



Grand Chamber hearing concerning accessibility to university buildings for people with disabilities

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 12 November 2014 at 9.15 a.m.** in the case of **Gherghina v. Romania** (application no. 42219/07).

The case concerns the applicant's alleged inability to pursue university studies because of the lack of accessible buildings for people with disabilities and the alleged failure to provide any reasonable alternative solutions.

The hearing will be broadcast 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 applicant, Răzvan Mihai Gherghina, is a Romanian national who was born in 1982 and lives in Başcov-Valea Ursului (Romania).

In 2001, while he was enrolled as a first-year student in the marketing faculty at Constantin Brâncoveanu University in Piteşti, Mr Gherghina had an accident which resulted in severe locomotor impairment of the lower limbs. He initially had to use a wheelchair to move about, but his condition improved in 2007 and he became able to move on his own on flat surfaces, supporting himself on handrails or using access ramps. Having been granted permission to sit his examinations at home because the buildings were not accessible to people with restricted mobility, he successfully completed the first and second years of his degree course.

Despite repeated requests by the applicant and his mother, work to make the university premises accessible to people with restricted mobility had still not been completed by March 2007. At the end of the 2007 academic year Mr Gherghina was not given permission to sit his examinations at home. The only option offered to him was to repeat his third year under the distance learning programme. Realising after a while that he was not deriving any real benefit from the form of distance learning offered by the university, Mr Gherghina attempted to find another solution that would be better suited to his needs and expectations.

He accordingly enrolled at the law faculty of the Ecological University of Bucharest, and subsequently at the State University of Piteşti, but neither institution was equipped to cater for his disability.

Relying in particular on Article 2 of Protocol No. 1 (right to education), Mr Gherghina complains that he has been discriminated against on the basis of his locomotor impairments, alleging that it is impossible for him to continue his university studies in or near to the town where he lives because of the lack of buildings accommodating his disability and the failure to provide any reasonable alternative solutions. He also relies on Articles 2 (right to life) and 5 (right to liberty and security), alleging that he has been unable to develop his personality and build relationships with the outside world because of the lack of appropriate facilities to provide him with access to the university and other buildings for public use (such as hospitals, museums and libraries).

¹ Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

Procedure

The application was lodged with the European Court of Human Rights on 20 September 2007.

In a [decision](#) of 6 March 2012 the Court adjourned its examination of the applicant's complaint under Article 2 of Protocol No. 1, as well as his complaints under Articles 2 and 5, which it considered more appropriate to examine under Article 8 (right to respect for private and family life), read separately or in conjunction with Article 14 (prohibition of discrimination). The Court declared the applicant's other complaints inadmissible.

On 14 January 2014 the Chamber to which the case had been allocated [relinquished jurisdiction](#) in favour of the Grand Chamber.²

Composition of the Court

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

Dean **Spielmann** (Luxembourg), *President*,
Josep **Casadevall** (Andorra),
Guido **Raimondi** (Italy),
Ineta **Ziemele** (Latvia),
Mark **Villiger** (Liechtenstein),
Isabelle **Berro-Lefèvre** (Monaco),
Ján **Šikuta** (Slovakia)
Päivi **Hirvelä** (Finland),
Luis **López Guerra** (Spain),
Ledi **Bianku** (Albania),
Nona **Tsotsoria** (Georgia),
Kristina **Pardalos** (San Marino),
Paul **Mahoney** (the United Kingdom),
Aleš **Pejchal** (the Czech Republic),
Johannes **Silvis** (the Netherlands),
Ksenija **Turković** (Croatia),
Iulia Antoanella **Motoc** (Romania), *judges*,
Elisabeth **Steiner** (Austria),
Işıl **Karakaş** (Turkey),
Paulo **Pinto de Albuquerque** (Portugal), *substitute judges*,

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Catrinel **Bumar**, *Agent*,
Ileana **Popa** and Dragoş **Dumitrache**, *Counsel*;

Applicant

Constantin **Cojocariu**, Horaţiu Alexandru **Rusu** and Joseph **Damamme**, *Counsel*.

² Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects".

In addition, the applicant, Răzvan Mihai **Gherghina** and his personal assistant, Teodora-Tania **Radi**, will also attend the hearing.

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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.