

Zorana Jadrijević Mladar, Agent of the Republic of Serbia before the European Court of Human Rights

Merci Elena

Bonjour à toutes et à tous

Excellences, Mesdames et Messieurs, chers collègues

Je suis très heureuse de participer à cette Conférence en tant que l' Agent de Gouvernement de la République de la Serbie auprès de la Cour Européenne des Droits de l'Homme et je remercie aux organisateurs d' avoir la possibilité de vous présenter aujourd'hui les avantages et les contributions des programmes de coopération bilatérale soutien à l'exécution des arrêts de la Cour.

Car j' ai préparé mon intervention en anglais, je vais continuer en anglais.

- Department for the Representation of the Republic of Serbia before the European Court of Human Rights has a long-standing and fruitful co-operation with the Council of Europe, in particular, with joint EU/CoE actions on effective legal remedies and strengthening human rights protection in Serbia, implemented within the Horizontal Facility programme.
 - Our co-operation is twofold. On one side, it contributes to the enhancement of consistent implementation of the European Convention on Human Rights and fundamental freedoms and the European Court of Human Rights case-law through enhancing overall execution process on the national level and fostering execution of concrete judgements against Serbia, and, on the other side, through strengthening the institution of the Government Agent and its capacities.
- A)** With respect to the overall **execution process**, the action is a very important platform for dialogue and coordination between domestic institutions and representatives of the Council of Europe in respect of the execution of concrete judgments of the European Court of Human Rights.

Our co-operation has contributed to raising awareness of the importance of the execution issue and the role that each of the institutions has in this process.

In parallel, these continuous efforts to address the execution issue through different platforms for discussion has preserved its relevance within the wider judicial debate and, *inter alia*, contributed to the fact that the European Commission, in its 2022 Report regarding Serbia, recognised the lack of an adequate normative framework of this matter as a problem and clearly underlined the need for its improvement.

Actions consistent and continuous support helped the execution of the judgement **Zorica Jovanovic against Serbia** (also known as the "missing babies" case - by the adoption of the Law on Missing Babies, harmonisation of the draft law on National DNA Register with international standards, etc.).

Hopefully, in the course of next week we will be able to report on significant progress made in respect of the resolution of the **case Kacapor group of cases against Serbia** (which concerns the non-enforcement or delayed enforcement of the domestic courts' decision in respect of the socially/State owned companies) following the Council of Europe high-level consultations with competent ministries, also organised within the action.

With respect to the Kacapor judgment, but also in respect of the overall protection of the right to a trial within reasonable time, it is important to mention the action's Analysis of the effects of the Law on the protection of the right to a trial within reasonable time, which sets the ground for the (expected) revision of the normative framework regulating the issue of lengthy court proceedings. Furthermore, the Committee of Ministers (CM) pointed to this Analysis, in the context of the execution of the case Kačapor and others v. Serbia (CM decision).

- B)** In respect to the strengthening of the institution of the Government Agent and its capacities, the main aspects of our co-operation are following:

- 1) Firstly, a comprehensive needs' assessment report on the execution of the ECtHR judgements in Serbia provides a clear guidance for the competent authorities in the context of the adequate normative regulation of the execution process and the status/role of the Government Agent.
- 2) Secondly, the development and the launch of the website of the GA institution and provision/translation of relevant material (reference documents and thematic factsheets) in Serbian, which would improve visibility and transparency of the work of the Government Agent, facilitate communication and provision of information to relevant institutions, general and expert public of the developments related to the functioning of the ECtHR, help the institution in question coordinate with other state actors in performing their obligations when executing concrete ECtHR judgements.
- 3) Thirdly, the launch of the student practice programme for law students, which has been launched under the formal co-operation between the Law faculty in Belgrade and State Attorney's Office. During the programme students are assigned to delve into concrete cases against Serbia, alongside the Government Agent's team.
- 4) Finally, tailor-made trainings for GA team and students delivered by the CoE experts.

Thank you for your attention.

Merci.