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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

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

➤ He is responsible for the enforcement

Yes

No

➤ He has others competences as regards enforcement

Yes

No

If yes, please specify

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

Yes

No

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

Yes

No

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

Yes

No

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

Yes

Please specify which actors

No

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
 No

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

Yes
 No

➤ Others competences?

Yes
 No

If yes, please specify

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

He must have a degree in laws.

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

Yes
 No

If yes, what are the sanctions of this appeal?

The sanctions can be: to charge a judge for his work to the president of the court. The president can take the judge's responsibility for his work.

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

The power of the judge is to do within a timeframe.

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

The same as 10.

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

13. In your country, what are the main obstacles to the enforcement of decisions?

There are a great number of law cases and it makes the enforcement slow.

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

In my opinion, we could change the enforcement proceedings in this way: to decrease the number of cases and to enable judges to work more effectively and professionally.

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

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?

Yes

Please specify

No

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

➤ He is responsible for the enforcement?

Yes

No

➤ He has others competences as regards enforcement?

Yes

No

If yes, please specify

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

Yes

No

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

Yes

Please specify which actors

No

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

No

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

Yes

No

➤ Others competences?

Yes

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?

The president of the court supervises and control the work of the prison.

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

The judge is independent in the enforcement of sentences regarding the alternative solutions to prison.

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

The same as 22.

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

He is not directly involved in that process and he doesn't control it.

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

The complaints are about the behaviour of the prison keepers.

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

The first step for processing such complaints is the director of the prison appeals to the president of the court and they can complain to the Ministry of Justice.

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

There are no obstacles.

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

The same as 14.