

Romania

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Protection against ill-treatment - specific situations

Breaches of the State's positive obligation effectively to apply a criminal-law system punishing non-consensual sexual acts, in particular when the victims are children and persons with psychosocial disabilities.

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

Enhanced supervision
Status of execution

E.B. (49089/10)
 Judgment final on 19/03/2019

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; 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

Disproportionate use of force in a police raid based on ethnic profiling due to authorities' considerations establishing an automatic connection between ethnic origin and criminal behavior; failure to investigate possible racist motives behind the intervention.

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

Enhanced supervision
Status of execution

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 in that regard; inadequacy of medical care in prisons.

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 high-risk prisoners, isolation, systemic handcuffing.

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

Enhanced supervision
Status of execution

Continued detention despite heavy medical treatment for terminal illness in difficult prison conditions; disregard for humanitarian considerations, which prevented end of life with dignity.

Dorneanu (55089/13)
Judgment final on 28/02/2018

Enhanced supervision
Status of execution

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

Jicu (24575/10)
Judgment final on 01/01/2014

Enhanced supervision
Status of execution

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

Deficient legal protection, medical and social care afforded to people with intellectual disabilities or with mental health conditions.

Significant progress: Following a July 2020 ruling of the Constitutional Court finding that the guardianship system infringed human dignity, Parliament enacted legislation introducing a new system of support and legal protection for vulnerable adults, which came into force on 18 August 2022. The CM noted this with satisfaction and called on the authorities to closely monitor the implementation of the new system.

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

Enhanced supervision
Status of execution

N. (No. 2) (38048/18)
Judgment final on 16/02/2022

Enhanced supervision
Status of execution

Overcrowding and poor conditions in psychiatric facilities.

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

Enhanced supervision
Status of execution

Deficiencies in the application of the procedures and insufficient safeguards attending involuntary civil placements and systematic failure to seek these patients' consent to psychiatric treatment.

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

Enhanced supervision
Status of execution

MAIN ISSUES BEFORE THE COMMITTEE OF MINISTERS - ONGOING SUPERVISION

Unlawful or arbitrary deprivations of liberty of patients involuntarily placed in psychiatric establishments, as security measures under the Criminal Code; systematic failure to seek consent to psychiatric treatment and absence of minimum legal safeguards attending the forcible administration of such treatment to involuntary patients.

N. (59152/08)

Judgment final on 28/02/2018

Enhanced supervision

Status of execution

R.D. and I.M.D. (35402/14)

Judgment final on 12/10/2021

Enhanced supervision

Status of execution

➔ *Length of judicial proceedings*

Excessive length of civil and criminal proceedings.

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

Lack of a clear and foreseeable legal framework governing the conditions and procedures relating to gender reassignment.

X. and Y. (2145/16)

Judgment final on 19/04/2021

Enhanced supervision

Status of execution

➔ *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 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

Enhanced supervision

Status of execution

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

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evidencing misconduct in public office within the intelligence services. The CM assessed this as sufficient to ensure non-repetition of the violation.

► **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

Continuing ineffectiveness of that mechanism, despite the new remedies introduced by Law No. 165/2013.

Văleanu and Others
(59012/17)

Judgment final on 03/04/2023

Enhanced supervision
Status of execution