

IN KHUJAND, KURGAN TYUBE AND DUSHANBE: EU RULE OF LAW PLATFORM PROMOTES BEST ENFORCEMENT PRACTICES



In Kurgan Tyube the round table led by European experts was attended by 70 judicial officers

During the week from 24-28 April 2017, three [round-tables “on the status and role of judicial officers”](#) were jointly organised by the EU-Central Asia Rule of Law Platform and the Ministry of Justice of the Republic of Tajikistan. These round-tables aimed at exploring best European practices in the field of enforcement, and provide training to 168 Tajik judicial officers, i.e. two thirds of members of the country’s profession.



Tea-break in Khujand, time for Ms Guna Berlande, Executive Director of the Council of Judicial Officers of Latvia, to engage in informal exchanges with Tajik colleagues

Senior officers from the International Union of Judicial Officers including its President and experts from Estonia, France and Latvia

present best principles governing the organisation of their profession, enforcement proceedings and mechanisms applicable to monetary or non-monetary claims following the guidelines of the European Commission on the Efficiency of Justice (CEPEJ).



The audience of judicial officers notes new trends in best enforcement practices as it learns that the laws regulating the profession should be partially reformed prior to yearend

Effectiveness of the execution of court’s decision depends to the greatest extent on how quickly, how often and how effectively judicial officer receives information about debtor’s property and income. Although the debtor’s declaration can be a useful auxiliary mean of obtaining such information, first of all information about the debtor’s property should come from objective sources, for example, from

state information registers. Judicial officers must receive access to all these information registers. In addition, if possible, such access must be provided in electronic form of data exchange, which will allow the economy of time, money and work on both sides of communication.



Deputy Minister of Justice of the Republic of Tajikistan Mr Hakim Mirzaizod, chaired and moderated the three round tables. He was seconded by Mr Sharif Nurzoda, Head of the Enforcement Officers Division at the Ministry of Justice of the Republic of Tajikistan

As decided by the European Court of Human Rights: *“The execution of court judgments within reasonable time must be regarded as an integral part of the fair trial [as the] right to access to a court would be illusory [should a] binding judicial decision remain inoperative to the detriment of one party”*.

Asked to evaluate the current Tajik regulation of enforcement derived from the Soviet system, the European experts “assessed very positively the requirement of higher legal education for candidates for the position of judicial officer”. However, they indicated that this means the state should provide such education, as well as remuneration adequate for the level of labour stress. Accordingly, graduates of

law universities should be motivated to choose the work of a judicial officer. One of the tools of motivation – remuneration and social guarantees; the second - raising the prestige of the profession.



At the round-table in Dushanbe on 28 April, Ms Françoise Andrieux, President of the International Union of Judicial Officers, offered the possibility to join the Union to the Ministry to Justice of Tajikistan

The Ambassadors of the European Union and France addressed the delegates in Dushanbe. While commenting the National Development Strategy for Tajikistan for 2016-2030, Ambassador Hidajet Biščević, Head of the EU Delegation to Tajikistan, suggested that *“good governance [...] the implementation of the rule of law”* of which enforcement is a key element *“will have to be top priorities of the Strategy”*. A [communiqué](#) was endorsed at the outset of the round-table.



Mr Janek Pool, President of the National Chamber of Judicial Officers of Estonia