



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

Legal summary

October 2026

Baybasin v. the Netherlands (no. 2) - 36384/22

Judgment 6.10.2026 [Section IV]

Article 3

Degrading treatment

Random strip search carried out after the applicant, serving a life sentence, was visited by his lawyer: *no violation*

Article 8

Article 8-1

Respect for private life

Random strip search carried out after the applicant, serving a life sentence, was visited by his lawyer: *no violation*

Facts – The applicant, serving a life sentence, was randomly selected for a strip search after his lawyer had visited him. Before the Court, he complained that the search was in breach of Articles 3 and 8 of the Convention.

Law – Article 3 (substantive):

The Court noted that it did not appear – nor had it been alleged – that the strip search had taken place in violation of the relevant domestic law, that it had been carried out with debasing elements that had significantly aggravated the inevitable humiliation entailed in the procedure, or that it had had any adverse effects on the applicant's health. The domestic procedure for the impugned search had been set out in detailed rules and instructions which had limited the discretion of the prison authorities. Further, prisoners could challenge a decision to impose a strip search in adversarial proceedings before the penal institution's Complaints Commission and the Appeals Board of the Council for the Administration of Criminal Justice and Juvenile Protection. The applicant had exercised his right to challenge the impugned measure in such proceedings.

As regards the fact that the search had been carried out because the applicant had been randomly selected after a visit from his lawyer, the Court agreed with the Government that the neutral operation of the "randomiser" ensured that all prisoners are treated indiscriminately, and that the regular and random nature of such searches mitigated the risk of prisoners (or their visitors, including lawyers) being pressured by others to smuggle prohibited items, which may occur if some prisoners are searched less frequently or not at all. In this connection, the Court reiterated that the preservation of prison security and prevention of crime or disorder constituted legitimate objectives. It considered that preventive security measures such as strip searches need not always be

based on concrete suspicions of individual wrongdoing on the part of a prisoner or his or her visitor.

The Court distinguished the present case from *Adamčo v. Slovakia (no. 2)*, where it had examined the case of a prisoner who had been systematically subjected to many strip searches before and after receiving “open visits”, including visits from his lawyers, and where it had concluded that the practice of systematic strip searches had been carried out without any convincingly established security needs, in breach of Article 3 of the Convention.

In *Adamčo* the applicant had been subjected to frequent strip searches without regard for the other security arrangements aimed at limiting the risk of his coming into possession of anything prohibited. The domestic authorities had rejected the applicant’s complaints in abstract and general terms, giving no consideration to his substantive arguments and individual circumstances. Sufficiently detailed rules on the implementation of the strip searches had also been lacking.

The Court noted that the factors which led it to its conclusion in *Adamčo* did not obtain in the present case. Indeed, the impugned strip search had been governed by detailed rules and instructions which had set out the relevant procedure, including as regards the keeping of records. Further, the domestic authorities had provided relevant and sufficient reasons for dismissing the applicant’s substantive arguments, explaining why they had considered the strip search necessary to maintain prison security despite the presence of other security arrangements which were aimed at limiting the risk of illicit dealings on his or his lawyer’s part. Lastly, the applicant had complained about one strip search only, whereas that measure had been part of a security regime whose design prevented him from being randomly selected for a strip search more than twice a month on average. The Court was satisfied that the impugned strip search had not gone beyond the inevitable element of suffering or humiliation connected with a given form of legitimate treatment.

Conclusion: no violation (unanimously).

Article 8:

The impugned strip search had had a basis in domestic law, had pursued the legitimate aims of “the prevention of disorder or crime” and “the protection of the rights and freedoms of others”, and had been necessary and proportionate in the circumstances of the case. It was carried out after the applicant had been visited by someone from outside the prison. Such visits posed an inherent risk of contraband being smuggled into prison. Moreover, the applicant had been selected on a purely random and indiscriminate basis, there had been no indication that the search was conducted without due respect for his privacy, and he had had the right to contest the lawfulness of the measure in adversarial proceedings.

Conclusion: no violation (unanimously).

(See *Van der Ven v. the Netherlands*, 50901/99, 4 March 2003, [Legal Summary](#); *Baybaşın v. the Netherlands* (dec.), [13600/02](#), 6 October 2005; *Baybaşın v. the Netherlands*, [13600/02](#), 6 July 2006, [Legal Summary](#); *Adamčo v. Slovakia (no. 2)*, [55792/20](#), 12 December 2024)

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