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**Consultative Council of European Judges
(CCJE)**

The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors

QUESTIONNAIRE

The role of judges in the enforcement of judicial decisions, in their relationships with other state functions and/or other actors

QUESTIONNAIRE

A) IN CIVIL AND ADMINISTRATIVE MATTERS

1. Is the authority responsible for the enforcement specified in the law or in the constitution?

Yes

Please specify

No – in the ordinary law

2. What are the competences of the judge in the enforcement procedure?

➤ He is responsible for the enforcement

No

➤ He has others competences as regards enforcement

Yes .

If yes, please specify

3. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

Not always the same judge. Moreover it also depends whether the case is appealed

4. Do the parties have to make a new application for the decision to be enforced?

Yes, if some time elepases from date of judgment.

5. Shall this new application end with a judicial decision ?

No, just confirmation of the original decision.

6. Is the judge working with other actors involved in the enforcement procedure?

Yes

Please specify which actors

Marshalls, lawyers, or executive police.

7. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes and sees that the Court orders are obeyed.

He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

Yes

Others competences?

No, those already mentioned.

If yes, please specify

8. What is the training of the person responsible for the enforcement if it is not a judge? In house training.

9. Can the parties appeal if the decision is not enforced within a reasonable time?

Yes – parties can apply to the Court but not appeal.

If yes, what are the sanctions of this appeal?

10. What are the powers of the judge to speed up the enforcement?

Setting time frames

11. What are the powers of the judge to force the enforcement?

Contempt of Court and even arrest.

12. What are the powers of the judge to protect the rights of parties and of third parties in the enforcement? Same as 11

13. In your country, what are the main obstacles to the enforcement of decisions? Delaying tactics by lawyers, prolonged contestations, evading enforcement; corruption?

14. According to you, what main changes are needed to improve the effectiveness of the enforcement proceedings in your country?

It all depends on all the actors involved as mentioned above.

15. Are the enforcement procedures similar for civil and administrative matters?

Not applicable, as we do not have administrative courts, administrative matters are dealt with in the ordinary way as other cases.

Yes

No

If not, please clarify the differences.

B) IN CRIMINAL MATTERS

16. Is the authority responsible for the enforcement of sentence specified in the law or in the constitution?

In the law

Please specify

No

17. What are the competences of the judge in the enforcement of sentences:

➤ He is responsible for the enforcement?

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify – Judge gives orders in his judgment.

18. Is the judge responsible for the enforcement (if exists) the same than the judge who took the decision?

No- enforcement is through the executive police

19. Is the judge working with other actors involved in the enforcement of sentences?

Yes

Please specify which actors – executive police

20. When he is working with other actors in the enforcement procedure, what are the exact competences of the judge:

➤ He starts the procedure?

Yes

and sees that the judgement is executed

➤ He controls and supervises the procedure (eg timeframes) and the work done by the other actors?

Yes

➤ Others competences?

No

If yes, please specify

21. What are the powers of the judge to protect the rights of detainees and of third parties in the enforcement? – Applications can be made to the Court.

22. What are the powers of the judge as regards the alternative solutions to prison ?

Alternative solutions can be given in the judgment. But then it is the authorities who see which alternatives will apply depending on each case.

23. What are the powers of the judge as regards the implementation of sentences (arrangement of sentence, conditional release, etc.) ?

They are executed by the police.

24. What are the powers of the judge as regards the effective payment of fines ?

It depends on the Court administration

25. What are the main reasons for complaints concerning the rights of detainees?

Usually it is the sentencing policy

26. Who is responsible in your country, for complaints about living conditions in prison? What is the procedure for processing such complaints? There is a prison board

27. In your country, what are the main obstacles to the enforcement of sentences?

Depends on the kind of punishment meted out. Eg fines, probation, prison sentence, suspended sentence.

28. According to you, what main changes are needed to improve the effectiveness of the enforcement of sentences in your country? There has to be proper surveillance that judgments are served as they should and where they should; suspended sentences are observed; probation orders followed; fines collected.