



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

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FOURTH SECTION

Application no. 6205/24
M.A.
against Romania
lodged on 16 February 2024
communicated on 22 July 2026

SUBJECT MATTER OF THE CASE

The application concerns the alleged lack of effectiveness of the criminal investigation into violence inflicted on the applicant by an adult, on 10 July 2022, when the applicant was 9 years old.

On the same day, the applicant's mother lodged a criminal complaint against B. claiming that the latter had assaulted the applicant after a minor quarrel with another child in the park (which later proved to be B.'s nephew), namely that B. immobilized the applicant with his arms behind his back (hammerlock), hit him repeatedly over his head and face and insulted him in front of other children and adults.

The applicant's mother alleges that ever since the incident, the applicant is having nightmares, is frightened by loud noises, has become withdrawn and refuses to leave the house because his aggressor lives in a nearby apartment building.

The applicant was diagnosed with several ecchymoses and bruises on his left arm and thorax which did not need "days of medical care", according to the forensic medical certificate of 12 July 2022, which also indicated that it could be blunt force trauma.

After initiating criminal proceedings against B. on 22 October 2022 and hearing the suspect in February 2023, on 24 March 2023, the prosecutor terminated the proceedings, arguing that there was no public interest to pursue the charges further, since B. had cooperated with the investigative authorities

and recognised having perpetrated the offence (*s-a prezentat la chemările organelor judiciare recunoscând comiterea infracțiunii imputate*) and there was an obvious disproportion between the gravity of the offense and the costs of the criminal proceedings if they were to be undertaken.

By final decision of 20 October 2023 (served on 26 October 2023), the Onești District Court upheld this decision.

Relying on Articles 3, 6 and 13 of the Convention, the applicant complains about the lack of effectiveness of the criminal investigations conducted by the domestic authorities in relation to the violences perpetrated against him by an adult, on 10 July 2022.

QUESTIONS TO THE PARTIES

1. Having regard to the procedural protection from all forms of ill-treatment prohibited under Article 3 (see paragraph 131 of *Labita v. Italy* [GC], no. 26772/95), was the conduct of the investigation by the domestic authorities in the present case, relating to acts of violence inflicted to a 9 years old child (investigation concluded by decision of 20 October 2023 of the Onești District Court), in compliance with Article 3 of the Convention (see *M. and M. v. Croatia*, no. 10161/13, §§ 136 and 142, ECHR 2015 (extracts) and, *mutatis mutandis*, *G.M. and Others v. the Republic of Moldova*, no. 44394/15, §§ 92-109, 22 November 2022)?

In particular, was the investigation effective and did it take into account the child's best interests (see, notably, *D.M.D. v. Romania*, no. 23022/13, §§ 41 and 50-52, 3 October 2017)?

2. Has there been a violation of the applicants' right to respect for his private life, contrary to Article 8 of the Convention? In particular, did the authorities comply with their positive obligations, inherent in the right to effective respect for private life, to investigate the allegations of violence against a child (see *Remetin v. Croatia*, no. 29525/10, §§ 68 et seq., 11 December 2012)?