



March 2022

This Factsheet does not bind the Court and is not exhaustive

COVID-19 health crisis

Applications relating to the Covid-19 health crisis before the European Court of Human Rights raise questions under a number of provisions of the [European Convention on Human Rights](#), in particular in terms of the right to life, the prohibition of torture and inhuman or degrading treatment, the right to liberty and security, the right to a fair trial, the right to respect for private and family life, freedom of religion, freedom of expression, freedom of reunion, the protection of property and freedom of movement.

Victim status and admissibility criteria

[Le Mailloux v. France](#)

5 November 2020 (decision – inadmissible)

This case concerned the applicant's objections to the handling by the French State of the Covid-19 health crisis. Relying on Article 2 (right to life), Article 3 (prohibition of inhuman or degrading treatment), Article 8 (right to respect for private and family life) and Article 10 (right to freedom of expression) of the European Convention on Human Rights, the applicant complained of the failure by the State to fulfil its positive obligations to protect the lives and physical integrity of persons under its jurisdiction. He complained in particular of restrictions on access to diagnostic tests, preventive measures and specific types of treatment, and interference in the private lives of individuals who were dying of the virus on their own.

Firstly, the Court recalled that, although the right to health was not as such among the rights guaranteed under the European Convention on Human Rights and its Protocols, States had a positive obligation to take appropriate steps to safeguard the lives of those within its jurisdiction and to protect their physical integrity, including in the public-health sphere. In the present case, however, the Court considered that it did not have to determine whether the State had failed to fulfil these positive obligations, in that the application was **inadmissible**. Indeed, the Court observed that the applicant was complaining about the measures taken by the French State to curb the propagation of the Covid-19 virus among the whole population of France, but had not shown how he was personally affected. It reiterated that it did not recognise an *actio popularis*: meaning that applicants cannot complain about a provision of domestic law, a domestic practice or public acts simply because they appear to contravene the European Convention. In order for an individual to be able to claim to be a victim of a violation of the Convention, in the meaning of Article 34 (individual applications), the individual concerned must be able to show that he or she was "directly affected" by the measure complained of, that is he or she must produce reasonable and convincing evidence of the likelihood that a violation affecting him or her personally will occur. In the present case, however, the Court found that the applicant was complaining in *abstracto* about the measures taken by the French Government to deal with the Covid-19 virus. Beside the fact that he had raised these complaints only when intervening in support of an urgent application before the *Conseil d'État*, he had also not provided any information about his own condition and had failed to explain how the alleged shortcomings of the national authorities might have affected his health and private life. The Court considered, moreover, that if the applicant was ever denied assistance or care in the context of the



general health measures that he complained of, he would be able to contest the compatibility of such refusal with the Convention in the domestic courts. In these circumstances, the Court found that the application amounted to an *actio popularis* and the applicant could not be regarded as a victim, within the meaning of Article 34 of the Convention, of the alleged violations.

Zambrano v. France

7 October 2021 (decision on the admissibility)

This case concerned a university lecturer who complained about the “health pass” introduced in France in 2021 and who created a movement to protest against it. On his website, he suggested that visitors complete a pre-filled form in order to increase the number of applications to the European Court and thus lodge a sort of collective application, while emphasising, in quite unambiguous terms, that his aim was to trigger “congestion, excessive workload and a backlog” at the Court, to “paralyse its operations” or even to “force the Court’s entrance door” “in order to derail the system”. The applicant complained about Laws nos. 2021-689¹ and 2021-1040², which, in his opinion, were essentially intended to compel individuals to consent to vaccination. He also alleged that, by creating and imposing a health pass system, these laws amounted to a discriminatory interference with the right to respect for private life.

The Court declared the application **inadmissible** for several reasons, in particular the failure to exhaust the domestic remedies and the fact that it amounted to an abuse of the right of individual application within the meaning of Article 35 §§ 1 and 3 (admissibility criteria) of the Convention. In particular, the Court noted that the applicant had not raised before the administrative courts the issue of whether the Law of 5 August 2021 complied with the Convention provisions which he relied upon before the Court. It noted that an applicant who submitted a request to the *Conseil d’État* for judicial review of a decree implementing a law, or a decision refusing to repeal such a decree, could, exceptionally, argue that the law was incompatible with the Convention in support of his or her arguments for it to be set aside. The Court also considered that the applicant’s approach was clearly contrary to the purpose of the right of individual petition. It found that his approach was deliberately intended to undermine the Convention system and the functioning of the Court, as part of what he described as a “legal strategy” and was in reality contrary to the spirit of the Convention and the objectives pursued by it. The Court further noted that the almost 18,000 standardised applications, lodged as a result of the applicant’s approach, did not fulfil all the conditions set out in Rule 47 § 1 (contents of an individual application) of the Rules of Court, in spite of the time-limit given to their representative to comply with the relevant requirements. They could not therefore be examined by the Court.

Right to life and prohibition of torture and inhuman or degrading treatment

Feilazoo v. Malta

11 March 2021 (Chamber judgment)

This case concerned, inter alia, the conditions of the immigration detention of a Nigerian national, including time spent in *de facto* isolation and a subsequent period where the applicant had been placed with new arrivals in Covid-19 quarantine.

¹. Law no. 2021-689 of 31 May 2021 introduced a transitional regime for exiting the public-health state of emergency; it was effective until 30 September 2021 and authorised the Prime Minister, among other measures, to limit travel and the use of public transport (by requiring, for example, the wearing of face masks) or to impose protective measures in shops. It also introduced a “health pass”, effective until 30 September 2021, for international travellers to and from France and for venues hosting large numbers of people (cinemas, theatres, museums, etc.) or trade fairs and similar events.

². Law no. 2021-1040 of 5 August 2021 extended the regime for exiting the public-health state of emergency until 15 November 2021 and also broadened the use of the health pass to other areas of daily life, at least until 15 November 2021.

The Court held that there had been a **violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention on account of the applicant's inadequate conditions of detention. In particular, the Court was concerned about the applicant's assertion, not rebutted by the Maltese Government, that following an isolation period the applicant had been moved to other living quarters where new arrivals (of asylum seekers) had been being kept in Covid-19 quarantine. There was no indication that the applicant had been in need of such quarantine – particularly after an isolation period which, moreover, had lasted for nearly seven weeks. Thus, the measure of placing him, for several weeks, with other persons who could have posed a risk to his health in the absence of any relevant consideration to that effect, could not be considered as a measure complying with basic sanitary requirements.

Ünsal and Timtik v. Turkey

8 June 2021 (decision on the admissibility)

This case concerned the compatibility of the conditions of detention with a detainee's state of health given a hunger strike during the Covid-19 pandemic and the management of the situation by the authorities.

The Court declared the application **inadmissible** as being manifestly ill-founded. Making an overall assessment of the relevant facts on the basis of the evidence adduced before it, it concluded that this was not a situation in which the necessary medical care or treatment of the detainees required measures other than those adopted.

Fenech v. Malta (no. 19090/20) (see also below, under "Right to liberty and security")

1 March 2022³

The applicant in this case was a businessman who had been arrested, in November 2019, on suspicion of involvement in the murder of Maltese journalist Daphne Caruana Galizia in October 2017 and had since then been remanded in custody. The case concerned his conditions of detention in the Corradino Correctional Facility and whether the Maltese authorities had taken adequate measures to protect him from contracting Covid-19 whilst in prison, in particular because he had only one kidney.

The Court held that there had been **no violation of Article 3** (prohibition of inhuman or degrading treatment) of the Convention in relation to the applicant's detention while he was segregated. It found in particular that the applicant's period of segregation from others – due to having tested positive for cocaine – had lasted for no longer than 35 days; he had not suffered any harmful psychological or physical effects as a result, and the restrictions applied had not amounted to complete sensory isolation. The Court also held that there had been **no violation of Article 3** of the Convention in relation to the conditions of detention later in the dormitory. It noted that there had been no overcrowding, and as for the other restrictions that the applicant complained of, the Court considered that they had occurred within a very specific context, namely during a public health emergency, and had been introduced for important health reasons. Moreover, they had been imposed not only on the applicant but on society at large. Given the exceptional and unforeseeable context related to the Covid-19 pandemic, those measures, which were proportionate and restricted in time, could not be considered to have caused him greater distress or hardship than was unavoidable during detention in a pandemic. Lastly, the Court held that there had been **no violation of Article 3** in relation to the State's obligation to preserve his health and well-being. It considered, in this respect, that the authorities had put in place relevant measures and had been vigilant in adapting their protocols to the evolving situation. While provision should be made to allow prisoners at highest risk to be separated from others, the applicant had not shown that he fell within the category of the most vulnerable. The fact that he shared a dormitory and used the same medical, sanitary, catering and other facilities with other non-Covid-19-infected detainees did not in itself raise an issue under Article 3.

³ This judgment will become final in the circumstances set out in Article 44 § 2 (final judgments) of the [European Convention on Human Rights](#).

Pending applications

Hafeez v. the United Kingdom (no. 14198/20)

Application communicated to the Government of the United Kingdom on 24 March 2020

This application concerns the risk of life imprisonment without parole and inadequate conditions of detention due to the Covid-19 pandemic in case of the extradition to the USA of an sixty year old man with a number of health conditions, which include diabetes and asthma.

The Court gave notice of the application to the Government of the United Kingdom and put questions to the parties under Article 3 (prohibition of inhuman or degrading punishment or treatment) of the Convention.

Maratsis and Others v. Greece (no. 30335/20) and Vasilakis and Others v. Greece (no. 30379/20)

Applications communicated to the Greek Government on 25 February 2021

This case mainly concerns the conditions of detention of HIV-positive prisoners and, in particular, it raises the issue whether the authorities took adequate steps to protect the health of the applicants, as persons living with HIV, in the context of the Covid-19 health crisis.

The Court gave notice of the applications to the Greek Government and put questions to the parties under Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention.

Vlamis and Others v. Greece (no. 29655/20) and four other applications (nos. 29689/20, 30240/20, 30418/20 and 30574/20)

Applications communicated to the Greek Government on 16 April 2021

These cases concern the applicants' conditions of detention at Korydallos Prison (Greece). The applicants complain in particular about the lack of protective measures against the propagation of the Covid-19 virus.

The Court gave notice of the applications to the Greek Government and put questions to the parties under Article 3 (prohibition of inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 13 (right to an effective remedy) of the Convention.

Rus v. Romania (no. 2621/21)

Application communicated to the Romanian Government on 11 June 2021

The applicant complains that he was infected with the Covid-19 virus while in prison. He sees the cause for this in his conditions of detention, in particular the overcrowding.

The Court gave notice of the application to the Romanian Government and put questions to the parties under Article 3 (prohibition of inhuman or degrading treatment) and Article 35 (admissibility criteria) of the Convention.

Riela v. Italy (no. 17378/20)

Application communicated to the Italian Government on 5 May 2021

This case concerns the alleged incompatibility of the applicant's state of health with his continued detention. The applicant complains of the absence of adequate medical treatment for his multiple diseases and that the authorities have not protected him from the risk of contracting Covid-19.

The Court gave notice of the application to the Italian Government and put questions to the parties under Article 2 (right to life), Article 3 (prohibition of inhuman or degrading treatment) and Article 35 (admissibility criteria) of the Convention.

Faia v. Italy (no. 17378/20)

Application communicated to the Italian Government on 5 May 2021

This case concerns the alleged incompatibility of the applicant's medical condition and serious disability with detention in a correctional facility. The applicant also complains

that the measures put in place by the authorities to protect him from the risk of contracting Covid-19 were inadequate.

The Court gave notice of the application to the Italian Government and put questions to the parties under Article 3 (prohibition of inhuman or degrading treatment) and Article 35 (admissibility criteria) of the Convention.

Krstić v. Serbia (no. 35246/21) and six other applications

Applications communicated to the Serbian Government on 16 December 2021

This case concerns pending extradition proceedings of the nine applicants from Serbia to the United States (Texas). The applicants submit, inter alia, that, if extradited, they would be subjected to inhuman or degrading treatment as a result of exposure to severe conditions of detention, particularly taking into account the number of Covid-19 infected people in Texas and among the inmates.

The Court gave notice of the applications to the Serbian Government and put questions to the parties under, in particular, Article 3 (prohibition of inhuman or degrading treatment) of the Convention.

Right to liberty and security

Fenech v. Malta (see also above, under "Right to life and prohibition of inhuman or degrading treatment")

23 March 2021 (partial decision on the admissibility)

In November 2019 the applicant was arrested and detained on remand on suspicion of involvement in murder. Due to the propagation of the Covid-19 virus, national measures were introduced which led to the suspension of the criminal proceedings, and which were to remain in force until lifted on order of the competent authority. Domestic courts retained discretion to hear urgent cases or related matters. The proceedings resumed three months later. The applicant made several unsuccessful applications for bail.

The Court declared **inadmissible**, as being manifestly ill-founded, the applicant's complaints under Article 5 (right to liberty and security) of the Convention. In particular, as to whether the authorities had acted with due diligence, the Court noted that the applicant had not referred to any failings, delays or omissions on behalf of the authorities, apart from the time the proceedings had been suspended due to the emergency measures. That temporary suspension had been due to the exceptional circumstances surrounding a global pandemic which, as held by the Constitutional Court, justified such lawful measures in the interest of public health, as well as that of the applicant. It followed that it could not be said that the duty of special diligence had not been observed.

Terhes v. Romania

20 May 2021 (decision on the admissibility)

Elected as a member of the European Parliament in 2019, the applicant was in Romania at the time of the events. The case concerned the lockdown which was ordered by the Romanian government from 24 March to 14 May 2020 to tackle the Covid-19 pandemic and which entailed restrictions on leaving one's home. The applicant contended that the lockdown imposed in Romania, with which he had been required to comply, amounted to a deprivation of liberty.

The Court declared the application **inadmissible**, finding that it was incompatible with the provisions of the Convention. It considered, in particular, that the measure complained of could not be equated with house arrest. Moreover, the level of restrictions on the applicant's freedom of movement had not been such that the general lockdown ordered by the authorities could be deemed to constitute a deprivation of liberty. In the Court's view, the applicant could not therefore be said to have been deprived of his liberty within the meaning of Article 5 § 1 (right to liberty and security) of the Convention. In this case, the Court also attached importance to the fact that the applicant had not explained what specific impact the measure complained of had had on his personal situation. He did not allege that he had been confined indoors for the entire

duration of the state of emergency. More generally, the Court noted that he had not provided any specific information describing his actual experience of lockdown.

Bah v. the Netherlands

22 June 2021 (decision on the admissibility)

This case concerned the impossibility for the applicant, a Guinean national, to be heard in immigration detention appeal in person or by tele- or videoconference due to initial infrastructure problems in Covid-19 pandemic.

The Court declared the application **inadmissible**, as being manifestly ill-founded, finding that the applicant had been entitled to take proceedings within the meaning of Article 5 § 4 (right to a speedy decision on the lawfulness of detention) of the Convention and that in the circumstances of the present case those proceedings met the requirements of that provision. The Court noted in particular that, given the difficult and unforeseen practical problems with which the State had been confronted during the first weeks of the Covid-19 pandemic, the fact that the applicant had benefitted from adversarial proceedings during which he had been represented by and heard through his lawyer who had attended the hearing by telephone and with whom he had had regular contact, the importance of the applicant's other applicable fundamental rights and the general interest of public health, the examination of the detention order without securing his attendance at the hearing in person or by videoconference had not been incompatible with Article 5 § 4.

Pending applications

Khokhlov v. Cyprus (no. 53114/20)

Application communicated to the Cypriot Government on 10 February 2021

This application concerns the applicant's ongoing detention since October 2018 for the purpose of his extradition to Russia to stand trial. In October 2020 he was informed that, due to the restrictive measures relating to Covid-19 in place by both Cyprus and Russia, the two states had decided to suspend his extradition. The applicant complains, in particular, that he has been unlawfully and arbitrarily deprived of his liberty, as a result of unjustified delays on the part of the domestic authorities in effecting his extradition.

The Court gave notice of the application to the Government of Cyprus and put questions to the parties under Article 5 (right to liberty and security) of the Convention.

Ait Oufella v. France (no. 51860/20) and three other applications

Application communicated to the French Government on 13 September 2021

These four applications concern pre-trial detentions extended automatically without any decision by a judge in the context of emergency legislation at the start of the Covid-19 pandemic.

The Court gave notice of the applications to the French Government and put questions to the parties under Article 5 (right to liberty and security) and Article 35 (admissibility criteria) of the Convention.

E.B. v. Serbia and A.A. v. Serbia (nos. 50086/20 and 50898/20)

Application communicated to the Serbian Government on 5 November 2021

The applicants, asylum seekers who were accommodated in an asylum centre in Serbia at the relevant time, complain, in particular, that their freedom of movement was restricted in a disproportionate manner in the context of emergency legislation at the start of the Covid-19 pandemic.

The Court gave notice of the applications to the Serbian Government and put questions to the parties under, in particular, Article 5 (right to liberty and security) of the Convention.

Right to a fair trial

Pending applications

[Association of orthodox ecclesiastical obedience v. Greece \(no. 52104/20\)](#)

Application communicated to the Greek Government on 25 February 2021

See below, under “Freedom of religion”.

[Avagyan v. Russia \(no. 36911/20\)](#)

Application communicated to the Russian Government on 4 November 2020

See below, under “Freedom of expression”.

[Dumea v. Romania \(no. 6457/21\)](#)

Application communicated to the Romanian Government on 24 November 2021

The applicant complains about the lack of public access to the courtroom, in the context of criminal proceedings, due to the measures taken by the national authorities to combat the Covid-19 pandemic.

The Court gave notice of the application to the Romanian Government and put questions to the parties under Article 6 § 1 (right to a fair trial) of the Convention.

Right to respect for private and family life

[D.C. v. Italy \(no. 17289/20\)](#)

15 October 2020 (decision – striking out)

The applicant complained that the Italian authorities had not taken provisional and urgent measures to ensure the maintenance of the family tie with his five-year-old daughter during the confinement. In September 2020, he informed the Court’s Registry that he no longer wished to maintain his application, as the Italian Government had anticipated the first hearing in June 2020 in order to take urgent interim measures in the interests of the child.

In the light of the information available, and in the absence of any special circumstances affecting the observance of the rights guaranteed by the Convention and the Protocols thereto, the Court considered that there was no longer any justification for continuing the examination of the application and decided to **strike it out** of its list of cases.

Pending applications

[Thevenon v. France \(no. 46061/21\)](#)

Application communicated to the French Government on 7 October 2021

This case concerns the compulsory Covid vaccination imposed on certain occupations, in this case the fire service, under the Law of 5 August 2021 on the management of the health crisis⁴. The applicant complains that he is subject to the occupation-based compulsory vaccination and also that his refusal to be vaccinated against Covid-19 has led, since 15 September 2021, to the suspension of his professional activity and the total stoppage of his salary.

The Court gave notice of the application to the French Government and put questions to the parties under Articles 35 (admissibility criteria), 8 (right to respect for private life) and 14 (prohibition of discrimination) of the Convention and under Article 1 (protection of property) of Protocol No. 1 to the Convention.

[Guhn v. Poland \(no. 45519/20\)](#) and [Michalski v Poland \(no. 34180/20\)](#)

Applications communicated to the Polish Government on 17 November 2021

The applicants, prisoners, complain about the introduction of restrictive measures relating to Covid-19 in prisons and, in particular, they allege that the long-lasting

⁴. See footnote 2. above.

prohibition of family visits in prison is in breach of their right to respect for their private and family life.

The Court gave notice of the applications to the Polish Government and put questions to the parties under Article 8 (right to respect for private and family life) of the Convention.

Freedom of thought, conscience and religion

Pending applications

Spînu v. Romania (no. 29443/20)

Application communicated to the Romanian Government on 1 October 2020

This case concerns the Romanian authorities' refusal to allow the applicant, a prisoner, member of the Seventh-Day Adventist Church, to go to a church in Bucharest to hold Sabbath services. The first-instance court rejected his request on the grounds that, due to the Covid-19 epidemic, only absolutely necessary activities could be carried out outside the prison and moral and religious assistance to prisoners had been interrupted.

The Court gave notice of the application to the Romanian Government and put questions to the parties under Article 9 (freedom of religion) of the Convention.

Association of orthodox ecclesiastical obedience v. Greece (no. 52104/20)

Application communicated to the Greek Government on 25 February 2021

This case concerns the prohibition on collective worship in the context of Covid-19.

The Court gave notice of the application to the Greek Government and put questions to the parties under Article 6 (right to a fair trial) and Article 9 (freedom of religion) of the Convention.

Magdić v. Croatia (no. 17578/20)

Application communicated to the Croatian Government on 31 May 2021

This case concerns the measures adopted by the Croatian authorities in the context of prevention of the spreading of the Covid-19 virus. The applicant alleges that the measures in question breached his right to freedom of religion, freedom of assembly and freedom of movement.

The Court gave notice of the application to the Croatian Government and put questions to the parties under Article 9 (freedom of religion) and Article 11 (freedom of assembly and association) of the Convention and under Article 2 (freedom of movement) of Protocol No. 4 to the Convention.

Freedom of expression, of assembly and association

Communauté genevoise d'action syndicale (CGAS) v. Switzerland

15 March 2022⁵

The applicant association, which declared aim was to defend the interests of workers and of its member organisations, especially in the sphere of trade-union and democratic freedoms, complained of being deprived of the right to organise and participate in public events following the adoption of government measures to tackle COVID-19.

The Court held that there had been a **violation of Article 11** (freedom of assembly and association) of the Convention, finding that the respondent State had overstepped the margin of appreciation afforded to it in the present case and that the interference complained of had not been necessary in a democratic society within the meaning of the Convention. The Court, while by no means disregarding the threat posed by COVID-19 to society and to public health, nevertheless considered, in the light of the importance of freedom of peaceful assembly in a democratic society, and in particular of the topics and values promoted by the applicant association under its constitution, the blanket nature and significant length of the ban on public events falling within the association's sphere

⁵ This judgment will become final in the circumstances set out in Article 44 § 2 of the [Convention](#).

of activities, and the nature and severity of the possible penalties, that the interference with the enjoyment of the rights protected by Article 11 had not been proportionate to the aims pursued. The Court also observed, in particular, that the domestic courts had not conducted an effective review of the measures at issue during the relevant period.

Pending applications

Avagyan v. Russia (no. 36911/20)

Application communicated to the Russian Government on 4 November 2020

In May 2020, the applicant posted an online comment on *Instagram*, alleging inter alia that there had been no real cases of Covid-19 in the Krasnodar Region of Russia. She was subsequently convicted for disseminating untrue information on the Internet, and sentenced to a fine of 30,000 Russian roubles (approximately 390 euros), against which she appealed unsuccessfully.

The Court gave notice of the application to the Russian Government and put questions to the parties under Article 6 § 1 (right to a fair trial) and Article 10 (freedom of expression) of the Convention.

Magdić v. Croatia (no. 17578/20)

Application communicated to the Croatian Government on 31 May 2021

See above, under "Freedom of religion".

Nemytov v. Russia (no. 1257/21) and two other applications

Applications communicated to the Russian Government on 22 September 2021

These applications concern the prohibition of public events in Moscow introduced in response to the spread of the Covid-19 virus.

The Court gave notice of the applications to the Russian Government and put questions to the parties under, in particular, Articles 10 (freedom of expression) and 11 (freedom of assembly and association) of the Convention.

Central Unitaria de Trabajadores/as v. Spain (no. 49363/20)

Application communicated to the Spanish Government on 13 October 2021

This application concerns the right to organise and take part in a peaceful demonstration during the Covid-19 pandemic.

The Court gave notice of the application to the Spanish Government and put questions to the parties under Articles 10 (freedom of expression) and 11 (freedom of assembly) of the Convention.

Jarocki v. Poland (no. 39750/20)

Application communicated to the Polish Government on 17 November 2021

The applicant submits detailed calculations of the risk of infection with Covid-19 during an open-air gathering of a thousand people and alleges that the refusal to authorise a demonstration that he wished to hold in August 2020 breached his right to freedom of assembly.

The Court gave notice of the application to the Polish Government and put questions to the parties under Article and 11 (freedom of assembly) of the Convention.

Protection of property

Toromag, s.r.o. v. Slovakia and four other applications (nos. 41217/20, 41253/20, 41263/20, 41271/20 and 49716/20)

Applications communicated to the Slovakian Government on 5 December 2020

The applicants are the owners of fitness centres which were closed by virtue of measures taken by the Public Health Authority of the Slovak Republic from March until June 2020 in the context of prevention of the propagation of the Covid-19 virus. They complain in particular about the alleged pecuniary damage incurred and the loss of future income as well as clientele.

The Court gave notice of the applications to the Slovakian Government and put questions to the parties under Article 1 (protection of property) of Protocol No. 1 to the Convention, with a preliminary question regarding exhaustion of domestic remedies.

Pending applications

Thevenon v. France (no. 46061/21)

Application communicated to the French Government on 7 October 2021
See above, under “Right to respect for private and family life”.

Freedom of movement

Pending application

Magdić v. Croatia (no. 17578/20)

Application communicated to the Croatian Government on 31 May 2021
See above, under “Freedom of religion”.

Interim measures⁶ under Rule 39 of the Rules of Court

Between March 2020 and January 2022, the Court processed around 370 interim measures requests related to the Covid-19 health crisis, mainly brought by persons detained in prison or kept in reception and/or detention centres for asylum seekers and migrants, and lodged against, in particular, Greece, Italy, Turkey and France, but also against other countries such as the Belgium, Bulgaria, Cyprus, Germany, Malta, Romania and Russia. These requests were very diverse. While requests under Rule 39 of the Rules of Court usually concern deportations or extraditions, those received since mid-March 2020 are mainly from applicants requesting the Court to take interim measures to remove them from their place of detention and/or to indicate measures to protect their health against the risk of being infected by Covid-19.

In the vast majority of cases, these are individual applications. Many of them were rejected. In a number of other cases, the Court adjourned its decision and requested information from the Government concerned. In some cases, Rule 39 was applied in line with the usual criteria, in the case of very vulnerable persons (unaccompanied minors or persons with serious medical conditions, pregnant women, in particular).

The Court also received requests for interim measures concerning vaccination schemes, lodged by medical professionals, employees working in medical facilities and firefighters, who challenged the compulsory vaccination. The requests were rejected for being out of scope of application of Rule 39⁷. In a number of other requests, applicants challenged the use of Covid-19 certificates which stipulated that only people in possession of the certificates would be allowed to attend public places and, in some cases, to use public transport. The requests were also rejected for being out of scope of application of Rule 39.

A minority of requests for general measures reached the Court (for example: to enforce a complete lockdown in certain cities). These requests were rejected.

⁶. These are measures adopted as part of the procedure before the Court, under Rule 39 of the [Rules of Court](#), at the request of a party or of any other person concerned, or of the Court’s own motion, in the interests of the parties or of the proper conduct of the proceedings. See also the factsheet on [“Interim measures”](#).

⁷. See, for example: [press release](#) of 25 August 2021, concerning requests for interim measures submitted by members of the French fire service following the entry into force of the law on the management of the public health crisis; [press release](#) of 9 September 2021, concerning requests for interim measures lodged by health professionals in respect of the Greek law on compulsory vaccination of health-sector staff against Covid-19.

Further reading

See in particular:

- ["Health" factsheet](#)
 - [Notifications under Article 15 \("Derogation in time of emergency"\) of the European Convention on Human Rights](#) in the context of the Covid-19 pandemic
 - ["Council of Europe and Covid-19"](#), Covid-19 special page
 - Council of Europe Commissioner for Human Rights, Thematic Work, ["Covid-19"](#)
 - [Parliamentary Assembly of the Council of Europe and Covid-19 | Safeguarding democratic health in times of health crisis](#), Covid-19 special page
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