KEY THEME[1]
Article 34/35
The *locus standi* of relatives (indirect victims) to bring a case to the Court when the direct victim has died

(Last updated: 31/08/2026)

Introduction

In this type of situation, the Court must examine whether relatives can be considered to be "indirect victims" of the alleged violation of the Convention suffered by the deceased "direct victim", in default of which the application will be declared inadmissible as being incompatible *ratione personae* with the provisions of the Convention.

Principles drawn from the current case-law

- Where the alleged violations of the Convention are closely linked to a death or disappearance in circumstances allegedly engaging the responsibility of the State, the Court has recognised the standing of the victim's next-of-kin to submit an application (*Varnava and Others v. Turkey* [GC], 2009, § 112; *Lambert and Others v. France* [GC], 2015, § 115, for an alleged potential violation of Article 2). In such cases, the Court has accepted that close family members can themselves claim to be "indirect victims" of the alleged violation of Articles 2, 3 or 5 (see noteworthy examples below). Whether they were legal heirs of the deceased and whether closer relatives have submitted an application is not relevant.
- In cases where the alleged violation of the Convention was not closely linked to the death or disappearance of the direct victim, the Court's approach has been more restrictive. The Court has considered that certain Convention rights are eminently personal and belong to the category of "non-transferable" rights (Articles 3, 5, 8, 9, 10, 11, 14, Article 3 of Protocol No. 1). For this line of case-law, see *Sanles Sanles v. Spain* (dec.), 2000.
- However, the Court has made, throughout its case-law, exceptions to this general approach and granted victim status to relatives who complained about violations unrelated to the death or disappearance of the direct victim. As regards complaints of ill-treatment of deceased relatives under Article 3 of the Convention, without losing sight of the strictly personal nature of the Article 3 rights, the Court has recognised the *locus standi* of applicants who complained of treatment concerning their late relative in the absence of a causal link between the alleged treatment and the death of the relative, in circumstances where such applicants show either a strong moral interest, besides the mere pecuniary interest in the outcome of the domestic proceedings, or other compelling reasons, such as an important general interest which requires that their case be examined (*Karpylenko v. Ukraine*, 2016, §§ 106-114; see *a contrario* *Kaburov v. Bulgaria* (dec.), 2012, §§ 54-59).

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

- In other cases concerning complaints under Articles 5, 6 or 8, the Court has granted victim status to close relatives, allowing them to submit an application where they have shown a moral interest in having the late victim exonerated of any finding of guilt (*Grădinar v. Moldova*, 2008, §§ 90-103; *Akbay and Others v. Germany*, 2020, §§ 80-82) or in protecting their own reputation and that of their family (*Polanco Torres and Movilla Polanco v. Spain*, 2010, §§ 31-33), or where they have shown a material interest on the basis of the direct effect on their pecuniary rights (*Grădinar v. Moldova*, 2008, § 97; *Micallef v. Malta* [GC], 2009, §§ 48-49; *Stoimenovikj and Milosheviki v. North Macedonia*, 2021, § 25). The existence of an issue of general interest pertaining to respect for human rights which necessitated proceeding with the consideration of the complaints has also been taken into consideration (see *Marie-Louise Loyen and Other v. France*, 2005, § 29; *Ressegatti v. Switzerland*, 2006, § 26; *Micallef v. Malta* [GC], 2009, §§ 46 and 50; see also *Biç and Others v. Turkey*, 2006, §§ 22-23; *Akbay and Others v. Germany*, 2020, §§ 86-89).
- The applicant's participation in the domestic proceedings has been found to be only one of several relevant criteria (*Micallef v. Malta* [GC], 2009, §§ 48-49; *Polanco Torres and Movilla Polanco v. Spain*, 2010, § 31; see also *Kaburov v. Bulgaria* (dec.), 2012, §§ 57-58 and *Fabris and Parziale v. Italy*, 2020, §§ 39-40).
- A potential compensation claim under Article 41 of the Convention cannot be considered as constituting a material interest which would allow an applicant to bring the application on his/her own behalf. In this respect, the necessary direct effect on an applicant's pecuniary rights by the impugned measure must concern pecuniary rights existing at the national level (*Akbay and Others v. Germany*, 2020, § 85, in respect of an Article 6 complaint of entrapment).
- When applying these different and non-cumulative criteria, the Court has not always referred to whether the right involved was transferable or non-transferable (see, for instance, *Micallef v. Malta* [GC], 2009, §§ 44-51).
- Even if the respondent State does not raise any objection as to the Court's jurisdiction *ratione personae*, the Court may consider, of its own motion, that this issue calls for examination (see *Karpylenko v. Ukraine*, 2016, § 102). This is a matter which goes to the Court's jurisdiction *ratione personae* (*Jakovljević v. Serbia* (dec.), 2020, § 29; *Vilela and Others v. Portugal*, 2021, §§ 57-60).

Noteworthy examples

1. Victim status of relatives in respect of Article 2 complaints in cases of deaths and disappearances

- *Varnava and Others v. Turkey* [GC], 2009, §§ 111-113: parents and spouses;
- *Lambert and Others v. France* [GC], 2015, § 115: parents, half-brother and sister (alleged potential violation);
- *Andronicou and Constantinou v. Cyprus*, 1997: sibling;
- *Yaşa v. Turkey*, 1998, § 66: nephew;
- *Velikova v. Bulgaria* (dec.), 1999: unmarried partner;
- *McKerr v. the United Kingdom*, 2001: children;
- *Kotilainen and Others v. Finland*, 2020, §§ 51-52: parents, spouses and children;
- *Fabris and Parziale v. Italy*, 2020, §§ 37-41: uncle (but no victim status for cousin);
- *Garand and Others v. France*, 2025, §§ 73-74: stepmother (but no victim status for stepmother's brother and his half-brother's partner);

- *Magherini and Others v. Italy*, 2026, §§ 72-73: parents, wife, son, brother, uncle, and nephew (but not cousins).

2. Victim status of relatives in respect of Articles 3, 5 and 6 complaints closely linked to the death or disappearance of the direct victim

- *Çakıcı v. Turkey* [GC], 1999, § 92: brother (Article 3);
- *Varnava and Others v. Turkey* [GC], 2009, §§ 111-113 and 208: father and spouse (Article 5: continuing violation for the disappearance of their son/husband);
- *Rantsev v. Cyprus and Russia*, 2010: father (Article 5: implicitly);
- *Lykova v. Russia*, 2015, §§ 62-66: mother (Article 5);
- *Dzidzava v. Russia*, 2016, § 47: wife (Article 3);
- *Khayrullina v. Russia*, 2017, §§ 91-92 and §§ 100-107: wife (Articles 5 §§ 1 and 5);
- *Magnitskiy and Others v. Russia*, 2019, §§ 278-279: wife and mother (Article 6 §§ 1 and 2);
- *S.T. and Y.B. v. Russia*, 2021, §§ 55-59: *de facto* wife (Articles 3 and 5 in respect of ill-treatment following abduction and disappearance);
- *Vardanyan and Khalafyan v. Armenia*, 2022, §§ 67-72: mother and two siblings, but no victim status for cousin (Article 3).

3. Victim status of relatives in respect of Articles 2/3 complaints unrelated to the death or disappearance of the direct victim

- *Kaburov v. Bulgaria* (dec.), 2012, §§ 54-59: son (no victim status recognised);
- *Karpylenko v. Ukraine*, 2016, §§ 107-114: mother;
- *Stepanian v. Romania*, 2016, §§ 39-44: mother and son;
- *Selami and Others v. the former Yugoslav Republic of Macedonia*, 2018, §§ 59-66: victim status for one of the children (the sole heir) but not for the other children and the widow;
- *Khojoyan and Vardazaryan v. Azerbaijan*, 2021, §§ 30-32, 56: standing of the children to introduce an application raising complaints related to their father's life allegedly having been put at risk and his treatment in detention (see also § 76 in respect of Article 5).

4. Victim status of relatives in respect of complaints under other Convention Articles (Articles 5, 6, 8, 9, 10, 11, 13, and Article 3 of Protocol No. 1) unrelated to the death of the direct victim

- *Micallef v. Malta* [GC], 2009, §§ 48-51: brother (Article 6 § 1);
- *Fairfield and Others v. the United Kingdom* (dec.), 2005: no standing for the daughter (Articles 9 and 10);
- *Marie-Louise Loyen and Other v. France*, 2005, §§ 21-31: wife and daughter (Articles 6 § 1, 13 and 5 § 5);
- *Biç and Others v. Turkey*, 2006, §§ 18-24: wife and children (no victim status – Articles 5 and 6);
- *Ressegatti v. Switzerland*, 2006, §§ 16-26: husband and children (Article 6 § 1);
- *Direkçi and Direkçi v. Turkey* (dec.), 2006: no standing for the father (Articles 6 §§ 1 and 3 (b) and 11);
- *Grădinar v. Moldova*, 2008, §§ 90-103: wife (Article 6 § 1);

- *Gakiyev and Gakiyeva v. Russia*, 2009, §§ 167-169: no standing for the parents (Article 3 of Protocol No. 1);
- *Polanco Torres and Movilla Polanco v. Spain*, 2010, §§ 31-33: daughter (Article 8);
- *Lacadena Calero v. Spain*, 2011, §§ 28-31: wife (Article 6 § 1);
- *Koch v. Germany*, 2012, §§ 78-82: no standing for the husband to complain on behalf of his late wife's rights under Article 8;
- *Nagmetov v. Russia*, 2015, §§ 64-65: no standing for the father (Articles 10 and 11);
- *Rõigas v. Estonia*, 2017, § 127: no standing for the mother to complain on behalf of her deceased son's rights under Article 8;
- *Jakovljević v. Serbia* (dec.), 2020, §§ 29-33: no standing for the father in respect of his late son's rights but his own victim status upheld in relation to allegedly defamatory comments about his son (Article 8);
- *Akbay and Others v. Germany*, 2020, §§ 78-90: wife (Article 6 § 1);
- *Stoimenovikj and Miloshevikj v. North Macedonia*, 2021, §§ 24-26: standing for the heir/son and no standing for the grandson (Article 6 § 1).

Recap of general principles

- For a recapitulation of the general principles on the notion of "indirect victims" see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, §§ 97-100; *Akbay and Others v. Germany*, 2020, §§ 67-77.
- For the applicable test for the transferability of an Article 3 complaint to close relatives, see *Stepanian v. Romania*, 2016, §§ 35-38.

Related (but different) topics

1. *Locus standi* of representatives (not qualifying as indirect victims) to bring a case on behalf of direct victims who died before the lodging of an application with the Court (key theme): *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], 2014, §§ 102-114 and *Bulgarian Helsinki Committee v. Bulgaria* (dec.), 2016, §§ 50-61; *Association Innocence en Danger and Association Enfance et Partage v. France*, 2020, §§ 119-132; or for highly vulnerable direct victims who are still alive (*L.R. v. North Macedonia*, 2020, §§ 46-54, and *Ghazaryan and Bayramyan v. Azerbaijan*, 2023, §§ 73-82).
2. *Locus standi* of close relatives or heirs to pursue an application where the applicant/direct victim dies in the course of the proceedings before the Court: *Malhous v. the Czech Republic* (dec.) [GC], 2000; *Léger v. France* (striking out) [GC], 2009, §§ 42-51; *Ergezen v. Turkey*, 2014, § 30; *Tuskia and Others v. Georgia*, 2018, 48-50; *Delecolle v. France*, 2018, §§ 35-40; *Provenzano v. Italy*, 2018, §§ 93-100; *Burlya and Others v. Ukraine*, 2018, §§ 68-78; *V.D. v. Croatia (no. 2)*, 2018, §§ 41-45; *Mifsud v. Malta*, 2019, §§ 38-40; *Pais Pires de Lima v. Portugal*, 2019, §§ 36-40; *Magnitskiy and Others v. Russia*, 2019, §§ 175–177; *López Ribalda and Others v. Spain* [GC], 2019, §§ 71-73; *Mile Novaković v. Croatia*, 2020, §§ 33–34; *Yaremiychuk and Others v. Ukraine*, 2021, §§ 11-12; *Freitas Rangel v. Portugal*, 2022, § 38; *Gaggl v. Austria*, 2022, § 35. These principles also apply where an indirect victim dies during the proceedings before the Court and a close relative wishes to pursue the application (*Khojoyan and Vardazaryan v. Azerbaijan*, 2021, § 33).
3. *Locus standi* of applicants to complain in the name and on behalf of close relatives (alive and vulnerable): *İlhan v. Turkey* [GC], 2000, §§ 51-55; *Scozzari and Giunta v. Italy* [GC], 2000, §§ 138-139 (minors); *Lambert and Others v. France* [GC], 2015, §§ 89-95 (general

principles) and §§ 96-106 (application to the case); *Gard and Others v. the United Kingdom* (dec.), 2017, §§ 63-70; *H.F. and Others v. France* [GC], 2022, §§ 148-152.

4. Victim status of family members as "direct victims" for the suffering (Article 3) stemming from serious human rights violations affecting their relatives: *Janowiec and Others v. Russia* [GC], 2013, §§ 177-181; *Selami and Others v. the former Yugoslav Republic of Macedonia*, 2018, §§ 54-56; *Khojoyan and Vardazaryan v. Azerbaijan*, 2021, §§ 72-75.

Further references

Other key themes:

- The *locus standi* of representatives to bring/pursue a case before the Court when the direct victim has died
- Representation of the child before the ECHR

KEY CASE-LAW REFERENCES

Leading cases:

- *Yaşa v. Turkey*, 2 September 1998, *Reports of Judgments and Decisions* 1998-VI (violation of Article 2);
- *Sanles Sanles v. Spain* (dec.), no. 48335/99, ECHR 2000-XI (inadmissible – *ratione personae*);
- *Kaburov v. Bulgaria* (dec.), no. 9035/06, 19 June 2012 (inadmissible – *ratione personae*);
- *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, ECHR 2014 (violation of Article 2).

Other cases:

- *Nölkenbockhoff v. Germany*, 25 August 1987, Series A no. 123 (no violation of Article 6 § 2);
- *Andronicou and Constantinou v. Cyprus*, 9 October 1997, Reports of Judgments and Decisions 1997 VI (no violation of Articles 2 and 6 § 1);
- *Çakıcı v. Turkey* [GC], no. 23657/94, ECHR 1999 IV (violation of Articles 2, 3, 5 and 13);
- *Velikova v. Bulgaria* (dec.), no. 41488/98, ECHR 1999 V (extracts) (admissible under Article 2);
- *McKerr v. the United Kingdom*, no. 28883/95, ECHR 2001 III (violation of Article 2);
- *Brudnicka and Others v. Poland*, no. 54723/00, ECHR 2005-II (violation of Article 6 § 1);
- *Fairfield and Others v. the United Kingdom* (dec.), no. 24790/04, ECHR 2005-VI (inadmissible – *ratione personae*);
- *Marie-Louise Loyen and Bruneel v. France*, no. 55929/00, 5 July 2005 (violation of Article 6 § 1);
- *Biç and Others v. Turkey*, no. 55955/00, 2 February 2006 (inadmissible – *ratione personae*);
- *Ressegatti v. Switzerland*, no. 17671/02, 13 July 2006 (violation of Article 6 § 1);
- *Direkçi and Direkçi v. Turkey* (dec.), no. 47826/99, 3 October 2006 (inadmissible – *ratione personae*);
- *Grădinar v. Moldova*, no. 7170/02, 8 April 2008 (violation of Article 6 § 1);
- *Armonienė v. Lithuania*, no. 36919/02, 25 November 2008 (violation of Article 8);
- *Gakiyev and Gakiyeva v. Russia*, no. 3179/05, 23 April 2009 (violation of Articles 2, 3, 5 and 13);
- *Varnava and Others v. Turkey* [GC], nos. 16064/90 and 8 others, ECHR 2009 (violation of Articles 2, 3 and 5);
- *Micallef v. Malta* [GC], no. 17056/06, ECHR 2009 (violation of Article 6 § 1);
- *Rantsev v. Cyprus and Russia*, no. 25965/04, ECHR 2010 (extracts) (violation of Articles 2, 4 and 5);
- *Polanco Torres and Movilla Polanco v. Spain*, no. 34147/06, 21 September 2010 (no violation of Article 8);
- *Lacadena Calero v. Spain*, no. 23002/07, 22 November 2011 (violation of Article 6 § 1);
- *Koch v. Germany*, no. 497/09, 19 July 2012 (violation of Article 8);
- *Lambert and Others v. France* [GC], no. 46043/14, ECHR 2015 (extracts) (no violation of Article 2);

- *Nagmetov v. Russia*, no. 35589/08, 5 November 2015 (inadmissible – *ratione personae* under Articles 10 and 11; violation of Article 2, case referred to the Grand Chamber);
- *Lykova v. Russia*, no. 68736/11, 22 December 2015 (violation of Articles 2 and 3);
- *Boacă and Others v. Romania*, no. 40355/11, 12 January 2016 (violation of Articles 3 and 14 taken in conjunction with Article 3);
- *Karpylenko v. Ukraine*, no. 15509/12, 11 February 2016 (violation of Articles 2 and 3);
- *Stepanian v. Romania*, no. 60103/11, 14 June 2016 (violation of Article 3);
- *Dzidzava v. Russia*, no. 16363/07, 20 December 2016 (violation of Articles 2, 3 and 13);
- *Rõigas v. Estonia*, no. 49045/13, 12 September 2017 (no violation of Article 2);
- *Khayrullina v. Russia*, no. 29729/09, 19 December 2017 (violation of Articles 2 and 5);
- *Selami and Others v. the former Yugoslav Republic of Macedonia*, no. 78241/13, 1 March 2018 (violation of Articles 3 and 5);
- *Magnitskiy and Others v. Russia*, nos. 32631/09 and 53799/12, 27 August 2019 (violation of Articles 2, 3, 5 and 6);
- *Fabris and Parziale v. Italy*, no. 41603/13, 19 March 2020 (violation of Article 2);
- *Kotilainen and Others v. Finland*, no. 62439/12, 17 September 2020 (violation of Article 2);
- *Jakovljević v. Serbia* (dec.), no. 5158/12, 13 October 2020 (inadmissible – non-exhaustion of domestic remedies);
- *Akbay and Others v. Germany*, nos. 40495/15, 37273/15 and 40913/15, 15 October 2020 (violation of Article 6 § 1);
- *Vilela and Others v. Portugal*, no. 63687/14, 23 February 2021 (violation of Article 8);
- *Stoimenovikj and Miloshevikj v. North Macedonia*, no. 59842/14, 25 March 2021 (violation of Article 6 § 1);
- *S.T. and Y.B. v. Russia*, no. 40125/20, 19 October 2021 (violation of Articles 3 and 5);
- *Khojoyan and Vardazaryan v. Azerbaijan*, no. 62161/14, 4 November 2021 (violation of Articles 2, 3 and 5);
- *H.F. and Others v. France* [GC], nos. 24384/19 and 44234/20, 14 September 2022 (violation of Article 3 § 2 of Protocol No. 4);
- *Vardanyan and Khalafyan v. Armenia*, no. 2265/12, 8 November 2022 (violation of Articles 2 and 3);
- *Gaggl v. Austria*, no. 63950/19, 8 November 2022 (violation of Article 6 § 1);
- *Ghazaryan and Bayramyan v. Azerbaijan*, no. 33050/18, 5 October 2023 (violation of Articles 3 and 5 §§ 1 and 3);
- *Garand and Others v. France*, no. 2474/21, 6 March 2025 (no violation of Article 2);
- *Magherini and Others v. Italy*, no. 32707/19, 15 January 2026 (violation of Article 2).