



Execution of judgments of the European Court of Human Rights

Roma and Travellers

DECEMBER 2023



JUDGMENTS

19

leading under enhanced procedure

14

repetitive examined in a group under enhanced procedure



Co-operation activities of Roma and Travellers Team to support the execution of judgments of the European Court of Human Rights



Assistance to member states to design or revise **legislation and policies**



Capacity building activities of institutions and of professionals working with Roma and Travellers; peer-to-peer learning (thematic visits; study visits)



Empowerment of Roma and Traveller civil society organisations, including Roma women and youth



Awareness raising on Roma and Traveller issues



Co-operation activities of Roma and Travellers Team to support the execution of judgments of the European Court of Human Rights

comments on general measures proposed through action plans (e.g. X and Others v Albania; Paketova and Others v Bulgaria; Budinova and Chaprazov v Bulgaria; M.B. and Others v Slovakia)

policy and legislative measures suggested to address the issues resulting from the judgments (e.g. Elmazova and Others v North Macedonia)

Examples of co-operation activities

adaptation of HELP courses to strengthen the capacities of the judiciary (e.g. HELP hate crime course for prosecutors in Romania - Lingurar v Romania; HELP hate speech course for the judiciary in Bulgaria (in preparation) - Budinova and Chaprazov v Bulgaria; Paketova and Others v Bulgaria)

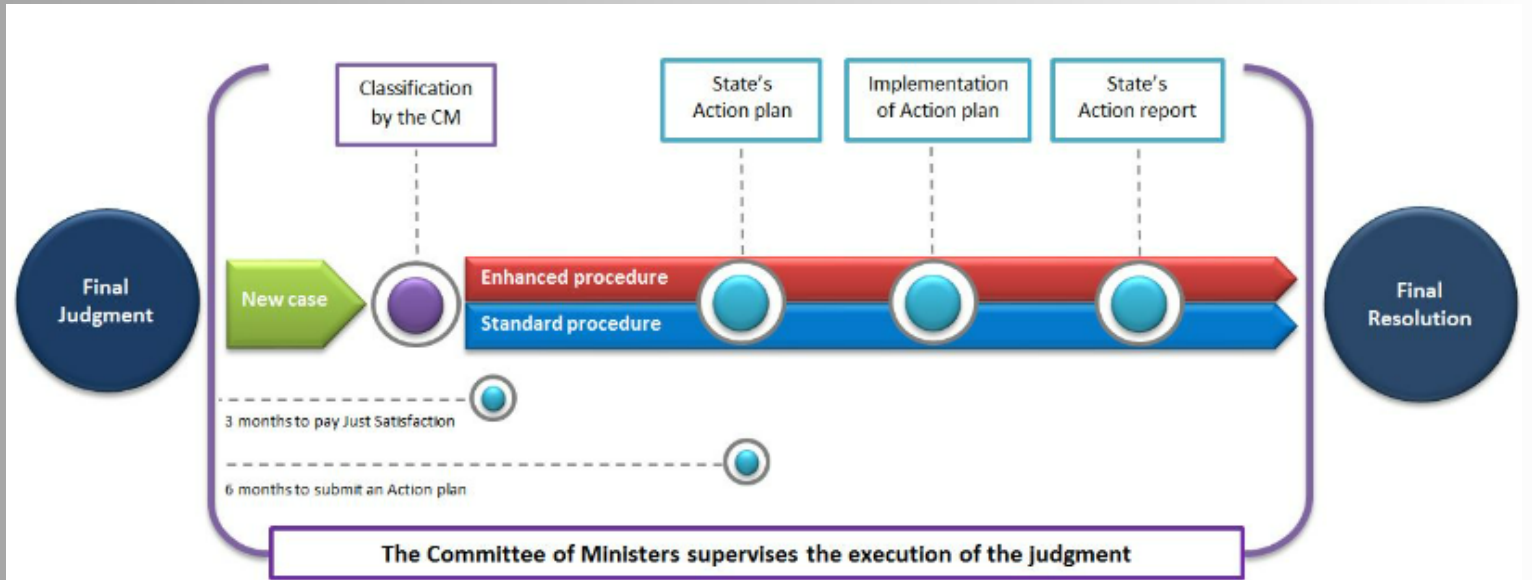
capacity building for police officers - ToT on Council of Europe standards on racially motivated crimes and non-discrimination of Roma (e.g. Soare and Others v Romania)



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Roma and Travellers

THE COMMITTEE OF MINISTERS' SUPERVISION OF THE EXECUTION



THE COMMITTEE OF MINISTERS' HUMAN RIGHTS MEETINGS

- 1514DH meeting of the Ministers' Deputies (3-5 December 2024)
- 1507DH meeting of the Ministers' Deputies (17-19 September 2024)
- 1501DH meeting of the Ministers' Deputies (11-13 June 2024)
- 1492DH meeting of the Ministers' Deputies (12-14 March 2024)

2024



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ROMA AND TRAVELLER CIVIL SOCIETY ENGAGEMENT



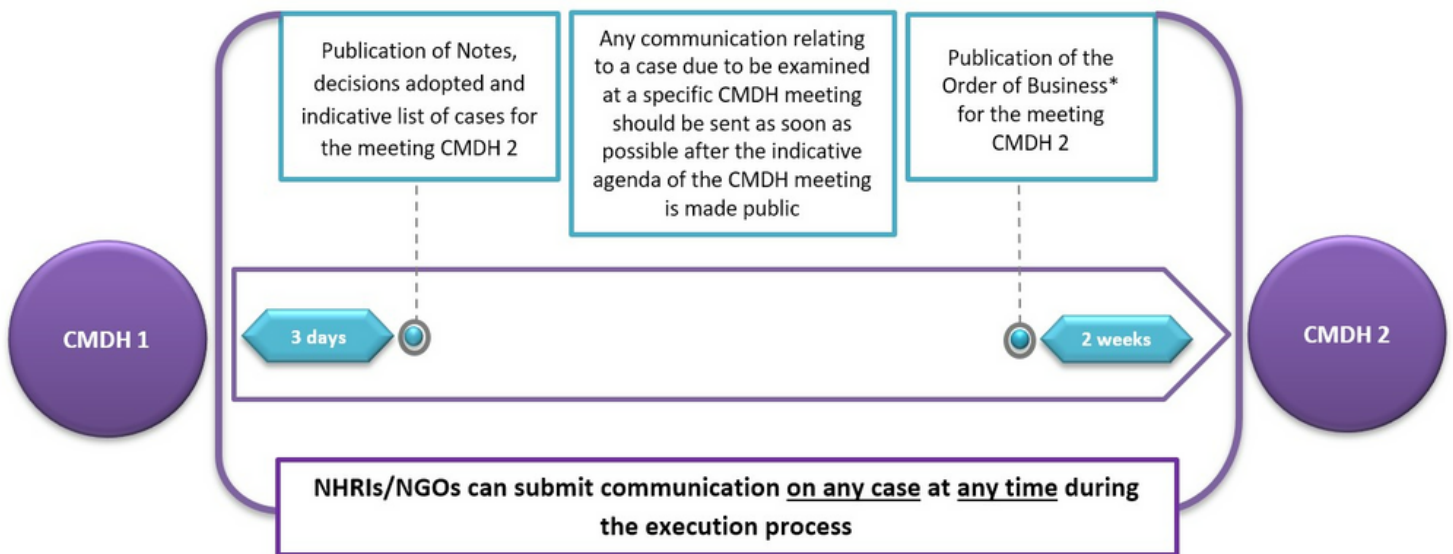
RULE 9

[Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements](#)

The Committee of Ministers shall be entitled to consider any communication from non-governmental organisations, as well as national institutions for the promotion and protection of human rights, with regard to the execution of judgments under Article 46, paragraph 2, of the Convention.

TIMELINE

most appropriate time to submit communications to the CM between two CMDH meetings:



*restricted document made available on the CM website to all delegations only

Checklist for NGOs:

- Read the Action Plans and Action Reports submitted by governments concerning the execution of Roma and Travellers-related judgments
- Read the decisions and resolutions of the Committee of Ministers related to execution of Roma and Travellers-related judgments
- Consider preparing Rule 9 submissions (also jointly with other organisations)
- Disseminate and refer to the judgments of the European Court of Human Rights, and to decisions and resolutions of the Committee of Ministers related to execution of Roma and Travellers-related judgments
- Advocate for the execution of the judgments related to Roma and Travellers
- Propose measures to governments that can support the execution of the judgments related to Roma and Travellers



Roma and Travellers-related Judgments of the European Court of Human Rights pending execution



<u>X AND OTHERS v. Albania</u> School segregation	Failure of the authorities to implement swift and comprehensive desegregation measures in an elementary school (the “Naim Frashëri” elementary school in Korça) attended almost exclusively by Roma and Egyptian children
<u>BALKASI AND OTHERS v. Albania</u> (repetitive) ill-treatment, effective investigation	The case concerns the lack of an effective criminal investigation in 2013-2017 into the credible assertions of the second, third and fifth applicants, members of a family of Roma ethnic origin, that they had been ill-treated by police officers.
<u>SEJDIC AND FINCI v. Bosnia and Herzegovina</u> law on electing Parliament members	Discrimination against the applicants on account of their ineligibility to stand for election to the Presidency of Bosnia and Herzegovina due to their lack of affiliation with a constituent people (Roma and Jewish origin).
<u>PAKETOVA AND OTHERS v. Bulgaria</u> Home, personal security, inaction from authorities	Impossibility for the applicants, fifty-one Bulgarian nationals of Roma ethnic origin, to enjoy their private and family life and their home peacefully, owing to the failure in 2019 of the competent authorities to provide them with the requisite protection in connection with demonstrations by the local population against Roma inhabitants of the village of Voyvodinovo, demanding that the Roma leave the village and do not return.
<u>BUDINOVA AND CHAPRAZOV v. Bulgaria</u> Hate speech, lack of remedy	Failure of domestic courts to discharge a positive obligation to afford redress to persons of Jewish and Roma origin for anti-Semitic or discriminatory public statements made by a leader of a political party.

<u>YORDANOVA AND OTHERS v. Bulgaria</u> Housing, evictions, proportionality	Interference with the applicants’ right to respect for their home or their private and family life as a result of eviction or demolition orders issued and reviewed under a domestic legal framework which did not require any proportionality assessment.
<u>D.H. AND OTHERS v. the Czech Republic</u> segregation education	Discrimination in the enjoyment by the applicants of their right to education, due to their much higher likelihood, because of their Roma[1] origin, of being assessed as pupils with “mild mental disabilities” and thus assigned to special primary schools.
<u>HORVATH AND KISS v. Hungary</u> segregation education	Discrimination against the applicants, who are of Roma origin, on account of their placement in a special school for children with mental disabilities in the 2000s during their primary education.
<u>BALAZS v. Hungary</u> ill-treatment, investigation of racially motivated crimes (leading) R.B. v. Hungary KIRALY AND DOMOTOR v. Hungary (repetitive)	Group of cases concerning violations of the prohibition of discrimination read in conjunction with the prohibition of inhuman or degrading treatment on account of the authorities’ failure to carry out effective investigations into the question of possible racial motives behind the ill-treatment inflicted on the Roma applicants by law enforcement agents.
<u>SZOLCSAN v Hungary</u> School segregation	Discrimination of a Roma pupil on account of segregation in a State-run primary school attended almost exclusively by Roma children.



Roma and Travellers-related Judgments of the European Court of Human Rights pending execution

<p><u>GUBACSI v. Hungary</u> ill-treatment, effective investigation, group with two repetitive Roma-related judgments under examination:</p> <p>MATA v. Hungary NAGY v. Hungary (repetitive)</p>	<p>This group of cases concerns ill-treatment (between 2000 and 2016) by law enforcement officers during the applicants' arrest, transfer and detention, and lack of effective investigations, including failure to investigate possible racist motives for ill-treatment, and violations of the right to life in the same context. The issue under Article 14 is examined in the context of the Balázs group (No. 15529/12).</p>
<p><u>KITANOVSKI v. the former Yugoslav Republic of Macedonia</u> Ill-treatment, effective investigation, group with two repetitive Roma-related judgments under examination:</p> <p>X AND Y v. North Macedonia MEMEDOV v. North Macedonia</p>	<p>Failure of the authorities to investigate the applicants' allegations of racially motivated police brutality</p>
<p><u>ELMAZOVA AND OTHERS v. North Macedonia school segregation</u></p>	<p>Discrimination of Roma pupils due to their segregation between 2017-2019 in two State-run primary schools in Bitola which were attended predominantly by Roma children and with Roma-only classes</p>
<p><u>LINGURAR v. Romania</u> Racial profiling police, effective investigation</p>	<p>Disproportionate use of force against the applicants during a police raid on a Roma community in 2011, an operation found by the Court to disclose discriminatory ethnic profiling</p>

<p><u>CENTRE FOR LEGAL RESOURCES ON BEHALF OF VALENTIN CAMPEANU v. Romania</u> social and medical care lack of remedy</p>	<p>shortcomings in the social and medical care afforded to a young man of Roma origin, orphaned, HIV-positive and with "severe intellectual disability" before his death at the neuropsychiatric hospital of Poiana Mare in 2004 ; the ineffectiveness of the investigation and the court proceedings into his death ; and the lack of a domestic legal framework suited to the specific needs of people with disabilities and allowing for the examination of allegations concerning violations of their Convention rights by an independent authority .</p>
<p><u>SOARE AND OTHERS v. Romania,</u> ill-treatment, effective investigation group with four repetitive Roma-related judgments under examination:</p> <p>CIORCAN AND OTHERS v. Romania GRAMADA v. Romania GHEORGHE COBZARU v. Romania BOACA AND OTHERS v. Romania ANDREEA-MARUSIA DUMITRU v. Romania</p>	<p>Deaths, life-threatening injuries, or ill-treatment during arrest and other law enforcement operations.</p>
<p><u>R.R. AND R.D. v. Slovakia,</u> Ill-treatment, investigation racially motivated crimes, group with two repetitive Roma-related judgments under examination: M.B. AND OTHERS v. Slovakia P.H. v. Slovakia M.B. AND OTHERS v. Slovakia (no. 2)</p>	<p>Excessive use of force by the police, inhuman and degrading treatment in the hands of the police, failure to protect physical well-being of persons in police custody, ineffective investigations and failure to investigate possible racist motives.</p>



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<p><u>FEDORCHENKO AND LOZENKO v. Ukraine</u>, Investigation of racially motivated crimes, group with one leading and two repetitive Roma-related judgments under examination:</p> <p>FEDORCHENKO AND LOZENKO v. Ukraine BURLYA AND OTHERS v. Ukraine PASTRAMA v. Ukraine</p>	<p>Lack of effective investigations into violent acts against the applicants in 2001-2013, sometimes with the involvement of police officers, including into possible motives of racial or religious hatred behind the attacks on Roma. It also concerns the authorities' failure to comply with their positive obligations to protect the homes of the applicants (the Burlya case), to ensure effective respect of private life (the Burlya and the Pastrama case)</p>
<p><u>WINTERSTEIN and Others v France</u></p>	<p>Decision of eviction especially of Travellers from land on which they had been living for several years, in the absence of a proportionality test of the interference with their right to respect for their home and the lack of sufficient consideration of the needs of applicants who requested relocation to family land.</p>
<p><u>HIRTU and Others v. France</u> <u>home, evictions, proportionality</u></p>	<p>Interference with private and family life due to the arrangements of an expulsion of Roma from a camp - without taking into account its effects and the applicants' particular situation and lack of an effective remedy.</p>
<p><u>LACATUS v Switzerland</u> <u>law, disproportionate sanction on begging</u></p>	<p>Interference with private life: imposition of a fine in 2014 on a vulnerable Roma person for having begged, followed by imprisonment for five days for non-payment</p>