



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”**

ESTONIA

*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? - **1**.
 - a) For judges of all jurisdictions and all court levels - 1
 - b) For judges of certain jurisdictions only - 0
 - c) For judges of certain court levels only - 0
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) - no

Total number of all types of Associations of Judges - 1.

Other objectives _____

Membership

2. What are the requirements for membership in the Associations of Judges? - **To held a position of the judge.**
3. Are prosecutors members of the Associations of Judges? - **No.**

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? - **There are no specific legal regulations concerning Association of Judges. Association of Judges is non-profit organization based on its statute enacted by its General Assembly.**
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 |
| Defending and fostering the rule of law | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |
| 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 |
| 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): national judicial co-operation and professional solidarity | <input checked="" type="checkbox"/> yes <input type="checkbox"/> no |

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges? **By Annual General Assembly, board meetings which are held in different courts during the year and emails.**

- b) Can judges get assistance from the Association (which kind)? **Yes, non-monetary support.**
- c) Do the Associations of judges defend individual judges (against what)? **Yes, like attacks against judges in media, questionable supervision from executive branch of power etc.**
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? **Letters to the authorities, proposing a discussion in High Judicial Council and other bodies, articles in media.**
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? **No.**

Resources

11. Are there membership fees? **Yes, small annual fee.**
12. What other resources are available for the Associations of Judges? **No. There has been occasional support to cover costs of some international meeting by the Ministry of Justice.**

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? **Officers of the Associations are elected by the General Assembly. Their term is 2 year (re-electable).**
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? **No.**
15. Are there restrictions to become an officer of an Association of Judges? **No.**

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament? **By official letters sent by the Association. Parliament committees can ask the Association to participate in certain sessions.**

Are Associations of Judges involved in the process of law-making? **By writing its opinions about the draft law, by discussing draft laws with Ministry of Justice (roundtables, seminars, meetings etc).**

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

17. How do the Associations of Judges interact with the government, especially with the ministry of justice? **There are few contacts with the government as such and most contacts with the Ministry of Justice. See previous answer.**

18. a) How do the Associations of Judges interact with political parties? **The Association prefers not to communicate directly to any single party.**
- 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? **From time to time, yes.**
19. a) How do the Associations of Judges interact with the Council for the Judiciary? **Currently, the President of the Association has been elected to the Council of the Judiciary. However, the seat is not guaranteed by the law.**
- 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)? **None.**
20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations? **The Presidents of the courts can participate at the board meeting since the board meeting of the Association is held in different courts every time. Many Court Presidents has been members of the board or even a former President of the Association.**

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other? **There are no other Association of Judges.**
- b) If there is more than one Association of Judges, how other stakeholders deal with this fact? -
22. How do the Associations of Judges interact with NGOs? **Association of Judges have good relationship with other NGO-s/professional bodies (such as Bar Association etc). However, there is no Association of Prosecutors any more.**
23. How do the Associations of Judges interact with foreign or international organisations? **Helding meeting, interacting by email.**
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? **No.**

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards? **Yes. The Association was actively present during creating the Judicial Code of Ethics.**
26. Do the Associations of judges contribute to a further improvement of the justice system? How? **By giving its opinion to draft laws and reforms, by discussing issued raised by its members and in different meetings with other bodies.**

Perception

27. How does the public at large see the Associations of Judges? **There has been no such gallup but the public perception towards the Association of Judge is positive.**