



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 – Association of Judges in Bosnia and Herzegovina
 - b) For judges of certain jurisdictions only - there are three Associations on Entity and District levels – Association of Judges in Federation of Bosnia and Herzegovina, Association of Judges in Republika Srpska and Association of Judges in Brčko District BH
 - c) For judges of certain court levels only - Association of Judges of the Court of Bosnia and Herzegovina
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) – Association of Women Judges in Bosnia and Herzegovina

Total number of all types of Associations of Judges – 6

Other objectives _____

Membership

2. What are the requirements for membership in the Associations of Judges?

Members of the associations of judges are active judges.

Members of the Associations could also be other individuals, physical or legal persons, who support the associations financially and who demonstrates important results in promotion

of goals and activities of the Associations. Those are so called “honorable members” and they do not have right to vote.

Members of the Association of judges in Bosnia and Herzegovina and Association of judges in Federation of Bosnia and Herzegovina could also be legal assistants within the Courts, so called “associated members” and they also don’t have right to vote.

Association of judges in Republika Srpska limited its membership only to judges who serve in Courts in Republika Srpska.

Association of judges in Brčko Distrikt BH also limited its membership only to judges who serve in Basic and Appellate Court of Brčko Distrikt BH.

Association of judges of Court of Bosnia and Herzegovina and Association of Women judges in Bosnia and Herzegovina allows former/retired judges (domestic and international) to be honorable members, without right to vote.

3. Are prosecutors members of the Associations of Judges?

Prosecutors are not listed in any of the Statues of the Associations of judges as potential members.

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?

Each Association of judges in Bosnia and Herzegovina has its own Statute and all of them are brought in accordance with Laws on associations and foundations.¹

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="radio"/> yes <input type="radio"/> no 1
Defending and fostering the rule of law	<input checked="" type="radio"/> yes <input type="radio"/> no 2
Fighting for economic safeguards of judges	<input checked="" type="radio"/> yes <input type="radio"/> no
Fighting for social and physical security of judges	<input type="radio"/> yes <input checked="" type="radio"/> no Fighting for socially security –yes, but none of the Statutes mention physical security
Contribution to the development of the law	<input checked="" type="radio"/> yes <input type="radio"/> no
Training of judges	<input checked="" type="radio"/> yes <input type="radio"/> no
Ethics and accountability of judges	<input checked="" type="radio"/> yes <input type="radio"/> no 3

¹ In Bosnia and Herzegovina there are Laws on associations and foundations on state level, entities level and Brčko Distrikt.

Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="radio"/> yes <input checked="" type="radio"/> no
Media work	<input type="radio"/> yes <input checked="" type="radio"/> no
Organising conferences	<input checked="" type="radio"/> yes <input type="radio"/> no
International contacts and networking	<input checked="" type="radio"/> yes <input type="radio"/> no
Other objectives (which) <ul style="list-style-type: none"> - Issues judicial and scientific publications for professional society - Work on projects in the field of judiciary - defending the dignity of judges and the judiciary - promotion of professional interests of judges 	<input checked="" type="radio"/> yes <input type="radio"/> no

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?

Individual judges have rights and duties prescribed by Statutes, such as: to work on implementation of goals of the Association, to choose and be chosen in governing bodies of the Association, to give proposals and opinions about the work of the Association, to be informed about the work of the Association, to cooperate with other members, to promote and to behave in accordance with ethical standards for judges, to enjoy the protection of the Association in certain cases, to regularly pay membership fee, to participate in lectures, seminars, conferences and other important meetings and to obey the Statute provisions.

b) Can judges get assistance from the Association (which kind)?

In the Statutes of Association of Judges in the Federation of Bosnia and Herzegovina and Association of judges in Brčko Distrikt BH is prescribed that judges can get financial assistance for the cases of severe invalidity or illness. Statutes of the Association of judges in Republika Srpska and Association of judges of Court of Bosnia and Herzegovina furthered this right to financial assistance in the cases of death, severe illness or sever invalidity of member of the Association or member of its closest family. In that regard, Associations established Solidarity Funds who cover those financial assistance, either as onetime payment or though covering the costs of medical treatment.

According to the Statutes of Association of Judges in the Federation of Bosnia and Herzegovina and Association of judges in Brčko Distrikt BH, judges can also get assistance for advanced education it the amount of 10% of total income of the Association.

c) Do the Associations of judges defend individual judges (against what)?

In certain cases, Associations of judges gives support to an individual judge. It is not strictly prescribed in the Statutes in which cases, but they decide about that in each individual case. There are examples in which Associations of judges reacted when an individual judge was exposed to public and media lynch and when an individual judge was exposed to threats. There are also examples where Associations of judges negatively reacted when a judge (member of High judicial and prosecutorial council) gave an inappropriate and improvident statement.

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?

They react by public announcements.

8. Is there any influence of the Associations of judges on appointment or promotion of judges?

There is no influence of the Associations of judges on appointment or promotion of judges.

9. Is there any influence of the Associations of Judges in disciplinary procedures?

There is no influence of the Associations of judges in disciplinary procedures.

10. Is there any influence of the Associations of Judges on training?

There is influence of the Associations of judges on trainings that they organized on their own or in cooperation with other Associations or Training Centers for Judges and Prosecutors in Bosnia and Herzegovina.

In general, trainings of judges are obligatory and they are organized by Training Centers for Judges and Prosecutors in Bosnia and Herzegovina. Associations of judges and Associations of prosecutors contributes to some training programs organized by Training Centers, but also they organize some educations, conferences and trainings by themselves.

Resources

11. Are there membership fees?

Yes, all Associations of judges in Bosnia and Herzegovina have monthly membership fees (5 or 10 BAM – that is approximately 2,5 or 5 Euros)

12. What other resources are available for the Associations of Judges?

By Statutes of the Associations of judges it is prescribed that Associations can also receive funds from: voluntary contributions and gifts of physical or legal persons, assets given from the budget and other incomes obtained in accordance with the Law and Statute.

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?

The governing bodies, the secretariat and officers of the Associations of judges are selected by the Assembly. Their term of office is four years with possibility for re-election.

The only exceptions are the Association of judges in Federation of Bosnia and Herzegovina and Association of judges in Brčko Distrikt BH where the term of office is two years and it is not prescribed the possibility of re-election.

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?

There are restrictions prescribed only by Statute of the Association of judges of Court of Bosnia and Herzegovina where is strictly prescribed that terms of office (4 years) can be renewed but only one time.

15. Are there restrictions to become an officer of an Association of Judges?

There are no restrictions prescribed by Statutes.

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?

The Associations of judges interact with the parliament through proposals of Laws or amendments to the Laws and by-laws of interest for judiciary, by giving opinions on draft Laws and through projects important for judiciary.

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

Sometimes, when the Associations proposed Laws or changes to the existing laws by themselves, or when they give opinions on draft laws or by-laws.

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

In the formal ways of course.

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

The same way as with the Parliament, through proposals and opinions on Laws and by-laws and through different projects of interest for judiciary.

18. a) How do the Associations of Judges interact with political parties?

No interaction with political parties is prescribed by Statutes.

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?

The Associations of Judges cooperate with High judicial and prosecutorial council (HJPC), and they are regularly invited by HJPC to conferences and working meetings and asked for opinions on important issues for the status of judges.

- 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)?

They do not have role in those selections.

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?

Not known any interaction with the court administration.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other?

If there are common interests, they cooperate and support each other.

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

They usually cooperate with all Associations of judges or in specific cases they cooperate with those whose members have interests.

22. How do the Associations of Judges interact with NGOs?

It is possible to interact with NGOs through seminars, conferences, round tables, different joint publications, projects etc.

23. How do the Associations of Judges interact with foreign or international organisations?

They interact with foreign or international organizations through local or international seminars, conferences, round tables, different publications, projects, study visits, etc.

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?

Not familiar with such relations.

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards?

There is influence in promotion, affirmation and broadening awareness of ethical standards.

26. Do the Associations of judges contribute to a further improvement of the justice system? How?

Indirectly yes, through different judicial and expert publications and through taking stands in all issues important for justice systems.

Perception

27. How does the public at large see the Associations of Judges?

Unfortunately, not very influential, because there are too many Associations and none of them is really active in publicity.