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

THIRD SECTION

DECISION

Application no. 57830/19
Mariya Leonidovna CHISTOVA
against Russia
(see appended table)

The European Court of Human Rights (Third Section), sitting on 15 September 2022 as a Committee composed of:

Darian Pavli*, President,*
Andreas Zünd*,*
Frédéric Krenc*, judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 28 October 2019,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Articles 3 and 13 of the Convention concerning the inadequate medical treatment in detention and the lack of any effective remedy in domestic law were communicated to the Russian Government ("the Government").

THE LAW

A. Complaints under Articles 3 and 13 of the Convention (inadequate medical treatment in detention and lack of any effective remedy in domestic law)

The applicant complained that she had not received adequate medical assistance in respect of her medical conditions listed in the appended table and that she did not have any effective remedy in that connection. She relied on Articles 3 and 13 of the Convention, which read as follows:

Article 3

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

Article 13

"Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority ..."

The Court observes that the general principles regarding the quality of medical care in detention have been stated in several of its previous judgments (see, among many other authorities, *Blokhin v. Russia* [GC], no. 47152/06, §§ 135-40, ECHR 2016, and *Ivko v. Russia*, no. 30575/08, §§ 91-95, 15 December 2015).

The Court further reiterates that it adopts conclusions after evaluating all the evidence, including by drawing such inferences as may flow from the facts and the parties' submissions. According to its established case-law, proof may follow from the coexistence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact (see, for example, *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, § 121, 10 January 2012). In cases regarding conditions of detention and medical assistance in detention the burden of proof may, under certain circumstances, be shifted to the authorities (see *Salman v. Turkey* [GC], no. 21986/93, § 100, ECHR 2000 VII, and *Mathew v. the Netherlands*, no. 24919/03, § 156, ECHR 2005 IX). Nevertheless, an applicant must submit an elaborate and consistent account of the State's alleged failure to provide him with the required medical assistance, mentioning the specific elements which would enable the Court to determine that the complaint is not manifestly ill-founded or inadmissible on any other grounds.

Having examined the materials submitted, including extensive medical evidence submitted by the Government, the Court considers that the applicant received essential medical treatment in respect of her conditions. The defects in the quality of medical care alleged by the applicant are either insignificant or not supported by sufficiently strong evidence. They cannot be accepted by the Court. This complaint is therefore manifestly ill-founded.

The Court further reiterates that Article 13 requires domestic remedies only with regard to complaints arguable in terms of the Convention (see *Boyle and Rice v. the United Kingdom*, 27 April 1988, § 52, Series A no. 131). Since the Court has found above that the applicant's complaint about the quality of the medical treatment in detention is manifestly ill-founded, no issue under Article 13 of the Convention arises in her case.

In view of the above, the Court finds that these complaints are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

B. Remaining complaints

The applicant also raised a complaint under Article 8 of the Convention.

The Court has examined the application and considers that, in the light of all the material in its possession and in so far as the matter complained of is within its competence, this complaint does not meet the admissibility criteria set out in Articles 34 and 35 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 13 October 2022.

Viktoriya Maradudina	Darian Pavli
Acting Deputy Registrar	President

APPENDIX

Application raising complaints under Articles 3 and 13 of the Convention (inadequate medical treatment in detention and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Principal medical condition	Alleged shortcomings in medical treatment Dates
57830/19 28/10/2019	**Mariya Leonidovna CHISTOVA** 1984	HIV/AIDS, spinal disc herniation	lack of/delay in consultation by a specialist, lack of/delay in medical examination, the applicant was detained in IK-18 Perm Region, since 19/07/2018 she is detained in IK-8 Kostroma Region 01/03/2017 – pending More than 5 year(s) and 3 month(s) and 2 day(s)