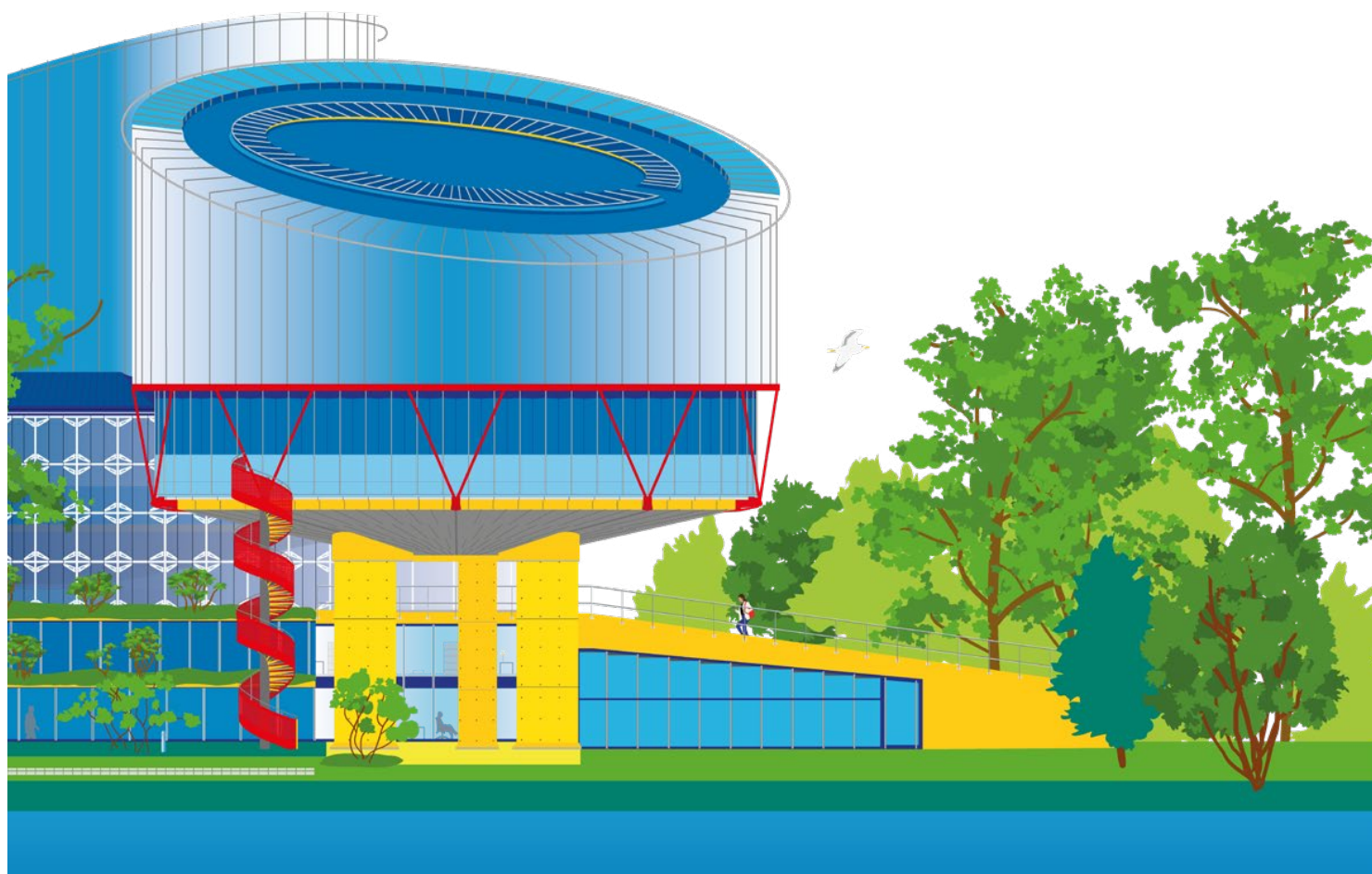


OVERVIEW OF THE CASE-LAW

EUROPEAN COURT OF HUMAN RIGHTS

2025



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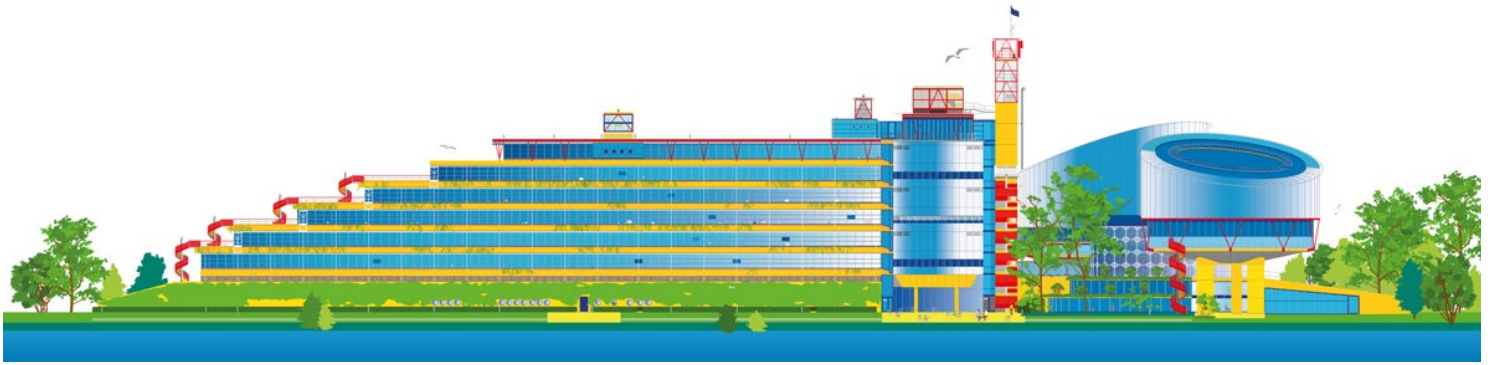
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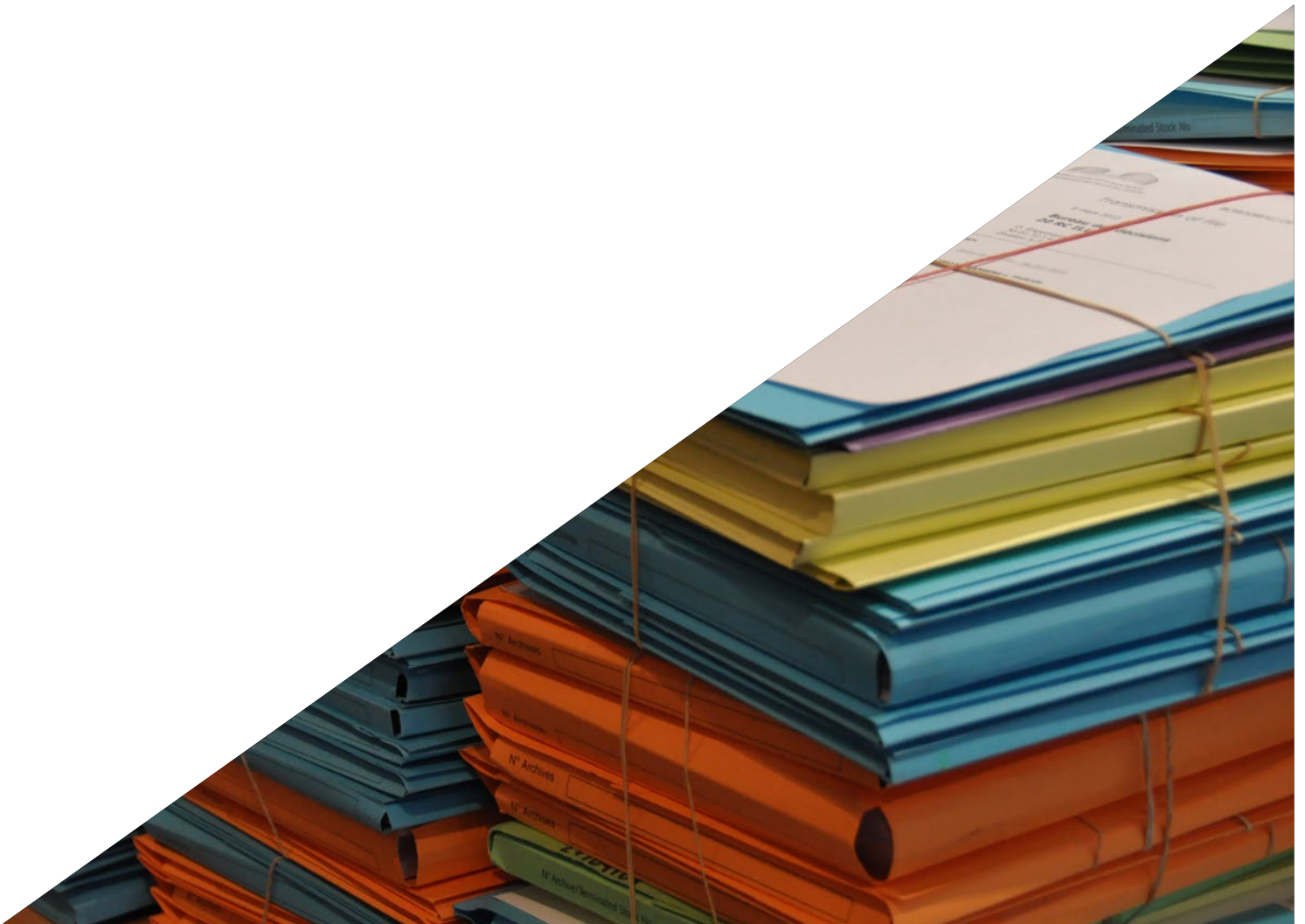
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Foreword





MARIALENA TSIRLI

Registrar
European Court of Human Rights

This Overview is intended as a companion publication to the Court's 2025 Annual Report. It sets out the Court's jurisprudence, focusing on the most significant cases the Court has dealt with over the year, drawing attention to their salient legal points and allowing the reader to appreciate the jurisprudential significance of each case. To demonstrate the Court's vital role in protecting human rights in Europe, a number of key cases are included such as the Grand Chamber judgment in *Ukraine and Netherlands v. Russia*, which concerned widespread and flagrant abuses of human rights arising from the conflict that began in eastern Ukraine in 2014 following the arrival in the Donetsk and Luhansk regions of pro-Russian armed groups, and which escalated after Russia's full-scale invasion of Ukraine that began on 24 February 2022. This landmark judgment is highly legally impactful as it clarifies the Court's case-law across

many areas, as well as setting out a comprehensive documentation of those human rights abuses and establishing the State responsibility of the Russian Federation at the international level.

The key legal aspects of other Grand Chamber cases are also explained, for example that of *Semenya v. Switzerland* concerning the importance of the right for athletes such as the applicant – a South-African international-level competitor specialising in middle-distance races – to have effective access to a court in international sports arbitration; and the case of *Tsaava and Others v. Georgia*, concerning the use of force by the police, including the use of kinetic impact projectiles, where the Grand Chamber set out principles concerning the quality and content of domestic legal frameworks for various types of less-lethal weapons in policing demonstrations and mass disorder. In *Danileț v. Romania*, the Grand Chamber was called upon to consider whether a disciplinary sanction imposed on a judge for posting two messages on his Facebook page was in breach of his freedom of expression. The judgment balances the right to freedom of expression of judges and prosecutors against the duty of discretion, a social value rooted in the ethical obligation for judges and prosecutors to protect public confidence in the justice system.

Those are but a few of the important cases delivered in 2025. Moreover, a full understanding of the jurisprudence is gained by also recalling that the Court's case-law is not standalone but set within the wider context of the jurisprudence of national courts on the Convention. In this regard, the essential quality of the principle of shared responsibility must be underscored, meaning that it falls first and foremost to national authorities to ensure that Convention obligations are observed.

This notion of shared responsibility, or subsidiarity, underpins the whole Convention system. That is why the European Court of Human Rights considers judicial dialogue indispensable and examples of judicial dialogue in the case-law abound, including in some of the significant cases highlighted in the Overview. For example, in *Mansouri v. Italy*, delivered by the Grand Chamber, the Court found the application inadmissible for failure to exhaust domestic remedies; the Grand Chamber took this opportunity to stress how important it was that national courts should be the first to have the possibility of interpreting domestic law and preventing or remedying, within the national legal order, potential violations of the Convention.

In keeping with this viewpoint of the Convention rooted in the national context, the Overview includes the case-law concerning victim status and exhaustion of domestic remedies, and also highlights the indications given by the Court under Article 46 of the Convention which establishes the binding force of the Court's judgments. The Court has no role in the execution of its judgments – instead, supervision of their enforcement falls to the Committee of Ministers of the Council of Europe. However, the Court may give indications to the respondent State as to steps that could be taken to prevent future violations, protect human rights and consequently obviate the need for future cases to be brought to the Court. As the Overview notes, the Court gave such indications in *Cannavacciuolo and Others v. Italy*, which concerned the failure of the authorities to take all appropriate steps to protect the lives of persons living in areas affected by systematic large-scale pollution. In that case, the pollution stemmed from illegal dumping, burying and/or uncontrolled abandonment of hazardous, special and urban waste. The Court indicated among other things that the establishment of an independent body to monitor the effectiveness of measures taken to eradicate the pollution would be appropriate for the authorities to set up.

There are many other examples of subsidiarity and judicial dialogue through the Court's case-law. Moreover, in recent years the Court has also taken steps to put a structure in place to foster and

develop that approach, namely the Superior Courts Network – a community of practice connecting over 100 apex courts in all 46 Council of Europe member States – which, like the Convention itself, also celebrated an anniversary in 2025, its 10th year. Judicial dialogue is also something which has a very human dimension. Successive Presidents and judges of the Court, as well as members of the Registry, have been actively participating over the years in different events and conferences where judicial dialogue, outside the case-law, could develop. Many of these activities are detailed in the 2025 Annual Report which this Overview accompanies, and it is fitting that this companion publication and the Annual Report together highlight these different and complementary dimensions of the Court's work.

The year 2025 saw the 75th anniversary of the European Convention on Human Rights. Whilst the Court has achieved so much over the decades, there are currently a number of challenges – these include the rise of disinformation and populism, and a weakening of the adherence to the values of human rights and the rule of law. However, as the cases evoked in this publication demonstrate, at 75 years the European Convention is a vital force for protecting human rights in Europe. This Overview is intended to enhance understanding of the Convention jurisprudence, and in this sense it also provides a contribution to the Court's essential work of ensuring the protection of human rights.

Jurisdiction and admissibility



Jurisdiction of States (Article 1)

The decision of the Grand Chamber in the case of *Mansouri v. Italy*¹ concerned the lawfulness and conditions of confinement of a Tunisian national on board a ship returning him to Tunisia on the basis of an order refusing him entry to Italy.

The applicant had lawfully resided in Italy on the basis of a temporary residence permit valid from 2014 until 3 April 2016. In January 2016 he had travelled to Tunisia. In May 2016 he was subjected to an identity check at the Palermo maritime border while on board the Italian cruise ship, the *Splendid*, which had arrived from Tunis. He had in his possession, his passport, his expired residence permit and a copy of an application by him for a long-term residence permit, dated 16 October 2015. During the identity check, the border police established that the applicant's residence permit had expired, that the police had refused to renew it on 31 March 2016 and that he did not have a visa to enter the country. The police had therefore issued the applicant with a refusal-of-entry order and had instructed the captain of the *Splendid* to return him to Tunisia.

The applicant complained under Article 5 of the Convention that he had been unlawfully deprived of his liberty on board the ship, that he had not been informed of the grounds for that measure, that there had been no domestic remedy available to him by which to challenge its lawfulness and that he had been unable to obtain appropriate redress for the violations alleged. In addition, relying on Articles 3 and 13 of the Convention, he complained about the material conditions of his voyage on board the ship and of the lack of a domestic remedy in respect of that complaint. The Grand Chamber declared the application inadmissible.

The decision is noteworthy in that the Court confirmed its case-law regarding State responsibility for events and acts taking place

on board a ship flying its flag. In finding that the events fell within Italy's jurisdiction, the Court emphasised that the *Splendid* was a ship owned by an Italian shipping company and flying the Italian flag and that, throughout the period in question, it had been under the control of its captain, whose duties had been governed by Italian law. The Court also found that the captain's acts were attributable to the respondent State as he had been vested with public-authority powers when he had been entrusted with the task of returning the applicant to Tunis and remained so throughout the applicant's entire stay on board the ship, including when the ship had been in Tunisian territorial waters.

The inter-State case of *Ukraine and the Netherlands v. Russia*² concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged "massive human rights violations" committed by Russian troops in that country after 24 February 2022.

1. *Mansouri v. Italy* (dec.) [GC], no. 63386/16, 29 April 2025. See also under Article 35 § 1 (Exhaustion of domestic remedies) below.

2. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 35 § 3 (a) (Incompatibility *rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty), Article 8 (Private and Family life), Article 8 (Home), Article 14 (Prohibition of discrimination), Article 2 of Protocol No. 1 (Right to respect for parents' philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

By a decision delivered on 25 January 2023³, the Grand Chamber declared the first three applications partly admissible. In particular, it held that Russia had effective control over all areas in the hands of separatists from 11 May 2014 and that the impugned facts fell within the spatial jurisdiction of Russia within the meaning of Article 1, with the exception of the Ukrainian Government's complaint about the bombing and shelling of areas outside separatist control. The question of whether Russia had jurisdiction over the latter complaint was joined to the merits. As regards the downing of flight MH17, the Court found that both the firing of the missile and the consequent downing of the airplane had occurred in territory which had been in the hands of separatists and therefore within Russian jurisdiction.

On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case. By the present judgment, it found a violation of Articles 2 and 3 and of Article 13 combined with Article 2 of the Convention in respect of the downing of flight MH17, and numerous violations arising from administrative practices contrary to Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13 and 14 of the Convention and Articles 1 and 2 of Protocol No. 1, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention.

Restating the principles governing the extraterritorial jurisdiction of a Contracting State and how they had been applied to the active phase of the hostilities in *Georgia v. Russia (II)*⁴, the Court specified their application in the particular circumstances of the armed conflict in Ukraine. Concerning the kinetic use of force by Russia (that is, both separatists and Russian armed forces) with impact in Ukrainian territory which was not under the effective control of the Russian Federation, the Court concluded that the latter had exercised its jurisdiction, within the meaning of Article 1 of the Convention. In that regard, it characterised the attacks perpetrated after 24 February 2022 not as a wholly distinct set of facts but as the continuation and escalation of the strategy pursued by Russia since 2014. The Court established that the Russian military attacks across Ukrainian sovereign territory

between 2014 and 2022 had been extensive, strategically planned, and carried out with the deliberate intention and indisputable effect of assuming authority and control, falling short of effective control, over areas, infrastructure and people in Ukraine, which was wholly at odds with any notion of chaos (compare with *Georgia v. Russia (II)*, cited above, §§ 137-38). By conducting its attacks, the Russian Federation had assumed a degree of responsibility over the individuals affected by the attacks. In those circumstances it had exercised, through its *de jure* and *de facto* armed forces, authority and control over individuals affected by its attacks; such individuals therefore fell within the jurisdiction of the Russian Federation for the purposes of Article 1 of the Convention (see, *mutatis mutandis*, *Al-Skeini and Others v. the United Kingdom*⁵).

The case of *Semenya v. Switzerland*⁶ concerned the jurisdictional link with Switzerland in respect of Article 6 § 1 (but not Articles 8, 13 and 14) of the Convention, created by the legal action brought before the Federal Supreme Court to challenge the Court of Arbitration for Sport's decision regarding the obligation on the applicant to decrease her natural testosterone level in order to be allowed to take part in the female category of international competitions. *Semenya* also concerned the scope of the review required under the civil limb of Article 6 § 1 in this type of case.

The applicant was a South-African international-level athlete, specialising in middle-distance races. She complained that the "Eligibility Regulations for the Female Classification (Athletes with Differences of Sex Development)" ("the DSD Regulations") issued by the International Association of Athletics Federations (IAAF) had required her to decrease her natural testosterone level in order to be able to take part in international competitions in the female category. She had initially complied with the regulations, before stopping treatment and refusing to recommence it. In consequence, she had been unable to take part in international competitions. Her legal actions challenging those regulations had been rejected by the Court of Arbitration for Sport (CAS), which had its seat in

3. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

4. *Georgia v. Russia (II)* [GC], no. 38263/08, §§ 125-39, 21 January 2021.

5. *Al-Skeini and Others v. the United Kingdom* [GC], no. 55721/07, § 137, ECHR 2011.

6. *Semenya v. Switzerland* [GC], no. 10934/21, 10 July 2025. See also under Article 6 § 1 (Access to a court) below.

Switzerland, and subsequently by the Federal Supreme Court.

Before the Court, she complained, in particular, that the DSD Regulations had infringed her right to respect for her private life, as provided for in Article 8, and had subjected her to a discriminatory difference in treatment in the exercise of that right, in breach of Article 14 of the Convention. Under Article 6 § 1 and Article 13 of the Convention, she also complained about the excessively limited review conducted by the Federal Supreme Court in her case.

In a judgment of 11 July 2023, a Chamber of the Third Section of the Court found that the applicant's case fell within Switzerland's "jurisdiction" within the meaning of Article 1 of the Convention. On the merits, it held, by three votes to four, that there had been a violation of Article 14 in conjunction with Article 8, and of Article 13 in relation to Article 14 in conjunction with Article 8. As to the complaint under Article 6 § 1, the Chamber considered that it had not given rise to any separate issue and that there had therefore been no need to rule separately on it.

On 6 November 2023 the case was referred to the Grand Chamber at the request of the Government. In its judgment, the Grand Chamber began by noting that there was no territorial link between Switzerland on the one hand, and the applicant, the adoption of the DSD Regulations by the IAAF and their effects on her on the other, apart from the proceedings brought before the CAS and the Federal Supreme Court. The applicant did not therefore fall within the territorial jurisdiction of the respondent State. Turning to exceptions to the principle of territoriality, the Grand Chamber found that the applicant's legal action before the Federal Supreme Court had, by way of exception, created a jurisdictional link with Switzerland with regard to Article 6 § 1 of the Convention. By contrast, since (with the exception of that procedural link) there were no special features in the present case connecting the applicant and the respondent State, she did not fall within Switzerland's jurisdiction with regard to the other provisions relied upon, and the related complaints were therefore declared inadmissible as being incompatible *ratione personae* and *ratione loci* with the Convention. On the merits, the Grand Chamber found a violation of the civil limb of Article 6 § 1, considering that the

Federal Supreme Court's review of the applicant's case had not fulfilled the requirement of particular rigour called for in the circumstances of the case, on account, specifically, of the excessively restrictive interpretation of the concept of substantive public policy (within the meaning of the Federal Act on Private International Law) that it had applied to the review of the CAS's arbitral awards.

The judgment is noteworthy in that the Court reaffirmed the application of the exceptions to the territoriality principle.

(i) The Court confirmed the principle set out in *Markovic and Others v. Italy*⁷, to the effect that, even if the events giving rise to an application had occurred outside the territory of the respondent State, the latter's jurisdiction was established where a person had brought a civil action in the courts of that State, if the domestic law recognised a right to bring such an action and if the right claimed was one which prima facie possessed the characteristics required by that provision. In the context of a civil action brought in the domestic courts, the person in question fell within the jurisdiction of that State with regard to respect for the rights guaranteed by Article 6 § 1 of the Convention.

(ii) The Court specified that the above-mentioned reasoning applied only in relation to procedural obligations that were autonomous and detachable from the substantive aspect of the case (another example being that of the procedural limb of Article 2 concerning the right to life; see *Güzelyurtlu and Others v. Cyprus and Turkey*⁸). By contrast, it emphasised that it was only in very exceptional circumstances that it might conclude that a State had extraterritorial jurisdiction in relation to the substantive aspect of such a case.

(iii) As concerned, in particular, the criterion of "control over the applicant" as a basis for establishing a State's extraterritorial jurisdiction within the meaning of Article 1 of the Convention, the Court specified that it required control over the person himself or herself and not merely "control over [his or her] Convention interests". It reiterated that, leaving aside the particular case-law under Article 2 concerning intentional deprivation of life by State agents, there was no support in the case-law for the scope of extraterritorial jurisdiction being expanded in such a manner (see *Duarte Agostinho and Others v. Portugal and 32 Others*⁹).

7. *Markovic and Others v. Italy* [GC], no. 1398/03, §§ 53-54, CEDH 2006-XIV.

8. *Güzelyurtlu and Others v. Cyprus and Turkey* [GC], no. 36925/07, §§ 188-89, 29 January 2019.

9. *Duarte Agostinho and Others v. Portugal and 32 Others* (dec.) [GC], no. 39371/20, § 205, 9 April 2024.

Admissibility (Articles 34 and 35)

The Court's duty to examine an individual application

The case of *Tsaava and Others v. Georgia*¹⁰ concerned the use of force by the police, including the use of kinetic impact projectiles, during the dispersal of a demonstration.

The twenty-six applicants were participants in a demonstration in front of the Georgian Parliament in 2019 or were journalists covering it. All of them were injured during its dispersal in the course of which the police repeatedly fired kinetic impact projectiles. The applicants took part in the criminal investigation into the use of force by the police. Before the Court, the applicants alleged a violation of Articles 3, 10 and 11 of the Convention. The Chamber judgment (delivered on 7 May 2024) found the complaints under Article 3 to be admissible in the case of twenty-four of the applicants (and inadmissible for two of the applicants under that Article) and found a violation of the procedural limb of Article 3. It refrained from taking a decision on the merits of the complaints under the substantive limb of Article 3 and on the admissibility and merits of the complaints under Articles 10 and 11 of the Convention.

Following the referral of the judgment, the Grand Chamber found that it was not open to the Court to refrain from taking a final decision on the admissibility or merits of some complaints as the Chamber had done, and so it was required to examine those complaints.

The judgment is noteworthy in that the Court specified the extent and the limits of its own power to refrain from taking a decision on some of the applicants' complaints. It affirmed that the Court's duty to examine an application was the necessary corollary of the right of individual application enshrined in Article 34 and that, by analogy with the right of access to a court under Article 6, that duty was to be understood as comprising the obligation to come to a final decision on the case. Unless, therefore, the Court applied a Convention provision which enabled it to dispose of an application in some other way, it could not refrain from deciding on its admissibility and, to the extent that one or

more complaints were admissible, on its merits. The principles of subsidiarity and shared responsibility might have an impact on the Court's duty in that respect but could not, on their own, override it. There were certain exceptions: it was open to the Court not to examine complaints which fully, or to some extent, overlapped with complaints which it had already examined (related to the same facts and concerned issues which were part of – and were thus absorbed by – the broader issues already examined); when faced with a complaint under two Convention provisions which, on the facts of the case before it, governed the same subject matter but differed in their level of specificity (*lex generalis* and *lex specialis*), the Court would normally examine the complaint solely under the latter, sometimes construing it in the light of the former; and the Court could confine its examination to the main legal question(s) finding no need to give a separate ruling on the remaining complaints.

However, none of those exceptions had applied in the applicants' case. The applicants' complaints under the substantive limb of Article 3 did not overlap with those under its procedural limb, either in terms of the underlying facts or in terms of the nature and scope of the obligations concerned (the substantive and procedural obligations under that Article being distinct). Similarly, although the complaints under Articles 10 and 11 had arisen out of the same facts as those under the substantive limb of Article 3, they did not overlap with them, there being a difference in the nature of the interests safeguarded by those provisions. All three complaints were plainly central to the application. Lastly, the Court distinguished the case from those where it had, exceptionally, refrained from examining individualised complaints raising issues outside the core issue decided by it (see *Turan and Others v. Turkey*¹¹), since the present applications were not part of a large group whose full examination would risk overwhelming the Court, and the core issues in them were the substantive ones arising under Articles 3, 10 and 11 of the Convention.

10. *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, 11 December 2025. See also under Article 3 (Positive obligations), Article 10 (Freedom of the Press) and Article 41 (Non-pecuniary damage) below.

11. *Turan and Others v. Turkey*, nos. 75805/16 and 426 others, § 98, 23 November 2021.

Victim status (Article 34)

The case of *Cannavacciuolo and Others v. Italy*¹² concerned the failure of the authorities to take all appropriate steps to protect the lives of persons living in areas affected by systematic large-scale pollution.

The applicants were five environmental associations and 41 individuals living in the Campania Region of Italy. The individual applicants (or their deceased relatives on behalf of whom they complained), lived in areas of Campania affected by a decade-long large-scale pollution phenomenon known as the “*Terra dei Fuochi*” (“Land of Fires”), stemming from illegal dumping, burying and/or uncontrolled abandonment of hazardous, special and urban waste, often carried out by criminal organised groups and frequently combined with incineration. Almost all the alleged direct victims had developed serious health problems (in most cases a form of cancer). “*Terra dei Fuochi*”, which had been ongoing since at least 1988, was a well-known phenomenon identified by parliamentary commissions of inquiry as early as 1996 and highlighted by certain non-governmental actors since 2003. In 2013, following a public outcry, legislation was enacted introducing a set of urgent measures aimed at addressing the problem as an environmental emergency. The State authorities’ response attracted extensive criticism for being inadequate, not only from environmental associations, civil society and the media, but also from Italy’s own parliamentary commissions.

Relying essentially on Article 2 of the Convention, the applicants complained that, despite having been aware of the problem for a significant period, the domestic authorities had not taken adequate measures to protect the individual applicants (or their deceased relatives) from the effects of the illegal waste disposal, had failed to provide them with information in that regard and had not established an adequate legal framework enabling the prosecution of those responsible. The Court declared the complaints lodged by the applicant associations inadmissible (*ratione personae*), as they were not directly affected by the alleged violations and lacked standing to act on

behalf of their members), as well as those of some of the individual applicants (including all those who had complained on behalf of their deceased relatives). In respect of the remaining applicants, the Court ruled that Article 2 was applicable (substantive limb).

The judgment is important in that the Court clarified the principles governing the victim status and *locus standi* of associations in environment-related cases.

As regards the standing of an association to lodge a complaint on behalf of individuals whose rights are affected, the Court clarified that, although the Grand Chamber had recognised the standing of associations in *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*¹³, that approach was limited to the very specific context of climate change, given

the special feature of climate change as a common concern of humankind and the necessity of promoting intergenerational burden-sharing in this context.¹⁴

In the present case, in the absence of any exceptional considerations or circumstances which would justify granting standing to the applicant associations to act on behalf of the alleged direct victims, without a specific authority to do so, the Court followed its usual approach to the effect that, where an association relied exclusively on the individual rights of its members without showing that it had itself been substantially affected in any way, it could not be granted victim status under a substantive provision of the Convention (see, for example, *Yusufeli İlçesini Güzelleştirme Yaşatma Kültür Varlıklarını Koruma Derneği v. Turkey*¹⁵).

The case of *Ships Waste Oil Collector B.V. and Others v. the Netherlands*¹⁶ concerned the transmission and use, in competition-law proceedings, of data lawfully obtained through telephone tapping in criminal investigations.

The applicants were six companies, incorporated under Dutch law and engaged either in the collection of waste liquids from ships or in construction,

12. *Cannavacciuolo and Others v. Italy*, nos. 51567/14 and 3 others, 30 January 2025. See also under Article 2 (Obligation to protect life) and Article 46 (Pilot judgments) below.

13. *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, 9 April 2024.

14. *Ibid.*, § 499.

15. *Yusufeli İlçesini Güzelleştirme Yaşatma Kültür Varlıklarını Koruma Derneği v. Turkey* (dec.), no. 37857/14, §§ 38–41, 7 December 2021.

16. *Ships Waste Oil Collector B.V. and Others v. the Netherlands* [GC], nos. 2799/16 and 3 others, 1 April 2025. See also under Article 8 (Correspondence) below.

and the transmission, by the Public Prosecution Service, of data, lawfully obtained in the context of criminal investigations through telephone tapping and duly authorised by an investigating judge, to the Netherlands Competition Authority (“the NMA”) and their subsequent use by the NMA in unrelated administrative investigations into the alleged involvement of the applicant companies in price-fixing. Following the competition-law proceedings, the applicant companies were fined for breaches of the Competition Act.

Before the Court, the applicant companies alleged a violation of Articles 8 and 13 of the Convention. A Chamber of the Court found that there had been no violation of either of those provisions and the Grand Chamber, on referral, reached the same conclusion.

Regarding the victim status of the applicants, in *Liblik and Others v. Estonia*¹⁷ the Court had held that the fact that a person under secret surveillance was also a member of a legal entity’s management board did not automatically lead to an interference with that legal entity’s Article 8 rights, the “victim” status of the latter depending on the specific circumstances of each case. Applying that principle, the Court found that the applicant companies had been fined on the basis of information obtained by tapping the telephones of individual employees. The interception measures, and subsequent data transmissions for use in the competition proceedings, had therefore directly affected the companies and had interfered with their right to respect for their “correspondence” within the meaning of Article 8 of the Convention.

█ The case of *Kovačević v. Bosnia and Herzegovina*¹⁸ concerned alleged discrimination on account of the inability to vote for candidates of one’s choice in legislative and presidential elections due to a combination of ethnic and territorial requirements in Bosnia and Herzegovina.

It concerned the same electoral rules at issue in *Sejdić and Finci v. Bosnia and Herzegovina*¹⁹, which stemmed from the constitutional arrangement of Bosnia and Herzegovina along ethnic and territorial lines. According to the State Constitution (put in place by the Dayton Agreement of 1995), only persons declaring affiliation with one of the

country’s three “constituent peoples” (Bosniacs, Croats, and Serbs) were entitled to stand for election to the House of Peoples (the second legislative chamber of the Parliamentary Assembly of Bosnia and Herzegovina) and to the collective three-member Presidency of Bosnia and Herzegovina. Only the voters residing in the Republika Srpska could participate in the selection or election of Serb members of the House of Peoples (indirectly) and the Presidency (through direct elections). Similarly, only the voters residing in the Federation could participate in the selection or election of Bosniac and Croat members of those State bodies.

The applicant, who was a dual national of Bosnia and Herzegovina and Croatia and who refused to specify his ethnic affiliation, complained that the above-noted constitutional requirements, preventing him from voting for the candidates of his choice, amounted to discrimination under Article 14 of the Convention read in conjunction with Article 3 of Protocol No. 1 (in respect of the House of Peoples) and of Article 1 of Protocol No. 12 (in respect of both the House of Peoples and the Presidency). By a judgment of 29 August 2023, a Chamber of the Fourth Section found a violation of Article 1 of Protocol No. 12 in respect of the complaints both about the composition of the House of Peoples and the elections to the Presidency. It also found that there was no need to examine either the admissibility or the merits of the complaint concerning the composition of the House of Peoples from the standpoint of Article 14 taken in conjunction with Article 3 of Protocol No. 1.

On 14 December 2023, at the Government’s request, the case was referred to the Grand Chamber which upheld the Government’s preliminary objections as to the abuse of the right of application and the lack of victim status. As to the latter, the Grand Chamber found that the applicant’s complaints were of an *actio popularis* nature as, rather than alleging a violation of any of his individual rights protected under the Convention and the Protocols thereto on account of the impugned electoral rules, they had targeted the respondent State’s constitutional and electoral structure in a general manner.

The novelty of the case resided in the fact that the applicant had challenged the allegedly discriminatory effect of the same rules as in *Sejdić*

17. *Liblik and Others v. Estonia*, nos. 173/15 and 5 others, §112, 28 May 2019.

18. *Kovačević v. Bosnia and Herzegovina* [GC], no. 43651/22, 25 June 2025. See also under Article 35 § 3 (a) (Abuse of the right of application) below.

19. *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06, ECHR 2009.

and Finci, not from the standpoint of the right to stand for election (the so-called “passive” aspect of the right to vote), but from the standpoint of a voter in the exercise of the so-called “active” electoral right. The Grand Chamber provided useful clarification on the criteria governing the victim status of a voter complaining of discrimination in the exercise of the right to vote. It also clarified some aspects of admissibility and of other preliminary issues in proceedings before the Court.

The Court rejected the idea that an applicant’s eligibility to vote in elections to a cantonal assembly and thus, indirectly, in elections to the House of Peoples had been sufficient to establish his victim status in respect of the discrimination complaints raised in relation to that second legislative chamber. The fact that he had been subject to the legislative authority of the House of Peoples, like all citizens of Bosnia and Herzegovina, was not sufficient either. For the same reasons, neither the direct nature of the vote for the Presidency, nor the nature and scope of the latter’s executive powers were sufficient to render the applicant a “victim” of discrimination in respect of any perceived deficiency in the process of elections to the Presidency. A contrary approach would have granted the entire voting population virtually automatic victim status in respect of the electoral rules in question, without considering whether they had had a direct and personal discriminatory impact on each individual applicant. That would

enable the Court to examine any domestic electoral law in the abstract and would thus fall foul of the rule against *actio popularis*. Instead, a more targeted assessment as to the existence of victim status had to be carried out on the basis of the specific complaints raised by the applicant.

In that regard, the Court explained that, while both the active and passive aspects of the right to vote served, in a complementary manner, the general aim of establishing and maintaining the foundations of an effective and meaningful democracy governed by the rule of law, they were intended to protect different interests, were different in their scope, entailed different requirements and might be subject to different limitations. An act infringing the rights of persons wishing to stand for election (the passive electoral right) did not necessarily render the users of the active right to vote victims on the same or related grounds, even if their interests might also have been affected to some degree. For that reason, the applicant in the present case could not be recognised as having victim status simply by virtue of the Court’s findings in *Sejdić and Finci*. For the victim status of voters to be established, they had to be directly and personally affected by the electoral rules in question, in the sense that there had to be a sufficiently direct link between them and the harm which they claimed to have sustained in their capacity as voters on account of the rules at issue.

Victim status and *locus standi* (Article 34)

The case of *Greenpeace Nordic and Others v. Norway*²⁰ concerned the procedural obligation to conduct an environmental impact assessment in connection with petroleum extraction.

The applicants were two non-governmental organisations (NGOs) and six individuals (who lived in Oslo and were/had been members of one of the NGOs). The NGOs unsuccessfully sought to judicially review a decision taken in 2016 by the Ministry of Petroleum and Energy to grant ten petroleum exploration licences to certain companies to extract petroleum (Barents Sea, 23rd licencing round). The applicants mainly complained under Articles 2 and 8 to the European Court that the 2016 decision rendered possible the actual/potential substantive harm from the burning of any petroleum extracted;

that the State had failed to regulate licensing so as to safeguard the individual applicants from climate change; and that, during the licensing process, the authorities had failed to undertake an adequate environmental impact assessment (EIA) of the potential climate-change related harm to life, health, well-being and quality of life (the Supreme Court had found that an EIA could be deferred to a later stage in the decision-making process (namely, the Plan for Development and Operation (PDO) stage). The Court examined those complaints from the standpoint of Article 8 only, finding that Article 8 applied but that there had been no violation of that provision.

The judgment is noteworthy since it applies the tests on the victim status of individual applicants

20. *Greenpeace Nordic and Others v. Norway*, no. 34068/21, 28 October 2025 (not final). See also under Article 8 (Positive obligations) below.

and the *locus standi* of the applicant associations (set out in *Verein KlimaSeniorinnen Schweiz and Others*²¹).

Following the approach in *Verein KlimaSeniorinnen Schweiz and Others*, the Court examined the victim status of the individual applicants and the *locus standi* of the applicant organisations.

As to the victim status of the individual applicants, the Court found that the two-step high threshold for victim status test had not been fulfilled given their lack of substantiation of any specific impact of climate change or climate change anxiety on their mental or physical health and/or their life choices. As to any individual applicants who were members of the Sámi people, and while the Court fully appreciated that climate change

posed a threat to the traditional Sámi way of life and culture, it could not conclude that the personal hardships alleged were of a “high intensity”. There was therefore no indication that the individual applicants had been subjected to a high intensity of exposure to the adverse effects of climate change which had affected them personally, or that there had been a pressing need to ensure their individual protection from the harm which the effects of climate change might have had on their enjoyment of their human rights.

As to the applicant NGOs, the Court found that they did satisfy the three-step test set out in *Verein KlimaSeniorinnen Schweiz and Others* so that they had the necessary *locus standi*.

Exhaustion of domestic remedies (Article 35 § 1)

The decision of the Grand Chamber in the case of *Mansouri v. Italy*²² concerned the lawfulness and conditions of confinement of a Tunisian national on board a ship returning him to Tunisia on the basis of an order refusing him entry to Italy.

The applicant had lawfully resided in Italy on the basis of a temporary residence permit valid from 2014 until 3 April 2016. In January 2016 he had travelled to Tunisia. In May 2016 he was subjected to an identity check at the Palermo maritime border while on board the Italian cruise ship, the *Splendid*, which had arrived from Tunis. He had in his possession, his passport, his expired residence permit and a copy of an application by him for a long-term residence permit, dated 16 October 2015. During the identity check, the border police established that the applicant’s residence permit had expired, that the police had refused to renew it on 31 March 2016 and that he did not have a visa to enter the country. The police had therefore issued the applicant with a refusal-of-entry order and had instructed the captain of the *Splendid* to return him to Tunisia.

The applicant complained under Article 5 of the Convention that he had been unlawfully deprived of his liberty on board the ship, that he had not been informed of the grounds for that measure, that there had been no domestic remedy available to him by which to challenge its lawfulness and that he had been unable to obtain appropriate redress for the violations alleged. In addition, relying on

Articles 3 and 13 of the Convention, he complained about the material conditions of his voyage on board the ship and of the lack of a domestic remedy in respect of that complaint. The Grand Chamber declared the application inadmissible.

The judgment is noteworthy in that the Court clarified the nature of the domestic remedies that had to be available under Article 5 of the Convention, referring also to the corresponding duties of an applicant to make proper use of them.

(i) In finding that the events fell within Italy’s jurisdiction, the Court emphasised that the *Splendid* was a ship owned by an Italian shipping company and flying the Italian flag and that, throughout the period in question, it had been under the control of its captain, whose duties had been governed by Italian law. The Court also found that the captain’s acts were attributable to the respondent State as he had been vested with public-authority powers when he had been entrusted with the task of returning the applicant and remained so throughout the applicant’s entire stay on board the ship, including when the ship had been in Tunisian territorial waters.

(ii) The Court reaffirmed its case-law according to which preventive and compensatory remedies had to be complementary in cases of deprivation of liberty. For a remedy in respect of the lawfulness of a deprivation of liberty to be effective, it had in principle to offer a prospect of immediate release following a finding of unlawfulness. However,

21. *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, 9 April 2024.

22. *Mansouri v. Italy* (dec.) [GC], no. 63386/16, 29 April 2025. See also under Article 1 (Jurisdiction of States) above.

where an applicant complained before the Court of a deprivation of liberty that had come to an end before his or her application had been lodged, a claim capable of leading to an acknowledgment of the violation and an award of compensation was in principle an effective remedy which needed to be pursued if its effectiveness in practice had been convincingly established.

(iii) As regards the compensatory remedy proposed by the Government, the Court considered that the relevant domestic decisions, although delivered after the events in the present case, demonstrated with a sufficient degree of certainty that the civil courts were capable of holding the State authorities to account for deprivations of liberty found to have been unlawful in various regards and, where appropriate, could award compensation. The lack of authorities in the specific area of immediate removals of aliens at the border did not in itself suggest that the remedy in question was not effective. The absence of a well-established body of domestic case-law predating the present application could be explained by the fact that the remedy had never been used in this particular context. The existence of mere doubts as to the prospects of success of a particular remedy which was not obviously futile, was not a valid reason for failing to pursue it.

Had it been used by the applicant, the compensatory remedy would have made it possible for the domestic courts, not only to clarify whether the circumstances of the case had amounted to a “deprivation of liberty”, but also to scrutinise its lawfulness and, if appropriate, compensate him in the event of their finding a violation of Article 5 of the Convention. Given that the deprivation of liberty alleged by the applicant had already come to an end when he lodged his application, the

characteristics of the compensatory remedy were sufficient to meet the requirements of the Court’s case-law for the purposes of Article 35 § 1 of the Convention.

The Court further considered that, after the applicant had been placed under the captain’s responsibility on board the ship, an application for interim relief had also been accessible to him and capable of securing his release.

The Court consequently found that, even assuming that Article 5 was applicable in the present case, the applicant had failed to exhaust the available and effective remedies in respect of his complaints under Article 5 §§ 1 and 2 and that he had not taken appropriate steps to enable the national courts to fulfil their fundamental role in the Convention protection system, that of the Court being subsidiary to theirs.

(iv) Finally, the Court noted that the present case was closely connected to issues that fell within the ambit of EU law. In the light of the functioning of the system for policing the external borders of the Schengen Area, the return by the carrier – which was required to take the necessary measures for such return on pain of sanctions – of a third-country national who did not fulfil all the entry conditions formed an integral part of the process of refusing admission to a national territory. Although the question arose as to whether the refusal-of-entry order had constituted the legal basis for the restrictions to which the applicant claimed to have been subjected while being returned, the Italian courts, in the absence of proceedings before them, had not had the opportunity to examine any issue as to the interpretation of the provisions of the [Schengen Borders Code](#) and Annex V thereto or of its compatibility with fundamental rights.

Competence *ratione temporis* (Article 35 § 3 (a))

The inter-State case of *Ukraine and the Netherlands v. Russia*²³ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and

concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government

23. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States) above and under Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of discrimination), Article 2 of Protocol No. 1 (Respect for parents’ philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a [decision](#) delivered on 25 January 2023²⁴, the Grand Chamber declared the first three applications partly admissible. On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case.

By the present judgment, the Grand Chamber declared that it had jurisdiction *ratione temporis* to deal with the case in so far as it concerned events that had taken place before 16 September 2022, the date when the Russian Federation ceased to be a Party to the Convention.

Abuse of the right of application (Article 35 § 3 (a))

The case of *Kovačević v. Bosnia and Herzegovina*²⁵ concerned alleged discrimination on account of the inability to vote for candidates of one’s choice in legislative and presidential elections due to a combination of ethnic and territorial requirements in Bosnia and Herzegovina.

It concerned the same electoral rules at issue in *Sejdić and Finci v. Bosnia and Herzegovina*²⁶, which stemmed from the constitutional arrangement of Bosnia and Herzegovina along ethnic and territorial lines. According to the State Constitution (put in place by the Dayton Agreement of 1995), only persons declaring affiliation with one of the country’s three “constituent peoples” (Bosniacs, Croats, and Serbs) were entitled to stand for election to the House of Peoples (the second legislative chamber of the Parliamentary Assembly of Bosnia and Herzegovina) and to the collective three-member Presidency of Bosnia and Herzegovina. Only the voters residing in the Republika Srpska could participate in the selection or election of Serb members of the House of Peoples (indirectly) and the Presidency (through direct elections). Similarly, only the voters residing in the Federation could participate in the selection or election of Bosniac and Croat members of those State bodies.

The applicant, who was a dual national of Bosnia and Herzegovina and Croatia and who refused to specify his ethnic affiliation, complained that the above-noted constitutional requirements, preventing him from voting for the candidates of his choice, amounted to discrimination under Article 14 of the Convention read in conjunction with Article 3 of Protocol No. 1 (in respect of the

House of Peoples) and of Article 1 of Protocol No. 12 (in respect of both the House of Peoples and the Presidency). By a judgment of 29 August 2023, a Chamber of the Fourth Section found a violation of Article 1 of Protocol No. 12 in respect of the complaints both about the composition of the House of Peoples and the elections to the Presidency. It also found that there was no need to examine either the admissibility or the merits of the complaint concerning the composition of the House of Peoples from the standpoint of Article 14 taken in conjunction with Article 3 of Protocol No. 1.

On 14 December 2023, at the Government’s request, the case was referred to the Grand Chamber which upheld the Government’s preliminary objections as to the abuse of the right of application and the lack of victim status. Regarding the former, the Grand Chamber held that the malicious accusations and gratuitous personal attacks directed by the applicant at the Court’s judges, in particular the Court’s then President, the Government’s acting Agents and the High Representative, as well as his deceptive conduct in relation to a matter of potential relevance to the case (whether or not he had affiliated as a Croat when serving as a member of Sarajevo City Council), had amounted to an abuse of the right of application within the meaning of Article 35 § 3 (a) of the Convention.

(i) Although the Court had eventually ruled that the applicant was estopped from contesting the validity of the mandate of the Government’s acting Agents and their authority to request the referral of the case to the Grand Chamber, it emphasised that

24. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

25. *Kovačević v. Bosnia and Herzegovina* [GC], no. 43651/22, 25 June 2025. See also under Article 34 (Victim status) above.

26. *Sejdić and Finci v. Bosnia and Herzegovina* [GC], nos. 27996/06 and 34836/06, ECHR 2009.

any procedural irregularity pertaining to the status of an acting Agent under domestic law remained an internal matter and had to be resolved within the domestic legal system (*Beg S.p.a. v. Italy*²⁷). Until the respondent State had demonstrated its will to withdraw the authority of an Agent in an unequivocal manner, the Court would consider that that State continued to be duly represented by that Agent for the purposes of Rule 35 of the Rules of Court.

(ii) While the Court had, on numerous occasions, reiterated that the statements used by an applicant in his or her correspondence with it must always remain within “the bounds of normal, civic and legitimate criticism”, and that gratuitously offensive remarks against the Court itself, its judges, its Registry or members thereof might constitute an abuse of the right of application (see, among others, *Mirojubovs and Others v. Latvia*²⁸

or *X and Others v. Bulgaria*²⁹), in the present case that principle was also applied (it would seem for the first time) to allegations made in the context of a request for the recusal of a judge. The Court found that the applicant’s statements, containing very serious accusations challenging the integrity of the then President of the Court, and, indirectly, that of the members of the Grand Chamber panel who had decided on the referral request, fell wholly short of the standards to be expected in the formulation of recusal requests. What was more, the fact that those unsubstantiated accusations and offensive remarks had directly targeted the Court’s then President, in the very performance of her duties as President, had a special significance, as she represented the Court as an institution. By attacking her disdainfully, the applicant had shown disrespect to the very institution to which he had applied for the protection of his rights.

27. *Beg S.p.a. v. Italy*, no. 5312/11, § 55, 20 May 2021.

28. *Mirojubovs and Others v. Latvia* no. 978/05, §§ 64-65, 15 September 2009.

29. *X and Others v. Bulgaria* [GC], 22457/16, § 146, 2 February 2021.

“Core” rights



Right to life (Article 2)

Obligation to protect life

The case of *Cannavacciuolo and Others v. Italy*¹ concerned the failure of the authorities to take all appropriate steps to protect the lives of persons living in areas affected by systematic large-scale pollution.

The applicants were five environmental associations and 41 individuals living in the Campania Region of Italy. The individual applicants (or their deceased relatives on behalf of whom they complained), lived in areas of Campania affected by a decade-long large-scale pollution phenomenon known as the “*Terra dei Fuochi*” (“Land of Fires”), stemming from illegal dumping, burying and/or uncontrolled abandonment of hazardous, special and urban waste, often carried out by criminal organised groups and frequently combined with incineration. Almost all the alleged direct victims had developed serious health problems (in most cases a form of cancer). “*Terra dei Fuochi*”, which had been ongoing since at least 1988, was a well-known phenomenon identified by parliamentary commissions of inquiry as early as 1996 and highlighted by certain non-governmental actors since 2003. In 2013, following a public outcry, legislation was enacted introducing a set of urgent measures aimed at addressing the problem as an environmental emergency. The State authorities’ response attracted extensive criticism for being inadequate, not only from environmental associations, civil society and the media, but also from Italy’s own parliamentary commissions.

Relying essentially on Article 2 of the Convention, the applicants complained that, despite having been aware of the problem for a significant period, the domestic authorities had not taken adequate measures to protect the individual applicants (or their deceased relatives) from the effects of the illegal waste disposal, had failed to provide them with information in that regard and had not established an adequate legal framework enabling

the prosecution of those responsible. The Court declared inadmissible the complaints lodged by the applicant associations and those of some of the individual applicants. In respect of the remaining applicants, the Court ruled that Article 2 was applicable (substantive limb) and found that there had been a violation of that provision because of the authorities’ failure to approach the problem at issue with the diligence warranted by the seriousness of the situation and to take, in a timely, systematic, coordinated, and structured manner, all steps required to protect the applicants’ lives.

The judgment is important in that the Court clarified the criteria for the applicability of Article 2 and the extent of the positive obligations stemming therefrom in the context of large-scale anthropogenic environmental hazards.

(i) The Court defined the approach to be followed to the applicability of Article 2 and the existence of a positive obligation on the authorities to protect the applicants’ lives in circumstances such as those of the present case. It considered that the case differed from the previously examined environmental cases that concerned a single, identified, circumscribed source of pollution or activity causing it, and a more or less limited geographical area or the exposure to a particular substance which had been released by a clearly identifiable source (see, among other examples, *López Ostra v. Spain*², *Tătar v. Romania*³, or *Kotov and Others v. Russia*⁴). In contrast, in this case, the Court had been confronted with a particularly complex and widespread form of pollution occurring primarily, but not exclusively, on private land which had been characterised by a multiplicity of sources of pollution which were very different as to their type, their geographical extension, the pollutants released, the ways in which individuals had come into contact with them and their environmental impact. Moreover, unlike the vast majority of

1. *Cannavacciuolo and Others v. Italy*, nos. 51567/14 and 3 others, 30 January 2025. See also under Article 34 (Victim status) above and under Article 46 (Execution of judgments) below.

2. *López Ostra v. Spain*, 9 December 1994, Series A, no. 303-C.

3. *Tătar v. Romania*, no. 67021/01, 27 January 2009.

4. *Kotov and Others v. Russia*, no. 6142/18 and 12 others, 11 October 2022.

environmental cases examined by the Court, the case did not concern dangerous industrial activities carried out against the backdrop of an existing regulatory framework, but activities carried out by private parties, including organised criminal groups, beyond the bounds of any form of legality or legal regulation. In those circumstances, there being no doubt about the serious risk to life and health generally created by such activities, the Court accepted the existence of a “sufficiently serious, genuine and ascertainable” risk to life, which was also “imminent” given the applicants’ residence, over a considerable period, in the municipalities officially identified by the domestic authorities as being affected by the decade-long pollution phenomenon at issue. That was sufficient to engage Article 2 and trigger a duty to act on the authorities’ part.

The Court specified that, since the general risk had been known for a long time, it was neither necessary nor appropriate to require the applicants to demonstrate a proven causal link between the exposure to a harmful substance and the onset of a specific life-threatening illness/death as a result of it. In line with the precautionary approach (*Tătar v. Romania*, cited above, § 120), the fact that there had been no scientific certainty about the precise effects of the pollution on the health of a specific applicant could not negate the existence of a protective duty under Article 2, of which one of the most important aspects was the need to investigate, identify and assess the nature and level of the risk.

(ii) The Court outlined the framework for defining the scope of the obligations incumbent upon the State authorities in cases such as the present one. Those obligations may be summarised as follows:

(a) undertaking a comprehensive assessment of the pollution phenomenon at issue, by identifying the affected areas and the nature and extent of the contamination in question;

(b) taking action in order to manage any risk revealed;

(c) investigating the impact of pollution on the health of the individuals living in areas affected by it;

(d) taking action to combat the conduct giving rise to the pollution; and

(e) providing individuals living in areas affected by the pollution phenomenon with information enabling them to assess risks to their health and lives.

While reiterating that, in their choice of specific practical measures to comply with the aforementioned obligations, national authorities enjoyed a wide latitude (not least in the light of the complex operational choices which they had to make in terms of priorities and resources), certain general requirements had to constitute essential aspects of the authorities’ response:

– the promptness and timeliness of any action; and

– a structured, comprehensive, coordinated approach to tackling the problem.

█ The inter-State case of *Ukraine and the Netherlands v. Russia*⁵ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in spring 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications, the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023⁶, the Grand Chamber declared the first three applications partly admissible. On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case.

5. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States) and Article 35 § (a) (Competence *rationae temporis*) above and under Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of Discrimination), Article 2 of Protocol no. 1 (Respect for parents’ philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

6. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

By the present judgment, the Grand Chamber found a violation of Articles 2 and 3 and of Article 13 combined with Article 2 of the Convention in respect of the downing of flight MH17, and numerous violations arising from administrative practices contrary, *inter alia*, to Article 2 of the Convention.

(i) Regarding the relationship between the Convention and international humanitarian law (IHL), the Court explained that it had never described the relationship between the Convention and international humanitarian law as one of *lex generalis* and *lex specialis*. Reiterating its consistent position that the Convention continued to apply even in situations of international armed conflict, the Court declared that there could be no circumstances in which IHL would apply to the complete exclusion of the Convention's safeguards. It reiterated that it had a duty to interpret the Convention in harmony with international law "so far as possible", taking into account the relevant provisions of IHL and using them as an interpretative tool when determining the scope of human rights guarantees under the Convention. The Court emphasised that it could not avoid interpreting IHL and, where necessary for it to carry out its role, assessing compliance with IHL provisions (see, notably, *Hassan v. the United Kingdom*⁷; *Kononov v. Latvia*⁸; and similarly, the Court's analysis of State immunity rules in *Jones and Others v. the United Kingdom*⁹).

The Court acknowledged that there might be situations where a harmonious interpretation of provisions of the Convention with IHL would not be possible, namely, if those provisions were in conflict with one another and in the absence of a derogation under Article 15 of the Convention; such might be the case as regards Article 2 complaints. The existence of such conflict had to be addressed in the context of the Court's examination of the merits of each Article 2 complaint.

In particular, concerning the downing of flight MH17 as a consequence of the firing, from separatist-controlled territory, of a missile supplied by Russia, resulting in the deaths of all 298 civilians on board, the Court accepted that a conflict between Article 2 of the Convention and the provisions of IHL might arise if that act were compatible with the latter. Considering whether that was the case, the Court examined the facts of the case in the light of the principles of distinction and precaution enshrined in the rules of IHL: those principles required, respectively, that attacks be directed against combatants and military objectives only, never against civilians and civilian objects, and that constant care be taken to spare the civilian population, civilians and civilian objects, taking all feasible precautions to avoid loss of civilian life (Articles 48 and 57 of the [Protocol Additional to the Geneva Conventions of 12 August 1949 and relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977](#)). Since the launching of the missile towards the aircraft had been an indiscriminate attack breaching both principles, prohibited under IHL, and therefore not constituting a lawful act of war, no potential conflict could arise from the absence in Article 2 § 2 of the Convention of any accommodation of deaths which would be compatible with IHL.

(ii) As to the downing of flight MH17, besides finding a violation of the procedural limb of Article 2 of the Convention, the Court also held that there had been a separate violation of Article 13 read in conjunction with Article 2. Acknowledging that there was a degree of overlap between the guarantees of both provisions, the Court examined the issue of availability of and access to effective civil remedies in the light of Article 13 and found that the victims' relatives had had no access to effective remedies in the Russian Federation capable of establishing the liability of State officials and awarding compensation.

7. *Hassan v. the United Kingdom* [GC], no. 29750/09, §§109-10, ECHR 2014.

8. *Kononov v. Latvia* [GC], no. 36376/04, §§ 200-27, ECHR 2010.

9. *Jones and Others v. the United Kingdom*, nos. 34356/06 and 40528/06, §§ 201-15, ECHR 2014.

Prohibition of torture and inhuman or degrading treatment and punishment (Article 3)

Prohibition of torture

The inter-State case of *Ukraine and the Netherlands v. Russia*¹⁰ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands

Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

The Grand Chamber found numerous violations arising from administrative practices contrary to, *inter alia*, Article 3 of the Convention. Relying, *inter alia*, on the relevant provisions of international humanitarian law, the Court held that the systematic use of rape and sexual violence as a weapon of war against civilians and prisoners of war, perpetrated by Russian soldiers in Ukraine and defined as a crime against humanity by the Statute of the International Criminal Court, amounted to torture within the meaning of Article 3 of the Convention.

Inhuman treatment

The inter-State case of *Ukraine and the Netherlands v. Russia*¹¹ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which had begun in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale

military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned

10. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*) and Article 2 (Right to life) above, and under Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of discrimination), Article 2 of Protocol No. 1 (Respect for parents’ philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures), and Article 33 (Inter-State cases) below.

11. *Ukraine and the Netherlands v. Russia* [GC], *ibid.* See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Obligation to protect life) and Article 3 (Prohibition of torture) above and under Article 5 § 1 (Right to liberty and security), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of Discrimination), Article 2 of Protocol no. 1 (Respect for parents’ philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 35 (Inter-State cases) below.

the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

The Grand Chamber found a violation of Articles 2 and 3 and of Article 13 combined with Article 2 of the Convention in respect of the downing of flight MH17. Despite the fact that the relatives of the victims of the downing of flight MH17 had not directly witnessed the crash itself or seen the crash site (contrast with *Esmukhambetov and Others v. Russia*¹² and *Musayev and Others v. Russia*¹³), the Court found that their continuing profound suffering, exacerbated by the blatantly disrespectful treatment of the bodies by the

armed separatists and the attitude of the Russian authorities in the aftermath of the downing (mostly consisting of the failure to secure the perimeter of the crash, failure to stop the fighting and facilitate access by the investigation team and the collection of bodies, in ignoring the relatives’ requests, circulating misinformation as to the cause and circumstances of the crash, denials of responsibility and attempts to shift blame onto other parties) had a character and dimension such as to attain a level of severity amounting to inhuman treatment and to bring it within the scope of Article 3 of the Convention (compare with *Janowiec and Others v. Russia*¹⁴).

Positive obligations

The case of *Tsaava and Others v. Georgia*¹⁵ concerned the use of force by the police, including the use of kinetic impact projectiles, during the dispersal of a demonstration.

The twenty-six applicants were participants in a demonstration in front of the Georgian Parliament in 2019 or were journalists covering it. All of them were injured during its dispersal in the course of which the police repeatedly fired kinetic impact projectiles. The applicants took part in the criminal investigation into the use of force by the police.

Before the Court, the applicants alleged a violation of Articles 3, 10 and 11 of the Convention. The Chamber judgment (delivered on 7 May 2024) found the complaints under Article 3 to be admissible in the case of twenty-four of the applicants (and inadmissible for two of the applicants under that Article) and found a violation of the procedural limb of Article 3. It refrained from taking a decision on the merits of the complaints under the substantive limb of Article 3.

Following the referral of the judgment to it, the Grand Chamber found a violation of the procedural limb of Article 3 (a series of flaws as regards both the use of kinetic impact projectiles and physical ill-treatment); a violation of the substantive limb of Article 3 (concerning the use of kinetic impact projectiles, the domestic legal framework regulating their use and the application of that framework); and a violation of the substantive

limb of Article 3 about ill-treatment by the police (of four applicants) while being arrested or forcibly removed.

The judgment is important since the Court took the opportunity to enunciate some principles concerning the quality and content of domestic legal frameworks concerning the use of various types of less-lethal weapons (including kinetic impact projectiles) in policing demonstrations and mass disorder: (a) the domestic legal framework had to lay down clear and sufficiently detailed guidelines tailored to the characteristics of the specific weapon at issue and the specific health risks associated with its use, the circumstances in which such weapons could be used and the manner in which they could be used, consistently with international standards. In particular, the guidelines had to provide that those weapons be used in a safe manner and proscribe them being used in a way which could result in death or injury; and (b) the domestic legal framework had also to contain adequate and effective safeguards against arbitrary action, misuse and avoidable accidents in the use of such weapons.

The Court went on to also impose specific requirements for domestic legal frameworks on the use of kinetic impact projectiles (the Court expressly renounced the use of the term “rubber bullets”) given their technical characteristics and potential impact on human health. Referring to

12. *Esmukhambetov and Others v. Russia*, no. 23445/03, §§ 189-90, 29 March 2011.

13. *Musayev and Others v. Russia*, nos. 57941/00 and 2 others, § 169, 26 July 2007.

14. *Janowiec and Others v. Russia* [GC], nos. 55508/07 and 29520/09, §§ 177-80, ECHR 2013.

15. *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, 11 December 2025. See also under Articles 34 and 35 (The Court’s duty to examine an individual application) above and under Article 10 (Freedom of the Press) and Article 41 (Non-pecuniary damage) below.

the relevant recommendations of the Office of the United Nations High Commissioner for Human Rights, the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE) and of the Venice Commission, which largely coincided with the Court's case-law, the Court considered that domestic law had to, at a minimum, lay down the following requirements: (a) kinetic impact projectiles were to be used only as a last resort in response to genuine and imminent threats to life or limb; (b) they were to be deployed only in a targeted manner, rather than as a means of general crowd control, and in such a way (having due regard to the technical characteristics of the model used) as to

minimise the risk to the targeted person's life and health; (c) multiple projectiles (on account of their inherent imprecision) and projectiles containing metal (on account of their increased capacity to cause serious injury) should not be used; (d) their use had to follow an appropriate warning, unless such warning was clearly unfeasible; (e) kinetic impact projectiles were to be deployed only by law-enforcement officers who had been properly instructed and trained, not only about the projectiles' technical characteristics, but also about the risks that they might pose to life and health; and (f) that the deployment of kinetic impact projectiles be subjected, in so far as possible, to a strict chain of command and control.

Right to liberty and security (Article 5)

Deprivation of liberty (Article 5 § 1)

The inter-State case of *Ukraine and the Netherlands v. Russia*¹⁶ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government

alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged "massive human rights violations" committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023¹⁷, the Grand Chamber declared the first three appli-

16. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture) and Article 3 (Inhuman treatment) above and under Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of Discrimination), Article 2 of Protocol No. 1 (Respect for parents' philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 35 (Inter-State cases) below.

17. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

cations partly admissible. On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case.

By the present judgment, the Grand Chamber found numerous violations arising from administrative practices contrary to, *inter alia*, Article 5 of the Convention, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention.

Concerning in particular the alleged transfer of Ukrainian children to Russia, the separation of children from their legal caregivers in Ukraine, their transfer to Russia or Russian-controlled territory and the subsequent absence of any steps by the Russian authorities to secure their reunification, and active arrangements made instead for their placement in foster families or adoption, the Court considered

that in the context of the overwhelming evidence of a systematic practice from shortly before the invasion of 24 February 2022, the evidence before it in respect of the period between 2014 and 2022 had given rise to a real concern that the practice of transferring children to Russia established in the summer of 2014 had continued throughout the intervening years. The Court found that both the transfers themselves (which did not qualify as lawful evacuations under IHL) and the Russian authorities' failure to take effective measures to secure the children's return (including the excessive difficulties faced by caregivers seeking reunification), as well as the automatic imposition of Russian nationality in breach of the IHL, had amounted to an administrative practice contrary to Articles 3, 5 and 8 of the Convention.

Procedural rights



Right to a fair hearing in civil proceedings (Article 6 § 1)

Access to a court

The case of *Semenya v. Switzerland*¹ concerned the jurisdictional link with Switzerland in respect of Article 6 § 1 (but not Articles 8, 13 and 14) of the Convention, created by the legal action brought before the Federal Supreme Court to challenge the Court of Arbitration for Sport's decision regarding the obligation on the applicant to decrease her natural testosterone level in order to be allowed to take part in the female category of international competitions. *Semenya* also concerned the scope of the review required under the civil limb of Article 6 § 1 in this type of case.

The applicant was a South-African international-level athlete, specialising in middle-distance races. She complained that the "Eligibility Regulations for the Female Classification (Athletes with Differences of Sex Development)" ("the DSD Regulations") issued by the International Association of Athletics Federations (IAAF) had required her to decrease her natural testosterone level in order to be able to take part in international competitions in the female category. She had initially complied with the regulations, before stopping treatment and refusing to recommence it. In consequence, she had been unable to take part in international competitions. Her legal actions challenging those regulations had been rejected by the Court of Arbitration for Sport (CAS), which had its seat in Switzerland, and subsequently by the Federal Supreme Court.

Before the Court, she complained, in particular, that the DSD Regulations had infringed her right to respect for her private life, as provided for in Article 8, and had subjected her to a discriminatory difference in treatment in the exercise of that right, in breach of Article 14 of the Convention. Under Article 6 § 1 and Article 13 of the Convention, she also complained about the excessively limited review conducted by the Federal Supreme Court in her case.

In a judgment of 11 July 2023, a Chamber of the Third Section of the Court found that the applicant's case fell within Switzerland's "jurisdiction" within the meaning of Article 1 of the Convention. On the merits, it held, by three votes to four, that there had been a violation of Article 14 in conjunction with Article 8, and of Article 13 in relation to Article 14 in conjunction with Article 8. As to the complaint under Article 6 § 1, the Chamber considered that it had not given rise to any separate issue and that there had therefore been no need to rule separately on it.

On 6 November 2023 the case was referred to the Grand Chamber at the request of the Government. In its judgment, the Grand Chamber began by noting that there was no territorial link between Switzerland on the one hand, and the applicant, the adoption of the DSD Regulations by the IAAF and their effects on her on the other, apart from the proceedings brought before the CAS and the Federal Supreme Court. The applicant did not therefore fall within the territorial jurisdiction of the respondent State. Turning to exceptions to the principle of territoriality, the Grand Chamber found that the applicant's legal action before the Federal Supreme Court had, by way of exception, created a jurisdictional link with Switzerland with regard to Article 6 § 1 of the Convention.

On the merits, the Grand Chamber found a violation of the civil limb of Article 6 § 1, considering that the Federal Supreme Court's review of the applicant's case had not fulfilled the requirement of particular rigour called for in the circumstances of the case, on account, specifically, of the excessively restrictive interpretation of the concept of substantive public policy (within the meaning of the Federal Act on Private International Law) that it had applied to the review of the CAS's arbitral awards.

1. *Semenya v. Switzerland* [GC], no. 10934/21, 10 July 2025. See also under Article 1 (Jurisdiction of States) above.

The judgment is noteworthy in that the Court clarified the scope of the domestic courts' obligations under Article 6 § 1 in cases concerning international sports arbitration. It observed that what was at stake in the international sports disputes examined by the CAS could go beyond the exercise of the pecuniary or economic rights usually at issue in commercial arbitration proceedings and could concern the exercise of "civil" rights relating, for example, to respect for privacy, bodily and psychological integrity and human dignity. It also noted that sports arbitration occurred in the context of structural imbalance which frequently characterised the relationship

between sportspersons and the bodies which governed their respective sports, the latter being in a position to regulate international sports competitions and to impose the CAS's mandatory and exclusive jurisdiction for the examination of disputes arising from that system of regulation. In those circumstances, the Court found that where such compulsory arbitration concerned "civil" rights (within the meaning of Article 6 § 1) corresponding, in domestic law, to fundamental rights, respect for a sportsperson's right to a fair hearing required a particularly rigorous examination of his or her case by the competent domestic court.

Fairness of the proceedings

The case of *Cavca v. the Republic of Moldova*² concerned the alleged use of entrapment in a disciplinary context.

The applicant had been dismissed from his job as a public official for committing a disciplinary offence, namely accepting a bribe, to which he had been incited by an undercover agent acting for the State as part of a professional integrity test previously authorised by a judge. The same judge had afterwards reviewed the results of the test, confirmed that the applicant had accepted a bribe, concluded that the applicant had failed the integrity test, and specified that he would have acted in the same manner even in the absence of any involvement by State authorities. The applicant had not been summoned before the judge and had not been given the opportunity to make any submissions; nor had he been able to appeal against the judge's decision. After his dismissal, he had unsuccessfully challenged the sanction before the domestic courts, arguing that he had been entrapped by State agents and that the sanction of dismissal had been disproportionate. No criminal charges had been brought against the applicant.

The applicant alleged a violation of the right to a fair trial guaranteed by Article 6 § 1 of the Convention. The Court found that Article 6 § 1 was applicable under its civil limb and that there had been a violation of that provision. The Court did not find it necessary to determine whether the applicant had indeed been entrapped. As the domestic courts had neither properly examined

the arguable plea of entrapment raised by the applicant nor ensured that the proceedings had been adversarial, those procedural flaws were enough for the Court to conclude that the fair trial guarantees had not been observed.

The judgment is noteworthy in that the Court specified the extent to which the fair trial guarantees developed in the Court's case-law in respect of entrapment in the context of criminal proceedings (see, for example, *Ramanauskas v. Lithuania*³, and *Ramanauskas v. Lithuania (no. 2)*⁴, were relevant in a civil context namely, undercover professional integrity testing focussed not on gathering evidence for any criminal investigation, but rather on determining the level of corruptibility in a specific group of persons which could result in disciplinary sanctions which were not "criminal" for the purposes of Article 6 of the Convention.

(i) As regards the determination of which limb of Article 6 § 1 ought to apply, the Court specified that, while some aspects of the wrongdoing for which the applicant had been disciplinarily sanctioned probably resembled constitutive elements of the criminal offence of corruption, what had been sanctioned under the relevant legal regime was the attitude shown by the person concerned during an artificially created test situation and not the commission of a specific act prohibited by law. That, together with other factors relevant in the light of the Court's case-law, led the Court to the conclusion that the criminal limb of Article 6 § 1 was not applicable to such testing operations.

2. *Cavca v. the Republic of Moldova*, no. 21766/22, 9 January 2025.

3. *Ramanauskas v. Lithuania* [GC], no. 74420/01, §§ 49-61, ECHR 2008.

4. *Ramanauskas v. Lithuania (no. 2)*, no. 55146/14, §§ 52-62, 20 February 2018.

(ii) The Court considered that while, in certain circumstances, it could draw on the principles developed in its case-law concerning entrapment in criminal proceedings when dealing with disciplinary proceedings following integrity testing, it had to take into account the specificity of such testing: the nature of such testing involved the authorities artificially creating situations which were similar to those that might occur in the context of the professional activity of the persons being tested, in order to see how they reacted. Therefore, and also in view of the lack of criminal liability for the acts committed as a result, the Court considered that subjecting a person to a professional integrity test, by which the person's resolve to uphold rules of professional conduct was verified, had not in itself amounted to entrapment and was not incompatible with the requirements of Article 6 § 1. Nevertheless, since the evidence from such operations could be decisive for the outcome of disciplinary proceedings against the person tested, it had to satisfy itself that strong

procedural guarantees applied to the planning, execution and evaluation of such testing. That had to include the right of the person concerned to challenge the results of the testing in court and the domestic courts' obligation to properly deal with the arguments raised, including any plea of entrapment.

(iii) As regards the planning stage of random integrity testing of an entire group of persons, the Court held that it was important that the authorities had clearly identified and proved the existence of the risk of corrupt behaviour within that group; conversely, the existence of prior knowledge or objective suspicions of reprehensible conduct on the part of any identified individual was of lesser importance than in criminal proceedings (compare and contrast with *Ramanauskas v. Lithuania* (cited above, § 56). However, if the person concerned had raised an arguable claim of entrapment in the ensuing civil proceedings, the domestic courts had to properly examine it and draw the relevant conclusions from their findings.

Right to a fair hearing in criminal proceedings (Article 6 § 1)

Fairness of the proceedings

The case of *Helme v. Estonia*⁵ concerned the alleged entrapment of the applicant by an undercover police officer.

On the basis of information that various hitherto unidentified persons had used certain internet sites to engage in chats of a sexual nature with minors under the age of fourteen and had sent them files containing sexual content, the police conducted, with the authorisation of the prosecutor's office, a secret surveillance operation

in the chatroom of one of the websites concerned. Throughout the entire duration of that operation, an anonymous user (hiding behind a pseudonym) regularly engaged in explicitly sexual conversations via private messages with an undercover police officer posing as a twelve-year-old girl. A separate criminal investigation, specifically targeting that user, revealed him to be the applicant. The report of the surveillance operation, together with the transcripts of the conversations in question, were

5. *Helme v. Estonia*, no. 3023/22, 7 October 2025 (not final).

later used as evidence to convict the applicant of the crime of attempted sexual enticement of a minor.

Before the Court, the applicant alleged a violation of his right to a fair trial under the criminal limb of Article 6 § 1 of the Convention. He asserted that the criminal investigation had initially been initiated on the basis of general information and without any specific knowledge of any identified individuals chatting with minors and that he, a person who had had no criminal record and had not been suspected of any offence prior to the secret surveillance operation, had been unlawfully incited by the police to commit the incriminated acts. The Court found no violation of Article 6 § 1. It established, *inter alia*, that the applicant had never been under any express or implied pressure to commit the offence, that he had been free to choose whether or not to communicate with the “girl” and that he had always been the one who had initiated the sexually explicit conversations. Since the undercover police officer had not abandoned the required passive attitude, there had been no “incitement” for the purposes of Article 6 § 1 of the Convention.

The case is noteworthy in that it was the first time the Court had been called upon to deal with an entrapment claim in a purely online context where both the accused and his victim had communicated only through electronic means, without any attempt to meet in the real world⁶.

The Court addressed the element of “objective suspicion” under the “substantive test” of incite-

ment and analysed whether there had been good reason to mount an undercover operation targeting the applicant (see *Bannikova v. Russia*⁷) in the light of the specific features of an online platform such as the one in the applicant’s case (people were not required to reveal their real and full identities; they could change usernames; more than one person could use the same username simultaneously or consecutively; and private messages were not detectable by third parties). The Court acknowledged that in such circumstances it might not necessarily be feasible for the authorities, having received information about potentially unlawful activities on a website, to identify possible suspects prior to mounting an undercover operation, or to do so without potentially interfering disproportionately with the rights of others not involved in the investigation.

In the applicant’s case, the Court did not consider it decisive that, at the moment where the secret surveillance operation had been initiated, there had been no objective suspicion against the applicant personally (compare and contrast with *Morari v. the Republic of Moldova*⁸): it had been sufficient that the police had had an objective suspicion that was specific to a defined and limited virtual space (an identified chatroom on a particular website). The Court also considered it relevant that the suspicion had involved a crime against minors who, due to their vulnerability, might not be in a position to understand being victimised and/or to report such offences.

6. While the factual setting of *Eurofinacom v. France* ((dec.), no. 58753/00, ECHR 2004-VII (extracts)) entailed an element of online communication and police officers acting under assumed identities, the applicant in that case was a company suspected of acting as an “intermediary between a prostitute and the person using his or her services” and, more importantly, the domestic police already had information suggesting that the applicant company had been involved in unlawful activity because it had offered a communication platform.

7. *Bannikova v. Russia*, no. 18757/06, §§ 37-50, 4 November 2010.

8. *Morari v. the Republic of Moldova*, no. 65311/09, §§ 36-37, 8 March 2016.

Other rights and freedoms



Right to respect for one's private and family life, home and correspondence (Article 8)

Private and family life

The inter-State case of *Ukraine and the Netherlands v. Russia*¹ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications, the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged "massive human rights violations" committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023², the Grand Chamber declared the first three applications partly admissible. In particular, it held that Russia had effective control over all areas in the hands of separatists from 11 May 2014 and that the impugned facts fell within the spatial jurisdiction of Russia within the meaning of Article 1, with the exception of the Ukrainian Government's complaint about the bombing and shelling of areas outside separatist control. The question of whether

Russia had jurisdiction over the latter complaint was joined to the merits. As regards the downing of flight MH17, the Court found that both the firing of the missile and the consequent downing of the airplane had occurred in territory which had been in the hands of separatists and therefore within Russian jurisdiction.

On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case. By the present judgment, the Grand Chamber found numerous violations arising from administrative practices contrary to, *inter alia*, Article 8 of the Convention, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention. Concerning in particular the alleged transfer of Ukrainian children to Russia, the separation of children from their legal caregivers in Ukraine, their transfer to Russia or Russian-controlled territory and the subsequent absence of any steps by the Russian authorities to secure their reunification, and active arrangements made instead for their placement in foster families or adoption, the Court considered that in the context of the overwhelming evidence of a systematic practice from shortly before the invasion of 24 February 2022, the evidence before it in respect of the period between 2014 and 2022 gave rise to a real concern that the practice of transferring children to Russia established in the summer of 2014 had continued throughout the intervening years. The Court found that both the transfers themselves (which did

1. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment) and Article 5 § 1 (Deprivation of liberty) above and under Article 8 (Home), Article 14 (Prohibition of Discrimination), Article 2 of Protocol No. 1 (Respect for parents' philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

2. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

not qualify as lawful evacuations under IHL) and the Russian authorities' failure to take effective measures to secure the children's return (including the excessive difficulties faced by caregivers seeking

reunification), as well as the automatic imposition of Russian nationality in breach of the IHL, had amounted to an administrative practice contrary to Articles 3, 5 and 8 of the Convention.

Family life

The case of *Z and Others v. Finland*³ concerned a domestic court order for the return of two children from Finland to Russia under the Hague Convention, despite their having been granted asylum in the respondent State. The applicants were a father and his two minor children, all three of Russian nationality. In 2022 the first applicant (the father), without the consent of the mother of the applicant children, took them from Russia to Finland where he applied for asylum (on his own behalf and on behalf of the children). The Supreme Court of Finland ordered the children's return to Russia under the Hague Convention on the Civil Aspects of International Child Abduction of 1980 ("the Hague Convention"). The first applicant was later granted asylum in Finland (grounds to believe he would be persecuted for his political opinions in Russia) and the other applicants were also granted asylum as his minor children. The first applicant's extraordinary application to quash the Hague Convention judgment (given new facts) was rejected by the Supreme Court of Finland because the granting of asylum did not, in itself, exempt the State from its obligations under the Hague Convention; the asylum decision was not a new fact which would have led to a different outcome in the Hague Convention proceedings because the children's asylum status was derived from that of their father rather than being based on a risk of harm to the children themselves on return to Russia; and the Supreme Court had already made a proper assessment having regard to the circumstances of the case.

The Court found that the decisive issue was whether a fair balance had been struck between the interests of the two children and those of their parents within the margin of appreciation afforded to States in such matters, taking into account, however, that the best interests of the child had to be a primary consideration. In the applicants' case, the domestic courts had complied with the procedural requirements inherent in Article 8, genuinely taking into account the factors capable of constituting an exception to the children's immediate return in application of the Hague Convention and the reasons given by the Supreme Court to justify the interference had been relevant and sufficient. Accordingly, the Court found no violation of Article 8 of the Convention.

The case is noteworthy in that it is the first case examined by the Court under Article 8 where the return of children had been ordered in accordance with the Hague Convention where those children had been granted asylum in the respondent State. The Court did not consider the asylum status of the child as constituting, in itself, an obstacle to return but carried out a standard process-based review, as set out in *X v. Latvia*⁴. In particular, it found no reason to contradict the finding of the Supreme Court of Finland according to which the subsequent granting of asylum to all three applicants in Finland did not call into question the risk assessment previously made because the children's asylum status had been automatically derived from that granted to their father rather than being based on a risk of harm to the children themselves.

Home

The inter-State case of *Ukraine and the Netherlands v. Russia*⁵ concerned multiple, flagrant and unpre-

cedented human rights violations in the context of the armed conflict in Ukraine.

3. *Z and Others v. Finland*, no. 42758/23, 16 December 2025 (not final).

4. *X v. Latvia* [GC], no. 27853/09, §§ 92-108, 26 November 2013.

5. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty) and Article 8 (Private and family life) above and under Article 14 (Prohibition of Discrimination), Article 2 of Protocol No. 1 (Respect for parents' philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a [decision](#) delivered on 25 January 2023⁶, the Grand Chamber declared the first three applications partly admissible. In particular, it held that Russia had effective control over all areas in the hands of separatists from 11 May 2014 and that the impugned facts fell within the spatial jurisdiction of Russia within the meaning of Article 1, with the exception of the Ukrainian Government’s complaint about the bombing and shelling of areas outside separatist control. The question of whether Russia had jurisdiction over the latter complaint was joined to the merits. As regards the downing

of flight MH17, the Court found that both the firing of the missile and the consequent downing of the airplane had occurred in territory which had been in the hands of separatists and therefore within Russian jurisdiction.

On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case. By the present judgment, the Grand Chamber found numerous violations arising from administrative practices contrary to, *inter alia*, Article 8 of the Convention. Observing that a large number of civilians had left their homes as a result of military actions, the destruction of their homes, the generalised violence and various human rights violations, the Court considered that the absence of direct physical force had not automatically rendered the displacement voluntary. It found that the level of coercion caused by fear of violence, duress, detention, psychological oppression and abuse of power by Russian and separatist forces had been such that it had resulted in the forced displacement of civilians in occupied territory. The ongoing environment of coercion and terror in occupied territory had actively prevented, and continued to prevent, people from returning to their homes. The Court was satisfied that the displacement of civilians at liberty in occupied areas of Ukraine had amounted to an interference under Article 8 of the Convention.

Correspondence

The case of *Ships Waste Oil Collector B.V. and Others v. the Netherlands*⁷ concerned the transmission and use, in competition-law proceedings, of data lawfully obtained through telephone tapping in criminal investigations.

The case concerned six applicant companies, incorporated under Dutch law and engaged either in the collection of waste liquids from ships or in construction, and the transmission, by the Public Prosecution Service, of data, lawfully obtained in the context of criminal investigations through telephone tapping and duly authorised by an investigating judge, to the Netherlands Competition Authority (“the NMA”) and their subsequent use by the NMA in unrelated

administrative investigations into the alleged involvement of the applicant companies in price-fixing. Following the competition-law proceedings, the applicant companies were fined for breaches of the Competition Act.

Before the Court, the applicant companies alleged a violation of Articles 8 and 13 of the Convention. A Chamber of the Court found that there had been no violation of either of those provisions and the Grand Chamber, on referral, reached the same conclusion. While the transmission of the intercept data had constituted an interference with the applicants’ right to respect for their correspondence protected by Article 8, it had had an adequate legal basis, had pursued a legitimate aim (protecting

6. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

7. *Ships Waste Oil Collector B.V. and Others v. the Netherlands* [GC], nos. 2799/16 and 3 others, 1 April 2025. See also under Article 35 (Victim status) above.

the economic well-being of the country) and had not been disproportionate to that aim since the domestic authorities had conducted an effective balancing exercise between the interests at stake acting within the margin of appreciation afforded to the State. The applicants also had had an effective remedy at their disposal to raise their substantive complaint at the domestic level.

The judgment is important in that the Grand Chamber clarified, for the purposes of Article 8, the principles applicable to the transmission of lawfully intercepted data to other State authorities.

(i) In *Liblik and Others v. Estonia*⁸, the Court had held that the fact that a person under secret surveillance was also a member of a legal entity's management board did not automatically lead to an interference with that legal entity's Article 8 rights. The "victim" status of the latter depending on the specific circumstances of each case. Applying that principle, the Court found that the applicant companies had been fined on the basis of information obtained by tapping the telephones of individual employees. The interception measures, and subsequent data transmissions for use in the competition proceedings, had therefore directly affected the companies and had interfered with their right to respect for their "correspondence" within the meaning of Article 8 of the Convention.

(ii) Given that the transmission of data to other authorities had enlarged the group of persons with knowledge of the intercept data and which might have lead to investigations or other action being instituted against the data subject, the Court considered that the transmission of intercept data, for further use by another law-enforcement authority, constituted a separate interference with Article 8 rights, distinct from, even if related to, the original interception of communications.

(iii) The Court defined, for the first time, the minimum requirements to be set in law to avoid arbitrariness and abuse when communicating intercept data to other parties (other than in the specific context of international transmission of data collected through bulk interceptions, see *Big Brother Watch and Others v. the United Kingdom*⁹). Those requirements were as follows:

(a) the transmission of intercept material beyond the original criminal context for its collection had to be limited to such material as had been collected in a Convention-compliant manner;

(b) the circumstances in which such a transmission might take place had to be set out clearly in domestic law;

(c) the law had to provide for safeguards concerning the examination, storage, use, onward transmission and destruction of the data transmitted; and

(d) the transmission and use of intercept data for a purpose beyond the original criminal context for their collection had to be subject to effective review by a judicial or otherwise independent body.

Furthermore, in assessing whether the data transmission could, in the circumstances of the case, be considered "necessary in a democratic society" in pursuit of a legitimate aim, the Court specified that it would take into account the nature of the data, the importance of the aim pursued by their transmission and the resulting consequences for the applicant, as well as the quality of the authorisation procedures and the effectiveness of available remedies.

(iv) The Court also clarified its approach as to the breadth of the margin of appreciation afforded to the State, holding that it would depend in each case on the content/nature of the data in question rather than on the applicants' physical or legal nature or their status. The margin of appreciation would be wider for the collection/processing of business-related data of both companies and individuals than for the collection/processing of data concerning an individual's intimate sphere or a particularly important facet of an individual's existence or identity. The breadth of the margin of appreciation would also depend on the gravity of the interference and the object pursued by it. The minimum safeguards under Article 8 should in principle be the same for natural and legal persons, although some differences might arise as a result of the application of data protection laws to the former.

(v) Finally, the Court specified the procedural requirements applicable to authorisations for the transmission of intercept material lawfully obtained in a Convention-compliant manner to another law-enforcement authority:

(a) An independent *ex ante* authorisation was not required by Article 8. Authorisation for transmission given by a non-judicial authority might be Convention compatible since an extensive *post factum* judicial or otherwise independent

8. *Liblik and Others v. Estonia*, nos. 173/15 and 5 others, §112, 28 May 2019.

9. *Big Brother Watch and Others v. the United Kingdom* [GC], nos. 58170/13 and 2 others, §§ 362 and 392, 25 May 2021.

oversight might counterbalance the absence of an independent authorisation.

(b) Written reasoning in transmission authorisations was desirable to ensure that the authorising authority had properly assessed the necessity and proportionality of the interference and to facilitate an effective review of the transmission for the purposes of Article 8 § 2 of the Convention. Nevertheless, the absence of any written reasoning might be compensated by an effective *ex post facto* review in judicial proceedings as in the present case, where a *de novo* assessment had been conducted, the applicant companies had been given an opportunity to effectively contest the data's transmission and the scope of the domestic courts' review had included both the lawfulness of the transmissions and the necessity and proportionality test.

(c) Just as there was no right under Article 8 to receive prior notification about secret surveillance itself, there was no right to prior notification of the transmission of intercept material or, by implication, the possibility of participating in any review prior to the data being transmitted.

(d) What was important was whether the domestic system of review of data transmissions as a whole provided a company with adequate safeguards against arbitrariness and abuse, was capable of restricting the contested transmissions to what was "necessary in a democratic society" and afforded appropriate redress.

(e) Redress in the form of the destruction of data or monetary compensation was not necessarily required for a remedy concerning the transmission of intercept data: restrictions on their use, such as a declaration of inadmissibility as evidence, might be sufficient for that purpose.

Positive obligations

The case of *Greenpeace Nordic and Others v. Norway*¹⁰ concerned the procedural obligation to conduct an environmental impact assessment in connection with petroleum extraction.

The applicants were two non-governmental organisations (NGOs) and six individuals (who lived in Oslo and were/had been members of one of the NGOs). The NGOs unsuccessfully sought to judicially review a decision taken in 2016 by the Ministry of Petroleum and Energy to grant ten petroleum exploration licences to certain companies to extract petroleum (Barents Sea, 23rd licencing round). The applicants mainly complained under Articles 2 and 8 to the European Court that the 2016 decision rendered possible the actual/potential substantive harm from the burning of any petroleum extracted; that the State had failed to regulate licencing so as to safeguard the individual applicants from climate change; and that, during the licencing process, the authorities had failed to undertake an adequate environmental impact assessment (EIA) of the potential climate-change related harm to life, health, well-being and quality of life (the Supreme Court had found that an EIA could be deferred to a later stage in the decision-making process (namely, the Plan for Development and Operation (PDO) stage). The Court examined those complaints

from the standpoint of Article 8 only, finding that Article 8 applied but that there had been no violation of that provision.

The judgment is noteworthy since it applied *mutatis mutandis* the approach and principles of *Verein KlimaSeniorinnen Schweiz and Others*¹¹ in order to impose and define a procedural (as opposed to a substantive) obligation on the State in the climate context and, notably, to conduct an EIA before authorising a potentially dangerous activity (in this case, licencing petroleum extraction).

(i) In contrast to *Verein KlimaSeniorinnen Schweiz and Others*, the case concerned positive procedural obligations and the decision-making on specific licences for petroleum production. While the more general complaint challenging the Norwegian climate/petroleum policy was thus outside of the scope of the case, the applicants' challenge to the relevant licences had to be considered in the light of its cumulative consequences for petroleum policy and for the climate as a whole so that the case indirectly raised the State's alleged failure to effectively protect individuals from the serious adverse effects of climate change so that the approach and principles of *Verein KlimaSeniorinnen Schweiz and Others* would be applied *mutatis mutandis* in the case.

10. *Greenpeace Nordic and Others v. Norway*, no. 34068/21, 28 October 2025 (not final). See also under Article 34 (Victim status and *locus standi*) above.

11. *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland* [GC], no. 53600/20, 9 April 2024.

(ii) The Court found a sufficiently close link between the disputed procedure for licensing exploration and the serious adverse effects of climate change on the lives, health, well-being and quality of life of individuals because:

(a) while exploration would not always be followed by extraction, licencing was a legal and practical precondition for extraction, and neither the fact that other events and permits were necessary before extraction, nor the fact that several companies had relinquished licences during the decision-making process, had broken the causal nexus with the adverse effects of climate change from fossil fuel emissions. In the circumstances, it had been clear that the petroleum project in question was of such a nature as to entail potential risks of extraction; and

(b) it was undisputed that oil and gas extraction was the most important source of GHG emissions of Norway and that the burning of fossil fuels, including oil and gas, was among the main causes of climate change. As accepted in *Verein KlimaSeniorinnen Schweiz and Others* there were sufficiently reliable indications that anthropogenic climate change existed, that it posed a serious current and future threat to the enjoyment of the human rights guaranteed under the Convention and that States were aware of it and capable of taking measures to effectively address it.

(iii) On the merits, the Court established a procedural obligation under Article 8, in the climate context, for States to conduct an adequate, timely and comprehensive EIA in good faith and based on the best available science before authorising a potentially dangerous activity that might be harmful to the right of individuals to effective protection by the State authorities from the serious adverse effects of climate change on their lives, health, well-being and quality of life. The Court also specified what that obligation entailed in the specific context of petroleum production projects:

(a) the EIA had to at least include a quantification of the anticipated GHG emissions within the country and abroad;

(b) the public authorities had to assess whether the activity was compatible with their obligations under national and international law to take effective measures against the adverse effects of climate change; and

(c) informed public consultation had to take place at a time when all options were still open and when the pollution could realistically be prevented.

The Court found that the existence of such a procedural obligation had been paralleled by recent rulings of other international courts relating to other international legal instruments and, more broadly, to international law. In that respect, the judgment referenced the converging obligations articulated in: the recent 2025 Advisory Opinion of the International Court of Justice; the 2025 Advisory Opinion of the European Free Trade Association; the 2024 Advisory Opinion of the International Tribunal for the Law of the Sea; and Advisory Opinion OC-32/25 of the Inter-American Court of Human Rights.

In the applicants' case, and while finding that the processes leading to the 2016 decision had not been fully comprehensive and reiterating the respondent State's wide margin of appreciation in the field, the Court found that Norway had put in place sufficient procedural guarantees to ensure that the later PDO stage of the decision-making process would involve a comprehensive EIA of the effects of the anticipated petroleum production on climate change and that informed public consultation would also take place before the decision was taken. It also provided an opportunity for effective challenge by the persons affected by the risks of climate change linked to petroleum production and by relevant associations, such as the applicant organisations.

Freedom of expression (Article 10)

The case of *Danileț v. Romania*¹² concerned a disciplinary sanction imposed on a judge for posting two messages on his Facebook page.

At the relevant time the applicant was a county court judge. He was known for his active participation in debates on democracy, the rule of law and the justice system, and enjoyed significant nationwide renown on account, among other things, of his various former positions. In January 2019 he posted two messages on his Facebook page, where he had some 50,000 followers. The messages were quoted and discussed by some media outlets and gave rise to a plethora of comments. As a result of those posts, the Disciplinary Board for Judges of the National Judicial and Legal Service Commission imposed a disciplinary sanction on him, in the form of a two month, 5% pay cut, for failing to comply with his duty of discretion and for committing a disciplinary offence without direct intent which had had an impact on public confidence in – and respect for – the courts and on the image of the justice system. The Disciplinary Board found that the first message in issue had cast doubt on the credibility of State institutions, insinuating that they were controlled by politicians and proposing as a potential solution that the army intervene to preserve constitutional democracy. As to the second message, it found that the applicant had used course language which had overstepped the limits of the propriety expected of a judge. The High Court of Cassation and Justice upheld those findings.

The applicant complained to the Court of a violation of Article 10 of the Convention. In its judgment (delivered on 20 February 2024), a Chamber of the Court found a violation of that provision. The case was referred to the Grand Chamber, which reached the same conclusion. After defining the review criteria to be applied in assessing proportionality with regard to the freedom of expression of judges and prosecutors on the internet and social media, it noted that the remarks in issue concerned matters of public interest (whether or not directly related to the functioning of the justice system). Furthermore, they were not

such as to upset the reasonable balance between, on the one hand, the degree to which the applicant could be involved in society in order to defend the constitutional order and State institutions and, on the other, the need for him to be and to be seen as independent and impartial in the discharge of his duties. The interference complained of did not therefore meet a “pressing social need”.

The judgment is noteworthy because the Court confirmed and consolidated the principles established in its case-law with regard to the freedom of expression of judges and prosecutors on the internet and social media, while providing certain clarifications and defining a set of criteria that took into account the limits imposed on that freedom by the duty of discretion inherent in their office. The Court specified that those criteria were applicable to the various manifestations of the freedom of expression of judges and prosecutors in the digital sphere (Facebook posts and interactions with the posts of other social-media users, including remarks, photos, videos and even mere “likes”), and were intended to guide domestic courts in striking a balance between the competing rights and interests at stake. The Court emphasised that this balancing exercise had to involve weighing up the right to freedom of expression of judges and prosecutors, which they were guaranteed like any other individual under Article 10 § 1 of the Convention, against the duty of discretion, a social value rooted in the ethical obligation for judges and prosecutors to protect public confidence in the justice system and thus forming part of the “duties and responsibilities” referred to in Article 10 § 2 of the Convention.

The criteria defined by the Court were as follows:

(i) Content and form of remarks or other manifestations of freedom of expression of judges and prosecutors. As regards, in particular, the form of the remarks made, the Court pointed out that judges and prosecutors had a duty to be circumspect and prudent in tone and language and to consider, in respect of each social-media post or other interaction with users on such platforms,

12. *Danileț v. Romania* [GC], no. 16915/21, 15 December 2025.

what its consequences might be for judicial dignity. The clarity of the language used was also essential: it should make it possible to preclude multiple interpretations that could undermine public confidence in the justice system.

(ii) Context of disputed remarks and capacity in which they were made. The historical context was of particular importance in weighing up the competing rights and interests, with account notably being taken of how much time had passed since the events being commented on. In addition, the capacity in which a judge or prosecutor had made disputed remarks in a given context might very well warrant consideration in that balancing exercise (the Court's case-law afforded greater protection to the freedom of expression of judges and prosecutors who held certain high-ranking positions in the justice system, since their public statements were often motivated by a desire to preserve that system). That did not, however, mean that "ordinary" judges and prosecutors could not publicly express their views on matters of public interest.

(iii) Consequences of the disputed remarks. In particular, it was for the domestic courts to distinguish between statements by judges and prosecutors made on open social networks,

accessible to an indefinite number of users, on the one hand, and those made on closed social networks, reserved for a private circle of "friends", or closed to the general public and accessible only to legal professionals, on the other.

(iv) Severity of the sanction. In that connection, account ought to be taken of the chilling effect that a sanction could have, not only on the judge or prosecutor concerned but also on the profession as a whole.

(v) Whether procedural safeguards had been afforded. Any judge or prosecutor who faced disciplinary proceedings for a manifestation of freedom of expression on social media had to be afforded effective and adequate safeguards against arbitrariness. In particular, those included the ability to have the measure in issue scrutinised by an independent and impartial body competent to review all the relevant questions of fact and law. Before that review body the judge or prosecutor concerned had to have the benefit of adversarial proceedings in order to present his or her views and counter the arguments of the authorities. It was also for the national authorities to provide relevant and sufficient reasons for their decisions in order to justify the necessity and proportionality of the disciplinary proceedings and sanctions imposed.

Freedom of the press

The case of *Tsaava and Others v. Georgia*¹³ concerned the use of force by the police, including the use of kinetic impact projectiles, during the dispersal of a demonstration.

The twenty-six applicants were participants in a demonstration in front of the Georgian Parliament in 2019 or were journalists covering it. All of them were injured during its dispersal in the course of which the police repeatedly fired kinetic impact projectiles. The applicants took part in the criminal investigation into the use of force by the police. Before the Court, the applicants alleged, *inter alia* a violation of Article 10 of the Convention. The Chamber judgment (delivered on 7 May 2024) refrained from taking a decision on the merits of the complaint under Article 10. Following the referral of the judgment to it, the Grand Chamber found a violation of that provision in respect of some of the applicants.

The judgment is noteworthy since the Court reiterated that the Contracting States had a duty under Article 10 to have in place an effective system for the protection of journalists. Referring to [Recommendation CM/Rec\(2016\)4 of the Committee of Ministers of the Council of Europe](#) and [Resolution 2532 \(2024\) of the Parliamentary Assembly of the Council of Europe](#), it emphasised that that system had to encompass measures ensuring the safety of journalists in situations of large-scale violence erupting in the course of public protests. Moreover, for the purposes of Article 10 of the Convention, the Court did not consider it necessary to establish whether the relevant applicants had been deliberately targeted on account of their being journalists; any use of force by the authorities affecting their information gathering, and by implication their ability to report on an event, amounting to an interference with the exercise of their right to freedom of expression.

13. *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, 11 December 2025. See also under Articles 34 and 35 (The Court's duty to examine an individual application) and Article 3 (Positive obligations) above and under Article 41 (Non-pecuniary damage) below.

Prohibition of discrimination (Article 14)

The inter-State case of *Ukraine and the Netherlands v. Russia*¹⁴ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023¹⁵, the Grand Chamber declared the first three applications partly admissible. On 17 February

2023 the Grand Chamber decided to join the fourth application to the pending case. In the present judgment, the Court found numerous violations arising from administrative practices contrary to Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13 and 14 of the Convention and Articles 1 and 2 of Protocol No. 1.

Concerning Article 14 of the Convention, the Court found, for the first time, an instance of discrimination on the grounds of political opinion. It held that, aside from the acts of violence directed against civilians in Ukraine, and often targeted more particularly at those expressing political views in support of Ukrainian unity, there was also extensive evidence of regulatory measures applied in occupied areas intended to undermine Ukrainian ethnicity and history, including through the blocking of Ukrainian broadcasting, the forced transfer of Ukrainian children to Russia, the suppression of the Ukrainian language in schools and the indoctrination of Ukrainian schoolchildren. Russia had therefore violated Article 14 by failing to secure the rights and freedoms set forth in the Convention and Protocol No. 1 without discrimination on the grounds of both political opinion and national origin.

14. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 8 (Private and family life) and Article 8 (Home) above and under Article 2 of Protocol No. 1 (Respect for parents' philosophical convictions), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

15. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

Protection of property (Article 1 of Protocol No. 1)

Enjoyment of possessions

The case of *UAB Profarma and UAB Bona Diagnosis v. Lithuania*¹⁶ concerned the relationship between the State and private parties and their respective responsibilities in public procurement, in the context of exceptional emergency situations.

In March 2020, during a national state of emergency (COVID-19), the competent State authorities had awarded the first applicant company a procurement contract to deliver COVID-19 rapid tests for 6,050,000 euros (EUR). That contract had been awarded following a negotiated procedure directly with the first applicant company, and without publication. On the same day, the first applicant company had signed a sales and purchase agreement with the second applicant company. The second applicant company had undertaken to deliver to the first the requisite quantity of tests (EUR 5,904,800). The second applicant company had then sub-contracted several other companies to help it obtain the tests, eventually purchasing them for EUR 1,135,360. A pre-trial investigation had been opened by a prosecutor into allegations of fraud and money laundering by, among others, the heads and employees of both applicant companies. That investigation had ultimately been discontinued for lack of constituting elements of the crime. However, the criminal investigation into allegations of abuse of office by certain public officials regarding the same facts was still pending.

The prosecutor had also instituted civil proceedings against the applicant companies, seeking the annulment of both the procurement contract and the sales and purchase agreement as well as the restitution of a substantial part of the amount received from the State. The Court of Appeal had allowed the prosecutor's claims and had declared both transactions null and void. The procurement contract for non-compliance with imperative legal norms since the principles of transparency and the rational use of public funds

had been breached and the sales and purchase agreement as being contrary to good morals as the applicant companies had acted in bad faith. Considering that restitution in kind was not possible, the Court of Appeal had found that the State ought to be allowed to keep the remaining unused tests but that the applicants should return the amount which had been overpaid to the State (EUR 4,142,600 with a default annual interest of 5%).

The applicant companies complained of a violation of their property rights guaranteed by Article 1 of Protocol No. 1. The Court found the interference in question to be proportionate. It held that the domestic authorities had not overstepped the wide margin of appreciation afforded to them in the field of public procurement and that their finding of bad faith on the part of the applicant companies had been based on a thorough assessment of the relevant circumstances, including the applicant companies' overall conduct in the extraordinary situation created by the public health crisis. There had therefore been no violation of Article 1 of Protocol No. 1.

As well as being the first judgment to deal with the specific issue of the civil liability of economic actors involved in public procurements for the purchase of medical supplies in the context of the COVID-19 pandemic, the judgment is noteworthy in that it clarified the principles guiding the application of Article 1 of Protocol No. 1 to profits derived from public procurement contracts (see *Kurban v. Turkey*¹⁷).

(i) Regarding the applicability of Article 1 of Protocol No. 1, the Court followed the same logic as in *Kurban v. Turkey* (cited above, § 64), holding that amounts received under a procurement contract constituted the recipient's "possessions" despite the subsequent annulment of that contract, if there were no reasons for the recipient to question its validity prior to its annulment.

16. *UAB Profarma and UAB Bona Diagnosis v. Lithuania*, nos. 46264/22 and 50184/22, 7 January 2025.

17. *Kurban v. Turkey*, no. 75414/10, §§ 66-69 and 73-87, 24 November 2020.

(ii) Reiterating the principle according to which Contracting States enjoyed a wide margin of appreciation with respect to the assessment of candidates for public procurement and the policy choices as to the mandatory or discretionary exclusion of candidates (*ibid.*, § 81), the Court extended the same margin to choices facing the Contracting States with regard to the obligations imposed on participants in public procurement procedures and the consequences of failures to fulfil those obligations.

(iii) The Court accepted the finding of the domestic courts that the applicant companies' intention to take advantage of the public health emergency in order to make an excessive profit, established on the basis of multiple factual elements (*inter alia*, the fact that the first applicant company had presented a tender with a price after it had already been *de facto* selected as the supplier; that company had not shown what had been the basis for its proposed price; and there had been a manifest and significant difference between the price which the first applicant company had proposed and that for which the tests had been purchased from the manufacturer) was, in itself, constitutive of their bad faith, that being an important factor in assessing the proportionality of the interference.

(iv) The Court held that the non-compliance by the domestic authorities with their obligations under public procurement law did not justify exonerating the applicant companies from the breach of the general obligations imposed on them by the applicable civil law, so that they would have been entitled to retain the excessive profit made at the expense of the public purse. In that regard, the Court considered that, since suppliers bidding for public contracts were economic operators actively pursuing their own economic interests, the contractual relations between those suppliers and the contracting authorities in the field of public procurement could not be assimilated to situations in which public authorities exercised administrative powers entrusted to them in relation to persons or entities in a subordinate position. At the same time, it emphasised that those conclusions did not mean shifting the obligation to use public funds rationally from the authorities onto private entities but rather an acknowledgment that the State could subject those entities to certain obligations of diligence and good faith without overstepping its wide margin of appreciation. Likewise, the Court found that the absence of financial sanctions on the public entity having breached the public procurement law was not in itself sufficient to render the interference with the applicant companies' property rights disproportionate.

Right to education (Article 2 of Protocol No. 1)

Respect for parents' philosophical convictions

The inter-State case of *Ukraine and the Netherlands v. Russia*¹⁸ concerned multiple, flagrant and unpre-

cedented human rights violations in the context of the armed conflict in Ukraine.

18. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Right to life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment),

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation.

In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a [decision](#) delivered on 25 January 2023¹⁹, the Grand Chamber declared the first three applications partly admissible. In the present judgment, it found

numerous violations arising from administrative practices contrary to, *inter alia*, Article 1 and 2 of Protocol No. 1. The Court held, for the first time, that the views of children’s parents in occupied territory regarding the history and status of their country attained the level of cogency, seriousness, cohesion, and importance required for them to be considered “convictions” within the meaning of that Article. It also expressly declared, for the first time, that the acts in question – namely, the measures taken in Ukrainian territories under Russian control aimed at forced Russification of the Ukrainian population by suppressing the Ukrainian language in schools, teaching the separatist and revisionist narrative of the occupying Power in school curricula, in accordance with the overall political objectives of separating these areas from Ukraine and ultimately denying the existence of Ukraine as a sovereign State – pursued the aim of indoctrination in education contrary to the convictions of the children’s parents, which was prohibited by Article 2 of Protocol No. 1 to the Convention.

Right to free elections (Article 3 of Protocol No. 1)

Free expression of the opinion of the people

The case of *Bradshaw and Others v. the United Kingdom*²⁰ concerned the alleged failure of the British authorities to investigate credible allegations of, and to protect the electorate from, hostile interference by Russia in parliamentary elections.

In 2019 and 2020, respectively, reports were published by the House of Commons Digital, Culture, Media and Sport Committee (“DCMS”), entitled “Disinformation and ‘fake news’” and by the Intelligence and Security Committee of Parliament (“ISC”), entitled “Russia”. The applicants, who had

Article 5 § 1 (Right to liberty and security), Article 8 (Private life) and Article 8 (Home) above and under Article 14 (Prohibition of discrimination), Article 41 (Just satisfaction), Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

19. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

20. *Bradshaw and Others v. the United Kingdom*, no. 15653/22, 22 July 2025.

been elected as Members of Parliament in the general election in 2019, believed that those reports, together with the Government's public response to the ISC report, provided credible evidence of interference by Russia in that election: according to them, Russia had engaged in widespread and pervasive interference in democratic elections across the Council of Europe and beyond, consisting, *inter alia*, of weaponising disinformation to undermine democratic institutions, deliberate cyber-attacks against key State entities, including election infrastructure, "hack and leak" operations as well as the use of "cyber troops" and "troll farms" to manipulate public discourse and to sow discord between social groups. The applicants had unsuccessfully tried to challenge, by way of judicial review, the Prime Minister's decision not to, and/or his ongoing failure to, direct an independent investigation into Russian interference in the democratic processes of the United Kingdom.

Before the Court, the applicants alleged a violation of Article 3 of Protocol No. 1, claiming that the respondent State had breached its positive obligation to investigate hostile State interference in its democratic elections and that it had failed to put in place an effective legal framework to secure its obligations under that Article. The Court ruled that the applicants' complaint fell within the scope of Article 3 of Protocol No. 1 and that there was no need to decide on the Government's preliminary objection (joined to the merits) on the applicants' victim status. On the merits, the Court found no violation of Article 3, considering that the United Kingdom's response to the threat of Russian election interference had not fallen outside the wide margin of appreciation afforded to it in that area, that the measures taken by the national authorities appeared to address the points raised by the applicants in their judicial review application, and that any failings that might be found in their response could not be considered to be sufficiently grave as to have impaired the very essence of the applicants' right to benefit from elections held "under conditions which ensure the free expression of the opinion of the people".

The judgment is important in that, the Court addressed, for the first time, the new, and complex, phenomenon of systematic large-scale foreign interference in the democratic processes in Contracting States, including the use of new

technologies such as social media platforms for that purpose. It also clarified the extent of the positive obligations on States under Article 3 of Protocol No. 1 in that context.

(i) The Court noted that to date, the majority of violations of Article 3 of Protocol No. 1 found by it had fallen into one of three broad categories: firstly, direct restrictions by the State on who might stand or vote in an election; secondly, a failure by the State to act in accordance with its own electoral law; and thirdly, a failure by the State to provide a reasonably fair and effective system of remedies for alleged breaches of electoral law. However, reiterating that member States had an obligation to adopt positive measures to organise elections "under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature" (see *Yumak and Sadak v. Turkey*²¹; and *Communist Party of Russia and Others v. Russia*²²), and that Article 3 of Protocol No. 1 also guaranteed a more general right, namely that of benefiting from legislative elections in accordance with the above formula (see *Partija "Jaunie Demokrāti" and Partija "Mūsu Zeme" v. Latvia*²³ (dec.)), the Court acknowledged that there might be a violation of that provision if the conditions in which applicants' individual electoral rights were exercised curtailed their rights under that provision to such an extent as to impair their very essence and deprive them of their effectiveness. In other words, the scope of the States' obligation extended beyond the integrity of the result of the election, in the narrow sense, and encompassed the circulation of political opinions and information in the period preceding an election and, more generally, the equality of opportunity afforded to candidates.

Accordingly, considering that the dissemination of disinformation was capable of posing a significant threat to democracy, the Court accepted that if there was a real risk that as a consequence of interference by a hostile State the rights of electors within a Member State would be curtailed to such an extent as to impair their very essence and deprive them of their effectiveness, Article 3 of Protocol No. 1 might require that State to adopt positive measures to protect the integrity of its electoral processes, and to keep those measures under review.

(ii) In view of the very different nature of complaints falling under Article 3 of Protocol No. 1,

21. *Yumak and Sadak v. Turkey* [GC], no. 10226/03, § 106, ECHR 2008.

22. *Communist Party of Russia and Others v. Russia*, no. 29400/05, § 79, 19 June 2012 (extracts).

23. *Partija "Jaunie Demokrāti" and Partija "Mūsu Zeme" v. Latvia* (dec.), nos. 10547/07 and 34049/07, 29 November 2007.

the Court did not consider that that Article could be construed as encompassing a freestanding obligation to investigate, analogous to that which existed under the procedural aspect of Articles 2, 3 and 4 of the Convention or even under Article 8 of the Convention and Article 1 of Protocol No. 1. Nevertheless, it held that a State's flagrant failure to investigate credible allegations of interference in its elections might raise an issue under that Article if it impeded its ability to take positive measures to protect the electorate from the impairment of the very essence of its right to benefit from free elections as defined above. The purpose of any such investigation would principally be to determine the nature and extent of the threat to enable the State to take the measures necessary to protect the integrity of its electoral processes from external interference. The investigation would therefore be antecedent to the State putting in place or updating a legal and regulatory framework to satisfy the positive obligation to protect the integrity of its electoral processes. The Court further specified that any alleged failure to investigate would fall to be considered as part of that positive obligation, and not as a separate violation of Article 3 of Protocol No. 1.

Stand for election

The case of *Tomenko v. Ukraine*²⁴ concerned the loss of a parliamentary mandate as a result of leaving a parliamentary faction.

The applicant, who had not belonged to any political party at the material time, was elected to the Parliament (*Verkhovna Rada*) from a list of candidates presented by the then President's party. He had then become the deputy head of the party's parliamentary faction. Later, following some political disagreements, he had withdrawn from the faction. Three months later, the party had decided to terminate the applicant's mandate with reference to Article 81 § 2 (6) of the Constitution of Ukraine, which provided for the early termination of the mandate of a Member of Parliament in case of

// his [or her] failure, as having been elected from a political party ..., to join the parliamentary faction representing that political party ... or his [or her] withdrawal from such a faction.

(iii) The Court acknowledged that it was difficult to assess accurately the impact of an interference on individual voters and by extension, on the outcome of a given election (compare with *Partija "Jaunie Demokrāti" and Partija "Mūsu Zeme" v. Latvia*, cited above). It found that, while there was undoubtedly agreement among the international community that election interference through the weaponisation of disinformation and, in some cases, cyber-attacks and "hack and leak" operations, posed a serious threat to democracy, at present there appeared to be no clear consensus as to what specific actions States would need to take to protect their democratic processes against such risks. There was only a clear consensus that this was a complex global problem which could not be addressed without the co-operation of international partners and social media companies. In those circumstances and given that any measures taken by the States would need to be calibrated carefully to ensure that they did not interfere disproportionately with individuals' right to impart and receive information, especially in the period preceding an election, the Court held that the States enjoyed a wide margin of appreciation in the choice of means to be adopted to counter such threats.

According to paragraph 6 of the same Article, the termination should occur "on the basis of a law, pursuant to a decision of the highest steering body of the respective political party".

The applicant had lodged a claim with the competent domestic court, alleging that the loss of his mandate had been unlawful in the absence of a special law determining the relevant conditions and procedures: however, the court had considered that the relevant provisions of the Constitution had both been directly applicable and self-sufficient.

The Chamber found a violation of the applicant's right to free elections guaranteed by Article 3 of Protocol No. 1. It considered that, given the unfettered discretion enjoyed by the parties in that regard in the absence of any legal framework establishing the procedures to be followed and effective safeguards against abuse, the interference with the applicant's passive electoral right had been "unlawful" for the purposes of the Convention. It also held that the measure in question had

24. *Tomenko v. Ukraine*, no. 79340/16, 10 July 2025.

been disproportionate and had thwarted the free expression of the people in the choice of the legislature.

The judgment is noteworthy in that the Court had ruled, for the first time, on the proportionality of a rule which subordinated the continuation of a parliamentary mandate to the will of the political party from which the member of Parliament had been elected. The Court had previously found a violation of Article 3 of Protocol No. 1 as regards a similar situation in Serbia, which it had also considered unlawful for the purposes of Article 3, but without going further and analysing the proportionality aspect (*Paunović and Milivojević v. Serbia*²⁵). In the applicant's case, the Court took note of the position consistently expressed by the Venice Commission and shared by the

Parliamentary Assembly of the Council of Europe (PACE) and the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), that such practices were contrary to the principle of a free and independent mandate, which formed part of the European constitutional tradition. The Court acknowledged that strengthening party discipline and preventing the fragmentation of parliamentary blocs were legitimate aims with a view to ensuring effective functioning of Parliament, and that some countermeasures preventing the "sale" of mandates or votes might be justified. However, the Court considered it unacceptable, under the pretext of such countermeasures, to place political parties above the electorate and to give them the power to annul electoral results, as had been the case in the applicant's case.

25. *Paunović and Milivojević v. Serbia*, no. 41683/06, §§ 62-65, 24 May 2016.

Just satisfaction

Article 41



Non-pecuniary damage

The inter-State case of *Ukraine and the Netherlands v. Russia*¹ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023², the Grand Chamber declared the first three applications partly admissible. On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case. In the present judgment, the Court found numerous violations arising from administrative practices contrary to Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13 and 14 of the Convention and Articles 1 and 2 of Protocol No. 1, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention.

While considering that the question of the application of Article 41 of the Convention had not yet been ready for decision and adjourning the

consideration thereof, the Court indicated that any future award of just satisfaction made in respect of the applicant Ukrainian Government in the case had to have due regard to the establishment by the Council of Europe in May 2023 of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, and to the ongoing discussions concerning a future compensation mechanism. The Court also disjoined the application concerning the downing of flight MH17 from the remainder of the case for the purposes of just satisfaction, given that the Council of the International Civil Aviation Organization (ICAO) had recently found Russia to have failed in its international law obligations in respect of the downing and was considering what form of reparations were in order: moreover, it was important to have regard to the processing of the individual applications lodged before the Court by relatives of those who had lost their lives on flight MH17.

The case of *Tsaava and Others v. Georgia*³ concerned the use of force by the police, including the use of kinetic impact projectiles, during the dispersal of a demonstration.

The twenty-six applicants were participants in a demonstration in front of the Georgian Parliament in 2019 or were journalists covering it. All of them were injured during its dispersal in the course of which the police repeatedly fired kinetic impact projectiles. The applicants took part in the criminal investigation into the use of force by the police. Before the Court, the applicants alleged a violation of Articles 3, 10 and 11 of the Convention. The Chamber judgment (delivered on 7 May 2024) found the complaints under Article 3

1. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *rationae temporis*), Article 2 (Right to life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Right to liberty and security), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of discrimination) and Article 2 of Protocol No. 1 (Respect for parents' philosophical convictions) above and under Article 46 (Individual measures) and Article 33 (Inter-State cases) below.

2. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

3. *Tsaava and Others v. Georgia* [GC], nos. 13186/20 and 4 others, 11 December 2025. See also under Articles 34 and 35 (The Court's duty to examine an individual application, Article 3 (Positive obligations) and Article 10 (Freedom of the Press) above.

to be admissible in the case of twenty-four of the applicants (and inadmissible for two of the applicants under that Article) and found a violation of the procedural limb of Article 3. It refrained from taking a decision on the merits of the complaints under the substantive limb of Article 3 and on the admissibility and merits of the complaints under Articles 10 and 11 of the Convention.

Following the referral of the judgment to it, the Grand Chamber found it was not open to the Court to refrain from taking a final decision on the admissibility or merits of some complaints as the Chamber had done, and that it was required to examine those complaints. On the merits, the Grand Chamber found a violation of the procedural limb of Article 3 (a series of flaws as regards both the use of kinetic impact projectiles and physical ill-treatment); a violation of the substantive limb of Article 3 (concerning the use of kinetic impact projectiles as well as the domestic legal framework regulating their use and the application of that framework); a violation of the substantive limb of Article 3 about ill-treatment by the police (of four applicants) while being arrested or forcibly removed; and violations of Articles 10 and 11 of the Convention (as regards certain applicants). The Grand Chamber also made an award of just satisfaction under Article 41 of the Convention.

The judgment is important in that, while reiterating that an applicant should not be able to derive double compensation or unjust enrichment from the Court's award of just satisfaction under Article 41 (see, among other cases, *Văleanu and*

*Others v. Romania*⁴), and that it had always taken into account domestic awards of compensation already paid out up to the time when it dealt with the question of just satisfaction, the Court indicated some other ways in which such double compensation could be avoided, depending on the situation at hand:

(a) The easiest solution in respect of applicants whose domestic compensation claims were still pending when the Court's judgment was delivered was for the domestic courts to take account of any awards made by the Court in respect of the same head of damage and adjust their own awards accordingly (see, most recently, *Wcisło and Cabaj v. Poland*⁵).

(b) For applicants who have obtained final and enforceable domestic awards but where the respective sums have not yet been paid by the time-limit for the payment of the awards made in the Court's judgment, double compensation can be avoided by adjusting those payments, by appropriate means under domestic law, in such a way as to take account of the Court's award in respect of the same head of damage.

(c) For applicants who have already received payment of the compensation awarded by the domestic courts by the time-limit for the payment of the awards made in the Court's judgment, double compensation could be avoided by deducting (as authorised in the Court's judgment) those sums from any awards made by the Court in respect of the same head of damage (see *Văleanu and Others v. Romania* (just satisfaction), § 123).

4. *Văleanu and Others v. Romania* (just satisfaction), nos. 59012/17 and 27 others, § 123, 7 January 2025.

5. *Wcisło and Cabaj v. Poland* (just satisfaction), nos. 49725/11 and 79950/13, § 22, 6 August 2020.

Binding force and execution of judgments

Article 46



Pilot judgment

The case of *Cannavacciuolo and Others v. Italy*¹ concerned the failure of the authorities to take all appropriate steps to protect the lives of persons living in areas affected by systematic large-scale pollution.

The applicants were five environmental associations and 41 individuals living in the Campania Region of Italy. The individual applicants (or their deceased relatives on behalf of whom they complained), lived in areas of Campania affected by a decade-long large-scale pollution phenomenon known as the “*Terra dei Fuochi*” (“Land of Fires”), stemming from illegal dumping, burying and/or uncontrolled abandonment of hazardous, special and urban waste, often carried out by criminal organised groups and frequently combined with incineration. Almost all the alleged direct victims had developed serious health problems (in most cases a form of cancer). “*Terra dei Fuochi*”, which had been ongoing since at least 1988, was a well-known phenomenon identified by parliamentary commissions of inquiry as early as 1996 and highlighted by certain non-governmental actors since 2003. In 2013, following a public outcry, legislation was enacted introducing a set of urgent measures aimed at addressing the problem as an environmental emergency. The State authorities’ response attracted extensive criticism for being inadequate, not only from environmental associations, civil society and the media, but also from Italy’s own parliamentary commissions.

Relying essentially on Article 2 of the Convention, the applicants complained that, despite having been aware of the problem for a significant period, the domestic authorities had not taken adequate measures to protect the individual applicants (or their deceased relatives) from the effects of the illegal waste disposal, had failed to provide them with information in that regard and had not established an adequate legal framework enabling the prosecution of those responsible. The Court declared inadmissible the complaints lodged by the applicant associations and those of

some of the individual applicants. In respect of the remaining applicants, the Court ruled that Article 2 was applicable (substantive limb) and found that there had been a violation of that provision because of the authorities’ failure to approach the problem at issue with the diligence warranted by the seriousness of the situation and to take, in a timely, systematic, coordinated, and structured manner, all steps required to protect the applicants’ lives.

Applying the pilot-judgment procedure, and reiterating that it was not, in principle, its role under Article 46 of the Convention to enter into the details as to the exact general measures required, the Court indicated a set of clearly defined, primarily procedural measures required to respond to the cross-cutting deficiencies identified in the judgment:

(i) the development of a general strategy drawing together all existing or envisaged measures, with a clear delimitation of competencies so as to avoid unnecessary fragmentation (or duplication) of responsibility among the different levels of the State apparatus as well as the different State agencies and institutional actors involved in tackling the problem;

(ii) the establishment of an independent monitoring mechanism for assessing the implementation of the measures introduced under the general strategy described above and the setting up adequate safeguards to guarantee the independence of this mechanism, such as ensuring that its composition includes individuals – such as representatives of civil society and relevant associations – who are free of any institutional affiliation with the State authorities; and

(iii) the setting up of a single information platform drawing together, in an accessible and structured manner, all relevant information concerning the “*Terra dei Fuochi*” problem and increasing transparency by publishing, on this platform, the findings of the independent mechanism mentioned on point (b) above.

1. *Cannavacciuolo and Others v. Italy*, nos. 51567/14 and 3 others, 30 January 2025. See also under Article 34 (Victim status) and Article 2 (Obligation to protect life) above.

Individual measures

The inter-State case of *Ukraine and the Netherlands v. Russia*² concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023³, the Grand Chamber declared the first three applications partly admissible. On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case. In the present judgment, the Court found numerous violations arising from

administrative practices contrary to Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13 and 14 of the Convention and Articles 1 and 2 of Protocol No. 1, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention.

Applying Article 46 of the Convention, the Court indicated two individual measures to the respondent State: firstly, that it had to without delay release or safely return all persons deprived of their liberty on Ukrainian territory under occupation by the Russian and Russian-controlled forces in breach of Article 5 of the Convention before 16 September 2022 and who were still in the custody of the Russian authorities (compare with *Ukraine v. Russia (re Crimea)*⁴), and secondly, that it had to without delay cooperate in the establishment of an international and independent mechanism to secure, as soon as possible and with due consideration of the children’s best interests, the identification of all children transferred from Ukraine to Russia and Russian-controlled territory before 16 September 2022, the restoration of contact between these children and their surviving family members or legal guardians, and the children’s safe reunification with them.

2. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (*Competence rationae temporis*), Article 2 (Obligation to protect life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Deprivation of liberty), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of discrimination), Article 2 of Protocol No. 1 (Respect for parents’ philosophical convictions), and Article 41 (Just satisfaction) above and under Article 33 (Interstate cases) below.

3. *Ukraine and the Netherlands v. Russia (dec.)* [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

4. *Ukraine v. Russia (re Crimea)* [GC], nos. 20958/14 and 38334/18, § 1387, 25 June 2024.

Inter-State cases



Article 33

The inter-State case of *Ukraine and the Netherlands v. Russia*¹ concerned multiple, flagrant and unprecedented human rights violations in the context of the armed conflict in Ukraine.

The case encompassed four separate applications lodged against the Russian Federation and concerned the events in the Donetsk and Luhansk regions (in the east of Ukraine) which began in the spring of 2014, and events throughout Ukraine from 24 February 2022, the start of the full-scale military invasion by the Russian Federation. In the two first inter-State applications the Ukrainian Government alleged an administrative practice by Russia resulting in numerous Convention violations in the areas under separatist control since 2014, including allegations of the abduction of children in Ukraine. The third application, lodged by the Netherlands Government, concerned the downing of flight MH17 on 17 July 2014. The fourth application, lodged by Ukraine, concerned the alleged “massive human rights violations” committed by Russian troops in that country after 24 February 2022.

By a decision delivered on 25 January 2023², the Grand Chamber declared the first three applications partly admissible. In particular, it held that Russia had effective control over all areas in the hands of separatists from 11 May 2014 and that the impugned facts fell within the spatial jurisdiction of Russia within the meaning of Article 1, with the exception of the Ukrainian Government’s complaint about the bombing and shelling of areas outside separatist control. The question of whether Russia had jurisdiction over the latter complaint was joined to the merits. As regards the downing of flight MH17, the Court found that both the firing of the missile and the consequent downing of the airplane had occurred in territory which had been in the hands of separatists and therefore within Russian jurisdiction.

On 17 February 2023 the Grand Chamber decided to join the fourth application to the pending case.

By the present judgment, the Grand Chamber declared that it had jurisdiction *ratione temporis* to deal with the case in so far as it concerned events that had taken place before 16 September 2022, the date when the Russian Federation ceased to be a Party to the Convention. It held that the jurisdiction of the respondent Government, already found to exist in respect of areas under separatist control from 11 May 2014, had continued after 26 January 2022, the date of the admissibility hearing in the present case, and up until 16 September 2022. It also found that Russia had jurisdiction in respect of the complaints of administrative practices in the Russian Federation and in areas in the hands of the Russian armed forces from 24 February 2022, and of the complaints of an administrative practice of military attacks in violation of the Convention from 2014 to 2022. As to the admissibility of the fourth application, the Court considered that some of the complaints raised in it represented the continuation of earlier allegations of administrative practices, already declared admissible on 25 January 2023, while the others constituted substantially new complaints; those were declared partly admissible.

On the merits, the Court found a violation of Articles 2 and 3 and of Article 13 combined with Article 2 of the Convention in respect of the downing of flight MH17, and numerous violations arising from administrative practices contrary to Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13 and 14 of the Convention and Articles 1 and 2 of Protocol No. 1, including, *inter alia*, an administrative practice of the transfer to Russia and, in many cases, the adoption there of Ukrainian children in violation of Articles 3, 5 and 8 of the Convention.

The judgment is important in several regards.

1. *Ukraine and the Netherlands v. Russia* [GC], nos. 8019/16 and 3 others, 9 July 2025. See also under Article 1 (Jurisdiction of States), Article 35 § 3 (a) (Competence *ratione temporis*), Article 2 (Right to life), Article 3 (Prohibition of torture), Article 3 (Inhuman treatment), Article 5 § 1 (Right to liberty and security), Article 8 (Private and family life), Article 8 (Home), Article 14 (Prohibition of discrimination), Article 2 of Protocol No. 1 (Respect for parents’ philosophical convictions), Article 41 (Just satisfaction) and Article 46 (Individual measures) above.

2. *Ukraine and the Netherlands v. Russia* (dec.) [GC], nos. 8019/16 and 2 others, adopted on 30 November 2022 and delivered on 25 January 2023.

(i) As regards the overall context, the Court declared that the full-scale invasion of Ukraine by Russia had marked a clear watershed moment in the history of the Council of Europe and the Convention, as in none of the conflicts previously before the Court had there been such near universal condemnation of the flagrant disregard by the respondent State for the foundations of the international legal order established after the Second World War. In the face of such an unprecedented and flagrant attack on the fundamental values of the Council of Europe and the object and purpose of the Convention, the Court had to reflect anew on the exercise of its own jurisdiction under Article 32 to interpret and apply the Convention and its Protocols with a view to contributing to the preservation of peace and security in Europe through the effective protection and enforcement of the human rights of those whom the Convention was intended to protect.

(ii) As to the evidentiary standard applied to allegations of an administrative practice in an inter-State case, the Court reiterated that the applicant Government had to present evidence allowing it to be established beyond reasonable doubt that there had been repetition of the acts in question and official tolerance, and that the Court was not asked to give a decision on each of the cases put forward as proof or illustrations of that practice. In particular, what was required by way of repetition was

II an accumulation of identical or analogous breaches which were sufficiently numerous and inter-connected not to amount to merely isolated incidents or exceptions but to a pattern or system.

That test had to be applied without excessive formalism (see, *mutatis mutandis*, [Ukraine and the Netherlands v. Russia](#)³). The Court specified that,

where the repeated acts detailed in the material before it were essentially the same and there was no evidence of any intention to cease the pattern of conduct, temporal breaks between repeated sequences of acts or insignificant changes to the content of the practices, such as the incorporation of additional elements, were not factors which would affect the overall continuity of the pattern identified for evidentiary purposes.

Moreover, the Court noted that the separatist authorities had imposed repeated restrictions on the only two monitoring missions permitted to operate within the territory controlled by them during that period. Restating the parallel previously drawn between a situation where a State restricted the access of independent human rights monitoring bodies to an area in which it exercised “jurisdiction” within the meaning of Article 1 of the Convention and a situation where there was non-disclosure by a government of crucial documents in their exclusive possession which prevented or hindered the Court establishing the facts (see [Ukraine v. Russia \(re Crimea\)](#)⁴), the Court declared itself satisfied that it might draw relevant inferences when assessing the evidence before it.

(iii) Concerning the general approach to lawfulness, the Court found that the purported legal acts of the “people’s republics” of Donetsk and Luhansk (“DPR” and the “LPR”) and of the Russian occupation administrations could not provide a legal basis for measures taken. Where under IHL the respondent State, as occupying Power, was entitled to take measures to maintain law and order and that, in that respect, a general legal basis for such measures might in principle be found in IHL, it had not been shown that any such legal basis had been reflected in the domestic legal order through relevant legal instruments and appropriate guidance.

3. [Ukraine and the Netherlands v. Russia](#) (dec.), cited above, §§ 775 and 824-25.

4. [Ukraine v. Russia \(re Crimea\)](#) [GC], nos. 20958/14 and 38334/18, § 390, 25 June 2024.

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Key cases



A selection of the most important cases dealt with by the Court (also referred to as “key cases”) is made quarterly by the Bureau, upon recommendation by the Jurisconsult (see Title I, Chapters II and III, of the [Rules of Court](#) about their respective roles).

By default, all references are to Chamber judgments. Grand Chamber cases, whether judgments or decisions, are indicated by “[GC]”. Decisions are indicated by “(dec.)”.

Chamber judgments that are not yet “final” within the meaning of Article 44 of the Convention are marked “(not final)”. In the event that any such judgment is accepted for referral to the Grand Chamber in accordance with Article 43, it will not be included in the present list.

For information on the manner of citing the Court’s case-law, please see [here](#).

Article 44 § 2 – Final judgments

The judgment of a Chamber shall become final

- (a) when the parties declare that they will not request that the case be referred to the Grand Chamber; or
- (b) three months after the date of the judgment, if reference of the case to the Grand Chamber has not been requested; or
- (c) when the panel of the Grand Chamber rejects the request to refer under Article 43.

Article 43 – Referral to the Grand Chamber

1. Within a period of three months from the date of the judgment of the Chamber, any party to the case may, in exceptional cases, request that the case be referred to the Grand Chamber.
2. A panel of five judges of the Grand Chamber shall accept the request if the case raises a serious question affecting the interpretation or application of the Convention or the Protocols thereto, or a serious issue of general importance.
3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

Key cases: a thematic overview

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Ukraine and the Netherlands v. Russia [GC], nos. 8019/16 et al., 9 July 2025

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RESPONSIBILITY OF STATES

Confinement of Tunisian national on board Italian cruise ship responsible for returning him to Tunis following refusal-of-entry order issued by Italian authorities: **jurisdiction and responsibility of respondent State**

Mansouri v. Italy (dec.) [GC], no. 63386/16, 29 April 2025

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Respondent State's jurisdiction over areas in eastern Ukraine under separatist control and areas under control of Russian armed forces after 2022 invasion; for complaints concerning military attacks by separatists or the Russian armed forces on Ukrainian territory; for its authorities' actions in Russian sovereign territory

Ukraine and the Netherlands v. Russia [GC], nos. 8019/16 et al., 9 July 2025

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POSITIVE OBLIGATIONS | LIFE

ARTICLE 2

Failure to diligently deal with systematic, decade-long, widespread and large-scale pollution phenomenon in the Campania region ("*Terra dei Fuochi*") and to take all steps required to protect the applicants' lives: **violation**

Cannavacciuolo and Others v. Italy, nos. 51567/14 et al., 30 January 2025

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INHUMAN TREATMENT | DEGRADING TREATMENT

ARTICLE 3

Conditions of Tunisian national's seven-day return voyage to Tunis on board Italian cruise ship following refusal-of-entry order issued by Italian border police: **inadmissible**

Mansouri v. Italy (dec.) [GC], no. 63386/16, 29 April 2025

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Deficient legal framework and application regarding the use of kinetic impact projectiles by the police to disperse a demonstration before the Parliament building: **violation**

Tsaava and Others v. Georgia [GC], nos. 13186/20 et al., 11 December 2025

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EFFECTIVE INVESTIGATION

Investigative and prosecutorial authorities' response to rape allegations fell short of the State's positive obligation to apply relevant criminal provisions in practice through effective investigation and prosecution: **violation**

X v. Cyprus, no. 40733/22, 27 February 2025

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EXPULSION

Turkish applicant's allegations of "pushback" to Türkiye from Evros region in Greece found sufficiently convincing and beyond reasonable doubt in context of established systematic practice of "pushbacks": **violation**

A.R.E. v. Greece, no 15783/21, 7 January 2025

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Afghan applicant (unaccompanied minor) who failed to provide prima facie evidence of presence in Greece and "pushback" to Türkiye from island of Samos in context of established systematic practice of "pushbacks": **inadmissible**

G.R.J. v. Greece (dec.), no. 15067/21, adopted on 3 December 2024 and delivered on 7 January 2025

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POSITIVE OBLIGATIONS

Investigative and prosecutorial authorities' response to rape allegations fell short of the State's positive obligation to apply relevant criminal provisions in practice through effective investigation and prosecution: **violation**

X v. Cyprus, no. 40733/22, 27 February 2025

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Failure by respondent State to apply, in practice, a criminal-law system capable of punishing non-consensual sex acts against minors: **violation**

L. and Others v. France, nos. 46949/21 et al., 24 April 2025

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CIVIL PROCEEDINGS | DISCIPLINARY PROCEEDINGS

ARTICLE 6 § 1 (CIVIL)

Lack of guarantee of impartiality in disciplinary proceedings brought by the President of the Court of Cassation against a prosecutor, after she had conducted the preliminary disciplinary investigation and examined the prosecutor's recusal request against her: **violation**

Tsatani v. Greece, no. 42514/16, 14 October 2025 (not final)

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CIVIL RIGHTS AND OBLIGATIONS

Failure by Federal Supreme Court to conduct particularly rigorous examination of award by Court of Arbitration for Sport, rejecting complaint from professional athlete with differences of sex development concerning non-State regulations requiring her to lower her natural testosterone level in order to compete in women's category in international competitions: **violation**

**Semenya v. Switzerland [GC],
no. 10934/21, 10 July 2025**

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FAIR HEARING

Disciplinary proceedings against a public official resulting in his dismissal after being allegedly incited by an undercover State agent to accept a bribe as part of a professional integrity test: **violation**

**Cavca v. the Republic of Moldova,
no. 21766/22, 9 January 2025**

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Failure by Federal Supreme Court to conduct particularly rigorous examination of award by Court of Arbitration for Sport, rejecting complaint from professional athlete with differences of sex development concerning non-State regulations requiring her to lower her natural testosterone level in order to compete in women's category in international competitions: **violation**

**Semenya v. Switzerland [GC],
no. 10934/21, 10 July 2025**

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Applicant's conviction following explicitly sexual conversations with an undercover police officer purporting to be a 12-year-old girl in an online chatroom: **no violation**

**Helme v. Estonia, no. 3023/22,
7 October 2025 (not final)**

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INDEPENDENT TRIBUNAL | IMPARTIAL TRIBUNAL

Lack of guarantee of impartiality in disciplinary proceedings brought by the President of the Court of Cassation against a prosecutor, after she had conducted the preliminary disciplinary investigation and examined the prosecutor's recusal request against her: **violation**

**Tsatani v. Greece, no. 42514/16,
14 October 2025 (not final)**

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POSITIVE OBLIGATIONS

ARTICLE 8

Investigative and prosecutorial authorities' response to rape allegations fell short of the State's positive obligation to apply relevant criminal provisions in practice through effective investigation and prosecution: **violation**

X v. Cyprus, no. 40733/22, 27 February 2025

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Use of parliamentary privilege by a Member of Parliament to disclose on the floor of the House the applicant's identity subject to an interim privacy injunction pending trial: **no violation**

**Green v. the United Kingdom,
no. 22077/19, 8 April 2025**

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Failure by respondent State to apply, in practice, a criminal-law system capable of punishing non-consensual sex acts against minors: **violation**

**L. and Others v. France, nos. 46949/21
et al., 24 April 2025**

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RESPECT FOR PRIVATE LIFE

Use of parliamentary privilege by a Member of Parliament to disclose on the floor of the House the applicant's identity subject to an interim privacy injunction pending trial: **no violation**

**Green v. the United Kingdom,
no. 22077/19, 8 April 2025**

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Procedural obligation to conduct an adequate, timely and comprehensive environmental impact assessment in good faith, based on the best available science during the licensing process of petroleum exploration: **no violation**

**Greenpeace Nordic and Others v. Norway,
no. 34068/21, 28 October 2025 (not final)**

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RESPECT FOR FAMILY LIFE

Procedural obligation to conduct an adequate, timely and comprehensive environmental impact assessment in good faith, based on the best available science during the licensing process of petroleum exploration: **no violation**

Greenpeace Nordic and Others v. Norway, no. 34068/21, 28 October 2025 (not final)

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Domestic courts' order for return of two children from Finland to Russia under the Hague Convention following removal by their father: **no violation**

Z and Others v. Finland, no. 42758/23, 16 December 2025 (not final)

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RESPECT FOR CORRESPONDENCE

Transmission and use in competition law proceedings of data lawfully obtained through telephone tapping in criminal investigations: **no violation**

Ships Waste Oil Collector B.V. and Others v. the Netherlands [GC], nos. 2799/16 et al., 1 April 2025

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FREEDOM OF EXPRESSION

ARTICLE 10

Unjustified and disproportionate use of force by the police against journalists during the dispersal of a demonstration before the Parliament building: **violation**

Tsaava and Others v. Georgia [GC], nos. 13186/20 et al., 11 December 2025

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Disciplinary sanction imposed on judge by National Judicial and Legal Service Commission for posting two messages on his Facebook page: **violation**

Danileț v. Romania [GC], no. 16915/21, 15 December 2025

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FREEDOM OF PEACEFUL ASSEMBLY

ARTICLE 11

Unjustified and disproportionate use of force by the police during the dispersal of a demonstration before the Parliament building: **violation**

Tsaava and Others v. Georgia [GC], nos. 13186/20 et al., 11 December 2025

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DISCRIMINATION

ARTICLE 14

"Secondary victimisation" by national authorities of a minor who alleged that she had been subjected to non-consensual sex acts, through the use of moralising and guilt-inducing statements which propagated gender stereotypes: **violation**

L. and Others v. France, nos. 46949/21 et al., 24 April 2025

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Domestic courts' upholding of applicant's dismissal allegedly in retaliation for a successful claim of discrimination based on sex in relation to her remuneration: **violation**

Ortega Ortega v. Spain, no. 36325/22, 4 December 2025 (not final)

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ARTICLE 33

Multiple, flagrant and unprecedented Convention violations in Ukraine resulting from the downing of flight MH17 and numerous administrative practices

Ukraine and the Netherlands v. Russia [GC], nos. 8019/16 et al., 9 July 2025

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INDIVIDUAL APPLICATIONS

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No valid basis for the Court to refrain from examining part of the applicants' complaints under Article 3 (substantive), 10 and 11

Tsaava and Others v. Georgia [GC], nos. 13186/20 et al., 11 December 2025

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VICTIM

Victim status of individual applicants and standing (*locus standi*) of applicant associations to act on behalf of their members in respect of dangers to health stemming from exposure to the "Terra dei Fuochi" pollution: **inadmissible in respect of applicant associations and individual applicants not living in the officially listed affected municipalities**

Cannavacciuolo and Others v. Italy, nos. 51567/14 et al., 30 January 2025

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* * *

Discrimination complaints on account of the inability to vote for candidates of choice in legislative and presidential elections due to a combination of ethnic and territorial requirements of an *actio popularis* nature: **preliminary objection upheld**

Kovačević v. Bosnia and Herzegovina [GC], no. 43651/22, 25 June 2025

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* * *

Victim status of individual applicants and standing (*locus standi*) of applicant organisations regarding climate complaints as a result of petroleum exploration licensing: **inadmissible in respect of individual applicants; standing of applicant organisations upheld**

Greenpeace Nordic and Others v. Norway, no. 34068/21, 28 October 2025 (not final)

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LOCUS STANDI

Victim status of individual applicants and standing (*locus standi*) of applicant associations to act on behalf of their members in respect of dangers to health stemming from exposure to the "Terra dei Fuochi" pollution: **inadmissible in respect of applicant associations and individual applicants not living in the officially listed affected municipalities**

Cannavacciuolo and Others v. Italy, nos. 51567/14 et al., 30 January 2025

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* * *

Victim status of individual applicants and standing (*locus standi*) of applicant organisations regarding climate complaints as a result of petroleum exploration licensing: **inadmissible in respect of individual applicants; standing of applicant organisations upheld**

Greenpeace Nordic and Others v. Norway, no. 34068/21, 28 October 2025 (not final)

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EXHAUSTION OF DOMESTIC REMEDIES | EFFECTIVE DOMESTIC REMEDY

ARTICLE 35 § 1

Remedies available under Italian law for Tunisian national refused entry at maritime border who complained of unlawful deprivation of liberty on board Italian ship that returned him to Tunis: **inadmissible**

Mansouri v. Italy (dec.) [GC], no. 63386/16, 29 April 2025

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ABUSE OF THE RIGHT OF APPLICATION

ARTICLE 35 § 3 (a)

Highly reproachable conduct on the applicant's part in the Grand Chamber proceedings: **preliminary objection upheld**

Kovačević v. Bosnia and Herzegovina [GC], no. 43651/22, 25 June 2025

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Georgia v. Russia (IV) (just satisfaction), no. 39611/18, 14 October 2025 (not final)

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GENERAL MEASURES (PILOT JUDGMENT)

ARTICLE 46 § 2

Respondent State to take general measures to address the “*Terra dei Fuochi*” pollution problem within two years from the judgement’s finality

Cannavacciuolo and Others v. Italy, nos. 51567/14 et al., 30 January 2025

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EXECUTION OF JUDGMENT | INDIVIDUAL MEASURES

Respondent State, without delay, to release or safely return all persons deprived of their liberty in occupied territory and to cooperate in establishing a mechanism for the identification of all children transferred from Ukraine to Russia and Russian-controlled territory and their reunification with their families or legal guardians

Ukraine and the Netherlands v. Russia [GC], nos. 8019/16 et al., 9 July 2025

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PEACEFUL ENJOYMENT OF POSSESSIONS

ARTICLE 1 § 1 OF PROTOCOL No. 1

Annulment of contracts between private companies and the State for the purchase of COVID-19 tests and restitution by the companies of a substantial part of the sum received as being overpaid by the State: **no violation**

UAB Profarma and UAB Bona Diagnosis v. Lithuania, nos. 46264/22 and 50184/22, 7 January 2025

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FREE EXPRESSION OF THE OPINION OF THE PEOPLE

ARTICLE 3 OF PROTOCOL No. 1

Early termination of applicant’s mandate as member of parliament ordered by his political party following his withdrawal from its parliamentary faction: **violation**

Tomenko v. Ukraine, no. 79340/16, 10 July 2025

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Alleged failure to investigate credible allegations of, and provide an effective legal framework to protect the electorate from, hostile interference by Russia in democratic elections in the United Kingdom: **no violation**

Bradshaw and Others v. the United Kingdom, no. 15653/22, 22 July 2025

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RIGHT TO FREE ELECTIONS

Early termination of applicant’s mandate as member of parliament ordered by his political party following his withdrawal from its parliamentary faction: **violation**

Tomenko v. Ukraine, no. 79340/16, 10 July 2025

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CHOICE OF THE LEGISLATURE

Early termination of applicant’s mandate as member of parliament ordered by his political party following his withdrawal from its parliamentary faction: **violation**

Tomenko v. Ukraine, no. 79340/16, 10 July 2025

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Electoral decisions annulling the applicant’s declaration as an elected Member of Parliament on three occasions after his appointment as the first runner-up to a seat that was renounced before the start of the parliamentary term: **violation**

Georgios Papadopoulos v. Cyprus, no. 21454/21, 9 October 2025 (not final)

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Every year the European Court of Human Rights delivers a large number of judgments, and an even greater number of decisions, thus adding to its already extensive body of case-law. This can make it challenging to identify cases which break new legal ground or address new issues.

The present Overview – a companion volume to the Court’s Annual Report – highlights the most significant cases of 2025, noting their relevance to the development of the Court’s case-law. This publication, prepared by the Directorate of the Jurisconsult, also lists key cases which have been so designated by the Bureau of the Court.



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