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Regional online conference

“Protection of property: ECtHR and national case-law in the Western Balkans”

9 December 2020

10.00 – 12.30 CET and 14.30 – 16.00 CET

Background

The **objective** of the online conference is to provide a platform for a discussion among the stakeholders in the countries of the Western Balkans on the challenges related to the enjoyment of the right to property protected under Article 1 Protocol 1 of the European Convention on Human Rights. While the range of issues faced by different jurisdictions in the region varies from restitution of nationalised property to non-enforcement of judicial decisions to matters related to receiving pensions, the European Court of Human Rights in its case law established well-defined approaches on what the right to property includes, and what remedies should be available in order to secure it.

Due to time constraints, the discussion will focus on several areas, with the possibility to discuss other related issues during the discussion sessions. Speakers will include lawyers from the ECtHR Registry, renowned experts in the subject matter and legal practitioners from the countries of the Region.

Participants:

- representatives of Constitutional Courts, Supreme Courts, Appellate Courts, Ministries of Justice, national training institutions, Government Agents before the European Court of Human Rights, Bar Associations, professional associations of judges from Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia and Kosovo*

- representatives of the Council of Europe Secretariat and Registry of the European Court of Human Rights.

The working language will be English with simultaneous interpretation into Albanian, Macedonian and Bosnian/Croatian/ Montenegrin/Serbian.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244 and the ICJ opinion on the Kosovo Declaration of Independence

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Programme

10.00 **Introductory Remarks**

Mr Mikhail Lobov, Head of Human Rights Policy and Co-operation Department, Directorate General Human Rights and Rule of Law, Council of Europe

Moderator: Mr Sergey Dikman, programme co-ordinator, Human Rights National Implementation Division, Council of Europe

10.10 – 11.10 The approaches and relevant case-law of the European Court of Human Rights on the right to protection of property

Moderator: Mr Andrey Esin, human rights lawyer, former lawyer of the Registry of the European Court of Human Rights

Discussion (initiated by):

Ms Ana Vilfan-Vospersnik, lawyer, Jurisconsult's Directorate, Registry of the European Court of Human Rights

Mr Dragoljub Popović, Judge of European Court of Human Rights elected in respect of Serbia (2005-2015)

11.10 –11.20 Break

11.20 – 12.30 Outstanding issues and emerging challenges in respect of the right to peaceful enjoyment of property (part 1)

Moderator: Mr Andrey Esin, human rights lawyer, former lawyer of the Registry of the European Court of Human Rights

Discussion (introduced by):

Ms Elsa Toska, Judge of the Constitutional Court, Albania

Ms Dušanka Radović, Judge of the Supreme Court, Montenegro

Ms Sevima Sali-Terzić, Legal Advisor, Constitutional Court, Bosnia and Herzegovina

12.30 –14.30 Break



14.30 – 15.40 Outstanding issues and emerging challenges in respect of the right to peaceful enjoyment of property (part 2)

Moderator: Ms Elena Jovanovska-Brezoska, programme co-ordinator, Human Rights National Implementation Division, Council of Europe

Discussion (introduced by):

Ms Lubov Stoytcheva, Head of Section, Department for the execution of judgments of the European Court of Human Rights

Ms Polina Roussinova-Kucera, Department for the execution of judgments of the European Court of Human Rights

Mr Jeremy McBride, barrister, Monckton Chambers (UK)

Mr Darko Pavlovski, National legal officer at the OSCE mission to Skopje, former lawyer at the European Court of Human Rights

15.40- 16.00 Feedback from participants and closing remarks

Mr Sergey Dikman, programme co-ordinator, Human Rights National Implementation Division, Council of Europe

This event is being organised under the Action “Initiative for Legal Certainty in the Western Balkans, implemented in the framework of the joint programme of the European Union and Council of Europe “Horizontal Facility for Western Balkans and Turkey-Phase II (2019-2022)”. The views expressed herein can in no way be taken to reflect the official opinion of either party.