



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) 0

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? **The Icelandic Association of Judges is open for membership for all national Judges. Icelandic citizens who are judges at international courts can apply for membership. The same applies to retired judges and legal assistants to judges.**
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?
The Icelandic Association of Judges has set out its own articles of association and ethical principles for judges. There is no legislation that deals specifically with the association as such.
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 1
Defending and fostering the rule of law	Yes
Fighting for economic safeguards of judges	Yes 3
Fighting for social and physical security of judges	Yes
Contribution to the development of the law	Yes
Training of judges	Yes
Ethics and accountability of judges	Yes 2
Involvement in judicial self-government, especially influencing the election of officers of self-government	No
Media work	Yes
Organising conferences	Yes
International contacts and networking	Yes
Other objectives (which)	No

Support of individual judges

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

The Icelandic Association of Judges holds an annual meeting for all its members. Furthermore, the Association organises meetings and seminars on various legal topics for its members.

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

Judges are free to consult with and seek the assistance of the Board of the Association on matters of general interest for judges.

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

Depending on the actual circumstances, the Icelandic Association would speak up on behalf of judges subject to unfair public criticism or political pressure that would fail to respect the independence of the judiciary and the rule of law. The intervention of the Association would be assessed on a case by case-basis, after consulting with the judge in question. Other forms of assistance are by no means excluded, but assistance has rarely been called for over the last years.

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 Icelandic Association has elected an Ethics Committee, which is entrusted to deal with cases concerning violations of its Ethical Principles. However, most cases are dealt with formally by the courts under the provisions regarding conflict of interests and bias in the Acts on Civil and Criminal Procedure.**
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? **The Association has no direct influence on disciplinary procedures. On the other hand, one of the three members of the Judicial Oversight Committee is appointed by the nomination of the Association of Judges.**
10. Is there any influence of the Associations of Judges on training? **The Icelandic Association of Judges and the Judicial Administration Agency work closely together in organising seminars, courses and other forms of training for judges.**

Resources

11. Are there membership fees? **Yes. The annual fee is 10.000 ISK or around 70 Euro but retired judges and legal assistants to Judges pay 50% of that amount.**
12. What other resources are available for the Associations of Judges? **Over the last years, the Icelandic Association of Judges has been generously supported by the Judicial Administration Agency, an independent body responsible for the joint administration of all the national courts.**

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 of the Icelandic Association of Judges consists of one chairman and four members, each elected for a term of one year.**
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?

Members of the Board are no longer eligible to serve on the Board after sitting for six consecutive years on the Board.

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

Interactions with state institutions and political parties

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

The Icelandic Association of Judges is usually formally invited to submit its comments on draft legislation that relates to matters of the judiciary and the operation of the Icelandic Courts. Its Board Members occasionally appear before Parliamentary Committees to further explain the comments in question.

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

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

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

The Icelandic Association of Judges occasionally meets with the Ministry of Justice to discuss plans for draft legislation and exchange views on matters relating to the judiciary. Furthermore, the Association has held meetings with the Ministry of Finance on issues relating to the remuneration of Judges.

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

The Icelandic Association of Judges does not interact with any individual parties. All interaction with political parties takes place under the formal notice and comments procedure on draft legislation and attending Parliamentary committee meetings by invitation.

- b) Are certain Associations of Judges connected with certain political parties?

c) Is there an influence of party politics within the Associations of Judges? **No. Under Ethical Principles of the Association, its members are required to refrain from all political activity.**

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

As stated above, the Icelandic Association of Judges and the Judicial Administration Agency work closely together in organising seminars, courses and other forms of training for judges. Furthermore, the Association and the Judicial Administration Agency frequently consult with each other on matters regarding 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)? **Not applicable.**

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

See answers to 10, 12 and 19 above. The Association of Judges is not aware of any problems in this regard.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other? **Not applicable.**
- b) If there is more than one Association of Judges, how other stakeholders deal with this fact? **Not applicable.**
22. How do the Associations of Judges interact with NGOs?
The Icelandic Association of Judges is in regular contact with the Icelandic Bar Association and frequently organises joint meetings and conferences with the Bar Association.
23. How do the Associations of Judges interact with foreign or international organisations?
The Icelandic Association of Judges is a member of the International Association and European Association of Judges. The Icelandic Association is an active participant in international efforts to protect and enhance the independence of the judiciary all over the world. Over the last year it has focused its international efforts mainly on the status of the judiciary in Poland and Turkey.
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?
26. **The Icelandic Association of Judges has set out its own Ethical Principles, whose standards exceed the requirements judges are subject to according to national legislation on bias and conflict of interest.**
27. Do the Associations of judges contribute to a further improvement of the justice system? How? **By participating in the legislative process, see 16 and 17 above, and addressing judicial matters in the media.**

Perception

28. How does the public at large see the Associations of Judges? **As for this moment no survey has recently been made specifically as regards the public perception of the Icelandic Association of Judges.**