



15 December 2011

ROUND-TABLE

EFFICIENT DOMESTIC CAPACITY FOR RAPID EXECUTION OF THE EUROPEAN COURT'S JUDGMENTS

**organised with the financial support from the Human Rights Trust Fund under
the project "Removing the obstacles to the enforcement of domestic court
judgments/Ensuring an effective implementation of domestic court judgments"¹**

Albania, Tirana
Hotel Tirana International

15-16 December 2011

Programme

The Round-table aims at providing a forum for sharing participating States' experience in ensuring domestic capacity to execute judgments of the European Court of Human Rights. It is expected that the discussions during the Round table will help to clarify developments of domestic practices in the areas covered by Recommendation 2008(2) of the Committee of Ministers on efficient domestic capacity for rapid execution of the Court's judgments. Emphasis will be put on the issue of coordination/cooperation amongst domestic actors involved in the execution of the European Court's judgments. The experience of drawing up action plans/reports and mechanisms to ensure dissemination of the European Court's judgments and related Committee of Ministers decisions/resolutions will also be addressed.

The discussions will focus on best practice and difficulties encountered with respect to the execution of the European Court's judgments at the domestic level. A questionnaire on the implementation of the Recommendation 2008(2) by member states was drawn up to facilitate the preparation for the Round-table. The replies to the questionnaire submitted by member states will serve as a background document for the discussions.

The Round-table is being organised within the framework of the project entitled "Removing the obstacles to the enforcement of domestic court judgments/Ensuring an effective implementation of domestic court judgments" funded by the Human Rights Trust Fund. It is expected that the experience-sharing of the participating states is to benefit to the countries of the Human Rights Trust Fund, notably Azerbaijan, Albania, Bosnia and Herzegovina, Moldova, Serbia and Ukraine.

¹ Simultaneous interpretation is ensured from/into English, French, Albanian, Bosnian, Croatian, Serbian and Russian.

DAY 1: 15 DECEMBER 2011

8:30 – 9:30 Registration of the participants

Chairperson: Mr Marco Leidekker, Head of the Council of Europe Office, Tirana

9:30 - 10:00 Opening of the conference²

Welcome address by:

- Mr Eduard Halimi, Minister of Justice, Albania
- Mr Fredrik Sundberg, Deputy to the Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

10:00 – 10:30 Introductory session: Setting the scene: Recommendation (2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights

- Presentation of Recommendation (2008)2 by Mr Fredrik Sundberg, Deputy to the Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

10:30 – 11:30 Session 1: Ensuring coordination/cooperation amongst national actors, in particular at governmental level: best practice and challenges faced by member states

Chairperson: Mr Stephan Rutkowski, Deputy to the Permanent Representative of Austria to the Council of Europe

- *Overview of the replies to the questionnaire relevant to the theme of the session: presentation by Ms Irène Kitsou-Milonas, Head of Section, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe*

Country-selected presentations (7 -10 minutes) will be made by participants on their experience of setting-up of mechanisms to ensure timely and effective execution of the European Court's judgments and of securing coordination/cooperation with the authorities, the judiciary and other actors involved in the execution of the European Court's judgments. It would be useful to share with participants difficulties encountered and positive developments with respect to the coordination/cooperation with the relevant domestic actors.

- Presentation by Ms Vasileia Pelekou, Legal Advisor, State's Legal Council, Greece: *Experience of setting-up of the mechanism concerning the execution of the European Court's judgments and related challenges – Experience of Greece*
- Presentation by Mr Levan Meskhoradze, Government Agent before the European Court of Human Rights, Ministry of Justice, Georgia: *Experience of setting-up of the domestic mechanism concerning the execution of the European Court's judgments and related challenges – Experience of Georgia*

² The opening session is open to the press.

- Presentation by Mr Jakub Wołasiwicz, Government Agent before the European Court of Human Rights, Ministry of Foreign Affairs, Poland: *Mechanisms to ensure coordination amongst the governmental bodies involved in the execution of the Court's judgments*
- Presentation by Mr Slavoljub Carič, Government Agent before the European Court of Human Rights, Ministry of Justice, Serbia: *Coordination mechanisms with respect to the execution of the Court's judgments revealing complex problems*

11:30 – 12:00 *Coffee Break*

12:00 – 13:00 **General discussion on the issues covered in Session 1**

13:00 – 14:30 Lunch Break

14:30 – 15:30 **Session 2: Ensuring coordination/cooperation amongst national actors, with special emphasis on federal states, relations with national parliaments and the Constitutional Courts: best practice and challenges faced by member states**

Chairperson: Ms Chantal Gallant, Government Co-Agent before the European Court of Human Rights, Ministry of Justice, Belgium

- *Overview of the replies to the questionnaire relevant to the theme of the session: presentation by Mr Özgür Derman, Head of Division, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe*

Country-selected presentations (7- 10 minutes) will be made by participants on their experience of mechanisms to ensure timely and effective execution of the European Court's judgments and of securing coordination/cooperation with the authorities involved in the execution of the European Court's judgments and with national parliaments. Special emphasis will be put on the situation in countries with the federal structure and on the role of Constitutional Courts in the execution process. It would be useful to share with participants difficulties encountered and positive developments with respect to the coordination/cooperation with the relevant domestic actors.

- Presentation by Mr Laurence Fiddler, Head of Domestic Human Rights Policy, Ministry of Justice, the United Kingdom: *Coordination of the execution of the Court's judgments, including the role of Parliament of the United Kingdom in external oversight of the execution process*
- Presentation by Ms Anna Lodeweges, Policy Coordinator, Ministry of Security and Justice, the Netherlands: *Coordination mechanism in the Netherlands, including reporting practice to Parliament*
- Presentation by Mr Danny Polk, Administrative Officer, Federal Ministry of Justice, Germany: *Mechanisms to coordinate the execution of the European Court's judgments in the Federal state, including the role of the Federal Constitutional Court of Germany in this respect*
- Presentation by Ms Belma Skalonjić, Assistant Government Agent before the European Court of Human Rights, Bosnia and Herzegovina: *Coordination mechanisms with respect to the execution of the European Court's judgments in Bosnia and Herzegovina*

- Presentation by Ms Natalia Zyabkina, First Deputy Head of the Office of the Representative of the Russian Federation before the European Court of Human Rights, Ministry of Justice, the Russian Federation: *Experience of coordinating the execution of the Court's judgments against the Russian Federation*

15:30 – 16:15 General discussion on the issues covered in Session 2

16:15 -16:45 Coffee break

16:45 – 17:30 Session 3: Ensuring adequate dissemination of the Court's judgments and decisions/resolutions from the Committee of Ministers and, where necessary, translation

Chairperson: Mr Adrian Scheidegger, Government Co-Agent before the European Court of Human Rights, Ministry of Justice, Switzerland

- *Overview of the replies to the questionnaire relevant to the theme of the session: presentation by Mr Gianluca Degano, Head of Section, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe*

Country-specific presentations (7-10 minutes) will be made by selected participants on how their authorities ensure translation and dissemination of the European Court's judgments and decisions/resolutions of the Committee of Ministers to the relevant domestic actors. Information on best practice and difficulties encountered will be shared among participants of the Round-table.

- Presentation by Ms Irina Cambrea, Government Co-Agent before the European Court of Human Rights, Ministry of Foreign Affairs, Romania: *Cooperation with other actors to ensure translation and dissemination of the European Court's case-law and documents of the Committee of Ministers*
- Presentation by Ms Marica Pirošíková, Government Agent before the European Court of Human Rights, Ministry of Justice, the Slovak Republic: *Awareness-raising and dissemination of the Court's case-law amongst the authorities and the judiciary, including the Constitutional Court*
- Presentation by Mr Anders Narvestad, Adviser, Ministry of Justice and Police, Norway: *Experience of Norway of ensuring translation and dissemination of the Court's case-law and other relevant documents*

17:30 – 18:00 General discussion on the issues covered in Session 3

18:00: End of the first day of the round- table followed by the Reception

DAY 2: 16 DECEMBER 2011

9:00 – 10:00 Session 4. Challenges relating to the preparation of action plans/reports and their implementation at the national/local level

Chairperson: Ms Štefica Stažnik, Government Agent before the European Court of Human Rights, Ministry of Justice, Croatia

- *Overview of the replies to the questionnaire relevant to the theme of the session: presentation by Ms Corinne Amat, Head of Division, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe*

Selected countries will give presentations (7-10 minutes) on their experience and procedures of drawing up of action plans/reports and their implementation at the national/local level. An emphasis will be put on the preparation of action plans in respect of judgments revealing structural problems. The speakers are also encouraged to share best practice and challenges faced by states with respect to the implementation of action plans/reports in their countries.

- Presentation by Ms Ledina Mandija, General State Advocate, Ministry of Justice, Albania: *Experience of drawing up the action plan on cases relating to property restitution/compensation*
- Presentation by Ms Elisabeth Handl-Petz, Legal Advisor, Federal Chancellery, Austria: *Mechanisms to ensure efficient preparation of action plans*
- Presentation by Ms Karolina Bubnytė-Montvydienė, Head of the Division of the Representation before the European Court of Human Rights, Ministry of Justice, Lithuania: *Experience of drawing up of action plans in respect of cases revealing complex problems, with particular focus on the implementation of the judgment of Paksas v. Lithuania*
- Presentation by Mr Lilian Apostol, Government Agent before the European Court of Human Rights, Ministry of Justice, Moldova: *Experience of drawing up of the action plan in respect of the pilot judgment Olaru v. Moldova and the execution measures taken*
- Presentation Ms Irina Cambrea, Government Co-Agent before the European Court of Human Rights, Ministry of Foreign Affairs, Romania: *Process of drawing up the action plan in respect of the pilot judgment Maria Atanasiu and others v. Romania and its implementation*

10:00 – 10:45 General discussion on the issues covered in Session 4

10:45 – 11:15 *Coffee break*

Chairperson: Mr Ermald Dobi, Deputy Minister of Justice, Albania

11:15 - 12:00 Concluding session: Presentation of conclusions of the Round-table followed by discussions

- Presentation of conclusions by Mr Joachim Holzenberger, Deputy to the Permanent Representative of Germany to the Council of Europe
- Concluding remarks by Mr Fredrik Sundberg, Deputy to the Head of Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe

12:00 – End of the Round-table

12:15 – 13:00 Lunch Break

13:00 - Departure for Tirana airport