

Summary of Points

EIN briefing to the Committee of Ministers on 28 May 2018

Balsan v Romania (Application No 49645/09)

- Emphasis the need for clear procedures to prevent and combat domestic violence. Towards this aim, the Romanian Police should immediately adopt working procedures concerning the implementation and supervision of the restraining orders;
- Remind that the ECtHR has emphasized that there is a limited number of shelters available nationwide for victims; and in eight counties in Romania there are no shelters at all. In this regard, the national authorities should take concrete measures to remedy this systemic deficiency;
- Note that while the ECtHR has delivered judgments in only three domestic violence cases in Romania so far, it is a systemic problem in Romania nonetheless. As such, recommend that, instead of ending the supervision process, the case of E.M v Romania should be connected to the case of Bălșan v Romania and both addressed under enhanced supervision.
- Encourage the national authorities to take all measures, as a matter of urgency, to transpose and implement completely the Istanbul Convention and all other relevant European legislation which applies to the protection of victims of domestic violence.

Laszlo Magyar Group v Hungary (Application No 73593/10)

- Demand the abolishment of the institution of life imprisonment without the possibility of parole from respective laws including the Fundamental Law of Hungary, as legitimate penological aims may be achieved through the application of life imprisonment with the possibility of parole;
- Establish a review system for those already sentenced to life imprisonment without the possibility of parole, which complies with the standards set by the ECtHR with respect to the decision-making process and its timing, and which provides a real prospect of release;
- Ensure that a review complying with the standards set by the ECtHR takes place no later than 25 years after the imposition of every life sentence, with further periodic reviews thereafter;
- Ensure that the rights violations suffered by the applicants in the *László Magyar v Hungary* group of cases are fully remedied and, as above, they are eligible for parole no later than 25 years after the imposition of their sentence.

Identoba and Others Group v Georgia (Application No 73235/12)

- Urge the national authorities to implement the proposals made by the Public Defender of Georgia and the European Commission against Racism and Intolerance to strengthen the enforcement mechanisms of the Law on the Elimination of All Forms of Discrimination;
- Call for an enhanced commitment by national authorities to improve the monitoring and prosecution of hate crimes/ incidents/ discrimination cases by setting up of a unified data collection system and an effective investigations model;
- Encourage the national authorities to continue the training seminars for police and law enforcement officers, prosecutors and members of the judiciary to provide them with the requisite knowledge and sensitivity required to combat homophobic attitudes in the police and other institutions;
- Urge the national authorities to take all necessary security measures whenever needed to ensure that LGBT community can fully, effectively and freely enjoy the right of freedom of assembly and its manifestation;
- Suggest that the national authorities consider the development of a public awareness raising programme designed to combat intolerance and hate speech against LGBT persons, which would target the public, public officials and the education system.

Yuriy Nikolayevich Ivanov + Zhovner Group, Burmych and Others v Ukraine (Applications No 40450/04, 56848/00, 46852/13)

- Call for the abolishment or limitation of moratoriums that make it impossible to enforce court decisions against the State and State-owned companies in various sectors;
- Call for the establishment of a special mechanism which would help align the amount of the State's obligatory social obligations with the State budget;
- In that respect, underline that the proposed 1 billion UAH budget fund does not appear to be enough considering the possible scale of the problem (31 billion);
- Regarding sufficiency of compensation and limitation of redress, note that the level of responsibility does not appear to be enough to stimulate the national authorities towards ensuring the enforcement of domestic judicial decisions and that such an approach would also not appear to take into consideration specific circumstances;
- Continue to call for more determined efforts to address the problem of non-enforcement or delayed enforcement of final domestic judicial decisions, including efforts to simplify the procedures for the execution of court decisions.