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Contact: Ireneusz Kondak
Tel: 03.90.21.59.86

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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1569th meeting (September 2026) (DH)

Communication from the authorities (31/08/2026) concerning the general measures in the case of Gosav and Others v. Romania (Application No. 52526/17) (Bragadireanu No.2 group)

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1569^e réunion (septembre 2026) (DH)

Communication des autorités (31/08/2026) relative aux mesures générales concernant l'affaire Gosav et autres c. Roumanie (Requête n° 52526/17) (Groupe Bragadireanu n°2) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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Information Note in the case of
Gosav and others v. Romania
(Application no. 52526/17, final judgment of 04 June 2020)

I. Introductory summary of the case of *Gosav and others v. Romania*

The case concerns violations of Article 8 of the Convention for the protection of human rights and fundamental freedoms (the Convention) in the context of the public authorities denying the applicant's requests to participate to the funeral of close relatives, without adequate justification, while serving a prison sentence.

Moreover, the Court found a violation of Article 13 of the Convention on account of the absence of an effective domestic remedy enabling the applicant to challenge the refusal in circumstances where the funeral was due to take place shortly thereafter.

II. Individual measures in the case of *Gosav and others v. Romania*

As regards to the individual measures, the domestic authorities have paid the amounts afforded through the Court's judgment in due course and the proof of payment has already been submitted.

III. General measures in the case of *Gosav and others v. Romania*

The Romanian authorities adopted a legal provision¹ establishing a specific framework for assessing requests by persons deprived of their liberty to attend the funeral of a close family member, requiring the authorities to consider, including where the initial request is refused, the possibility of presenting the detainee at the funeral, with appropriate security arrangements.

The National Administration of Penitentiaries (A.N.P. thereon) communicate that the framework has been applied as follows: 523 missions were carried out in 2024, 561 in 2025 and 318 during the first half of 2026. The A.N.P. considers that all of the missions were carried out following the reexamination provided by art. 214¹ of the regulation implementing Law no. 254/2013.

The A.N.P. has also adopted instructions aimed at ensuring the uniform and individualized examination of such requests, in line with the Court's case-law, while the applicable rules provide for the escort of persons deprived of their liberty to funerals.

¹ Government Decision no. 850/2023, which introduced Article 214¹ into the Rules for the implementation of Law no. 254/2013

Consequently, the subordinated units of A.N.P. were informed by the aspects that need to be taken into consideration when analyzing the requests of the inmates, such as the need for ensuring escort, if the impediment of allowing the participation to the funeral is the fact that the person cannot be allowed to go by themselves to the funeral.

Moreover, the Regulation regarding the safety of detention centers subordinated to the National Administration of Penitentiaries, approved by order of the Minister of Justice no. 4800/2018, published in the Official Journal on 17.12.2018, includes provisions regarding the persons in custody in order to participate to funerals for the inhumation of close relatives. The provisions of art. 358 (3) of the aforementioned regulation state that in exceptional cases, if the period of time between the meeting of the commission provided by art. 98 (2) of Law no. 254/2013 and the beginning of the funerals is shorter than 24 hours, the organization of the escort will be done with respects to the general escorting principles and the efficient utilization of all the information available from the penitentiary and local authorities, in order to prevent negative events, without further reconnaissance activity being carried out.

As regards the availability of an effective remedy, the Superior Council of Magistracy established in February 2025 a working group on the reform of the activity of the prison supervision judge.

The group examined the participation of persons deprived of their liberty in family funerals and identified the need to provide a specific and prompt judicial remedy against refusals. It proposed amendments to Law no. 254/2013 and the relevant secondary legislation, including, among other things, the possibility for the prison supervision judge to examine such requests as a matter of urgency.

The proposals were examined by the competent commission of the Superior Council of Magistracy (Commission no. 1 – judges “Legislation and International Cooperation”) on 25 February 2026, which referred the matter to the Ministry of Justice for consideration of the initiation of the necessary legislative amendments. Moreover, the Commission believes that similar provisions should be enacted for requests for permission to leave detention and pre-trial detention centers (*Centre de Reținere și Arestare Preventivă*).

IV. Conclusions

In the light of the foregoing, **the Government will keep the Committee informed with regard to the execution measures** in the case of *Gosav and others v. Romania*.