

# The Republic of Moldova at the ECtHR in 2016. Progress or a step backwards?

As part of its efforts to inform society about the activity of the European Court of Human Rights (ECtHR), the Center for Legal Resources in Moldova analyzed the activity of the ECtHR in the year 2016. The analysis was conducted using [the ECtHR's Annual Report for 2016](#) and by studying ECtHR jurisprudence in Moldovan cases.

The principle conclusions of the year were:

- In 2016, the ECtHR registered 839 applications admitted against Moldova, or 17% fewer than in 2015. It appears that this decrease was caused, in general, by a reduction in the popularity of the ECtHR, after the ECtHR sent back 8,500 Moldovan applications without explanation in 2011-2016. This fact had a discouraging effect on lawyers;
- Despite the decrease in 2016, the number of applications submitted to the ECtHR against Moldova is very large in proportion to the country's population. In this respect, in 2016 Moldova occupied 7<sup>th</sup> place out of some 47 countries member to the Council of Europe. Moldovans applied to the ECtHR 4 times more frequently than the European average in 2016;
- On 31 December 2016, 1,283 Moldovan applications were still waiting to be examined. Of these, 93.4% have a high chance of success. This number is larger than the total number of applications in which Moldova has been found guilty during the last 20 years;
- Before 31 December 2016, the ECtHR had handed down 339 decisions on Moldovan cases, including 23 in 2016. In this respect, Moldova is far ahead of Germany, Spain,

and Holland, countries that became party to the European Convention on Human Rights (ECHR) long before Moldova and that have much larger populations than Moldova;

- The ECtHR found that the Republic of Moldova had not violated the ECHR in only 1.9% of cases;
- The most frequent type of violation found by the ECtHR in Moldovan cases was the non-execution of judicial decisions (previous rulings); inadequate investigations of maltreatment and deaths; detention in poor conditions; the irregular annulment of irrevocable judicial decisions; and maltreatment or the use of excessive force by representatives of the state;
- On the basis of all the rulings and decisions pronounced before 31 December 2016, the Republic of Moldova is required to pay more than EUR 16,200,000 (EUR 236,807 in 2016 alone). This amount is larger than the entire budget for the court system for 2016.

The CLRM has previously completed similar analyses for the years [2010](#), [2011](#), [2012](#), [2013](#), [2014](#) and [2015](#), and a summary of the data on the activity of the European Court of Human Rights [in 2016 is available here](#).

Statistical data and conclusions about this year were presented at a press conference by Vladislav GRIBINCEA, the president of the CLRM and Alexandru POSTICA, director of the Promo-LEX program.

In addition, here is an infographic with information about the cases handled by Promo-LEX lawyers at the European Court of Human Rights in 2016.

# Promo-LEX at ECtHR in 2016

In 2016, Promo-LEX lawyers represented beneficiaries of the European Court of Human Rights and won the following cases:  
 Mozer against Moldova and the Russian Federation;  
 Turuticva and Cnisan against Moldova and the Russian Federation;  
 Savca against Moldova.

## Violations found



violation of art. 3 of the ECHR – inadequate medical assistance and detention of the plaintiffs in inhumane conditions



violation of art. 5 § 1 of the ECHR – the right to liberty and security



violation of art. 9 of the ECHR – freedom of thought, conscience and religion



violation of art. 13 of the ECHR – the right to an effective recourse



the violation of art. 1 of Protocol nr. 1 of the ECHR – the protection of property

## Compensation awarded

11 030

pecuniary damages/EUR

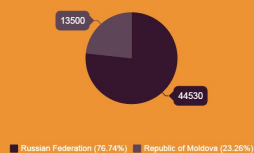
26 000

non-pecuniary damages/EUR

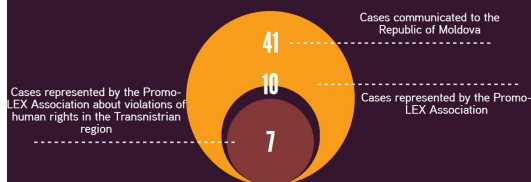
9 000

costs and expenses/EUR

Who should pay the damages?



## Communicated cases in 2016



## Promo-LEX online



You Tube

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Procurarea democratică și a dreptății online