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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

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Meeting: 1514th meeting (December 2024) (DH)

Item reference: Action Plan (16/10/2024)

Communication from Romania concerning the case of Nita v. Romania (Application No. 1240/21)

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Réunion : 1514^e réunion (décembre 2024) (DH)

Référence du point : Plan d'action (16/10/2024)

Communication de la Roumanie concernant l'affaire Nita c. Roumanie (requête n° 1240/21) (**anglais uniquement**)

L/5454/ 16 October 2024
12086 R/AG/19



Action plan
Case of *Niță v. Romania*
(Application n° 1240/21, final judgment of 16.04.2024)

I. Introductory case summary

The case concerns the way the domestic courts decided, during the succeeding set of proceedings, held between 2013 –

2020, on the residence of the applicant's child, after the parents' separation.

The European Court of Human Rights held, essentially, that in the present case, the domestic courts did not seek for updated psychological reports concerning the child's needs in the second set of proceedings, they did not consider that there were failed attempts for enforcing the first residence order and they did not perform a genuine balancing exercise between the best interest of the child and those of the parents. Consequently, there was a violation of Article 8 of the Convention.

II. Individual measures

The applicant did not submit a claim for just satisfaction and, accordingly, the Court considered that there is no call to award her any sum on that account.

The domestic courts have been asked to submit information relating to the appeal review of the civil final decision no. 632/28.07.2020, delivered by the Olt County Court in the second set of proceedings.

The Olt County Child Protection Authority has been asked, as well, to submit information concerning the steps taken in order to address the applicant's child refusal to see his mother and if there is any updated available information on the mother's contacts with her child.

The bailiff who attempted to enforce the child's contact schedule, as established by the national court final decision, has been asked on updated information about the case.

In the light of the above, the Government will provide additional information as soon as it will become available from the competent authorities.

III. General measures

Since the violation was also the result of the faulty manner in which the domestic courts investigated the case, in order to avoid similar violations following the judgment in *Niță v. Romania*, the Government disseminated the judgment to the Superior Council of Magistracy, in order to have the case included in the programs of initial and permanent training of magistrates.

In the letter of dissemination, attention was drawn to the Court's findings regarding the shortfalls in the domestic courts' investigation, held by the Court in the judgment.

From the ECHR judgment, it does not appear that the problem is one of the normative frameworks, but one of interpretation/application of the law, which is why we believe that dissemination is a sufficient measure.

Moreover, the Government ordered the translation of the Court's judgment into the Romanian language in order to facilitate the understanding of all aspects of the above-mentioned judgment.

IV. Conclusion

In the light of the foregoing, the Government will keep the Committee informed about the individual and general measures, as soon as the domestic courts and authorities will make available the updated information requested.