



Parliament of Romania Chamber of Deputies

Parliamentary Sub-committee on monitoring the execution of ECHR judgments

Abstract

Following PACE's Resolution no.1516/2006 and Recommendation no.1764/2006, it has been set up the *Sub-committee on monitoring the execution of ECHR judgments establishing the Romanian State's violations of European Convention on Human Rights*, as special institutional structure of the Chamber of Deputies' Committee for legal affairs, discipline and immunities.

The sub-committee, made up of 7 MPs representing all parliamentary groups, is currently chaired by Mr. Daniel FLOREA, deputy belonging to the Social Democratic Party parliamentary group.

The *Sub-committee on monitoring the execution of ECHR judgments establishing the Romanian State's violations of European Convention on Human Rights* was also created, within the parliamentary control prerogative stipulated by Articles no.111 and 112 of the Romanian Constitution:

“Art. 111 (1) *The Government and the other bodies of public administration shall be obliged, within the parliamentary control over their activity, to present the information and documents requested by the Chamber of Deputies, the Senate, or parliamentary committees, through their respective presidents. (...)*

(2) Members of the Government are entitled to attend the proceedings of Parliament. If they are requested to be present, participation shall be compulsory.

Art. 112 (1) *The Government and each of its members shall be bound to answer the questions or interpellations raised by the deputies or senators, under the terms stipulated by the regulations of the two Chambers of the Parliament.”*

On October 12th 2010, the European Court of Human Rights pronounced the first pilot decision against Romania, in the case “*Maria Atanasiu and others*”, which obliged the Romanian state to take the necessary measures to optimize the property restitution mechanism within eighteen months as of the date the decision becomes enforceable. The reasons for applying the pilot judgment procedure were the ascertainment by the Court of the systemic problem leading to inefficiency of the restitution/compensation mechanism and to endless litigations.

In December 2010, by Decision of the Prime Minister, it has been set up the interministerial committee on reforming the laws and procedures in the field of property restitution.

The interministerial committee was made up of the following authorities’ representatives: the National Authority for the Restitution of Properties; the Ministry of Justice, the Ministry of Public Finances; the Ministry of Administration and Interior; the Ministry of Agriculture and Rural Development; the Ministry of Environment and Forests; the Ministry of Foreign Affairs; the Office of the Prime Minister and the Authority for State Assets Recovery.

The interministerial committee’s role was to amend the legislation on restitution of – or compensation for - nationalised property, by simplifying the procedure and making it more effective, according to the above mentioned European Court’s pilot judgment.

The parliamentary Sub-committee for the supervision of the execution of the ECHR judgments had regular public hearings and consultations with the interministerial committee, as well as several meetings with members of Government, within the framework of parliamentary control of the execution of ECHR judgments.

Whenever needed, the parliamentary Sub-committee has also meetings on specific subjects with Government’s representatives (i.e excessive length of judicial proceedings and lack of an effective remedy in that regard; non-enforcement of domestic judicial decisions; poor conditions of detention).

According to Art.112 of the Romanian Constitution, the Sub-committee addresses demands, questions and interpellations to the Government’s members, to the National Authority for Property Restitution’s President, to the Romania's Governmental Agent for ECHR and other public authorities. The Office of Governmental Agent responsible for the execution of judgments of the ECHR was obliged to present to the Sub-committee regular information on the judgments to be executed, including the information the Agent delivering to the Execution Department of the CM of the CE.

The Romanian Parliament also adopted the Law no. 29/2011 amending the *Law no. 24/2000 regarding the legislative technique norms for the elaboration of normative acts*, initiated by the Chairman of the *Sub-committee for monitoring the execution of ECHR judgments establishing the Romanian State's violations of European Convention on Human Rights*. This law establishes the obligation of verifying, on the one hand, the compatibility of draft laws, of legislative proposals, of other normative acts and procedures with the standards laid down in the European Convention on Human Rights and its Protocols and, on the other hand, their compatibility with the European Court of Human Rights' jurisprudence. Moreover, within three months from the European Court judgment's date of communication, the Government must submit to the Parliament the bill regarding the modification, completion or repealing of the normative act or of a part of this which came into contradiction with European Convention on Human Rights and its protocols.

Considering the persistence of the litigations submitted by the Romanian citizens before the European Court of Human Rights, respectively, the large number of judgments pronounced against Romania, the parliamentary Sub-committee appreciates as necessary the setting up of a *Joint parliamentary standing committee of the two Chambers of the Romanian Parliament* in order to exercise a more and extended control over the Government in matters of ECHR judgments' enforcement and the respect of human rights standards.

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