

Romania

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

Enhanced supervision

Status of execution

Unlawful detention and ill-treatment at a secret CIA-site as well as transfer of the applicant from the respondent State's territory to the naval base of Guantanamo Bay, despite a substantial and foreseeable risk that he could be subjected to the death penalty.

Al-Nashiri (33234/12)
Judgment final on 08/10/2018

Enhanced supervision

Status of execution

Failure of the authorities to conduct an effective investigation and meaningful inquiry, including into possible homophobic motives, of a physical and verbal attack on the applicants, following a police-protected LGBTI rally.

M.C. and A.C. (12060/12)
Judgment final on 12/07/2016

Enhanced supervision

Status of execution

➔ *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

Enhanced supervision

Status of execution

➔ *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

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Disproportionate use of force in a police raid based ethnic profiling due to authorities' considerations establishing an automatic connection between ethnic origin and criminal behavior.

Lingurar (48474/14)
Judgment final on 16/04/2019

Enhanced supervision

Status of execution

► **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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

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

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

Enhanced supervision

Status of execution

► **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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Overcrowding and poor conditions in psychiatric facilities.

Parascineti (32060/05)
Judgment final on 13/06/2012
 Enhanced supervision
Status of execution

➤ **Access to justice**

Inability of a chief anticorruption prosecutor to effectively challenge the premature termination of her mandate and disproportionate restriction of her freedom of expression due to her dismissal following legitimate public criticism of legislative reforms affecting the judiciary.

Kövesi (3594/19)
Judgment final on 05/08/2020
 Enhanced supervision
Status of execution

➤ **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
 Enhanced supervision
Status of execution

➤ **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
 Enhanced supervision
Status of execution

➤ **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
 Enhanced supervision
Status of execution

Refusal of national authorities to recognize male identity of transgender persons in the absence of gender reassignment surgery.

X. and Y. (2145/16)
Judgment final on 19/04/2021
 Enhanced supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING 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

Enhanced supervision

Status of execution

➤ **Freedom of expression - protection of sources**

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

Significant progress: In 2016, the High Court of Cassation and Justice provided important guidance to balance the competing interests in criminal proceedings triggered by the public disclosure of information evidencing misconduct in public office within the intelligence services. The CM assessed this as sufficient to ensure non-repetition of the violation.

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

Enhanced supervision

Status of execution

➤ **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

Enhanced supervision

Status of execution

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

Enhanced supervision

Status of execution

➤ **Procedural safeguards relating to expulsion of aliens**

Lack of sufficient safeguards in expulsion proceedings based on national security grounds against Pakistani nationals lawfully residing in Romania and denial of access to the territory for a period of fifteen years.

Muhammad and Muhammad (80982/12)
Judgment final on 15/10/2020

Enhanced supervision

Status of execution