



FLASH NEWS

05/25

EUROPEAN COURT OF HUMAN RIGHTS

OVERVIEW FROM 9/6 TO 11/7

RU / UKRAINE AND NETHERLANDS v RUSSIA [GC]

Widespread human rights violations committed in the context of the conflict in Ukraine since 2014 - Flagrant disregard for the ECHR and the foundations of the international legal order displayed by the respondent State - Violations resulting from the destruction of an aircraft and numerous administrative practices

Infringement of Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 4 § 2 (prohibition of forced labour), Article 5 (right to liberty and security), Article 8 (right to respect for private and family life), Article 9 (freedom of thought, conscience and religion), Article 10 (freedom of expression), Article 11 (freedom of assembly and association), Article 13 (right to an effective remedy), Article 14 (prohibition of discrimination), Article 38 (obligation to provide all facilities necessary for the examination of the case) of the ECHR and Articles 1 (protection of property) and 2 (right to education) of Protocol No 1 to the ECHR.

The case concerns the conflict that began in eastern Ukraine in 2014 following the arrival of pro-Russian armed groups in the Donetsk and Luhansk regions and which intensified following Russia's large-scale invasion of Ukraine launched on 24 February 2022. The case also concerns the destruction of the aircraft operating flight MH17 on 17 July 2014 while flying over eastern Ukraine, causing the death of all those on board, including many Dutch nationals.

In its Grand Chamber judgment, the European Court of Human Rights (ECtHR) unanimously held that, in the context of the conflict in Ukraine, there had been widespread violations of the above-mentioned articles between 11 May 2014, the date on which hostilities began, and 16 September 2022, the date on which Russia ceased to be a party to the ECHR. The ECtHR emphasises that the nature and scale of the violence committed in Ukraine, as well as Russia's worrying statements regarding Ukraine's right to exist, threaten peace in Europe.

Taken as a whole, the extensive evidence submitted to the ECtHR reveals a pattern of interrelated practices consisting of manifestly unlawful conduct by Russian state agents (armed forces and other Russian authorities, occupation administrations, armed groups and separatist entities) that took place on a large scale in Ukraine.

This system or pattern of violations consisted of: indiscriminate military attacks; summary executions of Ukrainian civilians and military personnel who were hors de combat; acts of torture, including the use of rape as a weapon of war, as well as inhuman and degrading treatment; forced labour; illegal and arbitrary detention of civilians; unjustified displacement and transfer of civilians and their subjection to intrusive and abusive security checks (so-called 'filtering' measures); acts of intimidation, harassment and persecution targeting all religious groups other than followers of the Ukrainian Orthodox Church of the Moscow Patriarchate; acts of intimidation and violence against journalists, the blocking of Ukrainian and foreign broadcasters, and the adoption of new 'laws' prohibiting and punishing the dissemination of information favourable to Ukraine; the forced dispersal by the Russian army of peaceful demonstrations in occupied towns and localities; the destruction, looting and expropriation without compensation of private property; the banning of the Ukrainian language in schools and the indoctrination of Ukrainian pupils; the transfer of Ukrainian children to Russia and, in many cases, their adoption in that country; and discrimination based on political opinion and national origin.

With regard to the application concerning the destruction of the aircraft operating flight MH17, referring to the facts as established by the thorough investigation conducted by a joint international investigation team (JIT) and by the Criminal Court of First Instance in The Hague, the ECtHR ruled, among other things, that Russia had taken no measures to ensure accurate verification of the missile's target or to protect the lives of those on board the aircraft, which demonstrated its negligent attitude towards civilians endangered by its hostile activities.

With regard to Article 46 (binding force and execution of judgments) of the ECHR, the ECtHR ruled that Russia must release without delay all persons who were deprived of their liberty before 16 September 2022 in the occupied territory and who are still being held by the Russian authorities, and, without delay, cooperate in the establishment of an international and independent mechanism to identify all children transferred from Ukraine to Russia or Russian-controlled territory before 16 September 2022, with a view to restoring contact between the children and their families or legal guardians and, ultimately, reuniting them.

Judgment of 9.7.2025 (applications Nos 8019/16, 43800/14, 28525/20 and 11055/22) ([FR/EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))

CH / SEMENYA v. SWITZERLAND [GC]

Right to a fair trial – Review of an arbitral award relating to a World Athletics settlement with respect to substantive public policy – No particularly rigorous review

Inadmissibility of complaints under Articles 8 (right to respect for private life), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the ECHR due to the absence of exceptional circumstances capable of establishing a jurisdictional connection within the meaning of Article 1 of the ECHR.

Infringement of Article 6 § 1 (right to a fair trial) of the ECHR.

The case concerns a South African athlete of international standing who is complaining about a rule enacted by World Athletics requiring her to reduce her natural testosterone level in order to compete in international competitions in the women's category, and the rejection of her appeals against that rule before the Court of Arbitration for Sport (CAS), sitting in Switzerland, and then the Swiss Federal Court.

The European Court of Human Rights (ECtHR) first considered that the applicant's referral to the Federal Court to challenge the CAS award created a jurisdictional connection with Switzerland, imposing on that State an obligation to ensure respect for the rights protected by Article 6 of the ECHR in the proceedings before the Federal Court, which is responsible, by federal law, for reviewing the compatibility of an arbitral award with substantive public policy.

Secondly, the ECtHR considered that respect for the applicant's right to a fair trial required a particularly rigorous examination of her case for the following reasons: the mandatory and exclusive jurisdiction of the CAS was imposed on her not by law but by a sports governing body, and the dispute concerned one or more civil rights which correspond to fundamental rights under domestic law.

In the view of the ECtHR, the specific characteristics of the sports arbitration to which the applicant was subject, which implied the mandatory and exclusive jurisdiction of the CAS, required that the scrutiny exercised by the only court with jurisdiction to review CAS awards be commensurate with the importance of the individual rights at stake.

However, the ECtHR found that this was not the case with the Federal Court's review, in particular because of its very restrictive interpretation of the concept of 'public policy' within the meaning of the Federal Act on private international law. Consequently, the applicant did not benefit from the guarantees provided by Article 6 § 1 of the ECHR, as the Federal Court failed to satisfy the requirement of a particularly rigorous review.

Judgment of 10.7.2025 (application No 10934/21) ([FR/EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))

HR / H.Q. AND OTHERS v. HUNGARY

Prohibition of collective expulsions of foreigners - Automatic removal of applicants, individually or with other persons, to the Serbian side of the fence marking the border between Hungary and Serbia - Lack of real and effective access to international protection procedures

Infringement of Article 4 of Protocol No 4 (prohibition of collective expulsion of aliens) to the ECHR.

Infringement of Article 13 (right to an effective remedy) of the ECHR, in conjunction with Article 4 of Protocol No 4 to the ECHR.

Infringement of Article 3 (prohibition of inhuman or degrading treatment – procedural aspect) of the ECHR.

The case concerns the expulsion – pursuant to Article 5 § 1b of the Hungarian Law on the State border – of the applicants from Hungary to Serbia without examination of their individual situations, as well as the alleged lack of access to the procedure for applying for international protection, which – in accordance with the transitional law of 2020 – could only be initiated after the completion of a preliminary procedure at the Hungarian Embassy in Belgrade (the 'embassy procedure'). One of the applicants was expelled while applying for asylum after his residence permit expired; the other two applicants, who had entered Hungary illegally, were expelled upon leaving hospital after receiving treatment for serious injuries sustained in an accident.

The European Court of Human Rights (ECtHR) notes that the application of the automatic expulsion mechanism led it to conclude that there had been a violation of Article 4 of Protocol No 4 in a number of cases against Hungary, and that this mechanism was found to be contrary to EU law by the Court. Despite this, the respondent State maintained this mechanism in place and the authorities applied it to expel the applicants in the present case. Consequently, no assessment of the applicants' situation was carried out prior to their removal, leading the ECtHR to conclude that their expulsions were of a 'collective' nature.

Furthermore, the ECtHR ruled that the procedure at the embassy, which was the only means of entry for persons seeking international protection in Hungary, was not clearly regulated and was not accompanied by adequate safeguards.

With regard to Article 46 (binding force and execution of judgments), the ECtHR emphasises that the Hungarian authorities must take immediate and appropriate measures to prevent further cases of collective expulsions and to guarantee genuine and effective access to international protection procedures for persons seeking such protection.

Judgment of 24.6.2025 (applications Nos 46084/21, 40185/22 and 53952/22) ([EN](#))

Press release ([FR/EN](#))

Legal summary ([FR/EN](#))