



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 \_\_\_\_\_ 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 \_\_\_\_\_ N/A

#### Membership

2. What are the requirements for membership in the Associations of Judges? *Anyone who is appointed as judge by the ordinary courts can be a member of the Association.*
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?  
*No*

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

### Support of individual judges

6. a) How do the Associations of Judges interact with individual judges? *Interaction takes place following the individual judge placing a request to the Board.*
- b) Can judges get assistance from the Association (which kind)? *Yes*
- c) Do the Associations of judges defend individual judges (against what)? *No*
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? *By contacting decision makers of the parliament or the government.*
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? *Yes*

### **Resources**

11. Are there membership fees? *Yes, an annual fee is paid by each member.*
12. What other resources are available for the Associations of Judges? *Financial support from Djøf which is a large labour organization and a professional organisation representing i.a. judges.*

### **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 Board shall be elected for a term of one year and consists of 1 chairman and 10 other members. 1 member is elected by the Supreme Court, 1 member is elected by the Western High Court, 1 member is elected by the Eastern High Court in association with the President and Vice Presidents of the Danish Maritime and Commercial Court, 1 member is elected by the Presidents of courts in association with the President of the Land Registration Court. 6 members are elected by judges in the district courts in 6 individual geographic areas.*
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 officers are employed.*

### **Interactions with state institutions and political parties**

16. How do the Associations of Judges interact with the parliament? *By dialogue.*
- Are Associations of Judges involved in the process of law-making? *Yes, by written consultation only.*
- If yes, how (is this formal or informal)? *Formal consultations.*
17. How do the Associations of Judges interact with the government, especially with the ministry of justice? *The Association of Danish Judges appoints members to governmental advisory boards.*
18. a) How do the Associations of Judges interact with political parties? *It does not do that.*
- 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? *In Denmark, The Danish Court Administration serves as our council for the judiciary as well as court administration. The association interacts on a governing level with the court administration, in that five of 11 members of the board of governors of the council of The Danish Court Administration are members of the association. On the practical level,*

*frequent consultations take place. The association appoints members to all significant working committees.*

b) What is the role, if any, of the Associations of Judges in the selection of members of the Council for the Judiciary  
*Please see above under a)*

and/or presidents of courts and judges (please describe)?

*Judges and presidents of courts are recommended for appointment by The Judicial Appointments Council. This council is composed of a supreme court judge (chairman), a high court judge (vice-chairman), a district court judge, a lawyer and two representatives of the public.*

20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations? *Please see above under question 19a.*

### **Interactions with other organisations**

21. a) If there is more than one Association of Judges, how do they interact with each other?  
*Denmark has only one association of judges.*

b) If there is more than one Association of Judges, how other stakeholders deal with this fact? *Denmark has only one association of judges.*

22. How do the Associations of Judges interact with NGOs? *On an informal basis only.*

23. How do the Associations of Judges interact with foreign or international organisations?  
*The Association of Danish Judges is a member of IAJ and EAJ. Board members meet with board members of associations of judges from other Nordic countries.*

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? *Yes, judges can be members of Djøf, please see answer to question 12.*

### **Ethical standards**

25. Is there any influence of the Associations of Judges in establishing ethical standards?  
*Yes, the Ethical principles for judges were drafted by the association.*

26. Do the Associations of judges contribute to a further improvement of the justice system?  
How? *Yes, on an ad hoc basis.*

### **Perception**

27. How does the public at large see the Associations of Judges? *The general public will notice the association through media coverage and see it positively as an authoritative and independent voice in legal matters.*