

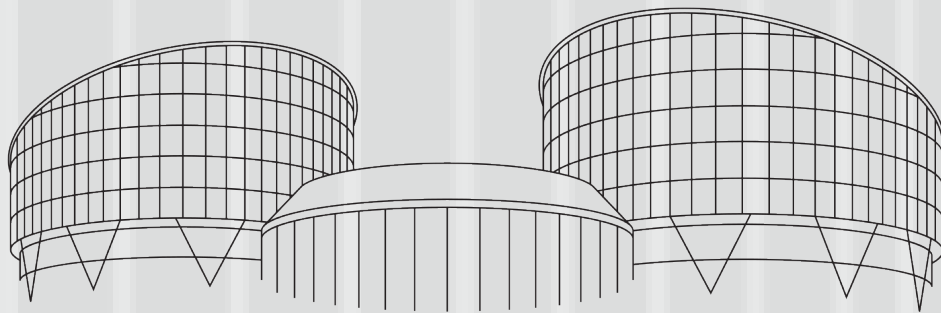
**ANALYTICAL  
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# REPUBLIC OF MOLDOVA AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2020

Vladislav GRIBINCEA Daniel GOINIC



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## SUMMARY

To raise the public awareness about the activity of the European Court of Human Rights (ECtHR), the Legal Resources Centre from Moldova (LRCM) has analysed the activity of the ECtHR for the year 2020. The analysis has been carried out based on the [ECtHR's Activity Report](#) for the respective year and the study of the ECtHR case law regarding Moldova.

### The main findings are the following:

- in 2020, the ECtHR registered by 6% fewer applications than in 2019, and much fewer than within the period of 2016-2018. It seems that the decrease is determined by the decrease in the number of applications filed against states that traditionally had many applications and judgements (Russian Federation, Turkey, Ukraine, Hungary, etc.). Also, the popularity of the ECtHR decreases after the ECtHR has dismissed without explicit reasoning about 350,000 applications in the years 2011-2019. This could not but have a discouraging effect on lawyers. The small number of received applications is also due to the pandemic as courts in many European countries did not work;
- in 2020, the ECtHR received the lowest number of applications against Moldova for the last 12 years - 523 applications. However, per capita of the country's population, the number of applications filed against Moldova is very high. In 2020, Moldovans applied to the ECtHR 3 times more often than the European average;
- as of 31 December 2020, 1.054 Moldovan applications were still pending before the court. Over 95% of them have high chances of success. This number is almost equal to the total number of applications on the basis of which Moldova has been convicted within 23 years since people can sue Moldova to the ECtHR;
- By 31 December 2020, the ECtHR had delivered 473 judgements in Moldovan cases, of which 32 were delivered in 2020. In this respect, Moldova is far ahead of Germany, Spain, Portugal or the Netherlands - the countries that have joined the European Convention on Human Rights (ECHR) long before Moldova and have much larger population than Moldova. By the number of judgments delivered in 2020, Moldova ranked 7th out of 47 member states of the Council of Europe;
- the most frequent types of violations found by the ECtHR in Moldovan cases included failure to enforce judgements (old judgements), ill-treatment, improper investigation of ill-treatment and deaths, detention in poor conditions, illegal detention, and irregular annulment of final judgements;
- under all judgements and decisions delivered by 31 December 2020, the Republic of Moldova was obliged to pay over EUR 19,263,793.44 (EUR 2,102,675 in 2020 only).

In addition to the analysis of the statistical data regarding the Republic of Moldova, this document contains a summary of the ECtHR's judgments and decisions concerning the Republic of Moldova delivered in 2020. This document also contains an analysis of statistical data regarding the activity of the ECtHR concerning all states.

Previously, the LRCM has performed similar analyses for the years [2010](#), [2011](#), [2012](#), [2013](#), [2014](#), [2015](#), [2016](#), [2017](#), [2018](#) and [2019](#), as well as [a summary of all violations found by the ECtHR regarding the Republic of Moldova until June 30, 2020](#).

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# EUROPEAN COURT OF HUMAN RIGHTS ACTIVITY RELATED TO MOLDOVAN CASES IN 2020

According to the latest [Activity Report of the European Court of Human Rights](#) (ECtHR), in 2020, the ECtHR registered 523 applications against Moldova, by 18% less than in 2019. This is the smallest number of applications to the ECtHR within the last 12 years. Given that confidence in the judiciary has not changed significantly in 2020 compared to 2018-2019, this decrease seems to be mainly due to the decline of the ECHR popularity among the population, as well as to the pandemic. Still, in relation to the country's population, the number of applications filed against Moldova to the ECtHR anyway remained very high. In this regard, in 2020, Moldova is ranked 9th out of 47 member states of the Council of Europe. In 2020, Moldovans applied to the ECtHR 3 times more often than the European average.

Between 1998 and 31 December 2020, the ECtHR registered over 15,300 applications against Moldova (see Table 1 below for more details). As of 31 December 2020, 1,054 of them (7%) were still pending before the court. As regards the number of pending applications, Moldova ranks 10th out of those 47 member states that are bound by the European Convention on Human Rights (ECHR).

Out of 1,054 pending Moldovan applications, only 4% (48 applications) were allocated for examination to a single judge, that is, were considered at first sight to have no chances of success. 732 applications (69% of pending applications) were allocated to the formations of 3 or 7 judges, while other 250 applications (24% of pending applications) were communicated to the Government (see Chart no. 1 for more details). All of these applications have high chances of success (982 applications). The number of pending applications with high chances of success is almost equal to the total number of applications based on which Moldova has been convicted within 23 years since people can sue Moldova to the ECtHR.

By 31 December 2020, the ECtHR had delivered 473 judgements in Moldovan cases, of which 32 were delivered in 2020. The number of judgements issued in Moldovan cases in 2020 is by 41% lower than in 2019. In terms of the total number of judgements, Moldova is far ahead of Germany (356), Spain (181), Portugal (359) and the Netherlands (169), the countries that had joined the ECHR long before Moldova and have much larger population than Moldova. Moldova ranked 12th out of those 47 member states of the Council of Europe by the number of judgements delivered in cases against it.

Among the most frequent violations found in those 473 judgements delivered in the cases concerning the Republic of Moldova are: failure to enforce national judgements (older judgements), improper investigation of ill-treatment and deaths; detention in poor conditions; illegal detention, irregular annulment of final court judgements; or ill-treatment or use of excessive force by the representatives of state authorities.

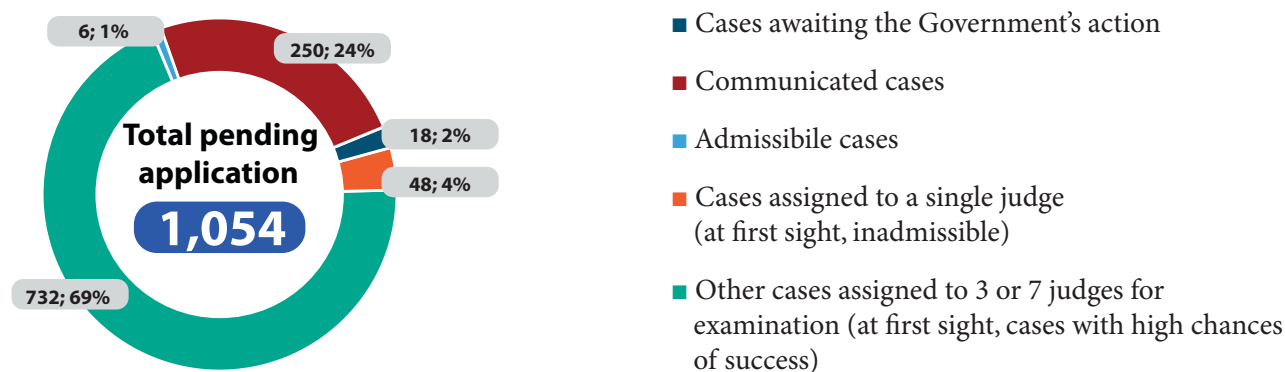
In those 32 judgements delivered in 2020, the ECtHR found 50 violations of the ECHR. Most of the violations found in 2020 refer to the activity of judges. 15 out of those 50 violations of the ECHR (30%) refer to one single article of the ECHR - Art. 6 (right to a fair trial). Five of these violations refer to the failure to enforce court judgements within reasonable period (issues regarding the applicability of Law no. 87/2011) and three - to the admission of a time-barred action. From a legal standpoint among the most important judgements delivered in 2020 are [I.E.](#) (arbitrary detention in prison and ill-treatment of a minor by detainees), [Felix Gutu](#) (violation of the principle of presumption of innocence by refusal in reinstatement on the grounds that the criminal case against him was terminated on the grounds of amnesty); [Political Party "Patria" and others](#) (cancelling of party participation in the parliamentary elections without convincing evidence and based on arbitrary decisions). See the table below for more details on judgements delivered in 2020.

Under the judgements and decisions delivered by 31 December 2020, the Government of the Republic of Moldova was obliged to pay EUR 19,263,793.44; Out of these, based on judgements - EUR 16,828,648.44 (EUR 1,991,595.44 - in 2020) and based on friendly settlements or unilateral declarations made by the Government - EUR 2,435,145 (EUR - 111,080 in 2020). In this regard the judgement in the case of [Ojog and others](#) should be mentioned (the deprivation of plaintiffs of a part of the "Gemini" facility) under which the Republic of Moldova was obliged to pay just satisfaction in the amount of EUR 1,515,000 and return the seized real estate, or pay another EUR 2,120,000. Although the deadline for the enforcement of this judgement expired on 18 May 2020, it has not been enforced so far. For more than nine months, the Supreme Court of Justice has been examining the application for review submitted by the Government and other persons, postponing the examination of the application for more than 10 times.

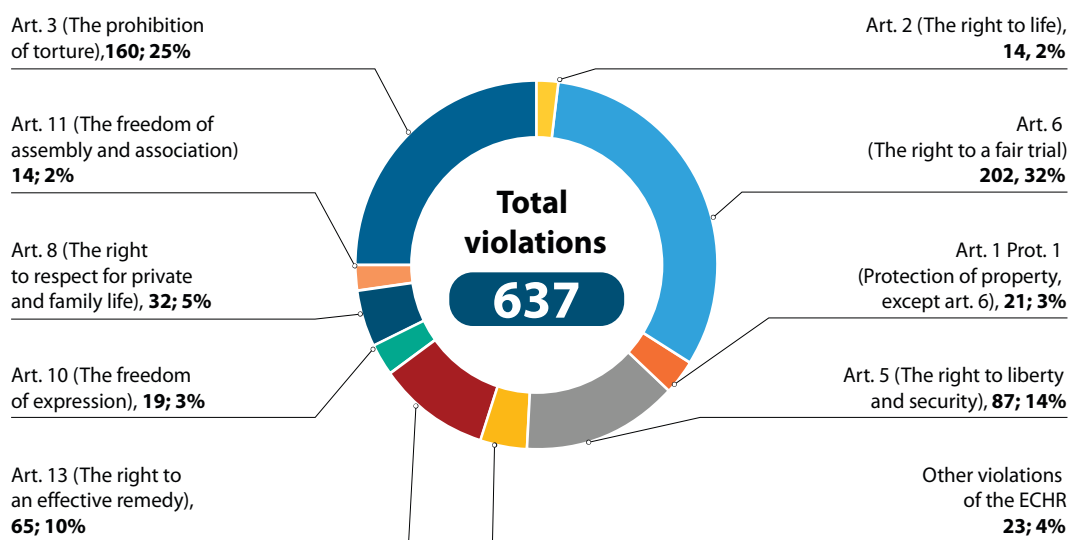
**Table 1: Statistical information on applications filed to the European Court of Human Rights against the Republic of Moldova 1998 - 2020**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	+/- 2020	1.11.98-31.12.20
Registered applications	1,322	945	1,025	938	1,354	1,354	1,011	834	758	814	635	523	-17,6 %	15,386
Applications declared inadmissible or struck out	386	434	550	1,905	3,143	3,143	926	750	633	858	697	451	-35,3 %	13,938
Applications communicated to the Government	216	135	118	56	85	85	121	41	67	54	119	42	-64,7 %	
Delivered judgements	30	28	31	27	19	19	19	23	16	33	54	32	- 41 %	473
	<b>31.12. 2009</b>	<b>31.12. 2010</b>	<b>31.12. 2011</b>	<b>31.12. 2012</b>	<b>31.12. 2013</b>	<b>31.12. 2014</b>	<b>31.12. 2015</b>	<b>31.12. 2016</b>	<b>31.12. 2017</b>	<b>31.12. 2018</b>	<b>31.12. 2019</b>	<b>31.12. 2020</b>		
Pending applications	3,349	3,826	4,261	3,256	1,442	1,159	1,223	1,283	1,348	1,204	1,056	1,054	-	

**Chart 1: MOLDOVAN APPLICATIONS PENDING before the European Court of Human Rights 31 December 2020**



**Chart 2: VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS in judgements that concern the Republic of Moldova 1997-2020**



# EUROPEAN COURT OF HUMAN RIGHTS ACTIVITY (concerning all states) in 2020

According to the [Activity Report of the European Court of Human Rights](#) (ECtHR) for 2020, published on 28 January 2021, the ECtHR registered 41,700 applications, by 6% less than in 2019. About 43% of all applications lodged in 2020 were against two countries: Turkey (9,104) and Russian Federation (8,923).

In addition to those 41,700 applications registered in 2020, the ECtHR received other 8,100 applications that were prepared improperly. The latter were not even registered, and the applicants were encouraged to submit applications drafted in accordance with the requirements of the ECtHR. It is noteworthy, that the number of improperly prepared applications in 2020 is almost the same as in 2019 (8,800).

In 2020, the ECtHR examined 39,190 applications, by 4% less than in 2019 (40,667 applications). The ECtHR declared inadmissible or struck out 37,289 applications, which is about 90% of all applications examined in 2020. See the following table for more details.

As of 31 December 2020, 62,000 applications were “awaiting” to be examined by Strasbourg Court, by 4% more than in 2019.

Although the ECtHR accepts applications against 47 states, over 2/3 of the pending applications concerned four states. 13,645 (22%) of the applications “awaiting examination” were filed against the Russian Federation; 11,750 (19%) - against Turkey; 10,408 (16.8%) - against Ukraine and 7,561 (12%) - against Romania. Moldova takes the 10th place in this ranking, with 1,054 pending applications (1.7%).

In 2020, the ECtHR delivered 871 judgement, by 13 fewer than in 2019. Most judgements were delivered against the Russian Federation - 185 (21%); Turkey - 97 (11%) and Ukraine - 86 (9.8%). In this respect, Moldova ranked seventh out of those 47 member states of the Council of Europe, with 32 judgements (3.7%).

In 2020, the states against which the ECtHR delivered the fewest number of judgements were, for example, Denmark, the Czech Republic or Ireland - each having one judgement. The ECtHR has not delivered any judgements against Sweden and Austria.

**Table 2: STATISTICS ON THE APPLICATIONS TO THE EUROPEAN COURT OF HUMAN RIGHTS  
2009-2020 (concerning all states)**

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	+/- 2020
Registered applications	57,100	61,300	64,400	65,162	65,900	56,200	40,550	53,400	63,350	43,100	44,500	41,700	- 6.3%
Applications communicated to the responding Governments	6,197	6,675	5,360	5,236	7,931	7,895	15,964	9,533	7,225	7,644	6,442	7,681	+19%
Applications declared inadmissible or struck out	33,065	38,576	50,677	86,201	89,737	83,675	43,133	36,579	70,356	40,022	38,480	37,289	-3%
Delivered judgements	1,625	1,499	1,157	1,093	916	891	823	993	1,068	1,014	884	871	-1.5%
	<b>31.12. 2009</b>	<b>31.12. 2010</b>	<b>31.12. 2011</b>	<b>31.12. 2012</b>	<b>31.12. 2013</b>	<b>31.12. 2014</b>	<b>31.12. 2015</b>	<b>31.12. 2016</b>	<b>31.12. 2017</b>	<b>31.12. 2018</b>	<b>31.12. 2019</b>	<b>31.12. 2020</b>	
Pending applications	119,300	139,650	151,600	128,100	99,900	69,900	64,850	79,750	56,250	56,350	59,800	62,000	+4%
Incomplete applications (considered not valid)						25,100	32,400	20,950	22,650	19,550	8,800	8,100	-8%

**Table 3: SUMMARY OF THE VIOLATIONS FOUND BY THE EUROPEAN COURT OF HUMAN RIGHTS in Moldovan cases in 2020**

ECHR Article	Total number of violations	ECHR violation type	Number of violations	ECtHR judgement
Article 2 of the ECHR (right to life)	2	death caused by the actions of the authorities	1	<a href="#">Catarangiu</a>
		improper investigation of death	1	<a href="#">Catarangiu</a>
Article 3 of the ECHR (the prohibition of degrading and inhuman treatment and torture)	9	ill-treatment	2	<a href="#">Mițu; D.</a>
		improper investigation of ill-treatment	4	<a href="#">Catarangiu; I.E. Mițu; D.</a>
		failure to protect against domestic violence	1	<a href="#">Munteanu</a>
		failure to protect against co-detainees violence	1	<a href="#">I.E.</a>
		insufficient compensation for the violation of Art. 3	1	<a href="#">Catarangiu</a>
Article 5 of the ECHR (the right to liberty and security)	2	arrest and detention contrary to the national law	1	<a href="#">I.E.</a>
		absence of official record regarding the person's detention	1	<a href="#">D.</a>
Article 6 of the ECHR (the right to a fair trial)	15	§ 1 delivery by the SCJ of a new judgement on the case based on arguments that were not previously invoked	1	<a href="#">Covalenco</a>
		§ 1 conviction in appeal or in cassation without direct hearing of witnesses	2	<a href="#">Asimionese; Dan (no.2)</a>
		§ 1 failure to enforce a judgement in a reasonable time	5	<a href="#">Spiridonov; Osadcii and others; Vasilașco; Caraman; Marian and others</a>
		§ 1 admission of time-barred appeals or appeals in cassation	3	<a href="#">Grăjdianu and others; Pojoga; Furtună</a>
		§ 1 retroactive application of pension cap legislation	1	<a href="#">Furtună</a>
		§ 1 quashing of a judgment though the improper application of revision	2	<a href="#">Braga and Midgard Terra S.A; Heross LTD</a>
		§ 2 the rejection of the applicant's reinstatement on the ground that the criminal case against the latter, concerning the theft of property from the employer, had been terminated on the grounds of amnesty	1	<a href="#">Felix Guțu</a>
Article 8 of the ECHR (the right to respect for private and family life)	2	illegal search with no subsequent effective judicial control	1	<a href="#">Bostan</a>
		the implicit legal obligation to disclose sensitive medical information while getting official documents or employment	1	<a href="#">P.T.</a>
Article 13 of the ECHR (the right to an effective remedy)	2	lack of an effective domestic remedy for failure to enforce a judgement	2	<a href="#">Osadcii and others; Marian and others</a>
Article 14 of the ECHR (prohibition of discrimination)	1	discriminatory attitude towards a woman as a result of failure to protect against domestic violence	1	<a href="#">Munteanu</a>
Article 1, Protocol 1 of the ECHR	15	retroactive application of pension cap legislation	1	<a href="#">Furtună</a>
			1	<a href="#">Edata-Trans S.R.L</a>
		forcing to the payment of unforeseen amounts and application of tax penalties based on the fraudulent conduct of another party to the contract	5	<a href="#">Spiridonov; Osadcii and others; Vasilașco; Caraman; Marian and others</a>
		failure to enforce a final judgement	1	<a href="#">Arzamazova</a>
		cancellation of a purchase and sale contract of a building that previously belonged to the state, without sufficient reasoning	1	<a href="#">Gospodăria Tărănească Chiper Terenti Grigore</a>
		unjustified withdrawal of the license for economic activity	5	<a href="#">Grăjdianu and others; Braga and Midgard Terra S.A; Heross LTD; Pojoga; Furtună</a>
	1	<a href="#">AsDAC</a>		
Article 3, Protocol 1 of the ECHR (right to free elections)	1	cancelling of the party participation in the parliamentary elections without convincing evidence and based on arbitrary decisions	1	<a href="#">Political Party „Patria” and others</a>
Article 2, Protocol 4 of the ECHR (freedom of movement)	1	automatic and time-unlimited prohibition on the renewal of the applicant's passport due to his non-enforcement of a judgement and absence of effective control of the proportionality of this measure	1	<a href="#">Rotaru</a>
Total number of violations	50			



Kingdom of the Netherlands


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### Legal Resources Centre from Moldova

 33, A. Şciusev St., Chişinău,  
Republic of Moldova, MD-2001

 CRJM.org

 +37322843601

 +37322843602

 CRJMoldova

 [contact@crjm.org](mailto:contact@crjm.org)

 [www.crjm.org](http://www.crjm.org)

 CRJM

