

CCJE-BU(2021)1

Strasbourg, 21 January 2021

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

**Questionnaire for the preparation of the CCJE Opinion No. 24 (2021):**

**“Evolution of the Councils for the Judiciary**

**and their role for independent and impartial judicial systems”**

*Please in your answers do not send extracts of your legislation*

*but describe the situation in brief and concise manner.*

**General**

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| --- | --- |
| 1. Is there a Council for the Judiciary in your judicial system? | O yes O no |

1. What is the exact title/denomination of this body?
2. This question should be answered by members from both legal systems with and without a Council for the Judiciary: Which department or body - for example the Council for the Judiciary (often denominated as High Judicial Council (HJC)) or Ministry of Justice (MoJ) - is responsible for or is in position to perform the following tasks? More than one institution might be involved, so more than one box can be ticked.

|  |  |
| --- | --- |
| Defending and fostering the independence of judges and the judiciary/the rule of law | O HJC  O MoJ  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Defending judges/the judiciary against public attacks | O HJC  O MoJ  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Administration of the judiciary | O HJC  O MoJ  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Selection of new judges | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O A special Judicial Appointment Body  O other, please specify |
| Selection of judges for promotion | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O A special Judicial Appointment Body  O other, please specify |
| Evaluation of judges | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Evaluation of court performance | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Conducting disciplinary procedures | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Drafting and enforcing a code of ethics | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Public relations/media coverage for the judiciary, or individual courts | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Providing input on legislative projects | O HJC  O MoJ  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| Training of judges | O HJC  O MoJ  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O Association of Judges  O other, please specify |
| IT, including digitalisation of the judiciary and online hearings | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O other, please specify |
| The allocation of financial resources to the judiciary including individual courts | O HJC  O MoJ  O Parliament  O Court Presidents  O bodies within individual courts  O Judicial Administration Board  O other, please specify |
| Salaries of judges | O HJC  O MoJ  O Parliament  O Court Presidents  O Bodies within individual courts  O Judicial Administration Board  O other, please specify |

* If there is a Council for the Judiciary in your country, has it other duties not mentioned here? Is it in a position to appoint or remove presidents of courts to and from the office? Is there additional information that would be useful to understand the role of the Council for the Judiciary within your country?
* If there is no Council for the Judiciary in your country, are there other important institutions, and formal or informal rules which are necessary to understand how the judiciary functions in your country?

**Legal basis**

1. Please explain which legal sources regulate the following aspects of the Council for the Judiciary in your legal system

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| --- | --- |
| Existence of a Council for the Judiciary | O Constitution  O Law  O other, please specify |
| Composition | O Constitution  O Law  O other, please specify |
| Selection of members including tenure and removal during tenure | O Constitution  O Law  O other, please specify |
| Tasks | O Constitution  O Law  O other, please specify |
| Resources, funding, administration | O Constitution  O Law  O other, please specify |
| Independence | O Constitution  O Law  O other, please specify |

* Are there other formal or informal rules which are necessary to understand the role and functioning of the Council for the Judiciary in your country?

**Composition and Membership**

1. The composition of the Council for the Judiciary:

* How many members are there?
* Are there ex-officio members?
* How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?
* Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)

1. Please describe the procedure of appointment:

* Who nominates the members? (judges or other institutions or authorities – please specify)
* Please describe the appointment system
* If members are elected by Parliament, are these members elected with a simple or qualified majority?

1. How is integrity and independence of members ensured in the selection process and during their time on the Council?
2. How is the President and/or Vice-President of the Council selected and appointed?
3. What is the term of office for a member of the Council?
4. May a member be removed from office against his/her will and, if so, under what circumstances?

**Resources and management**

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| --- | --- |
| 1. Which body provides funding for the Council for the Judiciary? | O MoJ  O Parliament  O other, if so specify |
| 1. Is the administration of the Council for the Judiciary independent from other branches of government? | O yes O no |

**Relations within the Council for the Judiciary and within the judiciary**

1. Have there been any severe internal conflicts within the Council for the Judiciary that have seriously affected its functioning? If yes, what was the character of these conflicts and have they been solved?
2. Have there been conflicts between the Council for the Judiciary and the judiciary? Have judges felt that the Council for the Judiciary did not represent their interests? If yes, why and has the conflict been solved?

**Relations with other branches of government, governmental bodies, civil society and media**

1. Have there been conflicts between the Council for the Judiciary and the executive or legislative? If yes, what was the character of these conflicts and have they been solved?
2. What legal and political means may the Council of Judiciary in your judicial system employ if it feels that its constitutional role has been infringed?
3. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?
4. How does the Council for the Judiciary in your judicial system interact with NGOs?
5. How does the Council for the Judiciary in your judicial system interact with associations of judges?
6. How does the Council for the Judiciary in your judicial system interact with media?
7. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

**Challenges, developments**

1. Does the Council for the Judiciary in your judiciary face particular challenges? If so, what is the character of these challenges? These challenges might have arisen – among other reasons - because of political and economic developments, societal changes, corruption, the Covid-19 pandemic or technological challenges such as the digitalisation of the judiciary.
2. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?
3. Have there been reforms concerning the Council for the Judiciary in your judicial system recently? If so, what were the objectives of these reforms and have they been successful?
4. In case your judicial system does not have one, is there a discussion to introduce a Council for the Judiciary? If so, what are the arguments made in favour and against the introduction of a Council for the Judiciary. Do you think that there are challenges in your judicial system a Council for the Judiciary might help to solve? Is it likely that such a Council will be introduced?