



Last update: 31/12/2018

## Romania

Membership to the Council of Europe	7 October 1993
Entry into force of the European Convention on Human Rights	20 June 1994
First case under supervision of execution	<b>Vasilescu</b> (27053/95) Judgment final on 22/05/1998
Total number of cases transmitted for supervision since the entry into force of the Convention	1643
Total number of cases closed by final resolution	1344

### MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\*

#### > Protection against ill-treatment - specific situations

**Failure to develop a settled and consistent judicial practice as to the notion of consent** in order to clearly differentiate between cases of rape and those of sexual intercourse with a minor.

**M.G.C.** (61495/11)  
Judgment final on 15/06/2015

**Status of execution**  
Enhanced supervision

#### > Security forces – military: use of force and effective investigations

**Ineffective investigations into the violent crackdown on anti-governmental protests** which surrounded the fall of the communist regime in Romania.

**Association "21 December 1989" and Others** group (33810/07 and 18817/08)  
Judgment final on 28/11/2011

**Status of execution**  
Enhanced supervision

#### > Security forces – police: use of force and effective investigations

**Disproportionate use of fire-arms by the police or special intervention forces** in incidents occurred in 2000, 2005 and 2006; absence of adequate statutory and regulatory framework governing the use of fire-arms during police operations, the preparation and control of such operations; unjustified involvement of special intervention forces in a routine operation.

**Soare and Others** (24329/02)  
Judgment final on 22/05/2011

**Status of execution**  
Enhanced supervision

\* Detailed information concerning the Committee of Ministers' supervision of the execution of judgments and decisions of the European Court of Human Rights, notably the distinction between enhanced and standard supervision, are available on [the website of the Department for the Execution of Judgments](#).



**MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\***

**> Detention conditions - medical care**

**Overcrowding and poor material conditions in prisons and police detention facilities;** lack of effective remedies.

**Bragadireanu** (22088/04)  
Judgment final on 06/03/2008

**Status of execution**  
Enhanced supervision

**Rezmives and Others** (61467/12+)  
Judgment final on 25/07/2017

**Status of execution**  
Enhanced supervision

**Poor material conditions of detention of life-sentenced prisoners, isolation, systemic handcuffing.**

**Enache** (10662/06)  
Judgment final on 01/07/2014

**Status of execution**  
Enhanced supervision

**> Detention of mentally-ill, juveniles – lawfulness, medical care**

**Deficient legal protection, medical and social care** afforded to young people with mental disabilities.

**Centre for Legal Resources on behalf of Mr Valentin Câmpeanu** (47848/08)  
Judgment final on 17/07/2014

**Status of execution**  
Enhanced supervision

**Deficiencies in the legal framework governing involuntary placement in psychiatric hospitals** and general failure by psychiatrists to apply the procedure set by the law in this regard

**Cristian Teodorescu** group (22883/05)  
Judgment final on 19/09/2012

**Status of execution**  
Enhanced supervision

**Inadequate management of psychiatric conditions of detainees:** placement of mentally-ill detainees in ordinary detention facilities; lack of constant psychiatric supervision and counselling, lack of forensic psychiatric examinations; severe overcrowding.

**Țicu** (24575/10)  
Judgment final on 01/01/2014

**Status of execution**  
Enhanced supervision

**Overcrowding and poor conditions in psychiatric facilities.**

**Parascineti** (32060/05)  
Judgment final on 13/06/2012

**Status of execution**  
Enhanced supervision

**> Length of judicial proceedings**

**Excessive length of civil and criminal proceedings;** lack of an effective compensatory and acceleratory remedies.

**Vlad and Others** group (40756/06)  
Judgment final on 26/02/2014

**Status of execution**  
Enhanced supervision

**> Enforcement of domestic judicial decisions**

**Failure or significant delay in abiding by final domestic court decisions by the Administration or legal persons under the State responsibility.**

**Săcăleanu** (73970/01)  
Judgment final on 06/12/2005

**Status of execution**  
Enhanced supervision



**MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION\***

> **Protection of private life**

**Lack of safeguards in the security related legislation** for protection of private life in the context of secret surveillance measures that could be carried out under the National Security Act.

**Bucur and Toma** (40238/02)  
Judgment final on 08/04/2013

**Status of execution**  
Enhanced supervision

> **Domestic violence**

**Failure of the authorities to take appropriate actions to address the issue of domestic violence** and to secure the implementation of a legal framework to protect victims.

**Balsan** (49645/09)  
Judgment final on 23/08/2017

**Status of execution**  
Enhanced supervision

> **Freedom of expression - protection of sources**

**Unjustified conviction of a whistle blower** for having disclosed wide-scale illegal telephone tapping by the intelligence services.

**Bucur and Toma** (40238/02)  
Judgment final on 08/04/2013

**Status of execution**  
Enhanced supervision

> **Protection of property rights - expropriation, nationalisation**

Ineffectiveness of the mechanism set up to afford **restitution or compensation for properties nationalised under the communist regime.**

**Străin and Others** group (57001/00)  
Judgment final on 30/11/2005

**Status of execution**  
Enhanced supervision

**Maria Atanasiu and Others**  
(30767/05 and 33800/06)  
Judgment final on 12/01/2011

**Status of execution**  
Enhanced supervision

**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\*****> Security forces – use of force and effective investigations**

**A far-reaching reform 2002 resulted in the demilitarization of police.** Police staff lost their status of active officers of the armed forces, acquiring that of civil servants. Criminal investigations and trial in cases involving police staff fall henceforth within the province of civil prosecutor's offices and courts. Disciplinary procedure was amended. Fundamental safeguards against ill-treatment were introduced in the relevant legislation; the General Prosecutor's Office adopted a strategy to enhance the effectiveness of the investigations. A new Criminal Code (Law no. 286/2009) and a new Criminal Procedure Code (Law no. 135/2010) entered into force on 1 February 2014. A new Law on the execution of custodial sentences and measures was adopted in 2013.

**Barbu Anghelescu** (46430/99)  
Judgment final on 05/01/2005

**Final Resolution**  
**CM/ResDH(2016)150**

**> Protection against ill-treatment - allegations of rape**

**The safeguards for the protection of vulnerable persons were improved in the 2013 Code of Criminal Procedure.** The investigation techniques used with regard to sex-related crimes have been significantly improved.

**M.B.** (43982/06)  
Judgment final on 06/03/2012

**Final Resolution**  
**CM/ResDH(2018)66**

**> Lawfulness of detention and related issues**

**Exclusive competence of a judge to order detention on remand** and introduction of the possibility of appeals on points of law against decisions prolonging such detention after committal to trial following reform in 2003.

**Năstase-Silivestru** (74785/01)  
Judgment final on 04/01/2008

**Final Resolution**  
**CM/ResDH(2011)49**

**Better access to relevant information in the investigation file** and respect for the adversarial principle ensured in 2006.

**Varga** (73957/01)  
Judgment final on 01/07/2008

**Final Resolution**  
**CM/ResDH(2011)23**

**Secured confidentiality of complaints** addressed by detainees to public authorities, judicial bodies or international organisations or courts through reforms in 2003 and 2006.

**Petra** (27273/95)  
Judgment final on 23/09/1998

**Final Resolution**  
**CM/ResDH(2007)92**

**Coteț** (38565/97)  
Judgment final on 03/09/2003

**Final Resolution**  
**CM/ResDH(2010)180**

**Courts ceased to apply bans on prisoner voting and other complementary penalties automatically** following a 2007 ruling by the High Court of Cassation and Justice and determine instead the need for complementary penalties when sentencing. A criminal law reform of 2014 aligns the legal framework to this ruling.

**Calmanovici** group (42250/02)  
Judgment final on 01/10/2008

**Final Resolution**  
**CM/ResDH(2014)13**

\*\* This section may also include certain major reforms already implemented in the context of cases still pending. For a thorough overview of reforms adopted since the entry into force of Protocol No. 11 in 1998 see the [Annual Report 2015](#), Part IV "Main achievements". As regards the period 1959-1998, see the overview provided by the European Court in its special publication "Survey : 40 years of activity", section IV "Effects of judgments and decisions" – both documents, together with a number of additional ones, are available also on the website of the Department for the Execution of Judgments of the European Court of Human Rights.



**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\***

**Adequate conditions for the preparation and distribution of food in accordance with religious beliefs** were ensured as from 2013.

**Vartic No. 2** (14150/08)  
Judgment final on 17/03/2014

**Final Resolution**  
**CM/ResDH(2014)221**

> **Detention conditions – Medical care**

**Better prevention and protection of detainees against ill-treatment in penitentiary facilities;** adoption of administrative measures increasing the effectiveness of the criminal investigations into allegations of ill-treatment by prison staff.

**Predică** (42344/07)  
Judgment final on 07/09/2011

**Final Resolution**  
**CM/ResDH(2017)291**

> **Respect of the final character of court judgments**

**Implementation of the principle of legal certainty:**

Abolition of the General Prosecutors' right to lodge extraordinary nullity appeals in civil matters in 2003.

Abolition of their general competence to intervene in civil proceedings and limitation of their interventions to proceedings regarding minors, persons lacking legal capacity and missing persons in 2013.

Revocation of the provisions allowing the prosecutor General to lodge extraordinary nullity appeals in criminal matters in 2004.

**Androne** (54062/00)  
Judgment final on 06/06/2005

**Final Resolution**  
**CM/ResDH(2013)232**

**Bota, Sergiu Popescu and Precup** (16382/03+)  
Judgment final on 04/02/2009

**Final Resolution**  
**CM/ResDH(2011)27**

> **Fairness of judicial proceedings**

**Abolition of military courts' jurisdiction in criminal cases for civilians** involving both civilians and military.

**Maszni** (59892/00)  
Judgment final on 21/12/2006

**Final Resolution**  
**CM/ResDH(2013)168**

**The obligation of the last instance court to hear the accused at the hearing in appeal proceedings** in case he had not been heard before or had been acquitted was introduced in 2006.

**Niculescu-Dellakeza** (5393/04)  
Judgment final on 26/06/2013

**Final Resolution**  
**CM/ResDH(2014)242**

**The use of undercover agents and of the evidence so gathered was regulated** in 2004 and safeguards introduced.

**Constantin and Stoian** (23782/06+)  
Judgment final on 29/12/2009

**Final Resolution**  
**CM/ResDH(2013)40**

**In reopened *in absentia* proceedings the person concerned is released** unless ordinary preventive measures apply as provided for in the new Code of Criminal Procedure 2014.

**Sâncrăian** (71723/10)  
Judgment final on 14/04/2014

**Final Resolution**  
**CM/ResDH(2014)245**

> **Access to a court**

**Increased possibilities to grant exemptions from court fees and simplified procedures for the granting of legal aid;** judicial review of legal aid decisions ensured.

**Iorga** (4227/02)  
Judgment final on 25/04/2007

**Final Resolution**  
**CM/ResDH(2011)24**

**The courts' competence to examine restitution claims concerning property**

**Canciovici and Others** group (32926/96+)



**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\***

**seized by the State between 1945 and 1989 was clarified** through legislative amendments in 2001.

Judgment final on 24/09/2003

**Final Resolution  
CM/ResDH(2008)79**

**Judicial review of prosecutors' decisions to discontinue criminal proceedings was introduced by a criminal law reform in 2003.**

**Macovei and Others** (5048/02)  
Judgment final on 21/09/2007

**Final Resolution  
CM/ResDH(2011)21**

> **Length of judicial proceedings**

**A wide-ranging judicial reform completed in 2013 reduced the length of civil or criminal proceedings** by diversifying the serving of judicial acts, simplifying the contentious procedure and improving the system of evidence-taking and introduced an effective remedy in this respect.

**Nicolau** group (1295+)  
Judgment final on 03/07/2006

**Final Resolution  
CM/ResDH(2016)151**

> **Protection of private life - correspondence and secret surveillance**

**Transfer to a civilian body, the NCSAS (National Council for Study of the Archives of the Securitate), of the information contained in the archives of the former communist secret service, in 2008.** Interested persons can apply for access to and rectification of information contained in the registers and decisions taken are subject to judicial review.

**Rotaru** (28341/95)  
Judgment final on 04/05/2000

**Final Resolution  
CM/ResDH(2014)253**

**Calmanovici** group (42250/02+)  
Judgment final on 01/10/2008

**Final Resolution  
CM/ResDH(2014)13**

> **Freedom of expression - defamation**

**Abolition of prison sentences for insult, and subsequently for defamation in 2002 and 2005; decriminalization of defamation and insult in 2006.**

**Dălban** group (28114/95+)  
Judgment final on 28/09/1999

**Final Resolution  
CM/ResDH(2011)73**

> **Protection against discrimination - right to home, respect for private and family life**

**Improvement of living conditions of Roma and prevention of discriminatory attacks on Roma houses:**

**Measures to ensure national equal treatment** were adopted in 2000 to prevent and punish all forms of discrimination. The National Council for the fight against discrimination (CNCD) was established in 2002 to ensure compliance and enforcement of the principle of non-discrimination in accordance with applicable national legislation and international instruments. Local and departmental public institutions take appropriate measures to improve infrastructure and to ensure the Roma villagers decent living conditions, access to work and economic activities.

**Kalanyos and Others** (57884/00)  
Judgment final on 26/07/2007

**Final Resolution  
CM/ResDH(2015)214**

**An Action Plan for Giurgiu County** provided different programmes and projects to promote non-discrimination of Roma population and to raise awareness on county level. In 2011, the National Agency for Roma promoted professional training to increase socio-economic participation of vulnerable groups. An

**Tănase** (62954/00)  
Judgment final on 26/08/2009

**Final Resolution  
CM/ResDH(2015)238**

**SUPERVISION CLOSED - MAIN REFORMS ADOPTED\*\***

evaluation of these measures in 2011 showed that the Roma population was fully integrated in the socio-economic life of the community.

**Financial resources for the reconstructions/renovation of destroyed Roma houses** in Mureş County and for the building of a community medical dispensary, an industrial building, a local cultural centre and a school and kindergarten in Hădăreni were provided. In 2015, the housing situation in the community was considered satisfactory. Additional measures with regard to education and training of adults are planned. An integrated training programme in the field of non-discrimination for community and country representatives, teachers and medical personnel is planned.

**Moldovan and Others No. 1+2**  
group (41138/98+)  
Judgment final on 05/07/2005

**Final Resolution**  
**CM/ResDH(2016)39**

**> Discrimination based on gender**

**Equal entitlement of women and men employed by the army to parental leave** as from 2006.

**Hulea** (33411/05)  
Judgment final on 02/01/2013

**Final Resolution**  
**CM/ResDH(2013)194**

**> Protection of rights to property - nationalisation**

**Establishment of a mechanism to provide redress (restitution or compensation) for property nationalised** during the communist regime was accepted as in principle capable of offering appropriate redress after a reform in 2014.

**Drăculeț** group (20294/02)  
Judgment final on 05/05/2009

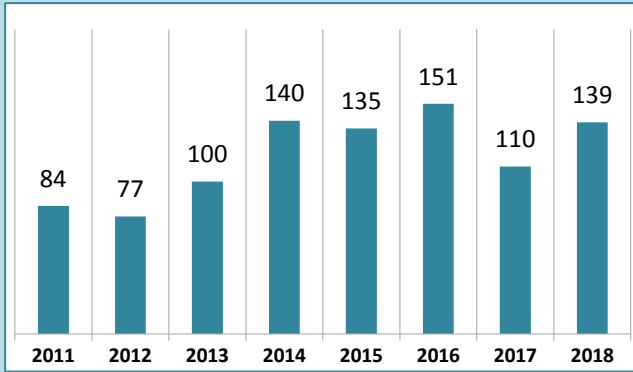
**Final Resolution**  
**CM/ResDH(2014)274**



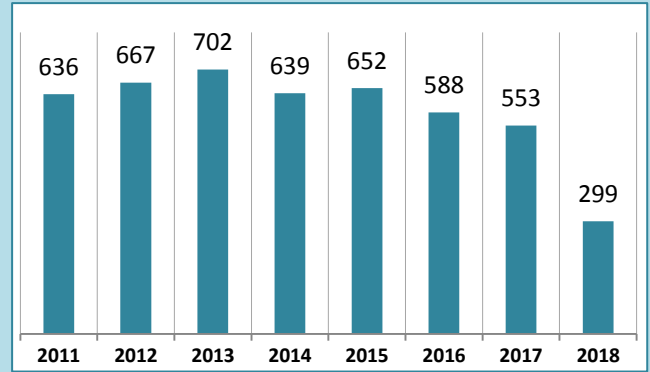
STATISTICS\*\*\*

**New cases**

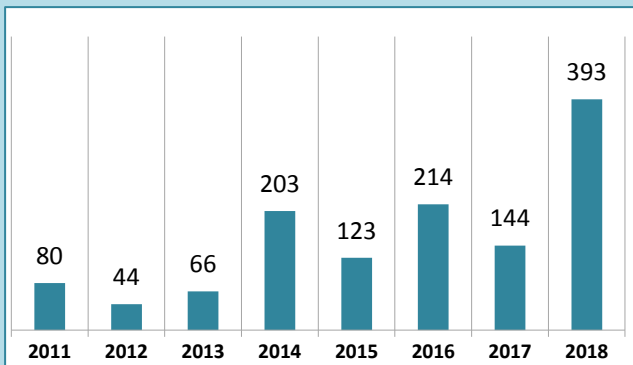
(judgments transmitted for supervision of their execution during the year)



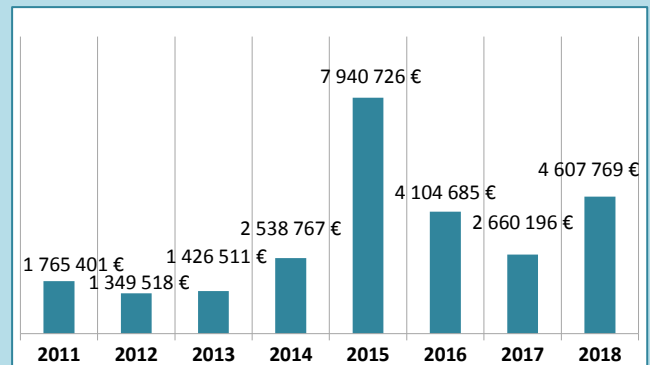
**Total of pending cases**



**Cases closed by final resolution**



**Just satisfaction awarded**



\*\*\* Detailed statistics are available in the [annual reports](#) of the Committee of Ministers. Figures are reported as they appear in the annual report for each year.