



Romanian authorities failed to protect 71-year-old woman who was left disabled after being bitten by stray dogs

In today's Chamber judgment in the case [Georgel and Georgeta Stoicescu v. Romania](#) (application no. 9718/03), which is not final¹, the European Court of Human Rights held:

By a majority, that there had been a **violation of Article 8 (right to respect for private life)** of the European Convention on Human Rights; and,

Unanimously, that there had been a **violation of Article 6 § 1 (access to court)** of the Convention.

The case concerned the Bucharest authorities' failure to protect a 71-year-old woman, who was left disabled after being attacked by a pack of stray dogs. Stray dogs were and remain a major nuisance in Romanian cities; thousands of people are bitten every year.

Principal facts

The applicant Georgeta Stoicescu, now deceased, was a Romanian national born in 1929 who lived in Bucharest. Her husband and heir, Georgel Stoicescu, a Romanian national born in 1926 and living in Bucharest, continued her case following her death on 29 December 2007.

On 24 October 2000 Ms Stoicescu, then aged 71, was attacked, bitten and knocked to the ground by a pack of around seven stray dogs in front of her home in the Pajura neighbourhood, a residential area in Bucharest.

At the relevant time, the large numbers of stray dogs in Romanian cities was already a public health and safety issue. The international media had covered the issue since the mid-1990s. By 2000 there were some 200,000 stray dogs in Bucharest.

Following the attack, Ms Stoicescu was left with a head injury and a fractured thigh bone and needed to spend four days in hospital. After being discharged, she was prescribed medical treatment, but could not afford to pay for it. The couple were retired, with a monthly income in Romanian lei (ROL) equivalent to 80 Euros. They claimed they had to live at subsistence level and that, as a result, Ms Stoicescu had lost weight. She started suffering from amnesia and shoulder and thigh pains and had difficulty walking. She also lived in a constant state of anxiety and never left home for fear of another attack. By 2003 she had become totally immobile. Her health continued to deteriorate such that, by 4 June 2003, she was declared disabled and granted free medical care.

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

On 10 January 2001 Ms Stoicescu, represented by her husband, claimed damages on the ground that, following the attack, she had become disabled.

At the first hearing the court noted that she had not paid the statutory court fee and ordered her to pay ROL 6,145,000 (EUR 250), four times her family's monthly income. She paid only ROL 500,000 (EUR 20), borrowed from various acquaintances. On 6 March 2001 the court declared her civil action invalid for non-payment of the full court fee. The couple appealed.

In March 2001 the Mayor of Bucharest announced that stray dogs would be put down. He stated that: in 2000, 22,000 people had needed medical care after being attacked by stray dogs; from the beginning of 2001 more than 6,000 people had been bitten by stray dogs; and, children and the elderly were most vulnerable to attack.

On 19 April 2001 Bucharest General Council issued Decision no. 82 and the Government adopted Emergency Decree no. 155/2001 –which entered into force on 13 December 2001 - which provided for stray dogs to be captured and neutered or put down².

On appeal, on 19 June 2001, Bucharest County Court held that the Animal Control Agency (ACA), a public body, had not taken all necessary measures to protect the public and that the attack on Ms Stoicescu had put her life and health in danger, causing her physical and psychological suffering. Bucharest Mayor's Office was ordered to pay her non-pecuniary damages of ROL 10,000,000 (approximately EUR 400), which was 10% of the damages she had claimed.

Bucharest City Hall appealed successfully, claiming that it did not have legal capacity as the defendant because the ACA was under the authority of the Bucharest Municipal Council and not the Bucharest Mayor's Office.

On 28 June 2002 the applicant, represented by her husband, filed an unsuccessful civil action with Bucharest District Court requesting damages of ROL 50,000,000 (EUR 2,000) from the ACA and Bucharest Municipal Council. Her appeal was also dismissed.

The problem of stray dogs has still to be resolved. According to the Prefect of Bucharest, 9,178 people were bitten by stray dogs in Bucharest in the first six months of 2009, including 1,678 children. According to an ACA report, 38% of the dogs they picked up from the streets of Bucharest in the first half of 2009 were infested with leptospirosis³. On 27 April 2010 the prefect indicated that: there were 40,000-100,000 stray dogs in Bucharest; in 2009 around 7,000 people had been bitten in Bucharest by stray dogs; and, in the first four months of 2010 more than 2,000 people had been bitten by stray dogs. He also announced that he had proposed a draft law allowing stray dogs to be put down in certain circumstances.

In January 2011, an elderly woman was bitten to death by stray dogs in the centre of Bucharest.

² The use of euthanasia was criticised by international public figures, such as the actress Brigitte Bardot, who, in 2001, donated some 100,000 Euros to the City of Bucharest to sterilise stray dogs rather than killing them.

³ Leptospirosis is an infectious disease transmissible to humans, which can cause meningitis, liver damage and renal failure.

Complaints, procedure and composition of the Court

Relying in particular on Article 8 of the Convention, Ms Stoicescu complained that she had been attacked by a pack of stray dogs because the local authorities had failed to take adequate measures to control stray dogs in Bucharest. Relying on Article 6 § 1, she also complained that her two civil actions for damages had been dismissed.

The application was lodged by Georgel and Georgeta Stoicescu with the European Court of Human Rights on 10 January 2001. On 11 May 2006 the Court declared the application inadmissible concerning Georgel Stoicescu.

Judgment was given by a Chamber of seven, composed as follows:

Josep **Casadevall** (Andorra), *President*,
Corneliu **Bîrsan** (Romania),
Alvina **Gyulumyan** (Armenia),
Egbert **Myjer** (the Netherlands),
Ineta **Ziemele** (Latvia),
Luis **López Guerra** (Spain),
Mihai **Poalelungi** (Moldova), *Judges*,

and also Santiago **Quesada**, *Section Registrar*.

Decision of the Court

Article 8

The Court noted that Ms Stoicescu was attacked, bitten and knocked to the ground by a pack of about seven stray dogs in a residential area of Bucharest and that she had undoubtedly suffered both physically and psychologically as a result of that attack and its consequences.

The Romanian authorities had extensive and detailed information on the problem of stray dogs, in particular the large number of strays in the city of Bucharest and the danger they posed to the public. The data available to the authorities also confirmed the regular occurrence of such attacks in Bucharest.

In 2001, after the attack on Ms Stoicescu, the authorities acknowledged that there was a particular problem with attacks by stray dogs; on 19 April 2001 they issued Decision no. 82 and subsequently Emergency Decree no. 155/2001.

The Court acknowledged that, even before the attack on Ms Stoicescu, regulations were in force in Romania providing a legal basis for the creation of specific structures to control stray dogs. Those regulations were also modified several times after the incident in 2000, mainly concerning the organisation and supervision of the structures in charge of controlling stray dogs and the way those dogs were treated after their capture.

However, the Court noted that, despite those regulations, the situation remained critical, with several thousands people being injured by stray dogs in Bucharest alone.

The Court agreed with the Romanian Government that responsibility for the general situation of stray dogs in Romania also lay with civil society. It was not for the Court to determine the best policy for dealing with such public safety problems. An impossible or disproportionate burden should not be imposed on the authorities without considering the operational choices which had to be made in terms of priorities and resources.

The Court noted that the judgment of 19 June 2001 addressed the merits of Ms Stoicescu's complaints. However, it was quashed for procedural reasons and her subsequent attempts to have a court decision providing her with appropriate redress also failed.

The Court observed that the Romanian Government had failed to identify any concrete measures taken by the authorities at the time of the incident to implement existing laws in order to tackle the serious problem posed by stray dogs. Neither had they indicated whether the regulations or practices at the time of the incident or adopted later were capable of providing appropriate redress to victims of attacks by stray dogs. In addition, the problem appeared not to have been resolved.

The Court therefore found that the inadequate measures taken by the Romanian authorities to deal with stray dogs in Ms Stoicescu's case, combined with their failure to provide her with appropriate redress for her injuries, was in violation of Article 8.

Article 6 § 1

The Court observed that, theoretically, Romanian law allowed Ms Stoicescu to bring judicial proceedings for compensation under the Civil Code. She did so. Despite her limited means, she had had to pay court fees to have her case heard, but, given the domestic law providing that court fees be calculated on a percentage of the claims, she had had to limit her claims before the domestic courts. Moreover, although Bucharest County Court ruled on 19 June 2001 that she was exempted from paying the court fee, the money she had paid was never returned to her.

The Court further noted that Ms Stoicescu did not obtain a final ruling on the merits of her civil claim because her case was repeatedly dismissed without examination, on the ground that she had failed to identify the local authority responsible for supervising the body in charge of stray dogs.

According to two Local Administration Acts, municipal councils were in charge of setting up services for stray dogs and the mayor's offices were responsible for implementing the councils' policies. In Ms Stoicescu's case, the stamp on the paper issued by the ACA had "Bucharest Mayor's Office" embossed on it. She could therefore have reasonably believed – and neither the relevant Romanian court nor the defendant authority had stated otherwise – that the Bucharest's Mayor Office had legal standing before a court in a matter concerning the ACA's activities and responsibilities.

The Court therefore found that shifting onto Ms Stoicescu the duty of identifying the authority against which she should bring her claim was a disproportionate requirement and failed to strike a fair balance between the public interest and her rights.

Consequently, the Court found that she could not claim compensation in court for the attack and concluded that she did not have an effective right of access to a court, in violation of Article 6 § 1.

Article 41

Under Article 41 (just satisfaction) of the Convention, the Court held that Romania was to pay Mr Stoicescu 9,000 Euros (EUR) in respect of non-pecuniary damage and EUR 20 in respect of costs and expenses.

Separate opinion

Judge López Guerra expressed a separate opinion which is annexed to the judgment.

The judgment 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.