

Q&A: decision in the case of Călin Georgescu

Has the European Court annulled the Romanian elections?

No.

It was the Constitutional Court of Romania which decided to annul the presidential elections because it found there had been irregularities in the vote which raised suspicions as to the fairness of the elections.

The European Court of Human Rights did not judge the fairness of the election or the annulment decision.

So how did this case come to the European Court?

Călin Georgescu, a candidate for the Romanian presidential elections in 2024, brought the case to the Court. He complained under Article 3 Protocol 1 of the Convention (right to free elections) that the decision of the Constitutional Court of Romania to annul the presidential election was unfair to him.

Did the European Court agree with the Constitutional Court's decision?

The European Court neither agreed nor disagreed with the Constitutional Court.

The European Court found that the Romanian Parliament is the sole legislative authority in the country, not the Presidency; therefore the right to free elections for the choice of legislature as guaranteed by the European Convention, did not apply in this case.

What does the right to free elections say?

Article 3 of Protocol No. 1 (right to free elections) sets out that States must “ensure the free expression of the opinion of the people in the choice of the legislature”. As such, it applies to elections to a legislature only, not to presidential elections.

But what about all the other complaints put forward by Mr Georgescu?

The Court examined all Mr Georgescu’s arguments. He complained under Articles 6 and 13 that he had not had a fair trial. But his case did not concern a trial, so this complaint was inadmissible because it was not relevant to the facts.

And what about his arguments that the Constitutional Court’s decision undermined the freedom to participate in the democratic process, particularly the freedom of political association?

Mr Georgescu did not raise any factual and legal arguments in support of his complaints, so he did not give the Court any elements to consider.

Is this a very exceptional decision?

No. This decision is fully in line with the Court's previous decisions.

Can this decision be appealed?

No, inadmissibility decisions are final.

Who can bring an application before the European Court?

Any individual, including citizens of member States, like Mr Georgescu, can lodge an application with the European Court if they feel a State has violated their rights protected under the Convention or its Protocols.

Is this case connected to the European Union?

No, the European Court of Human Rights is [not affiliated](#) with the European Union, and the case has nothing to do with Romania's membership of the EU.

Where can I learn more about the European Court's decision?

The press release explaining the decision is available [here](#).

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.