



Romania

Ratified the European Convention on Human Rights in 1994

National Judge: Iulia Antoanella Motoc

[Judges' CVs](#) are available on the ECHR Internet site

Previous Judge: Marin Voicu (1996-1998), Corneliu Bîrsan (1998-2013)

[List of judges of the Court since 1959](#)

The Court dealt with 3,981 applications concerning Romania in 2017, of which 3,767 were declared inadmissible or struck out. It delivered 69 judgments (concerning 214 applications), 55 of which found at least one violation of the European Convention on Human Rights.

Applications processed in	2016	2017	2018**
Applications allocated to a judicial formation	8189	6484	1924
Communicated to the Government	2214	495	177
Applications decided:	4348	3981	2440
- Declared inadmissible or struck out (Single Judge)	3497	3383	1554
- Declared inadmissible or struck out (Committee)	578	378	549
- Declared inadmissible or struck out (Chamber)	14	6	1
- Decided by judgment	259	214	336

** January to July 2018

For information about the Court's judicial formations and procedure, see the [ECHR internet site](#).

Statistics on interim measures can be found [here](#).

Applications pending before the court on 01/07/2018	
Total pending applications*	10805
Applications pending before a judicial formation:	9365
Single Judge	168
Committee (3 Judges)	8932
Chamber (7 Judges)	263
Grand Chamber (17 Judges)	2

*including applications for which completed application forms have not yet been received

Romania and ...

The Registry

The task of the Registry is to provide legal and administrative support to the Court in the exercise of its judicial functions. It is composed of lawyers, administrative and technical staff and translators. There are currently 668 Registry staff members.

Noteworthy cases, judgments delivered

Grand Chamber

Bărbulescu v. Romania

05.09.2017

The case concerned the decision of a private company to dismiss an employee after monitoring his electronic communications and accessing their contents, and the alleged failure of the domestic courts to protect his right to respect for his private life and correspondence.

Violation of Article 8 (right to respect for private and family life, the home and correspondence)

Lupeni Greek Catholic Parish and Others v. Romania

29.11.2016

The case concerned a request for the restitution of a place of worship that had belonged to the Greek Catholic Church and was transferred during the totalitarian regime to the ownership of the Orthodox Church.

No violation of the Article 6 § 1 in respect of the right of access to a court

Violation of Article 6 § 1 on account of the breach of the principle of legal certainty

Violation of Article 6 § 1 on account of the length of the proceedings

No violation of Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in respect of the applicants' right of access to a court in comparison with the Orthodox parish

The Court further held that that it was not necessary to examine separately the complaint under Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in so far as it concerned an alleged difference of treatment compared with other Greek Catholic parishes.

Gherghina v. Romania

18.09.2015

The case concerned a disabled student's complaint that he was not able to continue his university studies owing to a lack of suitable facilities on the premises of the universities where he attended courses.

Case declared inadmissible for non-exhaustion of domestic remedies.

The Court, reiterating that those who wish to complain to the European Court against a State have to first use remedies provided for by the national legal system, found that Mr Gherghina's reasons for not pursuing certain legal remedies with regard to his complaints had not been convincing.

Mocanu and Others v. Romania

17.09.2014

The case concerned the investigation and the length of the proceedings which followed the violent crackdown on anti-government demonstrations in Bucharest in June 1990. During the crackdown, Ms Mocanu's husband was killed by gunfire and Mr Stoica was arrested and ill-treated by the police.

Violation of the procedural aspect of Article 2 (right to life - investigation) in respect of Ms Mocanu

Violation of the procedural aspect of Article 3 (prohibition of inhuman and degrading treatment - investigation) in respect of Mr Stoica

Violation of Article 6 § 1 (right to a fair hearing within a reasonable time) in respect of the Association "21 December 1989"

Centre For Legal Resources On Behalf of Valentin Câmpeanu v. Romania

17.07.2014

The case concerned the death of a young man of Roma origin – who was HIV positive and suffering from a severe mental disability – in a psychiatric hospital. The application was lodged by a nongovernmental organisation (NGO) on his behalf.

Violation of Article 2 (right to life), in both its substantive and its procedural aspects

Violation of Article 13 (right to an effective remedy) in conjunction with Article 2

Among other things, the Court found that, in the exceptional circumstances of the case, and bearing in mind the serious nature of the allegations, it was open to the NGO to act as a representative of Mr Câmpeanu, even though the organisation was not itself a victim of the alleged violations of the Convention.

Sindicatul 'Păstorul cel Bun' v. Romania

09.07.2013

The case concerned the refusal by the Romanian State of an application for registration of a trade union formed by priests of the Romanian Orthodox Church.

[No violation of Article 11 \(freedom of assembly and association\)](#)

The Court held that in refusing to register the applicant union, the State had simply declined to become involved in the organisation and operation of the Romanian Orthodox Church, thereby observing its duty of denominational neutrality under Article 9 of the Convention.

Creangă v. Romania

23.02.2012

The case concerned a police officer's deprivation of liberty in connection with a largescale criminal investigation aimed at dismantling a petroleum-trafficking network.

[Violation of Article 5 § 1 \(right to liberty and security\) on account of Mr Creangă's deprivation of liberty on 16 July 2003, at least from 12 noon to 10 p.m., and his placement in pre-trial detention on 25 July 2003](#)

[No violation of Article 5 § 1 on account of Mr Creangă's deprivation of liberty from 10 p.m. on 16 July 2003 to 10 p.m. on 18 July 2003](#)

Cumpănă and Mazăre v. Romania

17.12.2004

Conviction of journalists for insult and defamation after publishing an article in which they questioned the legality of a contract signed by Constanța City Council.

[Violation of Article 10 \(freedom of expression\)](#)

Brumărescu v. Romania

28.10.1999

Refusal of the Supreme Court of Justice to recognise that the lower courts had jurisdiction to deal with a claim for recovery of possession.

[Violation of Article 6 \(right to a fair trial\)](#)

[Violation of Article 1 of Protocol No. 1 \(protection of property\)](#)

Chamber

**Cases concerning right to life
(Article 2)**

Violation of Article 2

Ionită v. Romania

10.01.2017

The case concerned the death of the applicants' four-year-old son following an operation. The applicants complained that the authorities had failed to effectively investigate the incident, despite their repeated claims that it had been caused by the negligence of medical staff.

Crăiniceanu and Frumusanu v. Romania

24.04.2012

Deaths of two people who were shot on 25 September 1991 during rioting in front of the Government building in Bucharest and the subsequent investigation (not completed 20 years after the events).

Panaiteescu v. Romania

10.04.2012

The case concerned the applicant's complaint about the Romanian authorities' failure to provide him with specific anti-cancerous medication for free.

Predică v. Romania

07.06.2011

The case concerned the official explanation for the violent death of a 20 year old man in prison.

Iorga and Others v. Romania

25.01.2011

Death in prison, after being assaulted by fellow inmates, of the applicants' relative, who had been given a short sentence for not paying a fine of about 20 euros and who was an alcoholic.

Carabulea v. Romania

13.07.2010

The case concerned a Roma robbery suspect who was tortured in police custody and refused contact with his family. He died in intensive care.

Lazăr v. Romania

16.02.2010

Case concerning the forensic medical reports in the investigation into a young man's death in hospital.

[Velcea and Mazăre v. Romania](#)

01.12.2009

Refusal of the domestic courts to declare a murderer unworthy of inheriting, because he had committed suicide and had therefore never actually been convicted.

Cases concerning the 1989 anti-communist demonstrations

[Alecă and Others v. Romania](#)

27.01.2015

The applicants are the victims or heirs of victims of the armed crackdown on demonstrations against the communist dictatorship, beginning on 21 December 1989 in Bucharest and in other cities in the country, which led to the collapse of the regime. The case concerns the investigation into those events.

[Violation of Article 2 \(investigation\)](#)

[Violation of Article 3 \(investigation\)](#)

[Association "21 December 1989" and Others v. Romania](#)

24.05.2011

The case concerned the crackdown on anti-government demonstrations in Romania in December 1989.

[Violation of Article 2 on account of the lack of an effective investigation into the death of the son of applicants; violation of Article 8 \(right to respect for private life and correspondence\) on account of secret surveillance measures](#)

The Court noted that its finding of a violation of Article 2 related to a wide-scale problem, given that many hundreds of people were involved as injured parties in the impugned criminal proceedings. It added that general measures at domestic level would unquestionably be necessary in the context of the execution of this judgment.

In the 3 cases below, the Court found a violation of Article 2 (lack of an effective remedy)

[Lăpușan and Others v. Romania](#)

08.03.2011

Proceedings brought by nine applicants seeking compensation for violence suffered during the repression of anti-communist demonstrations in Cluj-Napoca in 1989.

[Sandru and Others v. Romania](#)

08.12.2009

Investigations into injuries and deaths related to the 1989 anti-communist demonstrations in Timișoara.

[Agache and Others v. Romania](#)

20.10.2009

Investigation into the death of an officer killed in the anti-communist demonstrations in Târgu-Secuiesc on 22 December 1989.

Right to life and prohibition of inhuman or degrading treatment (Articles 2 and 3)

[Attacks on Roma villages and destruction of houses and possessions](#)

[Costică Moldovan and Others v. Romania](#)

15.02.2011

This application concerned difficulties with the execution of [Moldovan \(no. 2\) and Others v. Romania](#), judgment of 12 July 2005 (see below).

The Court declared the application inadmissible.

See also [Moldovan and Others v. Romania](#), inadmissibility decision of 17 April 2012.

[Gergely v. Romania and Kalanyos and Others v. Romania](#)

26.04.2007

These cases concerned the burning of houses belonging to Roma villagers by local population, the poor living conditions of the victims and the authorities' failure to prevent the attack and to carry out an adequate criminal investigation, depriving the applicants of their right to bring a civil action to establish liability and recover damages.

The Court decided to strike the applications out of its list of cases following a unilateral declaration by the Romanian Government.

See also [Tănase and Others v. Romania](#), judgment (striking out) of 26 May 2009.

[Moldovan \(no. 2\) and Others v. Romania](#)

12.07.2005

In September 1993 three Roma men were attacked in the village of Hădăreni by a large crowd of non-Roma villagers, including the local police commander and several officers: one burnt to death, the other two were beaten to death by the

crowd. The applicants alleged that the police then encouraged the crowd to destroy other Roma properties: in total 13 Roma houses in the village were completely destroyed. Hounded from their village and homes, the applicants were then obliged to live in crowded and unsuitable conditions – cellars, hen-houses, stables. Following criminal complaints brought by the applicants, some were awarded damages ten years later.

[Violation of Article 3 \(prohibition of inhuman or degrading treatment\)](#)

[Violation of Article 8 \(right to respect for private and family life and home\)](#)

[No violation of Article 6 § 1 \(access to court\) of the Convention](#)

[Violation of Article 6 § 1 \(right to a fair trial\) of the Convention on account of the length of the proceedings](#)

[Violation of Article 14 \(prohibition of discrimination\) taken in conjunction with Articles 6 § 1 and 8.](#)

See also [Moldovan \(no. 1\) and Others v. Romania](#), judgment (friendly settlement) of 5 July 2005, and [Lăcătuș and Others v. Romania](#), judgment of 13 November 2012.

Cases concerning inhuman or degrading treatment (Article 3)

Violation of Article 3

[Al Nashiri v. Romania](#)

31.05.2018

The case concerned the applicant's allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention "black site". He also complained that Romania had failed to carry out an effective investigation into his allegations.

[Dorneanu v. Romania](#)

28.11.2017

The case concerned the living conditions and care provided to a prisoner, Mr Dorneanu, who was suffering from terminal metastatic prostate cancer. He died after eight months in detention.

[D.M.D. v. Romania \(no. 23022/13\)](#)

03.10.2017

The case concerned the proceedings brought by a son against his father for domestic abuse. The proceedings lasted over eight years and ended in the father's conviction of physically and mentally abusing his child. D.M.D., the applicant, complained that those proceedings had been ineffective and that he had not been awarded damages. In particular, the domestic courts had found at last instance that they did not have to examine the issue of compensation as neither he nor the prosecutor had made such a request before the lower courts.

[The Court recalled in particular that Member States should strive to protect children's dignity and that, in practice, this required an adequate legal framework to protect children against domestic violence.](#)

[Alexandru Enache v. Romania](#)

03.10.2017

The case concerned, on the one hand, a prisoner's complaint about his conditions of detention and, on the other, his complaint about discrimination on grounds of sex stemming from the fact that under Romanian legislation, only convicted mothers of children under the age of one can obtain a stay of execution of their prison sentences until their child's first birthday.

[Bălșan v. Romania](#)

23.05.2017

The case concerned an allegation of domestic abuse.

Ms Bălșan alleged that the authorities had failed to protect her from her husband's violent behaviour and to hold him accountable, despite her numerous complaints.

[I.C. v. Romania \(no. 36934/08\)](#)

24.05.2016

The case concerned a complaint about the inadequacy of the investigation into a 14-year old girl's allegation of rape.

[M.C. and A.C. v. Romania \(no. 64602/12\)](#)

12.04.2016

The case concerned the applicants' complaint that they had been attacked on their way home from a gay march and that

the ensuing investigation had been inadequate.

[M. G. C. v. Romania \(no. 61495/11\)](#)

15.03.2016

The case concerned an allegation of defective legislation for the prosecution of rape and/or sexual abuse of children in Romania.

[Grămadă v. Romania](#)

11.02.2014

The case concerned the shooting of Mr Grămadă by a police officer during the arrest of a man who was on the run and took refuge in Mr Grămadă's home.

[C.A.S. and C.S. v. Romania \(no. 26692/05\)](#)

20.03.2012

The case concerned a seven-year-old's complaint that it had taken the authorities five years to investigate his repeated rape by a man, eventually acquitted, who had forced his way into the family flat when the boy had come home alone from school in a period from January to April 1998.

[Parascineti v. Romania](#)

13.03.2012

Placement of applicant in psychiatric institution.

[M. and C. v. Romania \(no. 29032/04\)](#)

27.09.2011

Allegations that a three-year old boy was sexually abused amidst acrimonious proceedings between his parents over custody and contact rights.

[Archip v. Romania](#)

27.09.2011

Applicant's allegation that he had been taken to his local police station and handcuffed to a tree for nearly three hours for complaining about a reduction in his sickness benefit.

[Jiga v. Romania](#)

16.03.2010

The case concerned the obligation for a defendant (Director General of the Economic and Budgetary Directorate at the Ministry of Agriculture and Food) to wear prison clothing in court, the prolongation of his pre-trial detention and his conditions in detention.

[Stoica v. Romania](#)

04.03.2008

Clash between police officers and people of Roma origin outside a bar during which the 14-year-old applicant was ill-treated by the police.

[Cobzaru v. Romania](#)

26.07.2007

The case concerned the applicant's alleged ill-treatment by the police.

[Pantea v. Romania](#)

03.06.2003

Former public prosecutor remanded in custody.

Examples of cases concerning conditions of detention

[Kanalas v. Romania](#)

06.12.2016

The case concerned the conditions in which Mr Kanalas was held in the prisons of Oradea and Rahova, and the rejection by the prison administration of his request for leave in order to attend his mother's funeral.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

The Court found – as it had already found in respect of the same prisons – that the conditions of the applicant's detention breached Article 3 of the Convention.

[Apostu v. Romania](#)

03.02.2015

The case concerned the pre-trial detention conditions of a former mayor accused of corruption and his allegation that part of the case file was leaked to the media.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life, the home and the correspondence\)](#)

[Florin Andrei v. Romania](#)

15.04.2014

The case concerned the physical conditions of the applicant's detention in a cell at Constanța police station for two months in 2005, in particular overcrowding, poor sanitary conditions and lack of access to a toilet.

[Violation of Article 3](#)

Remus Tudor v. Romania

15.04.2014

The case concerned the applicant's conditions of detention, in particular overcrowding and poor hygiene, when serving his sentence in Jilava Prison from April 2009 to November 2011.

[Violation of Article 3](#)

Stanciu v. Romania

24.07.2011

The case concerned the applicant's conditions of detention in several Romanian prisons, in particular overcrowding, bad hygiene conditions and inadequate medical treatment.

[Violation of Article 3](#)

Noting that there were 80 similar applications against Romania concerning this issue pending before the Court, the Court pointed out that this case reflected a common problem in Romanian prisons and that, despite efforts to improve the situation, Romania had to take further steps, including a compensation scheme.

Ciupercescu v. Romania

15.06.2010

The applicant, in pre-trial detention, objected that he had been placed under the detention regime for dangerous prisoners involving, in particular unannounced body searches on a weekly basis and whenever he left the prison.

[No violation of Article 3 as regards the applicant's classification as a dangerous prisoner](#)

[Two violations of Article 3 as regards the applicant's detention regime following his classification as a dangerous prisoner and the conditions of his detention in Bucharest-Jilava Prison \(overcrowding\)](#)

Brânduse v. Romania

07.04.2009

Conditions of detention and detrimental effect on private life of offensive smells produced by a city-run refuse site 20 metres from the prison.

[Violation of Article 3](#)

[Violation of Article 8 \(right to respect for private and family life\)](#)

Cases concerning medical care in detention

Gavriliță v. Romania

22.06.2010

Alleged failure of authorities to provide sick prisoner with medical care.

[No violation of Article 3](#)

Also see [Gagiu v. Romania](#) (24.02.2009) and [Petrea v. Romania](#) (29.04.2008)

Cases concerning non-smokers in detention

Elefteriadis v. Romania

25.01.2011

Applicant's exposure to fellow prisoners' tobacco smoke in shared cells, while being transported to court and in the waiting areas before his court appearances.

[Violation of Article 3](#)

Florea v. Romania

14.09.2010

Overcrowding and poor hygiene conditions in detention, including subjection to passive smoking.

[Violation of Article 3](#)

Cases concerning right to liberty and security (Article 5)

Al Nashiri v. Romania

31.05.2018

The case concerned the applicant's allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention "black site". He also complained that Romania had failed to carry out an effective investigation into his allegations.

[Violations of Article 5 \(right to liberty and security\), Article 8 \(right to respect for private life\), and Article 13 \(right to an effective remedy\) in conjunction with Articles 3, 5 and 8](#)

N. v. Romania (no. 59152/08)

28.11.2017

The case concerned the detention of a person suffering from psychiatric disorders.

[Violation of Article 5 § 1](#)

[Violation of Article 5 § 4 \(right to speedy review of the lawfulness of detention\)](#)

Under Article 46 (binding force and execution of judgments), the Court held, firstly, that the authorities should implement without delay the County Court's judgment of 21 February 2017 ordering N.'s release in conditions meeting his needs; and secondly, that the deficiencies identified in his case were likely to give rise to other well-founded applications.

C.B. v. Romania (no. 21207/03)

20.04.2010

Psychiatric detention of a man charged with maliciously accusing a police officer.
Violation of Article 5 §§ 1 (e) and 4

Cases concerning Article 6

Right to a fair trial

Violation of Article 6

Ovidiu Cristian Stoica v. Romania

24.04.2018

The case concerned Mr Stoica's conviction by an appeal court of the dissemination of obscene images (sexual intercourse between him and his former partner) without a renewed hearing of the witnesses and on the basis of the same evidence which had been deemed insufficient by the first instance court having acquitted him.

S.C. Uzinexport S.A. v. Romania

31.03.2015

The case concerned the dismissal of a claim by a company seeking to obtain default interest for late payment in respect of a sum owed to it by the State.

Roşianu v. Romania

24.06.2014

The case concerned the refusal by the mayor of Baia Mare to disclose information about the use of public money by the municipal administration to a journalist who had submitted a request to that effect. The mayor had also refused to comply with court decisions ordering him to hand over the information.

S.C. Raisa M. Shipping. S.R.L. v. Roumanie

08.07.2013

The case concerned proceedings brought by the applicant company against the Galaţi River Administration of the Lower Danube Galaţi regarding river tax billing.

In this case, the Court focused on the application of the legislation in force at the relevant time (currently amended) concerning summoning by way of posting.

Popa and Tănăsescu v. Romania

10.04.2012

The case concerned the applicants' complaint that the last instance national court deciding in a criminal case against them convicted them without giving them the possibility to defend themselves in person and to submit evidence.

Stefănică and Others v. Romania

02.11.2010

Case concerning the compensation granted for dismissal to 18 former employees of a former State-owned bank, which was involved in a restructuring process in 1998 and 1999 which entailed hundreds of dismissals. The applicants complained that the domestic courts' decisions with regard to the granting of compensation for dismissal had been inconsistent, even though the claims had been brought by people in similar situations and had involved similar legal issues.

Albert v. Romania

16.02.2010

Proceedings against a mayor for removing the Romanian flag from his town hall and translating the town's name into Hungarian.

Tudor Tudor v. Romania

24.03.2009

Action for recovery of possession of a flat bought from the State

Beian v. Romania

06.12.2007

The case concerned proceedings relating to social benefits for forced labour during the applicant's military service.

Lupas and Others v. Romania

14.12.2006

Dismissal of the applicants' actions to recover confiscated property by the Court of Cassation pursuant to the unanimity rule, which did not allow undivided property to be claimed without the participation of all the joint owners.

No violation of Article 6

[Bivolaru v. Romania \(no. 2\)](#)

02.10.2018

The case concerned criminal proceedings in which Mr Bivolaru – leader of a movement known as the “Movement for spiritual integration in the absolute” (“MISA”) – was sentenced to six years’ imprisonment for sexual relations with a minor.

[Telbis and Viziteu v. Romania](#)

26.06.2018

The case concerned the seizure of cash and property from the applicants on the suspicion that they had benefited from bribes taken by a close relative, a doctor who made decisions on work capacity in a pensions office. He later admitted to the charges and was sentenced to three years in prison.

[Dragoş Ioan Rusu v. Romania](#)

31.10.2017

The case concerned a university researcher’s conviction for trafficking Diazepam via his local post office. Mr Rusu, the applicant, alleged in particular that his conviction had been unfair because it was based on unlawfully obtained evidence, namely envelopes seized by the prosecuting authorities at the post office without the approval of a court.

[Albu and Others v. Romania](#)

10.05.2012

The case concerned the complaints of 64 civil servants that their claims for salary-related benefits were wrongfully dismissed in an unfair trial, notably alleging that the national courts had not taken into consideration other rulings on similar claims brought by their fellow civil servants across the country in which such benefits had been granted.

See also cases in which the Court applied its case-law following the Court’s judgment in the case *Albu*:

[Frimu and Others v. Romania](#)

[Tunaru v. Romania](#)

13.11.2012 (decision on the admissibility)

[Neghea and Others v. Romania](#)

[Radu and Others v. Romania](#)

11.09.2012 (decision on the admissibility)

Right to a fair trial within a reasonable time

Violation of Article 6

[Bivolaru v. Romania \(no. 2\)](#)

02.10.2018

The case concerned criminal proceedings in which Mr Bivolaru – leader of a movement known as the “Movement for spiritual integration in the absolute” (“MISA”) – was sentenced to six years’ imprisonment for sexual relations with a minor.

[Al Nashiri v. Romania](#)

31.05.2018

The case concerned the applicant’s allegations that Romania had let the United States Central Intelligence Agency (the CIA) transport him under the secret extraordinary rendition programme onto its territory and had allowed him to be subjected to ill-treatment and arbitrary detention in a CIA detention “black site”. He also complained that Romania had failed to carry out an effective investigation into his allegations.

[Vlad and Others v. Romania](#)

26.11.2013

The case concerned the length of legal proceedings that the three applicants had been involved in before the Romanian courts, and the remedy available for their excessive length.

Due to there being 500 similar cases against Romania currently pending before the European Court concerning excessive length of criminal and civil proceedings, the Court held that there was a systemic problem which required further reforms of the legal system in order for the right to a fair trial within a reasonable time to be secured in Romania.

[Codarcea v. Romania](#)

02.06.2009

Length of proceedings in a case of medical negligence and applicant’s inability to obtain the compensation awarded to her by a court because of the doctor’s insolvency. The domestic courts refused to recognize the liability of the hospital.

[Abramiuc v. Roumania](#)

24.02.2009

Non execution of a final decision ordering the payment of royalties to the applicant for the period of time his invention had been

used; length of two sets of proceedings and the applicant's impossibility to complain of that length under Romanian law.

Right of access to Court

Violation of Article 6

Reformed Church Foundation for Student Housing and Stanomirescu v. Romania

07.01.2014

These cases concerned the systemic issue of the non-execution by the Romanian authorities of binding and enforceable domestic decisions given against State authorities and in favour of an NGO and an individual applicant.

Weissman and Others v. Romania

24.05.2006

Large stamp duty required to initiate proceedings (EUR 323,264).

Presumption of innocence

Neagoe v. Romania

21.07.2015

The case concerned a statement made by the spokesperson of the Court of Appeal before the latter had conducted its deliberations, encouraging the public to consider the applicant, Mr Neagoe, guilty of – among other things – manslaughter.

Violation of Article 6 § 2

Case on Article 7 (no punishment without law)

Plechkov v. Romania

16.09.2014

The case concerned the sentencing of Mr Plechkov to a suspended prison term together with the confiscation of his boat (including the installations, tools and cargo on board) for allegedly fishing illegally within the Romanian "exclusive economic zone" in the Black Sea.

Violation of Article 7 (no punishment without law)

Violation of Article 1 of Protocol No. 1 (protection of property)

Cases concerning private and family life (Article 8)

Violation of Article 8

R. I. and Others v. Romania **(no. 57077/16)**

04.12.2018

The case concerned a woman who was given custody of her two children but who was not able to enforce the orders, which left the children with the father.

Dragoş Ioan Rusu v. Romania

31.10.2017

The case concerned a university researcher's conviction for trafficking Diazepam via his local post office. Mr Rusu, the applicant, alleged in particular that his conviction had been unfair because it was based on unlawfully obtained evidence, namely envelopes seized by the prosecuting authorities at the post office without the approval of a court.

M. G. C. v. Romania (no. 61495/11)

15.03.2016

The case concerned an allegation of defective legislation for the prosecution of rape and/or sexual abuse of children in Romania.

Zaiet v. Romania

24.03.2015

The case concerned the annulment of a woman's adoption, at the instigation of her adoptive sister, 31 years after it had been approved and 18 years after the death of their adoptive mother.

This was the first occasion on which the Court had to consider the annulment of an adoption order in a context where the adoptive parent was dead and the adopted child had long reached adulthood.

Ostace v. Romania

25.02.2014

The case concerned Mr Ostace's inability to obtain the revision of a judgment establishing his paternity in spite of an extra-judicial forensic examination proving the contrary. The request was rejected on the ground that the document in question did not exist at the time of the initial proceedings.

Hulea v. Romania

02.10.2012

The case concerned the refusal of the Defence Ministry to grant Mr Hulea parental leave on the grounds that by law such leave was granted only to female personnel.

[Romanian translation](#) of this judgment

Karrer v. Romania

21.02.2012

The case concerned a complaint by a father and his daughter about international child abduction proceedings before the Romanian courts.

A.M.M. v. Romania (no. 2151/10)

14.02.2012

The case concerned paternity proceedings brought by the mother of a minor with disabilities, who was herself severely disabled.

Georgel and Georgeta Stoicescu v. Romania

26.07.2011

71-year-old woman, who was left disabled after being attacked by a pack of stray dogs.

Press release in [Romanian](#)

Geleri v. Romania

15.02.2011

Expulsion of a political refugee on the grounds of national security, under an order that did not set out reasons.

Băcilă v. Romania

30.03.2010

Effects on the applicant's health and living environment of the pollution generated by a plant producing lead and zinc.

Haralambie v. Romania

27.10.2009

Obstacles encountered by the applicant to access to the personal file created on him by the former secret services of the Communist Regime (the *Securitate*).

Tătar v. Romania

27.01.2009

Pollution generated by a technological process used by a company to exploit the Baia Mare gold mine.

Petrina v. Romania

14.10.2008

Allegations that the applicant was a member of the former Secret Services of the Communist Regime - the *Securitate*.

Dumitru Popescu v. Romania

26.04.2007

Use of telephone tapping in the course of an investigation.

No violation of Article 8

Achim v. Romania

24.10.2017

The case concerned the placement in care of Ms and Mr Achim's seven children on the grounds that the couple had not been fulfilling their parental duties and obligations.

Naidin v. Romania

21.10.2014

The case concerned the barring of a one-time informer of the Romanian political police from employment in the public service.

Knecht v. Romania

02.10.2012

The applicant complained that she had been prevented from becoming a mother by means of *in vitro* fertilisation due to the State's refusal to transfer embryos she had deposited with a private clinic and which, when the clinic came under criminal investigation, had been seized and deposited at the Institute of Forensic Medicine, which had not been authorised to function as a genetic bank.

Pini and Bertani & Manera and Atripaldi v. Romania

22.06.2004

Refusal of institution for orphaned and abandoned children to hand Romanian children adopted by the applicants (four Italian nationals).

**Freedom of expression cases
(Article 10)**

Violation of Article 10

Brisco v. Romania

11.12.2018

The case concerned a chief prosecutor's dismissal for breaching the secrecy of a criminal investigation when he made statements to the press. He was sanctioned following a judge's complaint that his press release and interview with a television channel had allowed the media to identify her as being implicated in a money scam.

Gîrleanu v. Romania

26.06.2018

The case concerned the arrest and conviction of a journalist for possessing and trying to verify classified information on

national security, namely documents belonging to a Romanian military unit based in Afghanistan.

Bucur and Toma v. Romania

08.01.2013

Agent of the intelligence-gathering services (Mr Bucur) sentenced in criminal proceedings for having communicated to the media audio tapes involving politicians and journalists.

Frăsilă and Ciocîrlan v. Romania

10.05.2012

The case concerned the enforcement of a court decision giving journalists the right of access to the premises of a local radio station where they worked.

Andreescu v. Romania

08.06.2010

Conviction of a well-known human rights activist for remarks concerning the agency managing the intelligence service's archives (the "CNSAS": the National Council for the Study of the Archives of the *Securitate*, the Romanian intelligence service under the former regime).

No violation of Article 10

Catalan v. Romania

09.01.2018

The case concerned the dismissal of a civil servant (Mr Catalan), who worked for the National Council for the Study of *Securitate* Archives (CNSAS), for disclosing information for the publication of an article claiming that a religious leader had collaborated with the *Securitate* (the former political police under the communist regime).

Case dealing with freedom of assembly and association (Article 11)

Manole and "Romanian Farmers Direct" v. Romania

16.06.2015

The case concerned the refusal to register the union of self-employed farmers which Mr Manole wished to set up.

No violation of Article 11

Effective remedy rights (Article 13)

Brudan v. Romania

10.04.2018

The case concerned the length of the criminal proceedings brought against the applicant, which began on 23 March 2000 and ended on 18 June 2014.

Violation of Article 13 (right to an effective remedy)

Violation of Article 6 § 1 (right to a fair trial within a reasonable time)

Cases concerning Article 14 (prohibition of discrimination)

Lingurar and Others v. Romania

16.10.2018

The case concerned two police operations in the Roma community of Pata Rât to locate individuals suspected of theft.

Violation of both the substantive and procedural aspects of Article 3

No violation of the substantive aspect of Article 14 (prohibition of discrimination) taken together with Article 3

Violation of the procedural aspect of Article 14 taken together with Article 3

Cernea v. Romania

27.02.2018

The case concerned the rejection of the candidature of Mr Cernea – the Executive President of the ecologist party *Partidul Verde* at the time – for 17 January 2010 by-elections on the grounds that he was not standing for a party represented in Parliament. The decision was made under a law which had been amended less than a year before the by-elections under an organic law.

No violation of Article 14 (prohibition of discrimination) in conjunction with Article 3 of Protocol No. 1 (right to free elections)

Lupeni Greek Catholic Parish and Others v. Romania

29.11.2016

The case concerned a request for the restitution of a place of worship that had belonged to the Greek Catholic Church and was transferred during the totalitarian regime to the ownership of the Orthodox Church.

No violation of the Article 6 § 1 in respect of the right of access to a court

Violation of Article 6 § 1 on account of the breach of the principle of legal certainty
Violation of Article 6 § 1 on account of the length of the proceedings

No violation of Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in respect of the applicants' right of access to a court in comparison with the Orthodox parish

The Court further held that that it was not necessary to examine separately the complaint under Article 14 (prohibition of discrimination) taken together with Article 6 § 1 in so far as it concerned an alleged difference of treatment compared with other Greek Catholic parishes.

See also [Moldovan \(no. 2\) and Others v. Romania](#), judgment of 12 July 2005.

Cases dealing with property issues (Article 1 of Protocol No. 1)

Violation of Article 1 of Protocol No. 1

Catholic Archdiocese of Alba Iulia v. Romania

25.09.2012

The case concerned a Catholic religious community which wished to recuperate, under an emergency order enacted in 1998, ownership of assets confiscated by the Romanian authorities during the communist period.

Radovici and Stănescu v. Romania

02.11.2006

Prolonged inability of the applicants to enjoy the use of formerly confiscated property that had been legally returned to them, because of the impossibility of evicting a tenant occupying the flat.

Cases dealing with the right to free elections (Article 3 of Protocol No. 1)

Violation of Article 3 of Protocol No. 1

Danis and Association of Ethnic Turks v. Romania

21.04.2015

The case concerned the applicant association's inability to meet the requirements for standing in the 2008 parliamentary elections following the entry into force of a new electoral law only seven months before the elections. The new law

required national minority organisations not represented in Parliament to have been granted charitable status in order to be able to stand for election.

Grosaru v. Romania

02.03.2010

Refusal to allocate a seat as Member of Parliament under an electoral law.

No-violation of Article 3 of Protocol No. 1

Cernea v. Romania

27.02.2018

The case concerned the rejection of the candidature of Mr Cernea – the Executive President of the ecologist party *Partidul Verde* at the time – for 17 January 2010 by-elections on the grounds that he was not standing for a party represented in Parliament. The decision was made under a law which had been amended less than a year before the by-elections under an organic law.

Pilot judgment procedure¹

Rezmives and Others v. Romania

25.04.2017 (pilot judgment)²

The case concerned the conditions of detention in Romanian prisons and in detention facilities attached to police stations.

The applicants complained, among other things, of overcrowding in their cells, inadequate sanitary facilities, lack of hygiene, poor-quality food, dilapidated equipment and the presence of rats and insects in the cells.

Under Article 3, the Court held in particular that the conditions of the applicants' detention, also taking into account the length of their incarceration, had subjected them to hardship going beyond the unavoidable level of suffering inherent in detention.

¹ The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

²

The pilot judgment procedure was developed as a technique of identifying the structural problems underlying repetitive cases against many countries and imposing an obligation on States to address those problems.

Under Article 46 (binding force and execution of judgments), the Court decided to apply the pilot-judgment procedure, finding that the applicants' situation was part of a general problem originating in a structural dysfunction specific to the Romanian prison system.

The Court held that the State should introduce: (1) measures to reduce overcrowding and improve the material conditions of detention; and (2) remedies (a preventive remedy and a specific compensatory remedy).

The Court decided to adjourn the examination of similar applications that had not yet been communicated to the Romanian Government and to continue its examination of applications that had already been communicated. Within six months from the date on which the judgment became final, the Romanian Government had to provide, in cooperation with the Committee of Ministers, a precise timetable for the implementation of the general measures.

Maria Atanasiu and Others v. Romania

12.10.2010

Cases concerning the restitution of properties nationalised under communism. The Court has already found over 150 violations in cases of this kind³, and several hundred similar cases are pending before it.

Violation of Article 6 § 1 (right to a fair hearing) - concerning Mrs Atanasiu and Mrs Poenaru

Violation of Article 1 of Protocol No. 1 (protection of property) – concerning the three applicants

In this pilot judgment, the Court adjourned the cases concerning properties nationalised during the communist era in Romania pending general measures at national level. A new extension of time-limit for implementation of general measures to resolve shortcomings in the system of restitution or compensation in respect of properties nationalised by the Romanian State has been granted to the Romanian Government. On 7 May 2013, the Court decided that the adjournment of its examination of all applications stemming

from the same general problem would remain in force until the adoption of one or several lead decisions on the action taken by the Government in response to the *Maria Atanasiu and Others* pilot judgment.

Case examined by the Court following the pilot judgment procedure conducted in the case Maria Atanasiu and Others v. Romania

Preda and Others v. Romania

29.04.2014

The case concerned administrative and/or judicial proceedings for compensation or restitution in respect of property confiscated or nationalised by the communist regime, in accordance with laws passed by Romania after the fall of the regime in December 1989.

The Court held unanimously that the complaint under Article 1 of Protocol No. 1 (protection of property) should be rejected for failure to exhaust domestic remedies as regards seven of the applications.

As regards application no. 3736/03, the Court held that there had been a violation of Article 1 of Protocol No. 1.

The Court also concluded that, bearing in mind the margin of appreciation enjoyed by the Romanian State, the law enacted by the Romanian Parliament provided in principle – except in situations where there were multiple documents of title for the same building – an accessible and effective framework of redress for alleged violations of the right to peaceful enjoyment of possessions, and that it was up to the claimants concerned to make use of that framework.

Noteworthy cases, decisions delivered

Nastase v. Romania

18.11.2014

The case concerned the conviction of Adrian Nastase, former Prime Minister and former Minister for Foreign Affairs of Romania, by the High Court of Cassation and Justice, for using his influence as chairman of a political party in order to obtain financing for his 2004 election campaign.

Application declared inadmissible (manifestly ill-founded)

³ For example Viașu v. Romania (09.12.2008), Katz v. Romania (20.01.2009) and Faimblat v. Romania (13.04.2009)

Merschdorf v. Romania

21.05.2013

The case concerned the refusal of the Romanian authorities to allow foreign citizens to recover the property rights of assets their parents owned in Romania, which assets were confiscated under the communist regime.

Application declared inadmissible (manifestly ill-founded)

Dumitru and Others v. Romania

19.09.2012

The case concerned the decision to pay allowances awarded by judicial decisions to members of the civil service (judges) in instalments.

Application declared inadmissible (paying in instalments of allowances was not unreasonable)

Iovitoni and others v. Romania

07.05.2012

Applicants charged a pollution tax subsequently held to be in breach of European Union law.

Application declared inadmissible (the applicants' rights under the Convention were not violated)

Tripon v. Romania

06.03.2012

Dismissal of a customs officer for extended absence from work on account of his pre-trial detention.

Application declared inadmissible (no breach of the applicant's human rights)

Mihăies v. Romania and Sentes v. Romania

02.03.2012

The applicants complained of 25% salary cuts for a period of six months in application of a law introducing measures to balance the State's budget.

Applications declared inadmissible (no breach of the applicants' human rights)

Zelca and Others v. Romania

29.09.2011

Complaint by Romanian civil servants concerning unpaid salary.

Application declared inadmissible
Press release in [Romanian](#)

Farcas v. Romania

30.09.2010

Physically handicapped applicant who complained that he could not access certain buildings and in particular, that civil cases he wished to bring before the courts could not be examined as he could not access court buildings.

Application declared inadmissible (neither the right of access to a court nor the right of individual petition had been hindered by insurmountable obstacles preventing the applicant from bringing proceedings)

First application by the Court of the new admissibility criterion introduced by Protocol No. 14

Adrian Mihai Ionescu v. Romania

28.06.2010

Since the entry into force of Protocol No. 14 to the Convention on 1 June 2010, a new admissibility criterion is applicable: an application is inadmissible where "the applicant has not suffered a significant disadvantage, unless respect for human rights as defined in the Convention and the Protocols thereto requires an examination of the application on the merits and provided that no case may be rejected on this ground which has not been duly considered by a domestic tribunal".

In Mr Ionescu's case the three conditions of the new inadmissibility test were satisfied: the applicant had not suffered any significant disadvantage (the alleged financial loss was limited), respect for human rights did not require an examination of the application on the merits (the relevant legal provisions had been repealed) and the case had been "duly considered" on the merits by the Bucharest District Court.

Noteworthy pending cases

Grand Chamber

Mihalache v. Romania (no. 54012/10)

In this case, Mr Mihalache relies on Article 4 of Protocol No. 7 (right not to be tried or punished twice) to the European Convention and he complains of being convicted twice of the same offence.

[Relinquishment](#) in favor of the Grand Chamber on 27 March 2018

Grand Chamber [hearing](#) on 3 October 2018

Nicolae Virgiliu Tănase v. Romania (no. 41720/13)

The case mainly concerns the alleged ineffectiveness and lack of promptness of a criminal investigation into a car accident, in which the applicant suffered serious injuries.

Relying in substance on Article 3 of the Convention Mr Tănase complains that he was subjected to inhuman and degrading treatment because the criminal investigation opened by the domestic authorities into his car accident lacked promptness and was ineffective. In particular, he claims that the domestic authorities failed to examine the merits of the case and clarify the circumstances of the accident, allowing the special statute of limitation in respect of the third party's offence to take effect.

[Relinquishment](#) in favor of the Grand Chamber on 18 May 2017

Grand Chamber [hearing](#) on 15 November 2017

Chamber

Brădățeanu and Others v. Romania (no. 27189/17)

Case [communicated](#) to the Government on 15 December 2017

The case concerns the applicants' complaint that the High Court of Cassation and Justice delivered two final conflicting decisions in

litigations related to alleged unfair terms of credit agreements denominated in a foreign currency.

The applicants complain in particular on Article 6 (right to a fair trial), alone and taken in conjunction with Article 14 (prohibition of discrimination) of the Convention, and Article 1 of Protocol No. 1 (protection of property) to the Convention.

Jidic v. Romania (no. 45776/16)

Case [communicated](#) to the Government of Romania on 27 April 2017

The case concerns the length of the criminal proceedings brought against Mr Jidic, the lack of an effective remedy for his complaint concerning the length of proceedings and the alleged breach by the last-instance court of the principle of retrospective application of the more lenient criminal law by applying the old criminal law provisions to his case.

The applicant relies on Article 6 (right to a fair trial), Article 7 (no punishment without law), and Article 13 (right to an effective remedy) of the Convention.

Case concerning conditions of detention

Flămînzeanu (IV) v. Romania (no. 56443/11)

[Communicated](#) to the Government in January 2012

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