



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

FOURTH SECTION

CASE OF URSEI v. ROMANIA

(Application no. 9233/21)

JUDGMENT

STRASBOURG

18 January 2024

This judgment is final but it may be subject to editorial revision.

In the case of Ursei v. Romania,

The European Court of Human Rights (Fourth Section), sitting as a Committee composed of:

Faris Vehabović, *President*,

Anja Seibert-Fohr,

Anne Louise Bormann, *judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar*,

Having deliberated in private on 14 December 2023,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application against Romania lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on 17 March 2021.

2. The Romanian Government (“the Government”) were given notice of the application.

THE FACTS

3. The applicant, Mr Francisc Ursei, was born in 1976. He complained about his inability, as a convicted prisoner, to vote in the legislative elections of 6 December 2020, despite his right to vote not being restricted by court order for the sole reason that, on the date of the elections, he was serving his prison sentence in the Arad Prison which was situated outside the electoral constituency of his place of residence (that is, Timișoara, Timiș county).

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 3 OF PROTOCOL NO. 1 OF THE CONVENTION

4. The applicant complained about his inability to vote in elections and relied on Article 3 of Protocol No. 1.

5. The Court refers to the principles established in its case-law regarding the inability to vote in elections (see, for instance, *Ždanoka v. Latvia* [GC], no. 58278/00, §§ 102-15, ECHR 2006-IV, with further references, and *Mironescu v. Romania*, no. 17504/18, §§ 35-37, 30 November 2021).

6. In the leading case of *Mironescu* (cited above, §§ 52-53), the Court has already found a violation in respect of issues similar to those in the present case.

7. Having examined all the material submitted to it, the Court has not found any fact or argument capable of persuading it to reach a different conclusion on the admissibility and merits of these complaints. Having regard

to its case-law on the subject, the Court considers that in the instant case the inability of the applicant to vote in elections, because on the date of the elections, he was serving a sentence in a prison situated outside the electoral constituency of his place of residence, is incompatible with Article 3 of Protocol No. 1.

8. The complaint is therefore admissible and discloses a breach of Article 3 of Protocol No. 1.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

9. Regard being had to the documents in its possession and to its case-law (see, in particular, *Mironescu*, cited above, § 57), the Court concludes that the finding of a violation constitutes sufficient just satisfaction for any non-pecuniary damage sustained by the applicant.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;
2. *Holds* that this application discloses a breach of Article 3 of Protocol No. 1 to the Convention concerning the restriction on prisoner's voting rights based on the place of his residence;
3. *Holds* that the finding of a violation constitutes in itself sufficient just satisfaction for any non-pecuniary damage sustained by the applicant.

Done in English, and notified in writing on 18 January 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina
Acting Deputy Registrar

Faris Vehabović
President