

Călin Georgescu claims concerning annulment of presidential election rejected by European Court

In its decision given today in the case of [Călin Georgescu v. Romania](#) (application no. 37327/24) the European Court of Human Rights, sitting in a Committee of three judges, has unanimously declared the application inadmissible. The decision is final.

The case concerns the annulment by the Constitutional Court of Romania of the presidential elections of 2024, for which Mr Georgescu was a candidate.

The Court held, in particular, that in the light of the constitutional structure of Romania, there was no indication that the powers of the President of Romania are such as to make that office part of the “legislature” of the respondent State, within the meaning of Article 3 of Protocol No. 1 to the Convention, guaranteeing the right to free elections. Therefore, it rejected the complaint raised in that respect.

It also found that Romania had no case to answer under Articles 6 (right to a fair trial), 10 (freedom of expression), 11 (freedom of assembly and association) and 13 (right to an effective remedy).

The decision is available on Hudoc ([link](#)).

Principal facts

The applicant, Călin Georgescu, is a Romanian national who was born in 1962 and lives in Mogosoaia (Romania).

On 24 November 2024 the first round of the presidential elections took place in Romania, with the second round due to have been on 8 December 2024. Mr Georgescu was a candidate and reached the runoff.

On 6 December 2024 the Constitutional Court of Romania annulled the entire election process (decision no. 32 of 6 December 2024), unanimously and pursuant to Article 146 (f) of the Constitution. It held that its role, under Article 146 (f) of the Constitution, was to ensure the compliance with the procedure for the presidential elections, and it found that, with reference to declassified information from the Supreme Council of National Defence (*Consiliul Suprem de Apărare a Țării*) concerning State and non-State actors attempts to influence the election, that the electoral process had been vitiated from the outset. The irregularities discovered had distorted the free character of the citizens’ vote, had affected the fair and transparent electoral campaign, and had violated the rules concerning its financing. The Constitutional Court ordered that the elections should be reorganised from the beginning by the Government on a future date. That decision was final.

Romania has since set a new date for the first round of the election: 4 May 2025.

Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 16 December 2024.

Relying on Article 3 of Protocol No. 1 to the Convention (right to free elections), Mr Georgescu complained that the Constitutional Court’s annulment of the entire presidential election process had been based on unsubstantiated accusations and had been unlawful and disproportionate.

Relying on Articles 6 (right to a fair trial) and 13 (right to an effective remedy), Mr Georgescu also complained that the decision had been adopted in a non-transparent manner and that he had no remedy to challenge it.

Lastly, relying on Articles 10 (freedom of expression) and 11 (freedom of assembly and association), Mr Georgescu alleged that this decision had been the result of political interference by “the ruling party” in charge of the electoral process and that it had undermined the freedom to participate in democratic process.

On 21 January 2025 the Court, sitting in a Chamber formation, decided [not to issue interim measures](#) in the case as had been requested by Mr Georgescu.

The current admissibility decision was given today by a Committee of three judges, composed as follows:

Jolien Schukking (the Netherlands), *President*,
Faris Vehabović (Bosnia and Herzegovina),
Lorraine Schembri Orland (Malta),

and also Simeon Petrovski, *Deputy Registrar*.

Decision of the Court

Article 3 of Protocol No. 1

The Court reiterated that the obligations imposed on the Contracting States by Article 3 of Protocol No. 1, according to which member States undertook “to hold free elections ... under conditions which w[ould] ensure the free expression of the opinion of the people in the choice of the legislature”, did not normally apply to the election of a Head of State, unless it had been established in the light of the constitutional structure of the State in question that the latter had such powers that he or she could arguably be considered to be part of the “legislature” – a finding which the Court had never made in any previous case to date.

It noted that Article 61 § 1 of the Romanian Constitution, which set out the separation of powers, provided that Parliament was the sole legislative authority in the country. It further observed from the provisions of national law that the President of Romania was vested with few powers that could be construed, to a limited extent, as an institutional interaction with the legislature, but was not part of it. For the Court, the President’s power was accessory to the Parliament’s legislative power – such as signing and temporarily delaying the promulgation of laws passed by the Parliament, but under strictly limited conditions – and was not a competence pertaining to the proper act of lawmaking. It had to be construed as being necessary and strictly limited to the system of the inter-institutional “checks and balances”, common to most European democracies.

Given that it could find no indication that the presidency was part of the “legislature” of Romania, within the meaning of Article 3 of Protocol No. 1 to the Convention, the Court rejected this part of the application as incompatible *ratione materiae* with the provisions of the Convention.

Articles 6 and 13

The right in this case – to stand for election – was a political right, and not concerned with “civil rights and obligations”, or the determination of any “criminal charge” as set out in Article 6. That Article, was thus not applicable in this case.

As Mr Georgescu did not therefore have an “arguable claim” under Article 13, the Court rejected this part of the application for the same reason.

Articles 10 and 11

The Court found that Mr Georgescu did not raise any factual or legal arguments in support of his claim of “political interference” in the electoral process. It therefore rejected this part of the application as manifestly ill-founded.

The decision is available only in English.

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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.