



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

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### THIRD SECTION

Application no. 911/23  
G.B.  
against Greece  
lodged on 29 December 2022  
communicated on 23 February 2023

### **SUBJECT MATTER OF THE CASE**

The application concerns an investigation into the allegations of sexual abuse.

The applicant contends that following a party at a hotel on 31 December 2021, she was raped by a man who was also present.

On 1 January 2022 the applicant presented herself before the police to denounce the alleged rape and testified as a witness.

She denounces that she was examined by a medical doctor only on 2 January 2022; that a collection of her urine took place only seventeen hours after the alleged facts and six hours after her testimony before the police; that it was not requested that blood and DNA samples are taken from her, and that this resulted in the loss of crucial elements of proof. She adds that she had, from the very start, alleged that during the alleged rape she was in a state of intoxication due to alcohol.

An investigation was opened by the police and the accused was absolved. The proceedings became final on 8 September 2022.

The applicant complains of deficiencies in these proceedings. She relies on Article 6 § 1 of the Convention.

**QUESTION TO THE PARTIES**

Having regard to the positive obligations of States inherent in Articles 3 and 8 § 1 of the Convention to carry out an effective investigation and prosecution of acts of sexual assault, was the investigation in the present case by the domestic authorities in breach of the above-mentioned Articles (see, for example, *M.C. v. Bulgaria*, no. 39272/98, §§ 148-53, 4 December 2003, and *E.B. v. Romania*, no. 49089/10, §§ 53-56, 19 March 2019)?