



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.*

ANSWERS : CROATIA

General

1. How many Associations of Judges (please note that they can have different names) exist in your country?

Only one

- a) For judges of all jurisdictions and all court levels X
 b) For judges of certain jurisdictions only
 c) For judges of certain court levels only
 d) Are there Associations of Judges on some other criteria (i.e. women judges)

Total number of all types of Associations of Judges 1

Other objectives

There are associations of professionals like association of experts in juvenile justice, mediators, women lawyers where judges are also members but such associations are not considered as association of judges.

Membership

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

To be active or retired judge and to join freely the association with fulfilling the membership form

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?

In the Law on Courts there is provision that judges are free to form and to join their professional organizations and to form associations. Association is considered as NGO and all other issues from organization and registration has to meet regulations in regard to all other NGOs.

The highest internal act is Statute of A.

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	xO yes O no 1
Defending and fostering the rule of law	xO yes O no 3
Fighting for economic safeguards of judges	X yes 2
Fighting for social and physical security of judges	xO yes O no
Contribution to the development of the law	xO yes O no
Training of judges	xO yes O no
Ethics and accountability of judges	xO yes O no
Involvement in judicial self-government, especially influencing the election of officers of self-government	O yes O no
Media work	xO yes O no
Organising conferences	xO yes O no
International contacts and networking	xO yes O no
Other objectives (which)	O yes O no

Support of individual judges

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

Association has its branches and judges are organized in A. through its branches . Each branch can have its own objectives in accordance with the decision of the judges in the particular branch.

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

Association can support judges for training purposes, financially mostly family of decided judge and can advise judges in disciplinary and other matters which come before a judge.

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

Yes, mostly from media attacks and from attacks from the politicians.

- A. If there is an infringement of the independence of a judge or of the judiciary, by what means do the Associations of Judges react?

Association reacts by statements, open letters or protests in accordance with the source and type of infringement.

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

NO

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

No on the formal basis

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

Association organizes its own workshops and seminars, advises Judicial Academy about needs for training, provides literature for judges and cooperates with other domestic and international organizations for the training purposes.

Resources

- E. Are there membership fees?

Yes , 7 Euro per month

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

Last two years Association is cooperating with ABBA CELLI Institute and benefits for some rather small funds for educational purposes

Administration of the Associations of Judges

- G. How are the governing bodies, the secretariat and officers of the Associations of Judges selected? What is their term of office?

Highest body is General Assembly composed of delegates, 1 delegate on each 10 members of Association.

General Assembly elects, president, vice-president and general secretary for the term of four years which can be renewed.

There is also Governing board composed of presidents of each branch of the Association who are elected for the term of four year at the Branch Assembly.

H. 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

I. Are there restrictions to become an officer of an Association of Judges
NO, mandate can be renewed for indefinite times but in practice it is not more than two mandates in the row.

Interactions with state institutions and political parties

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

Very difficultly because Association is most cases ignored by the Parliament . For that reasons Association is using public forms as statements or open letters.

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

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

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

Association is called by the minister of justice to participate in working parties when laws regarding position of judges and courts is concerned but not as a rule . This depends mostly on the good will of the Ministry of justice. Anyhow Association through its bodies sends opinions and remarks on legislative initiatives, not only to the MoJ but also to the Government and to the Parliament.

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

There is no interaction of such kind

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

M. a) How do the Associations of Judges interact with the Council for the Judiciary?

There is no formal ways of interaction. But Council has 7 judges in its composition out of 11 members (two professors and two members of the parliament) mostly members of association so there are informal ways of cooperation.

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)?

There is no formal role in those elections.

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

Association can ask or warn court administration- presidents of courts about problems judges are facing mostly regarding working conditions and security issues

Interactions with other organisations

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

In Croatia there is only one association of judges

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

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

In Croatia NGOs are as a rule extremely politicized so there is no much opportunities for cooperation. In other hand Association is cooperating with Bar Association and Association of Notaries.

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

Croatian Association of judges is member of IAJ and EAJ. Also there is well established cooperation with associations of neighbouring countries in Central and South East Europe

R. 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

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

First Code of Ethic was created by the Association and it was the only code until 2005 when new Code was created in accordance with the New Law on Courts. This Code applies for all judges, not only to members of the Association .

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

One of main roles of Association is to improve justice system. Activities of Association are :

- sending propositions for changes of laws,**
- participating in process drafting laws,**
- promoting principles of independence of judges,**

- informing members and general public about activities and initiatives through all modern ways of communication
- involvement in education and training of judges,
- explaining importance of independent and impartial judiciary in the democratic society.

Perception

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

General perception of the society towards judiciary is unfortunately very poor, and Association is unfortunately sharing such general view .