

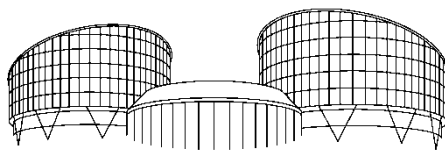
## La CEDU sulla violazione dell'art. 5 § 4 della Convenzione (CEDU, sez. II, sent. 9 dicembre 2025, ric. n. 19035/21)

Nel caso di specie, i giudici di Strasburgo sono chiamati a pronunciarsi su una presunta violazione dell'art. 5 § 4 della Convenzione, relativa alla privazione della libertà personale e al connesso diritto dell'interessato di adire un tribunale per decidere sulla legittimità della limitazione. Il ricorrente lamentava, in particolare, la mancata celebrazione di un'udienza orale nei procedimenti concernenti il proprio ricovero psichiatrico per trattamento sanitario e la somministrazione di farmaci contro la sua volontà.

Il Tribunale amministrativo di Turku, dopo aver respinto le istanze avverso l'internamento, aveva altresì rifiutato di esaminare le richieste di sospensione della terapia farmacologica e di fissazione di un'udienza orale, ritenendo che quest'ultima fosse necessaria solo in via eccezionale e che, nel caso concreto, i fatti rilevanti potessero essere adeguatamente accertati sulla base degli atti disponibili in fascicolo.

La Corte EDU ha osservato che i ricorsi relativi al ricovero involontario incidono direttamente sulla libertà personale e devono pertanto essere scrutinati alla luce dell'art. 5 § 4 CEDU. Pur in presenza di un ampio materiale documentale, la Corte ha valorizzato l'assenza di un parere medico esterno e il carattere controverso della misura, anche alla luce dei ripetuti ricoveri e della somministrazione coattiva di farmaci. In tali circostanze, i giudici hanno ritenuto che il principio di equità procedurale imponesse l'audizione personale della ricorrente, la cui omissione ha compromesso l'effettività del controllo giurisdizionale, integrando una violazione dell'art. 5 § 4 della Convenzione.

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EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

SECOND SECTION

**CASE OF XXX v. FINLAND**

*(Application no. 19035/21)*

JUDGMENT  
STRASBOURG  
9 December 2025

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*

**In the case of XXX v. Finland,**

The European Court of Human Rights (Second Section), sitting as a Chamber composed of:

Arnfinn Bårdsen, *President,*

Saadet Yüksel,

Jovan Ilievski,

Oddný Mjöll Arnardóttir,

Gediminas Sagatys,

Stéphane Pisani,

Juha Lavapuro, *judges,*

and Hasan Bakırcı, *Section Registrar,*

Having regard to:

the application (no. 19035/21) against the Republic of Finland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a Finnish national, Ms XXX (“the applicant”), on 8 April 2021;

the decision to give notice to the Finnish Government (“the Government”) of the complaints under Article 6 § 1, Article 8, Article 13 and Article 5 § 4 of the Convention;

the decision not to have the applicant’s name disclosed;

the observations submitted by the respondent Government and the observations in reply submitted by the applicant;

the comments submitted by the Validity Foundation, a non-governmental organisation with its registered office in Budapest, which was granted leave to intervene by the President of the Section;

Having deliberated in private on 18 November 2025,

Delivers the following judgment, which was adopted on that date:

**INTRODUCTION**

1. The application concerns the lack of an oral hearing in proceedings concerning the applicant’s committal for involuntary treatment in a psychiatric hospital, and the administration of medication against her will.

**THE FACTS**

2. The applicant was born in “Omissis” and lives in “Omissis”. She was represented by “Omissis”.

3. The Government were represented by their Agent, Ms K. Oinonen, of the Ministry of Foreign Affairs.

4. The facts of the case may be summarised as follows.

## I. PROCEEDINGS IN THE ADMINISTRATIVE COURTS

5. In April 2020, prior to the proceedings at issue in the present case, the applicant had visited a psychiatric unit more than 20 times. She was treated in a psychiatric hospital against her will under sections 8 and 11 of the Mental Health Act (*mielenterveyslaki, mentalvårdslagen*) from 31 March to 3 April 2020. Moreover, under sections 9 and 9(c) of the Mental Health Act, she was kept under observation from 3 April until 6 April 2020. Following an observation interview conducted on 6 April 2020, the applicant was discharged. She was admitted for observation a second time on 26 April 2020, which ended with her release on 29 April 2020.

6. On the basis of decisions issued by the chief medical officer on 9 April and 5 May 2020, the applicant was committed to hospital with a view to undergoing involuntary psychiatric treatment between 9 and 15 April 2020 and between 5 May and 31 July 2020, respectively. Consequently, the applicant was deprived of her liberty during those periods.

7. By another decision, on 31 July 2020, the applicant's involuntary psychiatric treatment was extended, ultimately lasting until 26 April 2021. However, the applicant remained in treatment voluntarily until 25 May 2021. The decision of 31 July 2020 was submitted to the Turku Administrative Court for its approval.

8. The applicant submitted that between 2017 and 2020, including during the periods of her involuntary psychiatric treatment, she had on 29 occasions been administered medication without her consent. At the time, decisions taken by a doctor under the Mental Health Act concerning the medication of a patient were not subject to appeal (see *X v. Finland*, no. 34806/04, §§ 219-20, ECHR 2012, and *E.S. v. Finland* [Committee], no. 23903/20, § 4, 18 June 2024). The Mental Health Act has since been amended to allow appeals against such decisions. Those amendments entered into force on 1 April 2024.

9. The applicant appealed against all three committal decisions to the Turku Administrative Court (*hallinto-oikeus, förvaltningsdomstolen*), each time requesting that the administration of medication against her will be discontinued and that an oral hearing be held so that the court could hear her in person. In her third appeal, she also proposed that three witnesses (two doctors and a nurse) be heard. She argued, *inter alia*, that any mental illness from which she was suffering did not require treatment in a hospital and that she was determined and motivated to receive psychiatric treatment by means of outpatient care.

10. By decisions of 3 and 26 June and 2 October 2020, the Administrative Court dismissed the applicant's appeals against her committal for involuntary treatment. The court also refused to examine her requests for the discontinuation of the administration of medication against her will and for an oral hearing to be held. The court held that, as a rule, proceedings before administrative courts took place in writing. An administrative court would organise an oral hearing if it deemed it necessary or if a private party requested it. However, the court could refuse to hold an oral hearing despite a party's request if adequate evidence of the facts that were of significance for deciding the case had already been obtained, on the basis of which the case could be decided without leaving the court in any reasonable doubt as to the facts.

11. The Administrative Court further found that an oral hearing was unnecessary in the present case because all the relevant facts could be established from the documents in the case file. Those

included, *inter alia*, the complete case files compiled by the decision-making authorities, and statements by the chief medical officer and the ward physician, which had been given separately in each set of proceedings. Concerning the involuntary psychiatric treatment between 9 and 15 April 2020, the treatment period under appeal had ended (according to the applicant), so an oral hearing was not necessary. As to the involuntary psychiatric treatment between 5 May and 31 July 2020 and the decision to extend it beyond that period, the court noted that it had already held an oral hearing on 10 September 2018 in the proceedings following the applicant's appeal against one of the previous committal decisions and that it was therefore unnecessary to hold another oral hearing in the case.

12. On 27 October 2020 the Supreme Administrative Court (*korkein hallinto-oikeus, högsta förvaltningsdomstolen*) refused to grant the applicant leave to appeal against the Administrative Court's decisions of 3 June and 26 June 2020. On 21 December 2020 the court refused to grant such leave against the decision of 2 October 2020.

## II. CIVIL PROCEEDINGS

13. On 24 July 2020 the applicant brought a civil action for compensation against the Government of Finland in the Varsinais-Suomi District Court (*käräjäoikeus, tingsrätten*), contending that the administration of medication against her will and the lack of any judicial review had been in breach of her human rights.

14. By a judgment of 16 February 2024, the District Court ruled for the applicant. After examining the case under Articles 8 and 13 of the Convention and referring, in particular, to the Court's judgment in *X v. Finland* (cited above, §§ 212-23) and the Supreme Court's precedent case KKO 2023:93 of 29 November 2023 (see *E.S. v. Finland*, cited above, §§ 9-12), the District Court held that the applicant's human rights under Article 8 of the Convention had been violated, as she had not been given the opportunity to appeal to a court against the decisions on the involuntary administration of medication (see paragraph 8 above). The District Court accordingly awarded her 5,000 euros in compensation, together with the accrued default interest.

15. The applicant did not appeal against the District Court's judgment, which became final.

## RELEVANT LEGAL FRAMEWORK

### I. DOMESTIC LEGISLATION

16. Section 8 of the Mental Health Act (*mielenterveyslaki, mentalvårdslagen*; Act no. 1116/1990) provides:

"A person can be ordered to undergo treatment in a psychiatric hospital against his or her will only:

- 1) if the person is diagnosed as mentally ill;
- 2) if the person needs treatment for a mental illness which, if not treated, would become considerably worse or severely endanger the person's health or safety or the health or safety of others; and
- 3) if all other mental health services are inapplicable or inadequate."

17. Section 12, subsection 1, of the Mental Health Act (as amended by Act no. 438/2014) provides:

“A person ordered to undergo treatment may, on the basis of a decision referred to in section 11, be detained for treatment against his or her will for a maximum of three months. If it seems probable before the end of this period that the treatment will have to be extended beyond that date, but the patient does not agree with this, a new observation report shall be produced indicating whether or not the conditions for ordering the patient to undergo treatment against his or her will are still met. A decision on whether the treatment should be continued or discontinued shall be made in writing by the physician referred to in section 11 before the treatment has lasted for three months. A decision to continue treatment shall be made known to the patient without delay and submitted immediately for approval by an administrative court.”

18. Section 57 of the Administrative Judicial Procedure Act (*laki oikeudenkäynnistä hallintoasioissa, lagen om rättegång i förvaltningsärenden*; Act no. 808/2019) provides:

“An administrative court shall arrange an oral hearing if the court deems this necessary or if a private party so requests. At the oral hearing a party, the authority that issued the decision, witnesses and experts may be heard, and other evidence may also be accepted.

The court may decline to arrange an oral hearing despite the request of a party if:

- 1) the status of the party requesting an oral hearing is based on membership of a municipality or other entity;
- 2) adequate evidence of the facts that are of significance for deciding the case has already been obtained, on the basis of which the case may be decided without leaving the court in any reasonable doubt as to the facts;
- 3) the facts may be established in some other way;
- 4) an oral hearing has already been arranged in the same case in an administrative court; or
- 5) it is otherwise manifestly unnecessary to arrange an oral hearing, having regard to the nature and significance of the case for the party and the requirements of a fair trial.

The Supreme Administrative Court may also decline to organise an oral hearing despite the request of a party if the case concerns a request for a review of a decision of an administrative court and it is not necessary to organise an oral hearing in order to examine the case.

A person requesting an oral hearing shall state why it is necessary to organise one, and what evidence he or she would present at the oral hearing.

If the statement of an expert or private written testimony is relied on in a case, then an oral hearing shall only be organised to hear the expert or witness if this is necessary for examining the case.”

## II. preparatory work and domestic case-law

19. The preparatory work on section 57, subsection 2 (points 4 and 5) and subsection 5 of the Administrative Judicial Procedure Act (Government Bill to Parliament HE 29/2018 vp) states that, in mental health cases concerning involuntary treatment, it is appropriate to organise oral hearings at regular intervals as such cases involve interference with a party’s personal liberty. However, the obligation to hold an oral hearing for the purposes of hearing a witness or an expert is limited to situations where such a hearing is necessary in order to clarify the matter. An oral hearing is usually

not necessary when no grounds have been found for doubting the plausibility of witness testimony or an expert statement. However, the necessity assessment is also influenced by any request from other parties to the proceedings to hear orally a witness who testified in writing or to put questions to an expert (see, for example, *Letinčić v. Croatia*, no. 7183/11, 3 May 2016). An expert should be heard in court when, for instance, this is necessary to eliminate any vagueness or deficiency in his or her previous statement. Moreover, an expert should be heard orally if a party so requests and the hearing would not be manifestly unnecessary. In those cases, the court also assesses the need for the hearing.

20. The Supreme Administrative Court has stated in its precedent case KHO 2009:2339 that the right to a fair trial guaranteed by section 21 of the Constitution, as interpreted in the light of Article 5 § 4 of the Convention, requires that, if involuntary psychiatric hospital treatment lasts for a long time, the Administrative Court must conduct an oral hearing at reasonable intervals if the individual concerned so requests.

21. Moreover, in its precedent case KHO 2021:22, the Supreme Administrative Court held that the exceptions under section 57 of the Administrative Judicial Procedure Act concerning the holding of an oral hearing must be interpreted in the light of the main rule in section 57, subsection 1, of the Act and the case-law of the Court. In addition to the point of view of a court, the importance of an oral hearing lies in the ability of the parties to put questions directly to the opposing party and to summon witnesses.

## THE LAW

### I. ALLEGED VIOLATION OF THE RIGHT TO AN ORAL HEARING

22. The applicant complained, under Article 6 § 1 of the Convention, that she had not had an oral hearing before the Administrative Court in the proceedings concerning her involuntary treatment. She also complained about that court's refusal to hear witnesses she had proposed.

23. The Court notes that complaints about proceedings in respect of involuntary confinement for treatment concern deprivation of liberty and fall to be examined under Article 5 § 4 of the Convention, which is the *lex specialis* in relation to Article 6 (see *Reinprecht v. Austria*, no. 67175/01, §§ 47-55, ECHR 2005-XII, and *Raudevs v. Latvia*, no. 24086/03, § 107, 17 December 2013). Furthermore, the Court considers that the applicant's complaint about the Administrative Court's refusal to hear witnesses is absorbed by her complaint concerning the lack of an oral hearing.

24. Article 5 § 4 of the Convention reads as follows:

"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful."

#### A. Admissibility

25. The Court notes that this complaint is neither manifestly ill-founded nor inadmissible on any other grounds listed in Article 35 of the Convention. It must therefore be declared admissible.

#### B. Merits

1. *The parties' submissions*

26. The applicant pointed out that she had not had an oral hearing before the Administrative Court and that she had not been able to have witnesses heard.

27. The Government noted that, in all three sets of proceedings in question, the applicant had had an opportunity to state her position in writing and had submitted several pleadings and rejoinders to the Administrative Court. The Administrative Court had heard the applicant in writing several times concerning the relevant facts. In addition, the Administrative Court had had access to numerous pieces of written evidence, such as medical records and medical certificates concerning the applicant. In accordance with section 57, subsection 2 (point 4) of the Administrative Judicial Procedure Act, a court could refuse to organise an oral hearing despite a request from a party if an oral hearing had already been organised in the same case in an administrative court. Taking into account the comprehensive written evidence presented in all three sets of proceedings and the oral hearing held in 2018, it had been justifiable for the Administrative Court to consider it unnecessary to hold an oral hearing. Thus, in the Government's view, the requirements of fairness had been complied with and the particular circumstances of the present case had not necessitated the holding of an oral hearing.

28. The Validity Foundation noted in its third-party submissions that the right to be present and heard – which was one of the fundamental guarantees of a fair trial – was closely connected to the principle of equality of arms and ensured the adversarial nature of the proceedings. The right to a fair trial, or related procedural obligations under Article 8 of the Convention, implied the right of persons with disabilities to participate in the proceedings, to be heard in person, and to benefit from accommodations in order to be able to effectively engage with the proceedings. All procedural accommodations had to have the aim of facilitating, rather than replacing, individuals' genuine participation and ability to express themselves in the proceedings.

## 2. *The Court's assessment*

29. The relevant general principles relating to Article 5 § 4 have been summarised in *Stanev v. Bulgaria* ([GC], no. 36760/06, §§ 168-71, ECHR 2012):

"168. The Court reiterates that Article 5 § 4 entitles detained persons to institute proceedings for a review of compliance with the procedural and substantive conditions which are essential for the 'lawfulness', in Convention terms, of their deprivation of liberty. The notion of 'lawfulness' under paragraph 4 of Article 5 has the same meaning as in paragraph 1, so that a detained person is entitled to a review of the 'lawfulness' of his detention in the light not only of the requirements of domestic law but also of the Convention, the general principles embodied therein and the aim of the restrictions permitted by Article 5 § 1. Article 5 § 4 does not guarantee a right to judicial review of such a scope as to empower the court, on all aspects of the case including questions of pure expediency, to substitute its own discretion for that of the decision-making authority. The review should, however, be wide enough to bear on those conditions which are essential for the 'lawful' detention of a person according to Article 5 § 1 (see *E. v. Norway*, 29 August 1990, § 50, Series A no. 181-A). The reviewing 'court' must not have merely advisory functions but must have the competence to 'decide' the 'lawfulness' of the detention and to order release if the detention is unlawful (see *Ireland v. the United Kingdom*, 18 January 1978, § 200, Series A no. 25; *Weeks v. the United Kingdom*, 2 March 1987, § 61, Series A no. 114; *Chahal v. the United Kingdom*, 15 November

1996, § 130, *Reports of Judgments and Decisions* 1996-V; and *A. and Others v. the United Kingdom* [GC], no. 3455/05, § 202, ECHR 2009).

169. The forms of judicial review satisfying the requirements of Article 5 § 4 may vary from one domain to another, and will depend on the type of deprivation of liberty in issue. It is not the Court's task to inquire into what would be the most appropriate system in the sphere under examination (see *Shtukaturov*, cited above, § 123).

170. Nevertheless, Article 5 § 4 guarantees a remedy that must be accessible to the person concerned and must afford the possibility of reviewing compliance with the conditions to be satisfied if the detention of a person of unsound mind is to be regarded as 'lawful' for the purposes of Article 5 § 1 (e) (see *Ashingdane*, cited above, § 52). The Convention requirement for an act of deprivation of liberty to be amenable to independent judicial scrutiny is of fundamental importance in the context of the underlying purpose of Article 5 of the Convention to provide safeguards against arbitrariness. What is at stake is both the protection of the physical liberty of individuals and their personal security (see *Varbanov*, cited above, § 58). In the case of detention on the ground of mental illness, special procedural safeguards may be called for in order to protect the interests of persons who, on account of their mental disabilities, are not fully capable of acting for themselves (see, among other authorities, *Winterwerp*, cited above, § 60).

171. Among the principles emerging from the Court's case-law under Article 5 § 4 concerning 'persons of unsound mind' are the following:

(a) a person detained for an indefinite or lengthy period is in principle entitled, at any rate where there is no automatic periodic review of a judicial character, to take proceedings 'at reasonable intervals' before a court to put in issue the 'lawfulness' – within the meaning of the Convention – of his detention;

(b) Article 5 § 4 requires the procedure followed to have a judicial character and to afford the individual concerned guarantees appropriate to the kind of deprivation of liberty in question; in order to determine whether proceedings provide adequate guarantees, regard must be had to the particular nature of the circumstances in which they take place;

(c) the judicial proceedings referred to in Article 5 § 4 need not always be attended by the same guarantees as those required under Article 6 § 1 for civil or criminal litigation. Nonetheless, it is essential that the person concerned should have access to a court and the opportunity to be heard either in person or, where necessary, through some form of representation (see *Megyeri v. Germany*, 12 May 1992, § 22, Series A no. 237-A)."

30. The Court further reiterates that Article 5 § 4 of the Convention does not require that a detained person be heard every time he or she lodges an appeal against a decision extending his or her detention, but it should be possible to exercise the right to be heard at reasonable intervals (see *Çatal v. Turkey*, no. 26808/08, § 33, 17 April 2012, and *Knebl v. the Czech Republic*, no. 20157/05, § 85, 28 October 2010).

31. The Court has found a violation of Article 5 § 4 of the Convention where, for instance, an applicant's request for an oral hearing was rejected on the grounds, in particular, that a psychiatric expert report issued some three years earlier had been sufficient and that a therapy report from the previous year had confirmed the conclusions of the earlier report (see *Ruiz Rivera v. Switzerland*,

no. 8300/06, §§ 74-76, 18 February 2014). By contrast, the Court did not find a violation of Article 5 § 4 in a case where the applicant's request for an oral hearing was rejected on account of the fact that an oral hearing had already taken place before a non-judicial authority only a couple of months earlier and that the administrative court had had access to up-to-date therapy and medical reports. The Court found that the applicant in that case had had access to all the relevant material in the proceedings and had been able to express his position, with the help of his representative, during the various stages of the proceedings. He had been able to put forward his point of view adequately and, in particular, to take a position on the other party's arguments (see *Derungs v. Switzerland*, no. 52089/09, §§ 78-79, 10 May 2016).

32. In the present case, the proceedings complained of concerned the applicant's two confinements for involuntary treatment, the extension of her second confinement and her requests to discontinue the administration of medication against her will. When assessing the need for an oral hearing in June and October 2020, the Administrative Court found that all the relevant facts could be established from the documents in the case file. Concerning the involuntary psychiatric treatment in the period between 9 and 15 April 2020, the treatment period under appeal had already ended and it was therefore not necessary to organise an oral hearing for the applicant to be heard. As to the period between 5 May and 31 July 2020 and the decision to extend the involuntary treatment beyond that period, the court noted that it had already held an oral hearing on 10 September 2018 in the proceedings following the applicant's appeal against one of the previous committal decisions. The court deemed it unnecessary to hold another oral hearing. It therefore decided the case on the basis of documentary evidence (see paragraph 10 above).

33. The Court notes that the Administrative Court had at its disposal written material which included, *inter alia*, the entire case files gathered by the decision-making authorities and statements by the chief medical officers and the ward physicians, which were given separately in each set of proceedings. Statements from those individuals were specifically requested by the Administrative Court during each set of proceedings and thus contained up-to-date medical information on the applicant. However, no statements from external medical experts were included in the case files. Despite the absence of an external medical report, the Court is satisfied that, in the present case, there was a recent opinion of a medical expert available to the courts deciding on the matter (compare and contrast *Ruiz Rivera*, cited above, §§ 63-65).

34. However, the applicant had previously been admitted to a psychiatric hospital and released several times prior to the proceedings in dispute. In the Court's view, the applicant's repeated admissions to and discharges from involuntary treatment at fairly short intervals can create some uncertainty about the necessity and justification of those measures. The fact that the applicant was subjected to involuntary medication further underscores the need for effective procedural safeguards in such circumstances.

35. Furthermore, the Administrative Court refused to hold an oral hearing partly because it had held a hearing some two years previously. However, that hearing – which was held in September 2018 – concerned an earlier set of proceedings where the applicant had been ordered to undergo involuntary treatment. That set of proceedings was thus completely separate from the three sets of proceedings at hand. Furthermore, some two years had passed since the applicant had last been heard in those separate proceedings (see paragraph 10 above). That interval was considerably longer

than in a similar case where the Court did not find a violation (compare and contrast *Derungs*, cited above).

36. In the present case, the applicant submitted to the Administrative Court, *inter alia*, that any mental illness from which she was suffering did not necessitate treatment in a hospital and that she was determined and motivated to receive psychiatric treatment in outpatient care. She also requested that the administration of medication against her will be discontinued and that three witnesses be heard.

37. Taking into account all of the above-mentioned elements, as well as the nature of the applicant's particular situation, the Court considers that, in the specific circumstances of the case, the principle of procedural fairness required that the applicant be heard either in person or, if necessary, through representation before the Administrative Court. The failure to grant her such a hearing undermined the effectiveness of the judicial review required under Article 5 § 4.

38. There has accordingly been a violation of Article 5 § 4 of the Convention.

## II. ALLEGED VIOLATION OF ARTICLES 8 and 13 OF THE CONVENTION

39. The applicant also complained that the involuntary administration of medication and the lack of any effective domestic remedies in that regard had been in breach of her rights under Articles 8 and 13 of the Convention.

40. The Court, having regard to its findings in *X v. Finland* (no. 34806/04, §§ 220-22 and 229-30, ECHR 2012), considers that this part of the application falls to be examined under Article 8 of the Convention taken alone.

41. Article 8 of the Convention reads as follows:

"1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

### **Admissibility**

42. The Government contested the admissibility of the complaint under Article 8 of the Convention, arguing that the applicant had not exhausted all the available domestic remedies because she had not appealed against the District Court's decision (see paragraph 15 above). They also argued that, in any event, the applicant could no longer claim to be a victim of a violation of Article 8 because the District Court had acknowledged the violation and awarded her appropriate compensation (see paragraphs 13-14 above).

43. In her additional observations of 23 March 2024, the applicant submitted that the compensation she had been awarded by the District Court had been too low and that she wished to maintain the application.

44. The Court reiterates that it falls first to the national authorities to redress any alleged violation of the Convention. A decision or measure favourable to the applicant is not in principle sufficient to deprive him or her of his or her status as a “victim” unless the national authorities have acknowledged, either expressly or in substance, and then afforded redress for, the breach of the Convention (see, for example, *Gäfgen v. Germany* [GC], no. 22978/05, § 115, ECHR 2010). The redress afforded must be appropriate and sufficient (*ibid.*, § 116), which may also depend on the level of compensation awarded at domestic level (see, for example, *Kurić and Others v. Slovenia* [GC], no. 26828/06, § 262, ECHR 2012 (extracts)), it being understood that in some circumstances the granting of compensation may be the only possible or practical means whereby redress can be given to the individual for the wrong he or she has suffered (see, for example, *Çölgeçen and Others v. Turkey*, nos. 50124/07 and 7 others, § 40, 12 December 2017).

45. In the present case, the District Court explicitly acknowledged, by reference to the case of *X v. Finland* (cited above), that there had been a violation of the applicant’s rights under Article 8 of the Convention (see paragraph 14 above). That was not disputed by the parties, who disagreed as to whether the compensation that the District Court had awarded the applicant was sufficient (see paragraphs 42-43 above).

46. In that connection, the Court notes that, in assessing the amount of compensation, the District Court took into account the fact that in the applicant’s case the period of involuntary treatment, during which medication had been administered against her will, had been shorter than in *X v. Finland* (cited above, §§ 43-63) and that her case did not concern any other violations. The Court finds the District Court’s considerations pertinent.

47. Moreover, the Court considers that the amount of compensation in respect of non-pecuniary damage awarded to the applicant by the District Court in the present case – amounting to 50% of what the Court had awarded in *X v. Finland* (cited above, § 236), which covered a violation of Article 5 § 1 of the Convention in addition to a breach of Article 8 – does not appear to have been unreasonable or disproportionate.

48. That is because where, as in the present case, a State has taken a significant step by introducing a compensatory remedy, the Court must leave it a wider margin of appreciation to organise that remedy in a manner consistent with its own legal system and traditions and consonant with the standard of living in the country concerned, even if that results in awards of amounts that are lower than those fixed by the Court in similar cases (see, for example, *Cocchiarella v. Italy* [GC], no. 64886/01, § 80, ECHR 2006-V; *Anastasov and Others v. Slovenia* (dec.), no. 65020/13, § 71, 18 October 2016; and *J.B. and Others v. Hungary* (dec.), nos. 45434/12 and 2 others, § 60, 27 November 2018).

49. It follows that the applicant can no longer claim to be the victim of the violation complained of, as required by Article 34 of the Convention. This part of the application is therefore inadmissible and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

### III. APPLICATION OF ARTICLE 41 OF THE CONVENTION

50. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

**A. Damage**

51. The applicant claimed 250,000 euros (EUR) in respect of non-pecuniary damage.

52. The Government contested that claim.

53. The Court considers that the applicant must have sustained non-pecuniary damage on account of the violation of Article 5 § 4 it has found. It accordingly awards her EUR 9,000 in respect of non-pecuniary damage, plus any tax that may be chargeable.

**B. Costs and expenses**

54. The applicant also claimed EUR 5,802 for the costs and expenses incurred before the Court.

55. The Government contested that claim.

56. According to the Court’s case-law, an applicant is entitled to the reimbursement of costs and expenses only in so far as it has been shown that these were actually and necessarily incurred and are reasonable as to quantum (see, for example, *H.F. and Others v. France* [GC], nos. 24384/19 and 44234/20, § 291, 14 September 2022). In the present case, regard being had to the documents in its possession and the above criteria, the Court considers it reasonable to award EUR 2,900 for the costs and expenses before it, plus any tax that may be chargeable to the applicant.

**FOR THESE REASONS, THE COURT, UNANIMOUSLY,**

1. *Declares* the complaint concerning the lack of an oral hearing admissible and the remainder of the application inadmissible;

2. *Holds* that there has been a violation of Article 5 § 4 of the Convention;

3. *Holds*

(a) that the respondent State is to pay the applicant, within three months, the following amounts:

(i) EUR 9,000 (nine thousand euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;

(ii) EUR 2,900 (two thousand nine hundred euros), plus any tax that may be chargeable to the applicant, in respect of costs and expenses;

(b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

4. *Dismisses* the remainder of the applicant’s claim for just satisfaction.

Done in English, and notified in writing on 9 December 2025, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Hasan Bakırcı Registrar  
Arnfinn Bårdsen President