



Grand Chamber hearing concerning allegations of sexual abuse in an orphanage

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 15 January 2020 at 9.15 a.m.** in the case of **X and Others v. Bulgaria** (application no. 22457/16).

The case concerns allegations of the sexual abuse of three children in an orphanage in Bulgaria before their adoption by an Italian couple in June 2012.

A recording of the hearing will be available from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

The applicants are Italian nationals living in Italy, a boy (X) and two girls (Y and Z) who had been placed in an orphanage in Bulgaria before being adopted by an Italian couple in June 2012, when they were 12, 10 and nine years of age respectively.

A few months after their adoption, their parents reported to various Italian authorities and the Italian press that their children had suffered sexual abuse while in the orphanage in Bulgaria.

In January 2013, having been apprised of the article in the Italian press, the National Child Welfare Agency in Bulgaria ordered an inspection of the orphanage in question and informed the public prosecutor's office. The same year a police investigation was carried out, as was another inspection by the child welfare authorities. Those procedures led to the discontinuance of the case as the public prosecutor's office considered that none of the evidence pointed to the commission of any offences. In January 2014 the Italian Ministry of Justice applied officially to the Bulgarian authorities. A further investigation was instigated, after which the regional prosecutor's office confirmed the discontinuance decision.

Procedure

The application was lodged with the European Court of Human Rights on 16 April 2016.

Relying in particular on Article 3 (prohibition of torture and inhuman or degrading treatment) and Article 8 (right to respect for private and family life) of the European Convention on Human Rights, the applicants complain that they have suffered sexual abuse in the Bulgarian orphanage. They also submit that the Bulgarian authorities failed in their obligations to protect them from such treatment and subsequently to conduct an effective investigation.

In its Chamber [judgment](#) of 17 January 2019 the Court decided to consider the complaints solely under Articles 3 and 8 of the Convention. It held, unanimously, that there had been no violation of both Articles.

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

The Chamber found, in particular, that the Bulgarian authorities had acted promptly and diligently as soon as they had been apprised, through the press, of the alleged facts, even though they had not received any formal complaint from the applicants. It also noted that the applicants' parents had not been prevented from taking part in the investigation. It also found no blameworthy shortcomings or lack of willingness on the part of the competent authorities to shed light on the events or to identify and prosecute those potentially responsible. The Chamber also ruled, on the basis of the evidence before it, that it had not been established that the Bulgarian authorities had failed in their obligation to take preventive action to protect the applicants from a risk of ill-treatment of which they had or should have had cognisance. In that connection the Chamber noted, in particular, that a number of general measures had been adopted to guarantee the safety of the children in the orphanage.

On 24 June 2019 the Grand Chamber Panel accepted the applicants' request that the case be referred to the Grand Chamber.

Italy was granted leave to intervene in the written proceedings as third party.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Linos-Alexandre **Sicilianos** (Greece), *President*,
 Robert **Spano** (Iceland),
 Jon Fridrik **Kjølbro** (Denmark),
 Ksenija **Turković** (Croatia),
 Paul **Lemmens** (Belgium),
 Paulo **Pinto de Albuquerque** (Portugal),
 Faris **Vehabović** (Bosnia and Herzegovina)
 Dmitry **Dedov** (Russia),
 Iulia Antoanella **Motoc** (Romania),
 Yonko **Grozev** (Bulgaria),
 Carlo **Ranzoni** (Liechtenstein),
 Georgios A. **Serghides** (Cyprus),
 Marko **Bošnjak** (Slovenia),
 Tim **Eicke** (the United Kingdom),
 Péter **Paczolay** (Hungary),
 María **Elósegui** (Spain),
 Raffaele **Sabato** (Italy), *judges*,
 Pauliine **Koskelo** (Finland),
 Darian **Pavli** (Albania),
 Valeriu **Grițco** (the Republic of Moldova), *substitute judges*,

and also Marialena **Tsirli**, *Deputy Registrar*.

Representatives of the parties

Government

Raya **Nikolova**, *Agent*,
 Iva **Stancheva-Chinova**, *Agent*,
 Ivana **Sotirova**, *Adviser*;

Applicants

Francesco **Mauceri**, *Counsel*,
 Dr. Rose **Galante** and Dr. Patricia Sarah **Bach**, *Advisers*,

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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.