

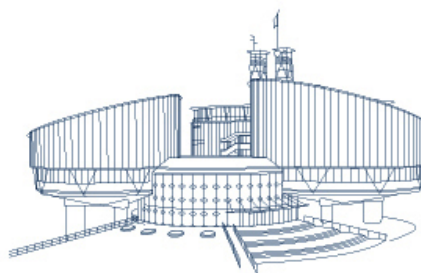
PRESS RELEASE

FAILURE TO PROTECT VULNERABLE MAN WITH SCHIZOPHRENIA FROM UNNECESSARY USE OF FORCE OR TO EFFECTIVELY INVESTIGATE HIS COMPLAINTS

Strashunskyy v. Ukraine

ECHR 224 (2026) 17.09.2026

Issued by the Registrar of the Court



In today's **Chamber** judgment¹ in the case of [Strashunskyy v. Ukraine](#) (application no. 6522/19) the European Court of Human Rights held, unanimously, that there had been **two violations of Article 3 (prohibition of inhuman or degrading treatment/investigation)** of the European Convention on Human Rights.

The case concerned a complaint by the applicant, a vulnerable individual diagnosed with schizophrenia, about injuries he had sustained in 2016 when being transferred from a State-run boarding house to a psychiatric hospital.

The Court found that the investigation into Mr Stashunskyy's complaint had not been effective. In particular, an expert medical assessment to determine how his injuries had been sustained had not been obtained. Nor had the authorities clarified whether the staff members responsible for his transfer had been trained to deal with vulnerable individuals.

The Court also found that the authorities had failed to demonstrate that the force used against Mr Strashunskyy had been strictly necessary or that he had been sufficiently protected by those responsible for looking after him. He had sustained multiple injuries in circumstances which had not been shown to have either been unavoidable or managed in a manner consistent with the State's obligation to protect his physical integrity and dignity.

The Court held that Ukraine was to pay the applicant 7,000 euros (EUR) in respect of non-pecuniary damage and EUR 5,000 in respect of costs and expenses.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

PRINCIPAL FACTS AND COMPLAINTS

The applicant, Oleksandr Strashunskyy, a Ukrainian national, was born in 1975 and died in 2020.

Mr Strashunskyy had been diagnosed with paranoid schizophrenia in 2001. In 2016 he was transferred from a State-run boarding house, where he had been living, to a psychiatric hospital. During the transfer he sustained multiple injuries, including concussion and bruises. Following the incident, the director of the boarding house had imposed disciplinary sanctions on certain employees for negligence and rough handling. Following several complaints by the applicant's mother, the local police opened criminal investigations. Those investigations were ultimately closed on the basis that there was no evidence of a crime.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, Mr Strashunskyy complained that he had sustained injuries during his forced hospitalisation and that the authorities had failed to defend him or to investigate the incident properly.

OUTCOME REASONING OF THE COURT

Firstly, the Court noted that Mr Strashunskyy had been a particularly vulnerable person who had been under the full control of the State when he had been injured during his transfer to psychiatric hospital. The police investigation had concluded that those injuries had been caused by his falling down when trying to break free and that the force used by the staff had been justified by his behaviour.

The Court noted that no medical expert examination had been carried out, even though such an examination was indispensable in determining how the injuries had been sustained, having regard to the different versions put forward by the parties. No explanation for that omission had been given. Furthermore, the police investigation had not established the qualifications and job functions of the personnel who had restrained Mr Strashunskyy, which would have clarified whether they had been specifically trained to deal with vulnerable people. As a result, no meaningful examination had taken place of whether the staff had done everything possible to avoid using force or whether the use of force had been justified and absolutely necessary in the circumstances. The duty of the State to protect Mr Strashunskyy had required it to check whether everything possible had been done to protect him. The fact that disciplinary sanctions had been imposed on certain members of staff for their rough handling refuted the version of events according to which his injuries had been entirely his fault. Nevertheless, it did not appear that the investigation had looked into that matter either.

There had therefore been a violation of Article 3 (lack of an effective investigation).

The Court reiterated that Article 3 imposed on the State not only a negative obligation to refrain from inflicting serious harm on persons within its jurisdiction but also positive obligations to take appropriate measures to ensure that they were not subject to treatment contrary to that provision.

As to the negative obligation, the Court noted that Mr Strashunskyy's injuries had been documented shortly after his transfer to hospital and had therefore been established by objective evidence. The existence of those injuries gave rise to an obligation on the part of the Government to provide a satisfactory and convincing explanation for this origin and, in so far

as force was used, to demonstrate that it had been justified, strictly necessary and proportionate in the circumstance. Considering the shortcomings in the investigation, the Court found that the Government had failed to demonstrate that the use of force had been necessary, in breach of the negative obligation to refrain from inflicting harm under Article 3.

The Court considered that the positive obligations of the State required those responsible for Mr Strashunskyy's well-being during his stay at the boarding house to do their best to secure his physical integrity and dignity. While Mr Strashunskyy's hospitalisation had been ordered by a psychiatrist, it did not appear to have been a matter of urgency. The investigation had not clarified whether the staff members involved in his transfer had been trained in restraining a person with a mental health condition. It had not been shown that the force used had been reasonable and justified. In view of his vulnerability and complete dependence on those exercising authority over him, particular care had been required in planning and carrying out measures involving coercion.

The Court concluded that Mr Strashunskyy had not been sufficiently protected by those looking after him. He had sustained multiple injuries in circumstances which had not been shown to have been either unavoidable or managed in a manner consistent with the State's obligation to protect his physical integrity and dignity.

The Court concluded that the national authorities had fallen short of both their negative and positive obligations under Article 3.

There had therefore been a violation of Article 3 (substantive aspect).

PROCEDURE AND COMPOSITION OF THE COURT

The application was lodged with the European Court of Human Rights on 15 January 2019.

Judgment was given by a Chamber of seven judges, composed as follows:

Kateřina Šimáčková (the Czech Republic), *President*,
María Elósegui (Spain),
Andreas Zünd (Switzerland),
Diana Sârcu (the Republic of Moldova),
Mykola Gnatovskyy (Ukraine),
Vahe Grigoryan (Armenia),
Sébastien Biancheri (Monaco),

and also Victor Soloveytchik, *Section Registrar*.

The judgment is available only in English.

The Court's judgments finding a violation are binding on the State concerned. The [Committee of Ministers](#) of the Council of Europe, the executive body of the Council of Europe, supported by the [Department for the Execution of Judgments of the European Court of Human Rights](#), is responsible for supervising their implementation.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.