

Strasbourg, 15 March 2010

**Effective domestic remedies against non-execution or delayed execution of
domestic court decisions**

**Round Table
Strasbourg, AGORA (Room G.02)
15-16 March 2010**

*organised in the framework of the project "Removing the obstacles to the non-
enforcement of domestic court judgments/Ensuring an effective implementation of
domestic court judgments"*

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Programme

MONDAY 15 march 2010

8:30 *Registration of the participants*

9.30 **Opening remarks**

- *Mr Petter Wille, Permanent Representative of Norway, President of the Human Rights Trust Fund*
- *Mr Erik Fribergh, Registrar, European Court of Human Rights*
- *Mr Christos Giakoumopoulos, Director of Monitoring, Directorate General of Human Rights and Legal Affairs*

Introductory session: Effective domestic remedies on the basis of the ECHR requirements

Chairperson: Christos Giakoumopoulos, Director of Monitoring, Directorate General of Human Rights and Legal Affairs

10.00 **Effective remedies against non-execution or delayed execution of domestic
judicial decisions against the State and private persons: Convention
requirements**

*Report by Mr Dean Spielmann, Judge at the European Court of Human Rights elected
in respect of Luxembourg*

10.20 **Introduction to the new Committee of Ministers' Recommendation (2010)3 and
its Guide of good practices:**

*Mr Jakub Wolasiewicz, chair of the Committee of experts on effective remedies for
excessive length of proceedings (DH-RE), Government Agent, Ministry of Foreign
Affairs, Poland*

Session 1 - National experiences in adopting judicial remedies against non-execution or delayed execution of domestic judicial decisions

10.40 Russian experience in elaboration and application by domestic courts of remedies against non-execution and delayed execution of domestic judicial decisions

Report by Mrs Tatiana Neshataeva, Judge of the Supreme Commercial Court of the Russian Federation

11.00 Serbian experience and Constitutional Court complaint

Report by Mrs Bosa Nenadić, President of the Constitutional Court of Serbia

11.20 Croatian experience with regard to domestic remedies

Report by Mrs Štefica Stažnik, Government Agent, Croatia

11.40 Greek experience and special damages

Report by Mrs Irene Sharpe, Judge of the Council of State, Greece

12.00 Round Table discussion

12.30- 14.00 Lunch (The Portuguese Gallery, Palais)

Session 2 – Special questions related to pilot judgments of the European Court and their impact

Chairperson: Mr Anatoly Kovler, Judge at the European Court of Human Rights elected in respect of the Russian Federation

14.15 Introductory report by Mr Anatoly Kovler, Judge at the European Court of Human Rights elected in respect of the Russian Federation

14.30 Russian experience in response to the Burdov 2 pilot judgment

Report by Mrs Natalya Zyabkina, First Deputy to the Government Agent of the Russian Federation

Mr Vyacheslav V. Gorshkov, Judge, Supreme Court of the Russian Federation

14.50 Moldovan experience in response to the Olaru and others pilot judgment

Report by Mr Alexandru Tanase, Minister of Justice of the Republic of Moldova, President of the Permanent Governmental Commission for organisation of the execution of EctHR judgements issued against Moldova

Mr Veaceslav Negruța, Minister of Finances of the Republic of Moldova,

Mr Vladimir Grosu, Governmental Agent, Ministry of Justice of the Republic of Moldova

15.10 Round table discussion

16.00 Break

Session 3 – Prerequisite for an effective remedy: the need for comprehensive reforms in response to the important structural problems raised by the judgments of the European Court

Chairperson: Mrs Geneviève Mayer, Head of the Department for the Execution of the European Court's judgments

A – Specific national experiences

16.15 Romanian experience with regard to the problem of non-restitution of property

Report by Mr Razvan-Horatiu Radu, Government Agent, Romania

- 16.25 **Bosnian experience with regard to old savings and pension rights**
Report by Mrs Erliha Bičakčić, Head of Department for Review of Constitutionality, Constitutional Court of Bosnia and Herzegovina
- 16.40 **Responses of other countries in addressing similar issues: overview of the Committee of Ministers' experience**
Report by Mr Fredrik Sundberg, Deputy to the Head of the Department for the Execution of the European Court's judgments
- 16.55 **Round Table discussion**

TUESDAY 16 MARCH 2010 (morning)

Continuation of session 3

B - Improving the efficiency of the bailiffs' service as a guarantee against non-enforcement of domestic judicial decisions

- 09.30 **Presentation of guidelines for better implementation of the existing Council of Europe's recommendation on enforcement**
Report by Mr Georg Stawa, Member of the CEPEJ in respect of Austria
- 09.45 **Possible role of bailiffs in ensuring timely compliance by the State and its entities with domestic judicial decisions**
Report by Mr Serhij Semerga, Deputy Head of the State Bailiffs' Service, Ukraine
- 10.00 **Current reform of the bailiffs' system: example of Serbia**
Report by Mr Slavoljub Carić, Government Agent, Ministry of Human and Minority Rights and Mrs Mirjana Dimitrijević, Judge, First Basic Court
- 10.15 **Current reform of the bailiffs' system: example of Albania**
Report by Mrs Enkeledi Hajro, Government Agent
- 10.30 Break
- 10.45 **Round Table discussion**

Concluding session: Prospects of solutions

- 11.30 **Discussion and adoption of the conclusions of the Round Table**
- 12.30 **Closing remarks**
- Mr Paul Widmer, Chairman of the Ministers' Deputies, Permanent Representative of Switzerland
- Mr Christos Giakoumopoulos, Director of Monitoring, Directorate General of Human Rights and Legal Affairs

Simultaneous interpretation will be ensured in English, French, Russian, Albanian, Serbian, Croatian, Bosnian

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