



COUNCIL OF EUROPE
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**EXISTING NATIONAL REMEDIES
FOR THE EXCESSIVE LENGTH OF PROCEEDINGS**

QUESTIONNAIRE

1. Does your country experience excessive delays in judicial proceedings ? what proceedings (civil, criminal, administrative, enforcement)?
2. Have such delays been acknowledged by court decisions ? What courts (national/ European Court of Human Rights)? Please provide some examples in English or French or reference to ECtHR case-law.
3. Does an explicit requirement of reasonableness of the length of the proceedings equivalent to that contained in Article 6 § 1 of the European Convention on Human Rights exist in the Constitution or legislation ?
4. Are any statistical data available about the proportions of this problem in your country ? If so, please provide them in English or French.
5. Does a remedy in respect of excessive delays in the proceedings exist in your country ? If so, please describe it (who can lodge the complaint, before which authority, according to what - ordinary/special – procedure, within what deadline etc.). Please provide the texts of the relevant legal bases in English or French.
6. Is this remedy available also in respect of pending proceedings ? how ?
7. Is there a cost (ex. fixed fee) for the use of this remedy ?
8. What criteria are used by the competent authority in assessing the reasonableness of the duration of the proceedings ? Are they the same as, or linked with, the criteria applied by the European Court of Human Rights in respect of Article 6 § 1 ECHR ?
9. Is there a deadline for the competent authority to rule on the matter of the length ? Can it be extended ? What is the legal consequence of a possible failure by the authority to respect the deadline ?
10. What are the available forms of redress :

- acknowledgement of the violation	YES/NO
- pecuniary compensation	
o material damage	YES/NO
o non-material damage	YES/NO
- measures to speed up the proceedings, if they are still pending	YES/NO
- possible reduction of sentence in criminal cases	YES/NO
- other (specify what)	
11. Are these forms of redress cumulative or alternative ?
12. If pecuniary compensation is available, according to what criteria ? are these criteria the same as, or linked with, those applied by the European Court of Human Rights ? Is there a maximum amount of compensation to be awarded ?

13. If measures can be taken to speed up the proceedings in question, is there a link between these measures and the general case-management of the relevant courts ? Is the taking of these measures co-ordinated at a central or higher level ? On the basis of what criteria and what factual information concerning the court in question (workload, number of judges, nature of cases pending, specific problems etc.) does the competent authority order such measures ?
14. What authority is responsible for supervising the implementation of the decision on the reasonableness of the duration of the proceedings?
15. What measures can be taken in case of non-enforcement of such decision ? Please indicate these measures in respect of each form of redress and provide examples.
16. Is an appeal possible against a decision on the reasonableness of the duration of the proceedings ? Is there a fixed time-frame for the competent authority to deal with this appeal ? What would be the legal consequence of non-compliance with this time-limit?
17. Is it possible to use this remedy more than once in respect of the same proceedings ? is there a minimum period of time which needs to have elapsed between the first decision on the reasonableness of the length of the proceedings and the second application for such a decision ?
18. Are there any available statistical data on the use of this remedy ? if so, please provide them in English/French
19. What is the general assessment of this remedy ?
20. Has this remedy had an impact on the number of cases possibly pending before the European Court of Human Rights ? Please provide any available statistics in this connection.
21. Has this remedy been assessed by the European Court of Human Rights in respect of Articles 13 or 35 ECHR ? If so, please provide reference to the relevant case-law.