

**Summary of the points made by civil society representatives at the EIN briefing to the
Committee of Ministers on 5 March 2018**

Zorica Jovanovic v Serbia (Application No 21794/08)

We have to repeat our concerns about the previous version of the Draft Law which has now been withdrawn from the Parliamentary procedure, as we strongly believe that it would not lead to full execution of Zorica Jovanovic judgment. On the contrary, we find that the Serbian State Authorities, by adopting that Draft Law, would only present their efforts in execution of this judgment, but would not implement the core of it - to establish an effective mechanism that would be capable of providing credible answers regarding the fate of each child.

In this regard, our recommendations to the Committee of Ministers are:

- To remind the State Authorities about their obligations under the Convention regarding the implementation of ECHR judgments,
- To remind the State Authorities on the core elements of Zorica Jovanovic v Serbia judgment,
- To call for a serious and efficient approach of the Serbian State Authorities to comply with Committee of Ministers Decisions and its Interim Resolution and
- As the most important, to call for urgent execution of ECHR ruling in this case with the establishment of a proper investigative mechanism capable of determining the truth about each and every case similar to Zorica Jovanovic, as specified by ECHR judgment.

Bragadireanu v Romania (Application No 22088/04)

- Recall that the European Court of Human Rights found systemic problems concerning detention conditions not only when it comes to overcrowding but also in relation to adequate health care and hygiene. In this regard, call for the adoption of measures (if necessary legislative) in relation to the specific problem of the lack of sufficient doctors/medical services in the penitentiary system and the persistence of general poor hygienic conditions.
- Recall that an effective remedy should not only apply when it comes to overcrowding and in a discriminatory manner. In this regard, the Government should find solutions to offer compensation to prisoners whose sentences had already been executed when the law referring to conditional release entered into force.
- Encourage the Government to be more transparent and involve all stakeholders in the decision making process when it comes to the adoption of action plans following an ECHR judgment. The General Inspectorate of Police should also proactively publish information concerning the capacity available in police lock-ups throughout the country.

Ciorap v the Republic of Moldova (Application Nos 12066/02, 9190/03, 39806/05)

- As top priority, call on the Authorities to comply with their undertaking and build, without delay, a new prison to replace Prison No. 13;
- Until the construction the new prison is finished, urge the Authorities to take measures to eliminate overcrowding and to improve hygiene in Prison No. 13. The problem of overcrowding can be achieved through application of non-custodial preventive measures;
- Call on the Authorities to increase substantially the funds allocated for detainees' food;
- Encourage the Authorities to provide training for the relevant stakeholders to ensure that the new remedy introduced to address the problem of detention in bad conditions is effectively applied in practice. The Moldovan Government should also inform the Committee of Ministers periodically of the impact of this remedy.

Neshkov and others v. Bulgaria, Kehayov group of cases (Application Nos 41035/98, 36925/10)

- Continue with renovations of some of the prisons and especially prison hostels;
- Carry out in short-term major renovations of investigative detention facilities throughout the country;
- Further improve the system for early conditional release introducing guarantees for adversarial hearing by the courts; courts must not simply follow the prison governor's submission;
- Provide for opportunity for the courts to carry out risk assessment for life prisoners prior to establishing under which regime they ought to be initially detained;
- Increase compensations ruled by courts for ill-treatment under the Execution of Punishments and Pre-trial Detention Act.