



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

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## FOURTH SECTION

Application no. 14586/26  
G.S. and Fundația Centrul de Resurse Juridice against Romania  
lodged on 24 March 2026  
communicated on 26 August 2026

## SUBJECT MATTER OF THE CASE

The application mainly concerns the allegations of deprivation of liberty in the publicly run Medical and Social Care Centre where the first applicant was placed. It also concerns alleged breach of her right to private life, as she does not have a legal guardian appointed by the authorities despite her severe mental and physical disability.

The first applicant is a 38-year-old woman suffering from profound mental retardation, an IQ under 20, multiple system atrophy, encephalopathy, blindness, malnutrition, chronic hepatitis, and other severe conditions. She is considered, by an administrative decision of the competent body, as a “severely disabled person necessitating a personal assistant”.

She is represented before the Court by the second applicant, the Centre for Legal Resources (“the CLR”), a Romanian NGO active at domestic level for monitoring activities and campaigning in favour of disabled persons.

Because of her severe congenital disability, since she was only a few months old, as from April 1989, the first applicant was placed in the public care with the agreement of her parents, considering that they did not have adequate means to take proper care of her. She has remained in the State’s care ever since. Having already been diagnosed with multiple conditions, in 2000 she was placed in a specialized centre, the Băbeni Rehabilitation Centre for Disabled Children, as a protection measure.

Since 2012, the applicant lives in the Zătrene Care and Assistance Center (“the Zătrene Center”), under the Vâlcea General Directorate of Social Assistance and Child Protection (“the Vâlcea GDSACP”).

On 3 December 2021, the CLR initiated criminal proceedings on behalf of the first applicant, arguing that she had not received adequate medical care and treatment. The CLR requested an investigation into the following criminal offences: failure to report, misconduct in public office, and ill-treatment.

On 15 February 2024, while the criminal investigation concerning the allegations of degrading and inhuman treatment and lack of prompt and proper assistance was ongoing, a representative of the CLR, accompanied by a psychologist and the lawyer who was representing G.S. in the abovementioned criminal proceedings went to the Zătrene Center in order to see the applicant. Although the visit was made during official visiting hours, access was denied. In order to meet G.S., they were required to submit a formal request to the Vâlcea DGASPC and, ultimately, had to call the police to be able to get in several hours later.

With support from the police, only the lawyer was allowed to enter the residential area, while the other persons were required to remain in the administrative area of the facility. In the absence of a psychologist and given the applicant’s condition, meaningful communication proved impossible. The Zătrene Center refused to present to her lawyer the medical file of the first applicant.

Following these events, the CLR lodged a criminal complaint on behalf of the applicant for illegal deprivation of liberty (*lipsire de libertate*) and misconduct in public office (*abuz în serviciu*), arguing that as a vulnerable person, she was denied access to legal assistance and the CLR’s review of her treatment and hospitalization conditions was also impeded by the Zătrene Centre personnel.

On 13 June 2025, the Prosecutor’s Office attached to the Bălcești District Court, dismissed the applicant’s complaint. The CLR challenged this measure which was upheld by the Bălcești District Court on 31 October 2025 (served on 24 November 2025). The domestic court held that, in applying the *ultima ratio* principle in respect of the offence of misconduct in public office, the interference with the applicant’s rights did not attain the requisite level of seriousness to warrant criminal liability. As regards the alleged offence of unlawful deprivation of liberty, the court found that the act had not been committed with the form of intent required by law, noting in particular that G.S. lacks independent mobility capacities and had been accommodated in the facility on the basis of a care contract.

The first applicant invokes Article 5 § 1 (e), 5 § 2 and Article 8 (private life). She claims that she does not have any chance to leave Zătrene Center as no guardian or personal assistant has ever been appointed to her. She argues that, as a result, she is entirely dependent on and under the control and

supervision of the Centre's personnel, not only in terms of medical care but also with regard to her private life, including her possibility to seek the best medical and social care services according to her needs. Furthermore, she contends that she was denied by the Zătrene Center management and personnel to meet with her lawyer in private, as such meeting took place several hours after the initial request, in the presence of a police officer. In her view, this practice amounts to an interference with, and a violation of, the confidentiality of the lawyer – client relationship.

The second applicant invokes Article 10 and submits that, by denying it access to the premises of the facility and refusing to allow its representatives to meet G.S., the authorities interfered with the CLR's right to receive information with respect to the first applicant which, although sensitive in nature, was necessary for the performance of its monitoring duties, as established under the cooperation protocols concluded with State institutions.

### **QUESTIONS TO THE PARTIES**

1. Was the first applicant deprived of her liberty in breach of Article 5 § 1 of the Convention? In particular, did the deprivation of liberty fall within paragraph(s) (e) of this provision? Were the safeguards prescribed by Article 5 of the Convention complied with in respect of the applicant's hospitalisation at Zătrene Center?

2. Was the decision-making process with respect to the first applicant confinement at Zătrene Centre in compliance with Article 8?

3. Has there been a violation of the first applicant's right to respect for her private life within the meaning of Article 8 § 1 of the Convention in so far as he was deprived of any guardianship safeguards?

4. Did the authorities put disproportionate restrictions on the applicant's personal contact with her lawyer and the second applicant's personnel in particular during the CLR visit at the Zătrene Centre, which has taken place on 15 February 2024?

5. Has there been an interference with the second applicant's freedom of expression, in particular its right to receive information with respect to the first applicant situation and, in particular, to medical and social care provided to her, within the meaning of Article 10 § 1 of the Convention?

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SUBJECT MATTER OF THE CASE AND QUESTIONS

If so, was that interference prescribed by law and necessary in terms of  
Article 10 § 2?