

**ANALYTICAL
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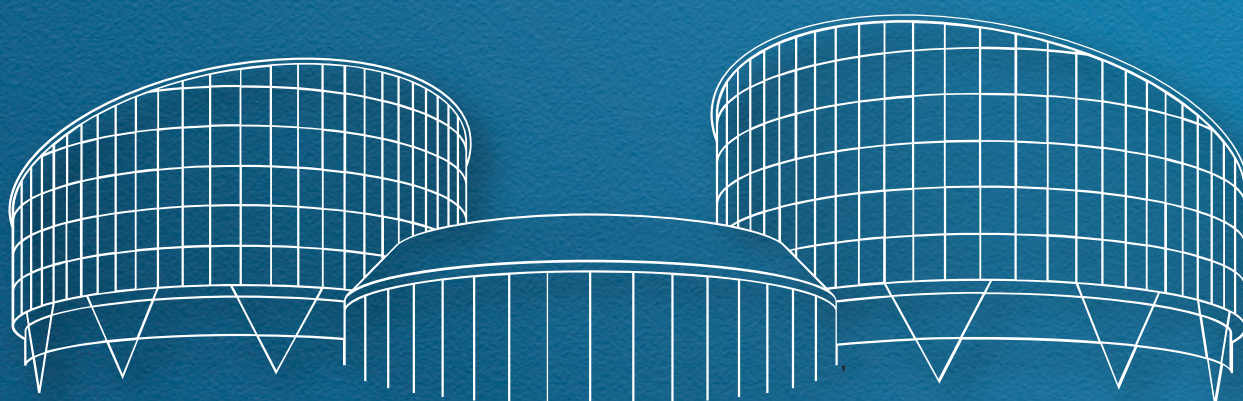
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REPUBLIC OF MOLDOVA AT THE EUROPEAN COURT OF HUMAN RIGHTS IN 2021

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SUMMARY

The Legal Resources Centre from Moldova (LRCM) reviewed the activity of the European Court of Human Rights (ECtHR) for 2021. The analysis was performed based on the [ECtHR's Annual Report for 2021](#) and the review of the ECtHR's case law regarding Moldova.

The findings are as follows:

- In 2021, the ECtHR registered 44,250 applications, i.e. 6% more than in 2020. Apparently, after the sudden drop in applications received in 2020 (given that courts in many European countries did not work due to the pandemic), the number of applications received in 2021 returned to the level of 2019.
- In 2021, the ECtHR received 630 applications against Moldova, which is also comparable to 2019. In this regard, in 2021, Moldova ranked 12th out of the 47 member states of the Council of Europe. Compared to the country's population, the number of applications filed against Moldova is very high. In 2021, Moldovans applied to the ECtHR 3 times more often than the European average;
- As of 31 December 2021, 1,038 Moldovan applications were still pending. Over 92% of them are most likely to be successful. This number is almost equal to the total number of applications based on which Moldova has been convicted in those 24 years since individuals have been able to complain to the ECtHR against Moldova. By the number of pending applications, Moldova ranks 11th out of the 47 member states of the Council of Europe.
- By 31 December 2021, the ECtHR delivered 541 judgments on Moldovan cases, of which 68 in 2021. In 461 of such cases, the ECtHR found at least one violation committed by the Republic of Moldova. In this respect, Moldova is far ahead of the United Kingdom, Germany, Portugal, Spain or the Netherlands, countries that joined the European Convention on Human Rights (ECHR) long before Moldova and have a much larger population than Moldova. By the number of judgments delivered in 2021, Moldova ranked 5th out of 47 countries;
- The most common types of violations found by the ECtHR in Moldovan cases are failure to enforce judgments; ill-treatment, improper investigation of ill-treatment and deaths; detention in poor conditions; illegal detention; irregular annulment of final judgments;
- Based on all judgments and decisions delivered by 31 December 2021, the Republic of Moldova was obliged to pay EUR 21,903,749 (EUR 2,639,956 in 2021 only).

In addition to the analysis of statistical data on the Republic of Moldova, the document contains a summary of ECtHR judgments and decisions delivered in 2021 concerning the Republic of Moldova. This document also contains an analysis of statistical data on the ECtHR's activity concerning all states.

Previously, the LRCM conducted similar analyses for the years [2010](#), [2011](#), [2012](#), [2013](#), [2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#) and [2020](#), and [o sinteză a tuturor violărilor](#) found by the ECtHR regarding the Republic of Moldova by 30 June 2020.

ACTIVITY OF THE EUROPEAN COURT OF HUMAN RIGHTS ON MOLDOVAN CASES IN 2021

According to the latest [Annual Report of the European Court of Human Rights](#) (ECtHR), in 2021, the ECtHR received 630 applications against the Republic of Moldova. This number is higher than the number of applications filed in 2020 and almost equal to the number of applications filed in 2019. Compared to the country's population, the number of applications filed against Moldova is very high. In this regard, in 2021, Moldova ranked 12th out of the 47 member states of the Council of Europe. In 2021, Moldovans applied to the ECtHR 3 times more often than the European average.

From 1998 to 31 December 2021, the ECtHR registered 16,016 applications against Moldova (for more details, please see the following table). As of 31 December 2021, 1,038 of these (6.5%) were still pending. By the number of pending applications, Moldova ranks 11th out of the 47 member states of the Council of Europe.

Of the 1,038 pending Moldovan applications, only 7% (70 applications) were allocated for review to a single judge, i.e. they were considered at first sight unsuccessful. 739 applications (71% of pending applications) were allocated to formations consisting of three or seven judges, while other 217 applications (21% of pending applications) were communicated to the Government (for more details, see Chart 1). The last two types of applications (92%, 956 applications) have high chances of success. The number of applications with high chances of success is almost equal to the total number of applications based on which Moldova was convicted in the 24 years since individuals have been able to complain to the ECtHR against Moldova.

By 31 December 2021, the ECtHR delivered 541 judgments on Moldovan cases, of which 68 in 2021. The number of judgments delivered on Moldovan cases in 2021 is more than double as compared to 2020. The increase in the number of judgments delivered in 2021 may be due to the replacement of the Moldovan judge at the ECtHR and the willingness to finalize the cases investigated by Valeriu GRITCO by the end of his term. Of the 68 judgments delivered in 2021, seven relate to the payment of just satisfaction (the merits of these judgments were reviewed in the previous years). Other 13 judgments relate to violations of the rights of people in the Transnistrian region. Thus, only the Russian Federation was convicted in such cases.

Of the 541 judgments delivered in Moldovan cases by 1 January 2022, the ECtHR found at least one violation in 461 judgments. By the total number of judgments where violations were found, Moldova is far ahead of the United Kingdom, Germany, Portugal, Spain or the Netherlands, countries that acceded to the ECHR long before Moldova and have a much larger population than the Republic of Moldova. By the number of judgments delivered against it, Moldova ranks 12th out of the 47 member states of the Council of Europe.

The most frequent violations found in the 541 judgments delivered in cases concerning the Republic of Moldova are as follows: failure to enforce national judgments, improper investigation of ill-treatment and deaths; detention in poor conditions; illegal detention, irregular annulment of final judgments and ill-treatment / use of excessive force by government officials.

In the 68 judgments delivered in 2021, the ECtHR found 69 violations of the ECHR. Most violations found in 2021 relate to the judges' activity. 16 (23%) of the 69 violations refer to a single article of the ECHR - Article 6 (right to a fair trial). Eight of these violations refer to the failure to enforce within a reasonable time the court judgments (problems regarding the applicability of the Law no. 87/2011), other two violations - to insufficient reasoning of court judgments and other two violations - to convictions of persons who filed an appeal or a cassation appeal without the direct hearing of witnesses. From a legal point of view, the most important judgments delivered in 2021 are [Talambuța and Iașcinina](#) (failure to provide adequate medical care to detainees with chronic illnesses), [Mătășaru](#) (arbitrary detention for organising an extravagant protest and unjustified contraventional sanctioning) or [Petrenco and others](#) (deprivation of liberty in the absence of reasonable suspicion of having committed an offense and prohibition without a legal basis to attend public meetings). For more details on the 2021 judgments, see the Table below.

Pursuant to the judgments and decisions delivered by 31 December 2021, the Government of the Republic of Moldova was obliged to pay EUR 21,903,749.44. Of these, based on judgments - EUR 19,421,860.44 (EUR 2,593,212 - in 2021) and based on friendly settlements or unilateral declarations made by the Government - EUR 2,481,889 (EUR 46,744 - in 2021). In 2021, the ECtHR ruled on just satisfaction in 7 cases, the merits of which were reviewed in previous years. In April 2021, in the judgment [Fabrica de Zahăr din Ghindești S.A.](#) (setting aside a judgment in favour of the applicant company by admitting a late appeal), the Republic of Moldova was ordered to pay just satisfaction in the amount of EUR 2,000,000. This amount represents 77% of all compensations awarded by the ECtHR in Moldovan cases in 2021.

Table 1: Statistics on applications filed to the European Court of Human Rights against the Republic of Moldova 2009 - 2021

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	+/- 2020	1.11.98-31.12.21
Registered applications	1,322	945	1,025	938	1,354	1,105	1,011	834	758	814	635	523	630	+20,5%	16,016
Applications declared inadmissible or struck out	386	434	550	1,905	3,143	1,341	926	750	633	858	697	451	553	+22,6%	14,491
Applications communicated to the Government	216	135	118	56	85	73	121	41	67	54	119	42	76	+80.9%	217
Delivered judgments	30	28	31	27	19	24	19	23	16	33	54	32	68	+112,5 %	541
	31.12.2009	31.12.2010	31.12.2011	31.12.2012	31.12.2013	31.12.2014	31.12.2015	31.12.2016	31.12.2017	31.12.2018	31.12.2019	31.12.2020	31.12.2021		
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	1,038	- 1,5%	

Chart 1: Moldovan cases pending before the European Court of Human Rights 31 December 2021

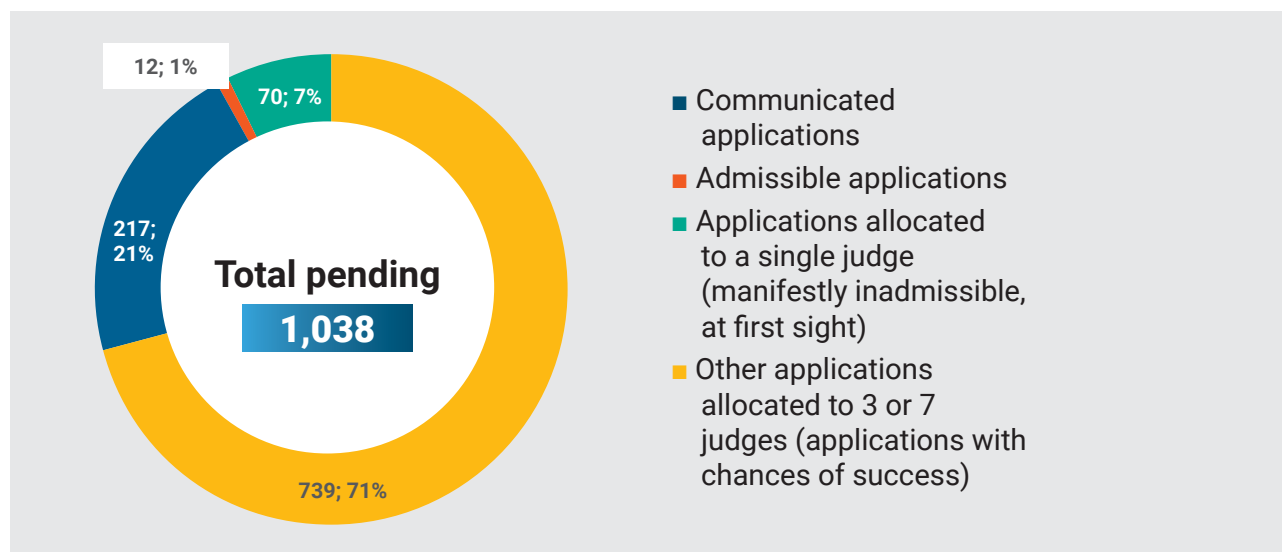
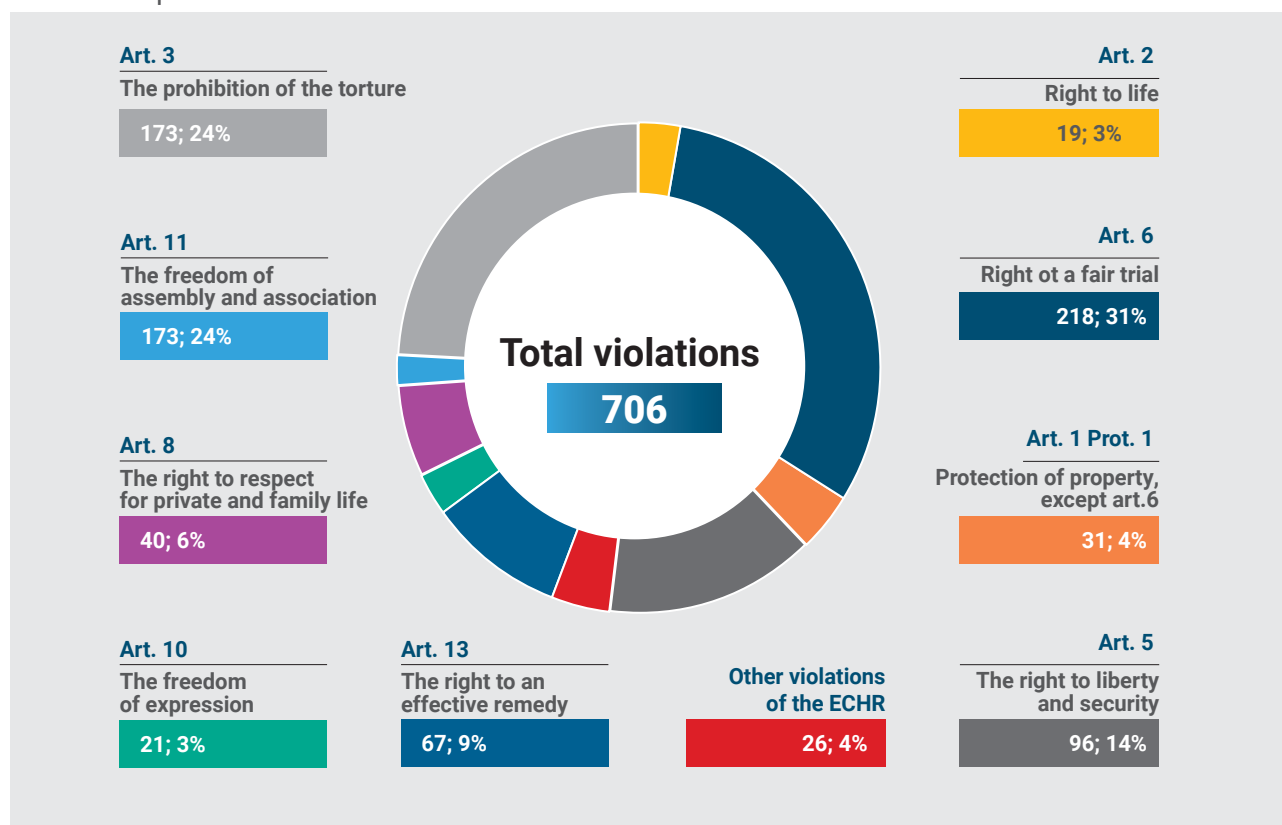


Chart 1: Violations found by the European Court Of Human Rights in judgments concerning the Republic of Moldova 1997-2021



ACTIVITY OF THE EUROPEAN COURT OF HUMAN RIGHTS (CONCERNING ALL STATES) 2021

As shown in the [Annual Report of the European Court of Human Rights \(ECtHR\)](#) for 2021, made public on 25 January 2022, the ECtHR registered 44,250 applications, 6% more than in 2020. In 2021, a similar number of applications were filed to the Court as in 2019 (the year before the pandemic). Almost 43% of all applications filed in 2021 were against two countries - Turkey (9,548) and the Russian Federation (9,432).

In addition to the 44,250 applications registered in 2021, the ECtHR received other 16,400 applications that were prepared improperly. The latter were not registered and the applicants were urged to submit applications drafted in line with the ECtHR requirements.

In 2021, the ECtHR examined 36,092 applications - 8% fewer than in 2020 (39,190 applications). The ECtHR declared inadmissible or struck out 32,961 applications, which is about 91% of the total number of applications examined in 2021. For further details, please see Table 2. As of 31 December 2021, 70,150 applications were pending before the Strasbourg Court, 13% more than at the end of 2020.

Although applications to the ECtHR may be filed against 47 countries, more than 70% of the pending applications were against four states. 17,013 (24%) of the pending applications were filed against the Russian Federation; 15,251 (22%) - against Turkey; 11,372 (16%) - against Ukraine and 5,690 (8%) - against Romania. In this respect, Moldova ranks 11th, with 1,038 pending applications (1.5%).

In 2021, the ECtHR delivered 1,105 judgments, 27% more than in 2020. Most judgments were delivered against the Russian Federation - 232 (21%); Ukraine - 197 (17.8%) and Romania - 95 (8.6%). In this respect, Moldova ranked fifth out of the 47 member states of the Council of Europe, with 68 judgments (6.2%).

In 2021, the states against which the fewest ECtHR judgments were delivered were, for instance, Sweden - 1 judgment and Estonia and Germany - two judgments each. The ECtHR did not deliver any judgment of conviction against the Czech Republic, Finland, and Ireland.

Table 2: Statistics on applications filed to the European Court Of Human Rights 2009-2021 (concerning all states)

	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	+/- 2021
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	44,250	+6%
Applications communicated to respondent governments	6,197	6,675	5,360	5,236	7,931	7,895	15,964	9,533	7,225	7,644	6,442	7,683	10,630	+38%
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	32,961	-12%
Delivered judgments	1,625	1,499	1,157	1,093	916	891	823	993	1,068	1,014	884	871	1,105	-1.5%
Pending applications as of 31 December	119,300	139,650	151,600	128,100	99,900	69,900	64,850	79,750	56,250	56,350	59,800	62,000	70,150	+13%
Incomplete applications (considered not valid)						25,100	32,400	20,950	22,650	19,550	20,400	14,150	16,400	+16%

Tabelul nr. 3: Summary of violations found by the European Court Of Human Rights in Moldovan cases* in 2021

ECHR Article	Total no. of	Type of ECHR violation	No. of	ECtHR judgment
Article 2 ECHR (right to life)	5	improper investigation of death	4	Velesco; Veronica Ciobanu; Tomac; Scripnic
		failure to promptly enforce a sentence for a murder		Jestcov
Article 3 ECHR (prohibition of torture and inhuman or degrading treatment)	13	ill-treatment	3	Trocin; Maier; Armeanu și Vacarciuc
		improper investigation of ill-treatment	5	Muradu; Trocin; Maier; Evghenii Duca; Armeanu și Vacarciuc
		improper investigation of rape	1	A.P.
		improper investigation of hate crime	1	Genderdoc-M și M.D.
		detention in poor conditions	2	Muradu; Talambuța și Iașcinina
		failure to provide adequate medical care to detainees	1	Talambuța și Iașcinina
Article 5 ECHR (right to liberty and security)	9	§ 1 - detention without a reasonable suspicion of having committed an offence	2	Petrenco și alții; O.P.
		§ 1 - lack of legal grounds for arrest for running an erotic video-chat business	1	Baraboi și Gabura
		§ 1 - arbitrary detention for organising a protest	1	Mătăsar
		§ 1 - arrest for failure to pay a debt	1	Moldoveanu
		§ 3 - insufficient reasoning for an arrest	1	Muradu
		§ 4 - failure to grant access to materials presented by the prosecutor to justify the arrest	1	Muradu
		§ 4 - excessive time for examining the appeal against arrest	1	O.P.
		§ 5 - insufficient compensation for violating Article 5	1	Muradu
Article 6 ECHR (right to a fair trial)	16	§ 1 - Insufficient reasoning of the judgment	2	Caraman; Capacchione
		§ 1 - conviction on appeal or extraordinary appeal without immediate hearing of witnesses	2	Bogaticov; Dubalari
		§ 1 - failure to enforce a judgment within a reasonable time	8	Lima S.R.L.; Dronic; Badan; Mihailov; Titan Total Group S.R.L.; Prodius și alții; Cernica și Nartea; Munteanu
		§ 1 - admission of time-barred appeals or appeals in cassation	1	Caraman
		§ 1 - inadequate summoning in court and adoption by the SCJ of a new solution to the case, based on reasons not previously invoked	1	Nord-Universal S.R.L.
		§ 1 - insufficient compensation for violating Article 6	2	Pietriș S.A. și Nastas; Prutean

* Violations committed by the Republic of Moldova

Article 8 ECHR (respect for private and family life)	8	illegal searches of the lawyer's office and home	1	Durleşteanu
		failure to protect private information	2	X.; E.B.
		failure to comply with the obligation to execute a sentence for rape	1	E.G.
		failure to ensure proper parent-child relationships	3	Svernei; Moglan; Creţoi
		neglecting the best interests of the child while transferring the custody of the child	1	T.A.
Article 9 ECHR (freedom of thought, conscience and religion)	1	articles 9 and 11 ECHR - prohibition of Falun symbol and dissolution of public associations	1	A.O. Falun Dafa şi alţii
Article 10 ECHR (freedom of expression)	2	unjustified admission of a case of defamation	1	Asociația Reporteri de Investigatie și Securitate Editorială din Moldova și Sanduța
		contraventional sanction for an extravagant protest	1	Mătășaru
Article 11 ECHR (freedom of assembly and association)	1	prohibition, without a legal basis, to attend public meetings	1	Petrenco și alții
Article 13 ECHR (right to an effective remedy)	2	lack of an effective national remedy for failure to enforce a judgment	2	Titan Total Group S.R.L.; Prodius și alții
Article 14 ECHR (prohibition of discrimination)	1	discrimination on the grounds of sexual orientation	1	Genderdoc-M și M.D.
Article 34 ECHR (hindering access to the ECtHR)	1	exerting pressure after communication of the application by the ECHR	1	A.C.
Article 1, Protocol 1, ECHR (protection of property)	10	insufficient compensation for violating Article 1, Protocol 1	2	Prutean; Canțer
		failure to enforce the final judgment	8	Lima S.R.L.; Dronic; Badan; Prodius și alții; Titan Total Group S.R.L.; Cernica și Nartea; Munteanu; Mihailov
Total number of violations	69			



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