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**STEERING COMMITTEE FOR HUMAN RIGHTS
IN THE FIELDS OF BIOMEDICINE AND HEALTH
(CDBIO)**

**Developments in the field of bioethics
in the case law of the European Court of Human Rights (ECHR)**

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Autonomy and Informed Consent

Derrek and Others v. Russia

(Application no. 31712/21)

29 April 2025

[https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-242861%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-242861%22]})

The applicants are six Russian nationals who live in Moscow, St Petersburg and Yaroslavl (all Russia). The case concerns a police raid on a venue hosting an LGBT workshop on human rights and LGBT activism in 2020, which the applicants were attending. They were searched and allegedly abused in different ways before being taken to a hospital for obligatory drug tests.

Relying on Articles 3 (prohibition of inhuman or degrading treatment), 5 (right to liberty and security), 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the Convention, the applicants complain, in particular, that their treatment by the police caused them feelings of fear, anguish and humiliation, that there was no effective investigation into the alleged police misconduct, and that their deprivation of liberty was in contravention of the Convention.

Violation of Article 3 (investigation and ill-treatment) taken in conjunction with Article 14.

Violation of Article 5 § 1.

Violation of Article 11.

B.B. v. Belgium

(Application no. 47836/21)

6 March 2025

<https://hudoc.echr.coe.int/eng/?i=001-240199>

The European Court of Human Rights held, unanimously, that there had been: a violation of Article 8 (right to respect for private life) of the European Convention on Human Rights.

The case concerned the decision to terminate the applicant's entitlement to support as an unaccompanied foreign minor following an age assessment.

The Court found, without ruling on the reliability of the bone tests or on the applicant's minor status, that the decision-making process that had resulted in the decision to terminate her entitlement to support as an unaccompanied foreign minor had not been surrounded by sufficient safeguards for the purposes of Article 8 of the Convention.

H.W. v. France

(Application no. 13805/21)

23 January 2025

<https://hudoc.echr.coe.int/eng/?i=001-240199>

Chamber judgment in the case of H.W. v. France (application no. 13805/21) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights

The case concerned a fault-based divorce in which blame was attributed solely to the applicant, on the grounds that she had ceased to have sexual relations with her husband.

The Court concluded that the very existence of such a marital obligation ran counter to sexual freedom, the right to bodily autonomy and the Contracting States' positive obligation of prevention in the context of combating domestic and sexual violence.

Lavorgna v. Italy

(Application no. 8436/21)

7 November 2024

<https://hudoc.echr.coe.int/?i=001-237810>

The case of *Lavorgna v. Italy* (application no. 8436/21) concerned the treatment given to Mr Lavorgna while in confinement in a psychiatric ward. He had been strapped down and given sedatives owing to reported aggressive actions.

Chamber judgment the European Court of Human Rights held, unanimous, that there had been: a violation of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights as regards both the treatment of the applicant and the ensuing investigation.

The Court found in particular that the Government had failed to demonstrate why such a long period of restraining Mr Lavorgna had been necessary and had not addressed his arguments that the restraint had been “precautionary” rather than a “last resort”.

Lindholm and the Estate after Leif Lindholm v. Denmark

(Application no. 25636/22)

5 November 2024/0

<https://hudoc.echr.coe.int/fre?i=001-237795>

This case concerns a member of the religious community of the Jehovah's Witnesses, who was admitted to hospital as an emergency patient and was given a blood transfusion, despite having previously stated his refusal of this procedure, a principle which was part of his religious beliefs. The applicants complained under Articles 8, 9 and 14 of the Convention.

The Supreme Court observed (see paragraph 33 above) that section 19 of the Health Act allowed for the life-saving treatment of an unconscious patient regardless of any advance directive from him or her about refusing treatment. The provision was general and was not restricted to blood transfusions. It therefore found that the blood transfusion administered to L was compliant with Article 14, read in conjunction with Articles 8 and 9 of the Convention.

The Court *declares* the complaint under Article 8 read in the light of Article 9 of the Convention, brought by the first applicant, admissible and the remainder of the application inadmissible. It *holds* that there has been no violation of Article 8 read in the light of Article 9 of the Convention.

Covid-19

S.M. v. Italy

(Application no. 16310/20)

17 October 2024

<https://hudoc.echr.coe.int/fre?i=001-236192>

The applicant, S.M., is an Italian national who was born in 1977 and lives in Varese (Italy). Mr S.M. suffers from HIV and a number of related diseases, including Kaposi sarcoma, HIV-related encephalopathy and chronic HCV-related hepatopathy. The case concerns his imprisonment during the global Covid-19 pandemic. Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr S.M. complains that the Italian authorities did not take adequate steps to protect him from contracting Covid-19 while in detention, and that his continued detention in that situation was a breach of the Convention.

The court *holds*, unanimously, that there has been no violation of Article 3 of the Convention in respect of the compatibility of the applicant's state of health with detention; and *Holds*, by five votes to two, that there has been no violation of Article 3 of the Convention in respect of the protection of the applicant from the risk of contracting COVID-19.

Done in English, and notified in writing on 17 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Detention and Prisoners' Health Rights

Morabito v. Italy

(Application no. 4953/22)

10 April 2025

[https://hudoc.echr.coe.int/eng/#{%22itemid%22:\[%22001-242639%22\]}](https://hudoc.echr.coe.int/eng/#{%22itemid%22:[%22001-242639%22]})

The applicant, Giuseppe Morabito, is an Italian national who was born in 1934. Mr Morabito is currently serving a sentence in connection with membership of a mafia-type organisation in Milan Opera Prison. He is being held in the "section 41 bis regime" (section 41 bis of Law no. 354 of 26 July 1975 provides that the Minister of Justice can suspend the application of the ordinary prison regime in order to prevent contact with a mafia-type organisation). The case concerns Mr Morabito's continued imprisonment, as well as his continued placement under that regime, despite his state of health. He suffers from several physical ailments and has been diagnosed with progressive cognitive deterioration.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, Mr Morabito complains of his continued detention despite his state of health and a lack of adequate medical treatment, and his placement in the Section 41 bis regime despite his cognitive deterioration.

No violation of Article 3 in respect of the applicant's continued detention and of the medical treatment provided to him in prison.

Violation of Article 3 in respect of the applicant's continued placement under the section 41 bis regime.

Kalkan v. Denmark

(Application no. 51781/22)

27 May 2025

[https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-243258%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-243258%22]})

The applicant, Nermin Kalkan, is a Danish national who was born in 1968 and lives in Vejle (Denmark). The case concerns Ms Kalkan's son's death in prison in January 2011 from a heart attack after having been restrained in a prone position leg lock. Allegedly he had been in a violent and agitated state and had had to be restrained in this manner several times. He had been serving a sentence for robbery and threats against prison staff.

Relying on Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the European Convention, Ms Kalkan alleges that prison guards were not given clear instructions on use of prone positions, and that its use on her son for 13 minutes was excessive.

The Court decided that a violation of Article 2 occurred in respect of the positive obligation on the State to give prison guards clear and adequate instructions on the use of the prone position when restraining prisoners and to train its law-enforcement officials accordingly.

Mevlüt GÖZÜTOK v. Türkiye

(Application no. 41412/21)

18 March 2025

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-242839%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-242839%22]})

In this case, the Court examined the applicant's complaints concerning his detention and medical treatment during the COVID-19 pandemic. After being transferred from prison to a hospital for medical reasons, the applicant was placed in quarantine wards multiple times, which he claimed were overcrowded and poorly ventilated, with one inmate allegedly smoking and others not being tested for COVID-19. He also objected to being handcuffed during a medical consultation.

The Court found that Turkish authorities had implemented adequate preventive and hygiene measures in line with national and international health guidelines and noted that the applicant had not contracted COVID-19 nor shown evidence that his health was adversely affected.

Consequently, the Court ruled that the conditions did not reach the threshold of inhuman or degrading treatment under Article 3 of the Convention and declared the application inadmissible.

Petrosyan v. Armenia

(Application no. 51448/15)

January 9, 2025

<https://hudoc.echr.coe.int/eng?i=001-238658>

The case concerns the death of Ms Petrosyan's 19-year-old son while being held in custody for evasion of military service. The official version was that he had committed suicide in his cell. The applicant's son, H. Movsisyan, had been drafted into the Armenian army in June 2011 and assigned to a military unit in Nagorno-Karabakh. Shortly after he was found unfit and discharged for mental-health reasons.

He was subsequently prosecuted and convicted for evasion of military service. On 28 November 2012 he was found hanging from the bars of his cell window with his bedsheet.

Ms Petrosyan appealed the decisions in her son's case to the national courts, without success. Relying on Articles 2 (right to life) of the European Convention on Human Rights and 13 (right to an effective remedy) of the European Convention, Ms Petrosyan complains, among other things, that the authorities failed to provide a plausible explanation for the death of her son. She argues in particular that they had failed to clarify how it had been possible for her son to commit suicide in the presence of six other detainees without them or the guards noticing. At the same time, she also argues that the authorities failed to take steps to protect her son's life, despite having been aware of his mental-health issues.

There has accordingly been a violation of Article 2 of the Convention under its procedural and substantive limb.

Niort v. Italy

(Application no. 4217/23)

27 March 2025

[https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-242444%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-242444%22]})

The applicant, Simone Niort, is an Italian national who was born in 1997 and is currently detained in Sassari Prison. He suffers from personality disorders, including borderline and antisocial personality disorder, for which he has received treatment from the mental health services since childhood. He is certified as 100% disabled and receives a disability allowance. He is also a drug addict. The case concerns the medical treatment and continued imprisonment, despite his psychiatric disorders, of the applicant, who was convicted of serious offences and is considered to be a danger to society. Relying on Article 3 (prohibition of inhuman and degrading treatment), the applicant complains that his continued imprisonment prevents him from receiving appropriate treatment for his psychiatric problems. Relying on Article 5 (right to liberty and security), he complains of unlawful and unjustified imprisonment, and about the lack of compensation in that regard. Relying on Article 6 § 1 (right to a fair trial), he complains that two orders for his transfer to a prison with appropriate facilities for treatment of his psychiatric disorder were not executed. Lastly, relying on Article 8 (right to private life), he complains about the absence of an educational programme and rehabilitation pathway in the prison.

Violation of Article 3.

Environmental and Public Health Issues

L.F. and Others v. Italy

(Application no. 52854/18)

6 May 2025

[https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-243191%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-243191%22]})

The applicants are 153 Italian nationals who live variously in Baronissi, Pellezzano and Salerno (Italy). The case concerns pollution allegedly caused by a foundry near the applicants' homes in the municipality of Salerno. The foundry, Fonderie Pisano, smelts ferrous metals and has been operating in the municipality of Salerno (Campania) since 1960. In 2006 the industrial area where the plant was located was designated for residential use, under the condition that the plant would be relocated. No relocation was carried out, but the area was nonetheless opened for residential development. The

foundry has been the object of numerous inspections and administrative and criminal proceedings, all finding shortcomings in the operation of the plant. From 2016 the authorities took measures, accompanied by monitoring, to minimise the harmful effects of the foundry on the environment and health of the local population.

Relying on Articles 2 (right to life) and 8 (right to respect for private and family life), the applicants allege that the State's allowing residential development around the foundry and failing to take the necessary measures against pollution has caused serious damage to the environment, endangered their lives and health and affected their personal well-being. Several of the applicants specifically submit that they have suffered from cardiovascular, respiratory and neurological diseases. The applicants also complain that the authorities neglected to inform them of the risks of living in the area surrounding the plant and to involve them in the decision-making process for authorising its operation. Lastly, under Article 46 (binding force and implementation), the applicants have asked the Court to require the national authorities: to monitor the plant and make its continued operation conditional on a positive environmental and health impact assessment; and, to put in place a plan to reduce emissions and decontaminate the areas surrounding the foundry.

Violation of Article 8.

Cannavacciuolo and Others v. Italy

(Application nos. 51567/14 and 3 others)

30 January 2025

<https://hudoc.echr.coe.int/eng?i=001-241395>

The European Court of Human Rights held, unanimously, that there had been: a violation of Article 2 (right to life) of the European Convention on Human Rights.

The case concerned dumping, burying or burning of waste on private land, often carried out by organised criminal groups, in the parts of the Campania region known as the Terra dei Fuochi.

The Court found in particular that the Italian State had failed to deal with such a serious situation with the diligence and expedition required – despite having known about the problem for many years – specifically in assessing the problem, preventing its continuation, and communicating to the affected public.

The Court held, unanimously, under Article 46 (binding force and enforcement of judgments), that Italy had to draw up a comprehensive strategy to address the Terra dei Fuochi situation, set up an independent monitoring mechanism, and establish a public information platform. The time-limit for this is two years, during which the pending 36 related applications from around 4,700 applicants will be adjourned.

Laterza and D'Errico v. Italy

(Application no. no. 30336/22)

27 March 2025

[https://hudoc.echr.coe.int/fre-press#{%22itemid%22:\[%22003-8193087-11499694%22\]}](https://hudoc.echr.coe.int/fre-press#{%22itemid%22:[%22003-8193087-11499694%22]})

The applicants are two Italian nationals who were born in 1976 and 1956 respectively. They are the son and wife of the late G.L. The case concerns the decision to discontinue the criminal proceedings brought by the applicants in respect of the death of their relative (G.L.) from a pulmonary tumour in July 2010. G.L., who had been employed between 1980 and 2004 by Ilva (a company specialising in the production

and processing of steel), died of a pulmonary tumour in July 2010. In 2015 the applicants lodged a criminal complaint with the public prosecutor's office against a person or persons unknown for involuntary manslaughter, arguing that their relative's death had been caused by prolonged exposure in the workplace to toxic substances used in steel production. In 2019 the public prosecutor requested that the case be discontinued, holding that the evidence gathered did not prove that the illness which had led to G.L.'s death had been occupational in nature. The applicants appealed unsuccessfully against that decision. Relying on the procedural aspect of Article 2 (right to life), the applicants complain about the domestic authorities' refusal to pursue the investigation. In particular, they criticise the authorities' decision to discontinue the proceedings without taking into account the expert report demonstrating the correlation between G.L.'s illness and his exposure to harmful substances in the workplace. They also submit that by discontinuing the investigation, the authorities chose not to examine the evidence which, in their view, would have made it possible to identify those responsible for implementing safety measures in the factory.

Violation of article 2.

Health Issues

Harutyun Karapetyan v. Armenia

(Application no. 53081/14)

29 October 2024

<https://hudoc.echr.coe.int/eng/?i=001-237706>

The case concerns the investigation into the death of Mr Karapetyan's wife in 2011, the day after she had a hysterectomy. The autopsy concluded that the cause of death was pulmonary thromboembolism because of varicose veins on her legs. The investigating authorities terminated the criminal proceedings in 2013, finding in particular that there had been no contraindications for the surgery and that precautions had been taken beforehand, such as compression of the veins with elastic bandages and an anticoagulant injection. Mr Karapetyan unsuccessfully contested the decision in the courts. Relying on Article 2 (right to life/investigation) of the European Convention on Human Rights, Mr Karapetyan alleges that his wife died due to medical negligence. He maintains in particular that his wife should only have been operated on after treatment for her varicose veins.

No violation of article 2.

Mental Health and Medical Ethics

Hasani v. Sweden

(Application no. 35950/20)

6 March 2025

<https://hudoc.echr.coe.int/fre/?i=001-242068>

The applicant, Esmat Hasani, is an Afghan national who was born in 2001 and lives in Gothenborg (Sweden). Mr Hasani and his brother, A.H., arrived in Sweden in 2015 and applied for asylum. The case concerns A.H.'s suicide after the authorities refused the brothers' asylum requests. A.H. had a visual impairment and mental health problems. Relying on Article 2 (right to life) of the European Convention, Mr Hasani alleges that the Swedish authorities failed to take measures to protect his brother from committing suicide, despite being aware that the decisions to refuse asylum would cause him distress.

No violation of Article 2.

M.B. v. Spain

(Application no. 38239/22)

6 February 2025

<https://hudoc.echr.coe.int/fre?i=001-241578>

The European Court of Human Rights held, unanimously, that there had been: a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights.

The case concerned Ms M.B.'s pre-trial detention and later confinement in a prison psychiatric hospital in February 2020, following her burning down the flat she had been living in.

The Court found in particular that the Spanish courts had not reassessed M.B.'s state of mental health when the order had been given, and had not adequately scrutinised the reports on her health or assessed whether her condition had actually warranted compulsory confinement. Overall, the security order had not met the minimum conditions necessary to comply with the Convention.

Reproductive Rights and Gender Issues

Petrović and Others v. Croatia

(Application nos. 32514/22, 33284/22 and 15910/23) 14 January 2025

<https://hudoc.echr.coe.int/eng?i=001-238792>

The European Court of Human Rights held, unanimously, that there had been: a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned three mothers' suspicions that their new-born children, born between 1986 and 1994, had not become ill and died, as the State-run hospitals alleged, but had been abducted and unlawfully given up for adoption.

The Court noted similarities between this case and the case of *Zorica Jovanović v. Serbia*. The Court found, in particular, that Croatia had failed to fulfil its duty ("continuing positive obligation") under Article 8 of the Convention with regard to the applicants' allegations that their babies had been abducted from maternity hospitals and had been given up for unlawful adoption. Under Article 46 (binding force and enforcement of judgments) the Court found that general measures at national level were required. It called upon Croatia to establish a mechanism aimed at providing individual redress to all parents in a similar situation. This mechanism should be supervised by an independent body with adequate powers, capable of providing credible answers regarding the fate of each child and awarding adequate compensation as appropriate.

Rights of Persons with Disabilities

Martinez Fernandez v. Hungary

(Application no. 30814/22)

27 May 2025

[https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22001-243256%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22001-243256%22]})

The applicant, Benitóné Martinez Fernandez, is a Hungarian national who was born in 1937 and lives in Budapest. She has been diagnosed with dementia. Following a suspected overdose, Ms Martinez Fernandez was transferred to a psychiatric hospital as she appeared disoriented on 2 September 2020. The next day a short court hearing was held with herself, her son and an appointed guardian ad litem present, at which her involuntary detention was approved and its continuation ordered, which is the subject of the case. Ms Martinez Fernandez was discharged six days later. Relying on Article 5 §§ 1 (e) and 4 (right to liberty and security) of the Convention, Ms Martinez Fernandez complains that her involuntary hospitalisation was unjustified and the procedure ordering that did not respect her rights.

Violation of Article 5 § 1.

Clipea and Grosu v. the Republic of Moldova

(Application no. 39468/17)

19 November 2024

<https://hudoc.echr.coe.int/fre?i=001-238014>

The applicants, Eugeniu Clipea and Virginia Grosu, are Moldovan nationals who were born in 1992 and 1965 respectively and live in Chişinău. They both have intellectual disabilities. Both of them underwent periodic treatment at the Chişinău Clinical Psychiatric Hospital.

The case concerns the conditions of their treatment while there, including allegations that Mr Clipea was left unwashed and suffered skin diseases; that he was not able to go for walks outdoors in the fresh air; that his belongings were occasionally stolen by other patients; that he was beaten by other patients; that the facilities were unsanitary and smelled; and that Ms Grosu was made to clean the toilets and her room; among many other allegations.

Relying on Article 3 (prohibition of inhuman or degrading treatment) and Article 14 (prohibition of discrimination) of the Convention, the applicants complain of Mr Clipea's treatment by other patients while in hospital for psychiatric treatment, alleging it was condoned by staff, and that the investigation into his allegations was ineffective. They also complain that the inhuman treatment they suffered was because of their psychological disabilities.

E.T. v. The Republic of Moldova

(Application no. 255373/16)

12 November 2024 (Final on 12 February 2025)

<https://hudoc.echr.coe.int/fre?i=001-237947>

The applicant, Ms E.T., is a Moldovan national who was born in 1961 and lives in Cocieri (the Republic of Moldova). Diagnosed with chronic paranoid schizophrenia in the late 1990s, Ms E.T. was declared totally incapacitated in 2002. The case concerns her complaint that she could not bring a court action to restore her legal capacity. In 2015 she had contacted a non-governmental organisation and its lawyer who had brought an action in court aimed at re-establishing her legal capacity. The lawyer had argued that Ms E.T.'s mental health had improved and that she had a strained relationship with her guardian. The action was unsuccessful because Ms E.T., as an incapacitated person, could not authorise the lawyer to bring a court action. Relying on Article 6 § 1 (right of access to court) of the Convention, Ms E.T. complains that Moldovan law only allowed her to apply for restoration of her legal capacity through her guardian or certain officials. Also relying on Articles 8 (right to respect for private and family life) and 14 (prohibition of discrimination), she alleges that she was discriminated against as compared with

other persons temporarily unable to understand their actions but whose legal capacity remained intact, such as persons who had suffered a stroke or had abused drugs.

Violation of Article 14 taken in conjunction with Article 8.

I.C. v. Republic of Moldova

(Application no. 36436/22)

27 February 2025

<https://hudoc.echr.coe.int/eng?i=001-241986>

The case concerned an intellectually disabled woman and her allegations that she had been forced to work for free and sexually abused after she had been removed in 2013 from State care to live on a farm (following a “deinstitutionalisation” procedure).

Chamber judgment in the case, the European Court of Human Rights held, unanimously, that there had been: violations of Articles 3 (prohibition of inhuman or degrading treatment), 4 (prohibition of forced labour/investigation), 8 (right to respect for private and family life) and 14 (prohibition of discrimination) of the European Convention on Human Rights.

The Court noted that while the criminal laws were adequate, the legal and administrative framework concerning the removal from State care of persons with intellectual disabilities had flaws, particularly due to the lack of support services and monitoring. In the applicant’s case this had led to the authorities’ failure to take measures to protect her and/or to adequately investigate her allegations, as concerned either the labour exploitation or the rape.

Martinez Alvarado v. The Netherlands

(Application no. 4470/21)

10 December 2024

<https://hudoc.echr.coe.int/eng?i=001-238325>

Mr Martinez Alvarado had an intellectual disability which meant that he functioned at the level of an 8-year-old child, had convincingly shown that he totally relied on the care and support in his daily life of his four sisters, who all lived in the Netherlands. He had been cared for by his parents in Peru until their deaths in 2015 after which he had been taken to the Netherlands by his eldest sister. Their relationship did amount to “family life” under the Convention and the Court found his case admissible.

Chamber judgment¹ in Mr Martinez Alvarado’s case that there had been a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights. It found that the national authorities had erred in focusing primarily on the fact that his sisters had not been involved in his daily care prior to their parents’ deaths. Nor had it been established that there were viable alternatives for people with mental disabilities in Peru who tended to be cared for by relatives. They had therefore carried out their analysis in a manner which was not consistent with the principles outlined in the Convention.

Validity Foundation on behalf of T.J. v. Hungary

(Application no. 31970/20)

10 October 2024

<https://hudoc.echr.coe.int/eng?i=001-236193>

The European Court of Human Rights held, unanimously, that there had been: two violations of Article 2 (right to life/investigation) of the European Convention on Human Rights. The case concerned the death in 2018 of a woman with a severe intellectual disability, Ms T.J., in a State-run social-care home and the ensuing investigation into the allegation that she had died of neglect.

The authorities had therefore been aware of the alarming conditions before Ms T.J.'s death. Their response, however, both in terms of preventing the deterioration in her health and her untimely death as well as in terms of the ensuing investigation had been inadequate.