



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

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FOURTH SECTION

Application no. 22006/24
Christie Alexander RORY
against Romania
lodged on 27 July 2024
communicated on 26 August 2026

SUBJECT MATTER OF THE CASE

The application concerns the respondent State' responsibility for the inhuman treatment allegedly suffered by the applicant while placed in State orphanages during the communist era and the effectiveness of the legal framework available to obtain acknowledgment and redress for the resulting physical and psychological suffering. In particular, it raises the question whether the applicant was denied such redress as a result of an overly formalistic application of procedural rules and the authorities' failure to provide appropriate assistance in light of his particular vulnerability.

The applicant (born in November 1979) spent his childhood between 1980 and 1999 in orphanages. He submits that he had been tied to a bed for several years, malnourished, physically abused, deprived of any medical treatment and of education. As a result, he is currently suffering from multiple severe physical and mental health issues, including schizophrenia as attested by medical documents.

According to the applicant, starting with the year 2000, he tried, without success, to obtain social assistance and adequate medical treatment for his conditions in Romania. At present, he lives in the United Kingdom where he acquired citizenship, was classified as belonging to a disability group and receives medical treatment and social aid.

In 2023, after having stabilised his physical and mental health in the United Kingdom, the applicant initiated several proceedings in Romania

requesting that those responsible for the treatment he had been subjected to be identified and sanctioned and that he be afforded redress. His criminal complaints and civil actions have all been dismissed either because the crimes complained of were not incriminated at the relevant time or because any responsibility was time barred. A criminal complaint for bodily harm, abuse in office and forgery is currently pending before the prosecutor. Legal aid requests submitted by the applicant in the context of the above-mentioned complaints had been constantly dismissed as the amount of social aid he received in the United Kingdom (approximately 600 British pounds) overpassed the eligibility limit set forth by the Romanian law.

Under Article 3 of the Convention the applicant complains of the inhuman and degrading treatment he had suffered in State orphanages between 1980 and 1999. Relying on Articles 3, 6 and 13 of the Convention, the applicant complains that he had been denied any form of redress for this inhuman treatment due to the lack of an effective investigation into his allegations of ill-treatment by State employees, the dismissal of his complaints as time barred without their examination on the merits and the refusal to grant him access to free legal representation.

He alleges that, by denying him any social or legal assistance as well as access to information and to medical care after his release from the institutions in question, the Romanian authorities have caused him additional suffering and breached his rights under Articles 3, 6 and 13 of the Convention.

Lastly, relying on Article 14 of the Convention, the applicant alleges that he was discriminated against in the enjoyment of his rights under Articles 3, 6 and 13 of the Convention, both during his placement in orphanages and after his release, on account of his Roma origin and his disability.

QUESTIONS TO THE PARTIES

1. Does the Court have jurisdiction *ratione temporis* to examine the applicant's complaint under Article 3 of the Convention concerning the alleged inhuman and degrading treatment suffered by him in State orphanages between 1980 and 20 June 1994, having regard, in particular, to the fact that the alleged ill-treatment is said to have continued after the ratification of the Convention by Romania?

2. Was the applicant subjected to treatment contrary to Article 3 during his placement in State orphanages between 20 June 1994 and 1999?

3. Did the respondent State comply with its procedural obligations under Article 3 of the Convention in response to the applicant's allegations that he had been subjected to inhuman and degrading treatment while placed in State orphanages? In particular:

(a) Did the domestic authorities carry out an effective investigation into the applicant's allegations?

(b) Was the dismissal of the applicant's complaints on the grounds that the offences were either not criminalised at the relevant time or had become time-barred compatible with the procedural obligations arising under Article 3 of the Convention?

4. Has there been a violation of the applicant's right to respect for his private life, within the meaning of Article 8 of the Convention, on account of the alleged lack of social, medical and legal assistance after the applicant's release from orphanage, having regard to his particular vulnerability?

5. Did the applicant have at his disposal effective domestic remedies for his complaints under Articles 3 and 14, as required by Article 13 of the Convention (see, *mutatis mutandis*, *Loste v. France*, no. 59227/12, §§ 75-79, 3 November 2022)? In particular, what were the effective remedies available to the applicant under the Romanian law? Was the applicant able to use them in practice having regard in particular to his disability and his financial situation?

6. Was the applicant discriminated against contrary to Article 14 of the Convention taken together with Articles 3, 8 and 13 of the Convention, on account of his Roma origin and/or his disability, both during his placement in State orphanages and following his release?

The Government are invited to submit information concerning the conditions in the orphanages in which the applicant was held and the standard assistance measures provided by the domestic law for persons released from these State institutions such as the applicant, in order to facilitate their integration into society and respond to their specific needs. The Government are further invited to submit a copy of the files opened as a result of the applicant's criminal complaints and civil actions relevant to the present application.