



CCJE-BU(2020)1

Strasbourg, 29 January 2020

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 23 (2020):

“The role of the Associations of Judges in supporting the judicial independence”

*Please in your answers do not send extracts of your legislation
but describe the situation in brief and concise manner.*

General

1. How many Associations of Judges (please note that they can have different names) exist in your country?
 - a) For judges of all jurisdictions and all court levels ___1 (Vereinigung der österreichischen Richterinnen und Richter)
 - b) For judges of certain jurisdictions only ___4 (Association of Administrative Judges; these are: Verein der Richterinnen und Richter des Verwaltungsgerichtshofes, Vereinigung der Richter/innen des Bundesverwaltungsgerichtes, Vereinigung der Finanzrichterinnen und Finanzrichter, Verwaltungsrichter-Vereinigung)
 - c) For judges of certain court levels only ___---__
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) _NO

Total number of all types of Associations of Judges __5__

Other objectives _____

The following answers refer exclusively to the Vereinigung der österreichischen Richterinnen und Richter (RiV) – see question 1a.

Membership

2. What are the requirements for membership in the Associations of Judges?
Judges of the service and retirement; candidates for the judges' office and nationals who are or have been appointed as judges in international or supranational courts.

3. Are prosecutors members of the Associations of Judges?
No. There is a separate association of prosecutors.

Legal framework / objectives

4. Which is the legal framework of the Association of Judges? Are there specific legal regulations (law, by-laws) which deal with the Associations of Judges in your country?
The Association of Austrian Judges is a registered association with statutes. The Court Organisation Act provides that the top officials of the Association may claim relief from their judicial duties to a certain part (§ 26a GOG).

The Court Organisation Act stipulates that the association must be consulted on important issues. In order to safeguard the interests of the judges, the Association may request advice, make proposals and issue statements. This applies in particular to procedures concerning the selection of future judges. The Association holds its own training events, for which it receives financial support.

5. According to their statutes, what are the main objectives of the Associations of Judges? (please mark yes or no and indicate by "1", "2" and "3" the three most important objectives)

Defending and fostering the independence of judges and the judiciary	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no 1
Defending and fostering the rule of law	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no 2
Fighting for economic safeguards of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Fighting for social and physical security of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Contribution to the development of the law	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Training of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no 3
Ethics and accountability of judges	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no
Media work	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Organising conferences	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
International contacts and networking	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Other objectives (which)	<input type="checkbox"/> yes <input type="checkbox"/> no

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?
Written information, mostly distributed by email.
Members journal.
Homepage.
Meetings.

b) Can judges get assistance from the Association (which kind)?
Yes, see answer to 7.)

c) Do the Associations of judges defend individual judges (against what)?
Yes, see answer to 7.)
7. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react?
Protest note, press release, statements.
8. Is there any influence of the Associations of judges on appointment or promotion of judges?
No.
9. Is there any influence of the Associations of Judges in disciplinary procedures?
No.
10. Is there any influence of the Associations of Judges on training?
Many of the judicial training courses are offered and carried out by the Association of Austrian Judges.

Resources

11. Are there membership fees?
Yes.
12. What other resources are available for the Associations of Judges?
Financial support from the Ministry of Justice (for the trainings and the publication of the journal).

Administration of the Associations of Judges

13. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?
They are elected every four years during the general meeting.
by delegates of the sections of the association who are elected by the members of this section .
14. Are there restrictions as regards the number of terms of office for members of the governing bodies of the Associations of Judges, and if yes, how many terms and for how long?
Re-election is possible twice. The term of office is 4 years.
15. Are there restrictions to become an officer of an Association of Judges?

The exercise of a function in the Association is incompatible with a party-political or fractional activity or with membership of the federal or state government or of a general representative body.

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?
Usually through opinions on draft legislation. Informal contacts with judicial spokespersons of the political parties.

Are Associations of Judges involved in the process of law-making?

If yes, how (is this formal or informal)?

Yes, by delivering opinions (formal). Sometimes invitation of parliament as experts in commissions

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?

§ 73a of the Court Organisation Act guarantees the right to be heard on certain issues regarding the court administration. There are also regular contacts with representatives of the ministry (meetings, jour fixe). The Ministry of Justice invites the Judges' Association to working groups etc.

18. a) How do the Associations of Judges interact with political parties?
Contacts with the spokespersons on issues of the judiciary if necessary

b) Are certain Associations of Judges connected with certain political parties?
No.

c) Is there an influence of party politics within the Associations of Judges?
No.

19. a) How do the Associations of Judges interact with the Council for the Judiciary?
There is no Council for the Judiciary in Austria.

b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary and/or presidents of courts and judges (please describe)?
See Answer to question 19a.

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?
This depends on the persons acting. Often there are regular meetings, exchange of opinions.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other?
Joint meetings, joint trainings, co-operation.

b) If there is more than one Association of Judges, how other stakeholders deal with this fact?

The Association of Austrian Judges is always involved. Beyond that, it depends on the topic. If an issue concerns the administrative judges, the stakeholders interact also with the associations of administrative judges.

22. How do the Associations of Judges interact with NGOs?
Sometimes addressed by NGOs and informally contacted.
23. How do the Associations of Judges interact with foreign or international organisations?
RiV is member of International and European Association of Judges cooperation with other associations.
24. Is there a trade union, in which judges can be members? If so, what are the relations between this trade union and the association of judges?
Yes, it is called "Union of Public service". It is for all public servants and has a special section for judges and prosecutors. There is close cooperation .

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards?
In 2003, the judges' association initiated a discussion process on ethical principles, which resulted in a declaration of principles in 2007.
26. Do the Associations of judges contribute to a further improvement of the justice system? How?
Yes very much. Ethical Code, Training activities, involvement in drafting laws and in projects of court administration, in all these fields also with its own proposals

Perception

27. How does the public at large see the Associations of Judges?
The public has a predominantly positive opinion of the judges' association. Its voice is heard by media and public at large