



CCJE-BU(2020)1

Strasbourg, 29 January 2020

CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

REPLIES FROM NORWAY

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? There is only 1 Association of judges in Norway.
 - a) For judges of all jurisdictions and all court levels
 - b) For judges of certain jurisdictions only X
 - c) For judges of certain court levels only
 - 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

Membership

2. What are the requirements for membership in the Associations of Judges?
Membership is open for judges appointed with life tenure (i.e. till retirement, which is mandatory at 70 years of age). Retired judges may retain membership. Norwegian judges at international tribunals and courts, may be members if approved by the board 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? The statutes represent the legal framework of the association.
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 O no
Defending and fostering the rule of law	X yes O no
Fighting for economic safeguards of judges	X yes O no
Fighting for social and physical security of judges	X yes O no
Contribution to the development of the law	X yes O no
Training of judges	X yes O no
Ethics and accountability of judges	X yes O no
Involvement in judicial self-government, especially influencing the election of officers of self-government	O yes X no ?
Media work	X yes O no
Organising conferences	X yes O no
International contacts and networking	X yes O no
Other objectives (which)	O yes O no

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?
The association informs the members on a regular basis, and meet with judges at their courts. There is also a regular two-way communication between the board and the individual judges, normally by mail, but if deemed necessary representative from the board would meet member(s).
- b) Can judges get assistance from the Association (which kind)?
Yes for example on ethical and independence issues. The board often involve the Association's resource/expert-groups to assist the board.

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

The association may assist judges on various labour law issues, with assistance of the recourses of the Association's affiliated organization, Norwegian Association of lawyers.

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 initial reaction would be to discuss the issue inboard. The next step would be to approach the National Courts Administration and/or the Ministry of Justice. Further action will depend on the reaction from these institutions.
8. Is there any influence of the Associations of judges on appointment or promotion of judges?
No. However, the Association is invited to propose judge members for the appointment board.
9. Is there any influence of the Associations of Judges in disciplinary procedures?
No. However, the Association is invited to propose judge members for the disciplinary body for judges.
10. Is there any influence of the Associations of Judges on training?
Not directly. However, the regular in-service training is supervised by the Judge Training Committee, where judges proposed by the Association have the majority of seats.

Resources

11. Are there membership fees?
Yes. Members are also members of the Association of Lawyers, and the fee is paid to this association for distribution of funds.
12. What other resources are available for the Associations of Judges?
No other resources are available.

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 highest body is the semi-annual meeting of all members of the Association. The board of 9 members is elected by this meeting. The Association also has an employed board secretary. There is also a supervisory board. This board, elected by the members, is an advisory board only and has semi-annual meetings.
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?
Board member are elected for 2 years in each position of the board, with a maximum of two re-elections.
15. Are there restrictions to become an officer of an Association of Judges?
Only members may be elected as board members.

Interactions with state institutions and political parties

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

The board of the Association has regular meeting with the Parliament's standing committee for justice. Furthermore the Association from to time meet at hearings in other standing committees on issues regarding the judiciary.

Are Associations of Judges involved in the process of law-making?
The Association is invited to give submissions on legislation proposals.

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

17. How do the Associations of Judges interact with the government, especially with the ministry of justice?
The board of the Association has regular meetings with the Minister of Justice, in addition to more informal contact with the civil service.
18. a) How do the Associations of Judges interact with political parties?
The Association will normally contact political parties to promote issues of interest for the Association. Policy addresses would normally go through the political parties' program committees.
- 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?
See below under question 20.
- 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)?
For appointment of members to the council, see above under question 8 and 9. The Association is not involved with regard to selection of judges and court presidents.
20. How do the Associations of Judges interact with the court administration and what, if any, are the problems in these relations?
There are regular meetings between the board of the National Courts administration (The Judicial Council) and the board of the Association. There is also a quite extensive contact between the president of the Association and the president of the council/director of the secretariat on running issues relating to issues regarding judges. The relationship between the Association and the Court Administration is generally good, although conflicting interests arise occasionally. These issues are normally solved through the dialogue described above.

Interactions with other organisations

21. a) If there is more than one Association of Judges, how do they interact with each other?
There is only one Association of judges. However the Norwegian Association is affiliated with the Norwegian Association of Lawyers. Members of the Association of Judges are also members of the Association of Lawyers. The president of the Association of Judges is a member of the board of the Association of Lawyers. Through the Association of Lawyers the Association of Judges will have access to training resources, assistance in labour related issues, communication advice etc.
- 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 Association cooperates with NGOs on an ad hoc basis, for example regarding assistance to colleagues in Poland and Turkey.
23. How do the Associations of Judges interact with foreign or international organisations?
The Association is member of the European (EAJ) and the International Association of judges (IAJ.)The Association has close "bilateral" contact with the other Nordic associations of judges, and ad hoc cooperation with other European associations of judges.
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?
The Association also act as the judge's trade union. However a few judges are also members of other "ordinary" trade unions. The Association has no formal cooperation with such unions.

Ethical standards

25. Is there any influence of the Associations of Judges in establishing ethical standards?
The present ethical principles for judges was implemented and adopted by the annual meeting of the Association of judges, and serve as the ethical framework for Norwegian judges and is applied by the Disciplinary board of the Norwegian Judiciary.
26. Do the Associations of judges contribute to a further improvement of the justice system?
The object of the Association is, inter alia, to protect rule of law, but also to work for reforms of the Norwegian judiciary. Yes, it is explicitly mentioned in the object clause of the Association`s statutes.

Perception

27. How does the public at large see the Associations of Judges?
The Norwegian Association of judges is generally well respected by the public.