



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?

In Cyprus there is only one Association of Judges.

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

Total number of all types of Associations of Judges **one**

Other objectives **N/A**

Membership

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

According to Art. 4.1 of the Statute of the Association, all Judges serving in the Courts of first instance are entitled to register as members of the Association of Judges.

The Judges of the Supreme Court are not so entitled.

Furthermore, according to Art. 4.2 persons who have served as Judges and have been members of the Association and have provided special services to the justice and who are in the position to contribute to the promotion of the objectives of the Association can become honorary members if the Executive Committee of the Association so decides.

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?

S. 10A of the Courts of Justice Law (which was inserted by Law 136/1991 published on the 26th April 1991) provides that an Association of Judges can be established.

There are not any other laws or by-laws dealing with the matter.

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	Yes, Art.3.1
Defending and fostering the rule of law	Yes, Art.3.2
Fighting for economic safeguards of judges	Yes, Art.3.3
Fighting for social and physical security of judges	Yes, Art.3.3
Contribution to the development of the law	Yes, Art.3.4
Training of judges	Yes, Art.3.5
Ethics and accountability of judges	No.
Involvement in judicial self-government, especially influencing the election of officers of self-government	No.
Media work	No.
Organising conferences	No.
International contacts and networking	Yes, Art.3.7
Other objectives (which)	See below

Other objectives.

Art. 3.6 The promotion and development of cooperation with the Supreme Court for the purpose of promoting the objectives of the Association.

Art. 3.8 The promotion of cooperation with public authorities for the purpose of promoting the objectives of the Association.

Support of individual judges

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

Through the General Assembly of the Association, taking place at least once a year, and other events organised by the Association. The Association also addresses announcements to its members.

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

Members can raise issues which the Association can forward to the Supreme Court for its consideration.

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

The Association can provide ethical support to a member.

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?

The Association can raise the issue with the Supreme Court. Such matters are dealt by the Supreme Court.

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

No.

However, for the appointment of Judges, the views of all Judges about the candidates are requested and can be taken into account.

Also, for the promotion of Judges to the position of Senior District Judge or President of District Court the recommendations of the Administrative Presidents of the District Courts are taken into account.

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?

The Association can make recommendations to the Director for the Training of Judges and also organise seminars for the training of its members.

Resources

11. Are there membership fees?

Yes. € 50 / year. (Honorary members do not pay this fee.)

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

According to Art. 5.2 donations and according to Art. 5.3 revenues from events organised by the Association.

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 Executive Committee has nine members who are elected by the General Assembly by secret voting (Art. 6.2.1). A separate voting takes place for the election of the President (Art. 6.2.5) and a separate voting takes place for the members of the Committee. Within one week after the election, the Committee meets and decides who is to be the Vice President, the Secretary and the Treasurer. Their term of office is for 3 years (Art. 6.2.9).

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. Art. 6.2.4 provides that the members of the Executive Committee can be re-elected.

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

No. Every member of the Association can be elected as a member of the Executive Committee.

Interactions with state institutions and political parties

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

It does not.

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

No.

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

N/A.

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

It does not.

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

It does not.

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 Association has no formal role in connection with the Council for the Judiciary.

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)?

The Council for the Judiciary is composed by the Judges of the Supreme Court only.

For the promotions to Senior District Judges and Presidents of District Courts and appointment of Judges see 8 above.

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

It does not.

Interactions with other organisations

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

N/A

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

N/A

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

It does not.

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

The Association participates in international conferences of Judges' 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?

No.

Ethical standards

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

No formal role.

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

No formal role.

Perception

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

The public is not aware of the existence of the Association of Judges. The voice of the judiciary in Cyprus is the Supreme Court.