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**CONSULTATIVE COUNCIL OF EUROPEAN JUDGES
(CCJE)**

**Questionnaire with a view of the preparation of Opinion No. 15 on
specialisation of judges and courts**

Replies from Cyprus

1. Specialisation of courts

TYPES OF COURTS/JUDGES	(A) TICK THE BOX IF YOUR COUNTRY HAVE SPECIALISED COURTS/JUDGES X	(B) IF YES TO (A), TICK THE BOX IF THEY ARE SPECIALISED JUDGES/CHAMBERS WITHIN A GENERALIST COURT	(C) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE INSTITUTION WITHIN THE GENERAL ORGANISATION OF THE JUDICIARY X	(D) IF YES TO (A), TICK THE BOX IF THEY ARE A SEPARATE JUDICIARY FORMING A SYSTEM OF THEIR OWN ¹	(E) IF YES TO (A), TICK THE BOX IF THEY HAVE A COMPOSITION INCLUDING LAY MEMBERS OR ONLY OF LAY MEMBERS ² X	(F) IF YES TO (A), TICK THE BOX IF THEY HAVE A TERRITORIAL COMPETENCE DIFFERENT FROM GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)	(G) IF YES TO (A), TICK THE BOX IF THEY APPLY RULES (PROCEDURE, EVIDENCE, ETC.) THAT ARE DIFFERENT FROM THOSE APPLICABLE IN GENERALIST COURTS (PLEASE SPECIFY IF APPROPRIATE)
Family courts	X		X				X
Juvenile courts							
Administrative courts/council of state	X	X					
Immigration/Asylum Courts of Account							
Military Courts	X		X		X		X
Tax Courts							
Labour/social courts	X		X		X		X
Courts for agricultural contracts							
Consumers' claims courts							
Small claims courts							
Courts for wills and inheritances							
Patent/copyrights/trademark courts							
Commercial courts							
Bankruptcy courts							
Courts for land disputes							
"Cours d'arbitrage"							
Serious crimes courts/courts of assize	X						
Courts for the supervision of criminal investigations (e.g. authorising arrest, wire-tappings, etc.)							

¹ For example, appeals on decisions of the specialised court of first instance is filed with a specialised court of appeals, council of state, etc.

² For example, composition including lay members: jurors, psychologists, engineers; please specify qualifications and system of recruitment. For example composition of only lay members: representatives of labour organisations, aldermen-échevins, justices of the peace, magistrates etc.

Courts for the supervision of criminal enforcement and custody in penitentiaries							
Other, please specify:	Rent Control Tribunal	A special law provides for the setting up of the Court	X		X		Special rules of procedure apply not so strict as the ordinary civil procedure rules

To what extent specialisation of courts is relevant in your system?

2. Specialisation of judges

a) Does the recruitment procedure take into account the specialised studies accomplished after the university diploma in law? Does it take into account the specialised professional experience? Please specify. **It takes into account the requirements specified by law for appointment to specialised courts ie less years of advocacy practice as well as the inclination of the candidate or his or her particular field of practice.**

b) Are judges promoted to a higher court, or assigned to a post of chief judge, on the basis of a procedure giving relevance to specialisation? Please specify. **Judges of specialised courts are not considered as candidates for the Supreme Court because of their limited sphere of judicial activity i.e. dealing only with labour law or family law etc, while judges from the district court level deal extensively during their career with all aspects of civil as well as criminal law.**

c) May a judge from a generalist court move to a specialised court, or from one specialisation to another:

<i>As to separate court systems:</i>	<i>Within the same court system:</i>
<input type="checkbox"/> by just filing an application examined on the basis of seniority and other criteria not including previous specialisation?	<input type="checkbox"/> by showing professional experience?
<input checked="" type="checkbox"/> by resigning from original post and participate to a new recruitment?	<input type="checkbox"/> by attending specialisation/reconversion courses?
<input type="checkbox"/> other?	<input type="checkbox"/> by passing a specialisation exam?

d) Does the system ensure that all judges may access specialisation (e.g. by giving them the appropriate information)? **YES, through dissemination of case law and bibliography on the subject.**

e) What are for judges the criteria for access to specialisation? **No special criteria exist. The judge who sits in a specialised court has all the information needed through case law, internet etc.**

f) Do financial provisions exist helping judges to transfer to other towns where specialisation may be acquired? **N/A**

g) Are there access/reconversion courses to specialised functions:

- Yes, within the judicial training institute?

- Yes, organised by an institution different from the judicial training institute?

- No? **NO N/A**

- h) Are there training courses reserved only to specialised judges? **No**
- i) Are exchanges of judicial experiences between different specialisations and/or generalist groups of judges organised? **YES, through seminars in which specialised judges also participate.**
- j) Do specialised positions exist in court for organisational purposes only (e.g., judge serving as spokesperson for the court; judge for the development of IT in court; judge co-operating with ADR services, etc.)? **No**
- k) If yes, is there a specific training for this type of posts? Please specify. **N/A**
- l) Do specialised judges have a higher compensation than generalist judges? Please distinguish, if relevant, according to whether the specialist judges belong to the same court system or a separate court system (e.g., in some countries, depending on the distinction between ordinary judges and administrative judges). **No, the compensation is less as they deal with only one specific area of law and not with the general court activity which includes civil and criminal law at all levels of difficulty.**
- m) Are there special allowances, or benefits in kind, for specialised judges? **No**
- n) Are specialised judges entitled to a preferential access to higher courts? If yes, is such access limited to the specialisation field of the judge concerned? **No.**

3. Specialisation of courts vis-à-vis specialisation of other actors of justice

- a) Is the bar and/or professional associations of lawyers organised on a specialised basis in your country? Please specify. **No**
- b) In order to practice before specialised courts, have lawyers to be specialised (e.g. registered in special bar listings)? **No. Specialisation comes from practising in that particular area of law.**
- c) Is public prosecution organised on a specialised basis in your country? Please specify. **Yes. All public prosecutors belong to the Attorney General Office, a constitutionally entrenched separate and independent body, entirely different from the judiciary.**
- d) In order to practice before specialised courts, have prosecutors to be specialised (e.g. belong to specialised department of the prosecution service)? **As above. However, private prosecution is also possible in some cases and these may be handled by any lawyer wishing to take up the case.**
- e) Are specialised judges assisted by specialised staff (clerks, technical staff, etc.) ? If yes, is this staff recruited on an *ad hoc* basis? **No. The staff comes from the general staff of the general court system.**

4. Specialisation and governance

Is your Council for the judiciary or other another equivalent independent body entrusted with the protection of the independence of judges competent for all specialised judges, as for all generalist judges? If not, please specify the specialised judges that are not under the governance of the Council. **Yes, the Supreme Court of Judicature is responsible for all**

judges both of the general courts and the specialised ones and are entrusted with protecting their judicial independence as well.

5. Specialisation, professional associations of judges, judicial ethics

a) Are there in your country professional associations of specialised judges? **No. Specialised judges form part of the Association of Judges which includes all judges of all specialised courts.**

b) Do specialised judges have separate or common “principles of judicial ethics”³ with respect to generalist judges? If separate principles apply, please specify (i.e. separate principles needed by exposure of specialised judges to problems affecting juveniles, family problems, labour disputes, etc.). **No separate ethical conduct exists for specialised judges.**

6. Conclusion

a) Please give your opinion on the advantages and disadvantages of special courts

b) Please give your opinion on the advantages and disadvantages of specialisation of judges

Specialisation of both courts and judges is in principle a necessary part of any system of justice. It provides for specialisation in the particular field of law, thus enabling stability in the case law, better and in depth knowledge of the subject and the ability to help litigants and their lawyers more effectively. I cannot see any disadvantages provided specialised judges of first instance courts are not elevated to higher courts of general jurisdiction, unless higher specialised courts exist.

³ See principles of judicial ethics as defined in CCJE’s Opinion No. 3 (i.e. rules having no disciplinary impact).