



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

1. Is there a Council for the Judiciary in your judicial system?	X yes O no
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2. What is the exact title/denomination of this body?  
High judicial council

3. 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	<input checked="" type="checkbox"/> HJC <input checked="" type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Defending judges/the judiciary against public attacks	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board

	<input checked="" type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Administration of the judiciary	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Selection of new judges	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify Entering the school of judges after very difficult exams carried out by a committee of judges, prosecutors and university professors
Selection of judges for promotion	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> A special Judicial Appointment Body <input type="checkbox"/> other, please specify
Evaluation of judges	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input checked="" type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify And a judge from the Supreme court selected by draw between the plenary of supreme court judges.
Evaluation of court performance	<input checked="" type="checkbox"/> HJC <input type="checkbox"/> MoJ <input type="checkbox"/> Parliament <input type="checkbox"/> Court Presidents <input type="checkbox"/> bodies within individual courts <input type="checkbox"/> Judicial Administration Board <input type="checkbox"/> Association of Judges <input type="checkbox"/> other, please specify
Conducting disciplinary procedures	<input type="checkbox"/> HJC <input type="checkbox"/> MoJ

	<input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Drafting and enforcing a code of ethics	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Public relations/media coverage for the judiciary, or individual courts	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input checked="" type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input checked="" type="radio"/> Association of Judges <input type="radio"/> other, please specify
Providing input on legislative projects	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Association of Judges <input type="radio"/> other, please specify
Training of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> Assoc National school of judges
IT, including digitalisation of the judiciary and online hearings	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> other, please specify
The allocation of financial resources to the judiciary including individual courts	<input type="radio"/> HJC <input checked="" type="radio"/> MoJ <input type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> bodies within individual courts <input type="radio"/> Judicial Administration Board

	<input type="radio"/> other, please specify
Salaries of judges	<input type="radio"/> HJC <input type="radio"/> MoJ <input checked="" type="radio"/> Parliament <input type="radio"/> Court Presidents <input type="radio"/> Bodies within individual courts <input type="radio"/> Judicial Administration Board <input type="radio"/> 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?
- The council of the judiciary practically decides everything concerning the status of judges, even to appoint them or remove them.
- 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? Yes, there is a Code of the court bodies and status of judicial officers. So the Council has specific formal rules concerning his own status as well as the judges status.

### Legal basis

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

Existence of a Council for the Judiciary	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Composition	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Selection of members including tenure and removal during tenure	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Tasks	<input type="radio"/> Constitution <input type="radio"/> Law <input type="radio"/> other, please specify
Resources, funding, administration	<input type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> other, please specify
Independence	<input checked="" type="radio"/> Constitution <input checked="" type="radio"/> Law <input type="radio"/> 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? No

### Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there? 11 or 15 depending on the judges degree
  - Are there ex-officio members? Yes the president of the Supreme Court and the General Prosecutor
  - How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances
  - All members are judges of the Supreme Court
  - Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions) No
6. Please describe the procedure of appointment:  
Members of the Judicial council and their alternates, are only judges of the Supreme court . They are appointed every year, 1<sup>st</sup> January by the plenary of the Supreme Court (in which there are judges and prosecutors ) but by draw carried out in the presence of the plenary.
- 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
7. How is integrity and independence of members ensured in the selection process and during their time on the Council  
Selection by draw and during their time on the Council by their own conscience and oath to be always independent and loyal to the constitution.
8. How is the President and/or Vice-President of the Council selected and appointed? Their are appointed ex officio.
9. What is the term of office for a member of the Council? One year.
10. May a member be removed from office against his/her will and, if so, under what circumstances? Only if he is retiring or seriously ill. In that case he is replaced by their alternates till the end of the year.

### Resources and management

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> MoJ <input type="radio"/> There is no funding.
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<input type="radio"/> yes <input checked="" type="radio"/> no

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

13. 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? NO

14. 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? The conflicts are solved by the plenary of the Supreme Court.

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

15. 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? NO
16. 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? THE PLENARY
17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies? NO INTERACTION
18. How does the Council for the Judiciary in your judicial system interact with NGOs. NO INTERACTION
19. How does the Council for the Judiciary in your judicial system interact with associations of judges? NO INTERACTION
20. How does the Council for the Judiciary in your judicial system interact with media? NO INTERACTION
21. What, if any, is the role of the Council for the Judiciary in the vetting of judges? NO ROLE

#### **Challenges, developments**

22. 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. NONE

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how? NO
24. 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? NO
25. 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?