomir Musiał v. Poland*, no. 28300/06, 20 January 2009 (violation of Article 3);
- *Poghosyan v. Georgia*, no. 9870/07, 24 February 2009 (no violation of Article 3 for post-operative care; violation of Article 3 for lack of care after diagnosis with viral hepatitis C)
- *Paladi v. Moldova* [GC], no. 39806/05, 10 March 2009 (violation of Article 3);
- *Horoz v. Turkey*, no. 1639/03, 31 March 2009 (no violation of Article 2);
- *V.D. v. Romania*, no. 7078/02, 16 February 2010 (violation of Article 3);
- *Slyusarev v. Russia*, no. 60333/00, 20 April 2010 (violation of Article 3);
- *Engel v. Hungary*, no. 46857/06, 20 May 2010 (violation of Article 3);
- *Ashot Harutyunyan v. Armenia*, no. 34334/04, 15 June 2010 (violation of Article 3);
- *Xiros v. Greece*, no. 1033/07, 9 September 2010 (violation of Article 3);
- *Florea v. Romania*, no. 37186/03, 14 September 2010 (violation of Article 3);
- *Frank v. Germany* (dec.), no. 32705/06, 28 September 2010 (Article 5 § 1: inadmissible: manifestly ill-founded);
- *Jasinskis v. Latvia*, no. 45744/08, 21 December 2010 (violation of Article 2 (substantive and procedural limb));
- *Raffray Taddei v. France*, no. 36435/07, 21 December 2010 (violation of Article 3);
- *Elefteriadis v. Romania*, no. 38427/05, 25 January 2011 (violation of Article 3);
- *Hadžić and Suljić v. Bosnia and Herzegovina*, nos. 39446/06 and 33849/08, 7 June 2011 (violation of Article 5 § 1);
- *Vladimir Vasilyev v. Russia*, no. 28370/05, 10 January 2012 (violation of Article 3);
- *Cara-Damiani v. Italy*, no. 2447/05, 7 February 2012 (violation of Article 3);
- *Shchebetov v. Russia*, no. 21731/02, 10 April 2012 (no violation of Article 2 (substantive and procedural); Article 3: inadmissible: manifestly ill-founded);
- *Z.H. v. Hungary*, no. 28973/11, 8 November 2012 (violation of Article 3);
- *Jeladze v. Georgia*, no. 1871/08, 18 December 2012 (violation of Article 3 until October 2008; no violation of Article 3 from October 2008 onwards);
- *Karabet and Others v. Ukraine*, nos. 38906/07 and 52025/07, 17 January 2013 (violation of Article 3 (substantive and procedural limb));
- *D.G. v. Poland*, no. 45705/07, 12 February 2013 (violation of Article 3);
- *Gülay Çetin v. Turkey*, no. 44084/10, 5 March 2013 (violation of Article 3, taken alone and in conjunction with Article 14);
- *Zarzycki v. Poland*, no. 15351/03, 12 March 2013 (no violation of Article 3);
- *Salakhov and Islyamova v. Ukraine*, no. 28005/08, 14 March 2013 (violation of Article 2 (substantive and procedural limb) and Article 3);
- *Rappaz v. Switzerland* (dec.), no. 73175/10, 26 March 2013 (Articles 2 and 3: inadmissible: manifestly ill-founded);
- *Grimailovs v. Latvia*, no. 6087/03, 25 June 2013 (violation of Article 3);
- *Fedosejevs v. Latvia* (dec.), no. 37546/06, 19 November 2013 (Article 3: inadmissible: manifestly ill-founded);
- *Leyla Alp and Others v. Turkey*, no. 29675/02, 10 December 2013 (no violation of Articles 2 and 3 (substantive limb); violation of Articles 2 and 3 (procedural limb));

- *Contrada v. Italy (no. 2)*, no. 7509/08, 11 February 2014 (violation of Article 3);
- *Marro and Others v. Italy* (dec.), no. 29100/07, 8 April 2014 (non-application of Article 2);
- *Amirov v. Russia*, no. 51857/13, 27 November 2014 (violation of Article 3);
- *Karsakova v. Russia*, no. 1157/10, 27 November 2014 (violation of Article 2 (substantive and procedural limb));
- *Nogin v. Russia*, no. 58530/08, 15 January 2015 (violation of Article 3);
- *Helhal v. France*, no. 10401/12, 19 February 2015 (violation of Article 3);
- *Martzaklis and Others v. Greece*, no. 20378/13, 9 July 2015 (violation of Article 3, taken alone and in conjunction with Article 14);
- *Patranin v. Russia*, no. 12983/14, 23 July 2015 (violation of Article 3);
- *Cătălin Eugen Micu v. Romania*, no. 55104/13, 5 January 2016 (violation of Article 3);
- *Bergmann v. Germany*, no. 23279/14, 7 January 2016 (no violation of Article 5 § 1);
- *Kolesnikovich v. Russia*, no. 44694/13, 22 March 2016 (violation of Article 3);
- *Topekhin v. Russia*, no. 78774/13, 10 May 2016 (violation of Article 3);
- *Yunusova and Yunusov v. Azerbaijan*, no. 59620/14, 2 June 2016 (violation of Article 3);
- *Wenner v. Germany*, no. 62303/13, 1 September 2016 (violation of Article 3);
- *Kondrulin v. Russia*, no. 12987/15, 20 September 2016 (violation of Article 3);
- *Mustafayev v. Azerbaijan*, no. 47095/09, 4 May 2017 (violation of Article 2 (substantive and procedural limb));
- *Dorneanu v. Romania*, no. 55089/13, 28 November 2017 (violation of Article 3);
- *Kadusic v. Switzerland*, no. 43977/13, 9 January 2018 (violation of Article 5 § 1);
- *Krivolapov v. Ukraine*, no. 5406/07, 2 October 2018 (Article 3: inadmissible: manifestly ill-founded);
- *Patsaki and Others v. Greece*, no. 20444/14, 7 February 2019 (violation of procedural limb of Article 2; no violation of substantive limb of Article 2);
- *Strazimiri v. Albania*, no. 34602/16, 21 January 2020 (violation of Article 3);
- *Potoroc v. Romania*, no. 37772/17, 2 June 2020 (violation of Article 3);
- *Dikaiou and Others v. Greece*, no. 77457/13, 16 July 2020 (no violation of Article 3);
- *Feilazoo v. Malta*, no. 6865/19, 11 March 2021 (violation of Article 3);
- *Epure v. Romania*, no. 73731/17, 11 May 2021 (violation of Article 3);
- *Fenech v. Malta*, no. 19090/20, 1 March 2022 (no violation of Article 3);
- *Yakovlyev v. Ukraine*, no. 42010/18, 8 December 2022 (violation of Article 3);
- *Machina v. the Republic of Moldova*, no. 69086/14, 17 January 2023 (violation of Article 3);
- *Sahraoui and Others v. France**, no. 35402/20, 11 July 2024 (no violation of Article 2).