

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

SECOND SECTION

DECISION

Application no. 27950/23
Sigitas STROPUS
against Lithuania

The European Court of Human Rights (Second Section), sitting on 10 March 2026 as a Committee composed of:

Oddný Mjöll Arnardóttir*, President*,
Gediminas Sagatys,
Juha Lavapuro*, judges*,

and Dorothee von Arnim, *Deputy Section Registrar*,

Having regard to:

the application (no. 27950/23) against the Republic of Lithuania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 4 July 2023 by a Lithuanian national, Mr Sigitas Stropus ("the applicant"), who was born in 1974, lives in Vilnius and was represented by Ms V. Neverauskaitė, a lawyer practising in Vilnius;

the decision to give notice of the complaint under Article 3 of the Convention concerning allegedly inadequate medical treatment in detention to the Lithuanian Government ("the Government"), represented by their Agent, Mr R. Dzikovič, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns the authorities' failure to provide the applicant, a prisoner who was suffering from chronic viral hepatitis C (*lėtinis virusinis hepatitas C*), with the medication prescribed to him for the condition.

A. The applicant's medical condition

2. On 15 February 2018, while serving a prison sentence, the applicant was diagnosed with chronic viral hepatitis C.

3. On 27 June 2019 he was prescribed antiviral medication (*priešvirusiniai vaistai*) for that condition (see paragraph 8 below).

4. On 29 August 2019 the applicant sent a letter to the director of Marijampolė Correctional Facility, stating that in June 2019 he had been prescribed medication for chronic viral hepatitis C and requesting to be provided with that medication urgently.

5. The prison authorities provided him with the above-mentioned medication on 9 February 2021. It appears from the material submitted by the parties that, between June 2019 and February 2021, the applicant was treated by appropriate doctors with regard to his condition and provided with other, non-prescription medication.

6. A blood test taken on 15 September 2021 revealed no signs of hepatitis C in the applicant's blood.

B. Administrative proceedings

7. On 13 January 2022 the applicant lodged a civil claim against the State, requesting compensation in the amount of 50,000 euros (EUR) in respect of non-pecuniary damage, plus interest. He alleged that, between 15 January 2019 and 8 February 2021, Marijampolė Correctional Facility and the Prison Department Hospital (*Laisvės atėmimo vietų ligoninė*) had failed to provide him with the medication he had been prescribed for chronic viral hepatitis C.

8. On 30 May 2022 the Regional Administrative Court granted the civil claim in part. With regard to the establishment of the facts, even though the applicant had submitted that he had not been provided with the prescribed medication from 15 January 2019 onwards, the court, referring to a certificate issued by the Prison Department Hospital on 18 February 2022, established that he had been prescribed the medication in question from 27 June 2019. The court found that from that date until 30 September 2019, Marijampolė Correctional Facility had failed to provide him with the prescribed medication on account of funding constraints and changes in the legislative framework, whereas from 1 October 2019 until 8 February 2021 the Prison Department Hospital had not provided the medication in question because of its own failure to comply with the relevant regulations concerning its purchase and provision to prisoners. The court held that those authorities had an obligation to plan their activities in advance and to stock up on necessary medication, especially medication intended for the treatment of particularly dangerous diseases. Accordingly, their failure to provide the prescribed medication to the applicant had been unlawful. The court found no evidence that the applicant's medical condition had deteriorated as a result. Nor had he

submitted any specific evidence about the impact of the lack of the medication on his mental state. Nonetheless, the court acknowledged that the medication had not been provided for a lengthy period and that it could have had some adverse effects on his health and caused him mental distress. The court awarded him EUR 1,550 in respect of non-pecuniary damage, plus interest, to be paid by the State, represented by Marijampolė Correctional Facility and the Prison Department Hospital.

9. The parties appealed against that decision. The applicant in his appeal submitted that the amount of compensation awarded to him had been too low, whereas the authorities essentially argued that a monetary award was not necessary in the circumstances. On 5 April 2023 the Supreme Administrative Court dismissed the appeals and upheld the decision of the Regional Administrative Court. It emphasised that the authorities had not contested the fact that the applicant had not been provided with the prescribed medication during the period established by the lower court (see paragraph 8 above). It further observed that there was no evidence that the failure to provide the applicant with the medication had affected his health or his emotional and mental state. Moreover, during the period at issue he had been treated with other, non-prescription medication, and a blood test performed on 15 September 2021 had revealed no signs of hepatitis C in his blood. Accordingly, there were no grounds to increase the award made by the lower court.

C. The applicant's complaint

10. The applicant complained under Article 3 of the Convention that the compensation awarded to him by the domestic courts for the authorities' failure to provide him with the prescribed medication had been insufficient.

THE COURT'S ASSESSMENT

11. At the outset, the Court observes that the parties in their observations questioned the findings of the domestic courts regarding the period during which the applicant had not received the medication in question (see paragraphs 8 and 9 above). The applicant submitted that that period had been longer than established by the courts, whereas the Government contended that it had been shorter. The parties presented to the Court various documents which, in their view, confirmed their version of the facts. In this connection, the Court firstly notes that neither the applicant nor the Government alleged that the domestic courts had had those same documents available to them but had failed to take them into account when establishing the facts. In any event, having assessed all the material submitted to it by the parties, the Court finds no cogent elements that might lead it to depart from the findings of fact

reached by the domestic courts (compare also *Cestaro v. Italy*, no. 6884/11, § 164, 7 April 2015).

12. Accordingly, the Court considers it established that the period during which the applicant was not provided with the prescribed medication lasted from 27 June 2019 to 8 February 2021, that is, more than one year and seven months.

13. The Court takes note of the Government's argument that, in the circumstances of the present case, the temporary lack of the medication in question did not amount to ill-treatment. However, given that the Government also submitted that the applicant could no longer be regarded as a victim of the alleged violation of Article 3 in the light of the outcome of the domestic proceedings, the Court does not consider it necessary to determine whether the circumstances of the present case in fact amounted to treatment contrary to Article 3 of the Convention. This is because, even on the assumption that Article 3 of the Convention is applicable, the domestic courts acknowledged the failure to provide the applicant with the prescribed medication and thus can be considered as having acknowledged the alleged violation of Article 3 at least in substance. As set out below, they further awarded the applicant adequate compensation in the particular circumstances of the case and accordingly, the latter can no longer be considered a "victim" of an alleged violation of Article 3 (see for the relevant principles in this regard *Gäfgen v. Germany* [GC], no. 22978/05, § 115, ECHR 2010).

14. In this connection, the Court reiterates that the question whether the redress at national level is appropriate and sufficient in order to remedy a breach of a Convention right is generally considered to be dependent on all the circumstances of the case, having regard, in particular, to the nature of the Convention violation at stake (ibid., § 116). The question whether the amount awarded at the domestic level constituted sufficient redress in the present case must be examined in the light of the overall treatment which the applicant received and his state of health, including the consequences of his not being provided with the medication in question (see, mutatis mutandis, M*irilashvili v. Russia* (dec.), no. 6293/04, 10 July 2007; *Viorel Burzo v. Romania*, nos. 75109/01 and 12639/02, §§ 80 and 85, 30 June 2009; *Makharadze and Sikharulidze v. Georgia*, no. 35254/07, § 80, 22 November 2011; *Vladimir Vasilyev v. Russia*, no. 28370/05, § 63, 10 January 2012; *Blokhin v. Russia* [GC], no. 47152/06, §§ 135-37, 23 March 2016; and *Petukhov v. Ukraine (no. 2)*, no. 41216/13, § 145, 12 March 2019).

15. The Court observes that the parties did not dispute the fact that between 27 June 2019 and 8 February 2021 the applicant had been treated by appropriate doctors with regard to his condition (see paragraph 5 above). It appears that during that time he was also provided with other, non-prescription medication (see paragraphs 5 and 9 above). It is not the role of the Court to determine whether that medication appropriately reflected the applicant's medical needs (compare also *Sergey Antonov v. Ukraine*,

no. 40512/13, § 86, 22 October 2015). Be that as it may, the Court notes that the applicant did not complain about any other aspects of his treatment. It therefore considers that the failure to provide him with the prescribed medication was the only omission in the treatment which he received.

16. The Court has no reason to doubt that the applicant's inability to take the medication prescribed to him for chronic viral hepatitis C for more than one year and seven months might have caused him distress and anxiety regarding the state of his health. At the same time, it reiterates that the applicant was not left without treatment from qualified healthcare professionals during that period (see paragraph 5 above) and that there is no evidence in the case-file that allows it to conclude that his physical health deteriorated as a result (see paragraphs 6, 8 and 9 above). In the light of the foregoing, the Court considers that, in the particular circumstances described above, the amount of compensation awarded to the applicant at the domestic level (EUR 1,550) can be considered appropriate and sufficient.

17. Accordingly, the applicant can no longer be considered a "victim", within the meaning of Article 34 of the Convention, of an alleged violation of Article 3. It follows that the application must be declared inadmissible, in accordance with Article 34 and Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 2 April 2026.

Dorothee von Arnim Deputy Registrar	Oddný Mjöll Arnardóttir President