



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   **Lithuanian association of judges**
  - b) For judges of certain jurisdictions only   -
  - c) For judges of certain court levels only   1   **Union of judges of local courts**
  - d) Are there Associations of Judges on some other criteria (i.e. women judges)   -

Total number of all types of Associations of Judges   2  

Other objectives   -  

#### Membership

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

**For the Lithuanian association of judges: every judge of the Constitutional court, administrative courts or courts of general competence may become a member of Association on a voluntary basis.**

**For the Union of judges of local courts: every judge of district (local) courts may become a member of Union on a voluntary basis.**

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?

**There is no specific law dealing with associations of judges.  
The Law on associations of Lithuania, which is general for all types of associations, applies.**

**Both – the Associations of judges and the Union of judges - have their own Statutes, adopted by the general meetings of members.**

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	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no <b>1</b>
Defending and fostering the rule of law	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Fighting for economic safeguards of judges	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no <b>2</b>
Fighting for social and physical security of judges	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Contribution to the development of the law	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Training of judges	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Ethics and accountability of judges	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="checkbox"/> yes <input checked="" type="checkbox"/> <b>no</b>
Media work	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no
Organising conferences	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no <b>3</b>
International contacts and networking	<input checked="" type="checkbox"/> <b>yes</b> <input type="checkbox"/> no

Other objectives (which) .....	<b>X</b> no
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**Support of individual judges**

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

**The associations organize events: conferences, discussions, seminars - for all members of judiciary.**

**Judges may address the Associations with initiatives concerning their activities.**

**The members may apply to the Associations for legal representation, moral or financial support.**

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

**Yes, the Associations may render individual judges a legal representation before courts, public institutions, self-governing institutions.**

**The associations may support individual judges in promotion procedures.**

**The associations also may render judges a financial support.**

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

**Yes, the Associations of judges defend individual judges against infringements of the independence of judge by publishing statements or addressing competent institutions.**

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?

**Generally - by making public statements or addressing competent institutions, for example, the Inspector of journalist's ethics.**

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

**There is no formal role of the Associations in appointment or promotion procedures, but the Associations may express their support for individual judge.**

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

**There is no formal role of the Associations in disciplinary procedures, but the Associations may represent their members in procedures before disciplinary bodies.**

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

**Yes, the Associations organize training events and address the National courts administration with proposals concerning professional training programs for members of judiciary.**

## **Resources**

11. Are there membership fees? **Yes**

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

**Under the Law on charity and sponsorship of Lithuania the Associations of judges may be recipients of sponsorship.**

## **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?

**For the Association of judges: the main governing body is the Board of the association, which consist of the President of the association, one vice-president, the treasurer and 12 members.**

**The Board is elected every three years by the general meeting of members of the Association.**

**The members of the Board elect the President of the association, the vice-president, and the treasurer.**

**The general meeting of members also elect the Commission of audit, which consist of three members and supervises financial activity of the Association.**

**For the Union of judges of local courts: the main governing body is the Board of the Union, which consist of the President, one vice-president and seven members.**

**The board is elected every two years by the general meeting of members of the Union. The President and vice-president are elected by the general meeting by members of the Union.**

**The members of the Board elect the auditor, which supervises financial activity of the Union.**

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?

**For the Association of judges – no.**

**For the Union of local courts judges – yes, the President cannot be elected for the next (second) term of office.**

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

**No**

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

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

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

**Yes**

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

**The associations are not involved in the law-making formally, but they may be asked to provide opinion on projects and bills that affect the judiciary.**

**The associations have not the right of legislative initiative, but they use to address competent institutions with proposals initiate legislative procedure.**

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

**There is no formal interaction, but governing bodies of the Association may address the Ministry of justice with proposals concerning legislative initiatives.**

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

**No interaction**

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

**No, under Lithuanian law judges cannot be members of political parties, consequently, courts and judges organizations cannot be related with political parties.**

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 Associations of judges may address the Council with initiatives concerning activities of the Council.**

**The Council may consult the Associations about different issues concerning the judiciary.**

**The Associations may represent their members before the Council.**

- 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 Associations do not participate in the selection of the Council.**

**The Associations may support individual judges in selection and promotion procedures.**

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

**The Associations of judges may address the National courts administration with initiatives concerning material, technical, organizational support of courts and other relevant issues.**

**There are no problems in these relations.**

#### **Interactions with other organisations**

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

**No significant interaction**

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

**Other stakeholders treat both associations equally, having in mind that they act independently.**

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

**The Associations may cooperate with NGOs by organizing conferences, discussions, etc.**

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

**The Lithuanian association of judges is a member of IAJ.**

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, there is no a trade union, in which judges can be members.**

#### **Ethical standards**

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

**Yes, the Associations may address the General assembly of judges with initiatives concerning amendments of the Code of judicial ethics.**

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

**Actually, by all forms of activities, mentioned above.**

#### **Perception**

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

**No noticeable reaction or clearly expressed perception from the public regarding activities of the Associations of judges.**