



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?	<input type="radio"/> yes
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2. What is the exact title/denomination of this body?  
 All-Russia Congress of Judges [Всероссийский съезд судей];  
 Council of Judges of the Russian Federation [Совет судей Российской Федерации];  
 conferences of judges of constituent entities of the Russian Federation  
 [конференции судей субъектов Российской Федерации];  
 councils of judges of constituent entities of the Russian Federation  
 [советы судей субъектов Российской Федерации];  
 councils of judges of individual courts [советы судей судов];  
 general assemblies of judges of individual courts [общие собрания судей судов].

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 type="checkbox"/> other, please specify the All-Russia Congress of Judges, the Council of Judges of the Russian Federation, conferences and councils of judges of constituent entities of the Russian Federation, councils of judges of courts
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Defending judges/the judiciary against public attacks	
Administration of the judiciary	O other, please specify All-Russia Congress of Judges, Council of Judges, conferences and councils of judges of constituent entities, councils of judges of courts
Selection of new judges	O other, please specify the High Examination Commission, the High Qualification Board of Judges of the Russian Federation
Selection of judges for promotion	O other, please specify High Qualification Board of Judges
Evaluation of judges	O other, please specify High Qualification Board of Judges
Evaluation of court performance	O other, please specify the Supreme Court of the Russian Federation
Conducting disciplinary procedures	O other, please specify the Council of Judges, the High Qualification Board of Judges
Drafting and enforcing a code of ethics	O other, please specify the All-Russia Congress of Judges, the Council of Judges, conferences and councils of judges of constituent entities, councils of judges of courts
Public relations/media coverage for the judiciary, or individual courts	O other, please specify the All-Russia Congress of Judges, the Council of Judges, conferences and councils of judges of constituent entities, councils of judges of courts, the Judicial Department at the Supreme Court of the Russian Federation
Providing input on legislative projects	O other, please specify the Supreme Court, the All-Russia Congress of Judges, the Council of Judges, conferences and councils of judges of constituent entities, councils of judges of courts, the Judicial Department at the Supreme Court
Training of judges	O other, please specify the Supreme Court, the Judicial Department at the Supreme Court, Russian State University of Justice

IT, including digitalisation of the judiciary and online hearings	O other, please specify the Judicial Department at the Supreme Court, a special commission under the Council of Judges
The allocation of financial resources to the judiciary including individual courts	O other, please specify The Ministry of Finance allocates the resources and the Judicial Department at the Supreme Court distributes them.
Salaries of judges	O other, please specify the Judicial Department at the Supreme Court

- 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 activities of the Council of Judges are based on the principles of judicial independence and prohibition to interfere in court activities, free discussion and collective consideration of issues. The main powers of the Council are established in Art. 10 of Federal Law “On Bodies of the Judiciary in the Russian Federation”.

- 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?

### 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	O Law O other, please specify Rules of Procedure of the All-Russia Congress of Judges and of conferences of judges of constituent entities of the Russian Federation, Rules of Procedure of the Council of Judges, of councils of judges of constituent entities and of individual courts
Composition	O Law
Selection of members including tenure and removal during tenure	O Law
Tasks	O Law O other, please specify Rules of Procedure of the All-Russia Congress of Judges and of conferences of judges of constituent entities, Rules of Procedure of the Council of Judges, of councils of judges of constituent entities and of individual courts

Resources, funding, administration	O Law
Independence	O Law

- 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?

### Composition and Membership

5. The composition of the Council for the Judiciary:

- How many members are there?

147 to be elected at the upcoming 10<sup>th</sup> All-Russia Congress of Judges.

- Are there ex-officio members?

All members are elected in accordance with representation quota stipulated in the corresponding law.

- How many members must be judges? Do they need specific qualifications or experiences, must they come from different court systems or instances?

All members of the Council of Judges of the Russian Federation must be acting judges or judges in honorary retirement; they must be elected from the courts of all types and levels.

- Can/must non-judges be members of the Council? Please specify (number, qualification/specific functions)

They cannot. Persons not vested with judicial powers may be drawn to the activities of the Council of Judges as experts, members of workgroups, etc. They do not vote.

6. Please describe the procedure of appointment:

- Who nominates the members? (judges or other institutions or authorities – please specify)

They are elected by delegates (who are judges) at congresses or conferences; in-between such events, they are elected by the corresponding councils of judges.

- Please describe the appointment system

The Council of Judges of the Russian Federation is formed by the All-Russia Congress of Judges from the ranks of judges of federal courts and judges of courts of constituent entities in accordance with representation quotas stipulated in Art. 8 of Federal Law “On Bodies of the Judiciary”.

Members of the Council of Judges of Russia, representing the judges of courts of all types and levels, are elected by secret vote of the congress delegates of the corresponding courts, from their own ranks, at separate delegate meetings. Judges who get the most votes of the congress delegates participating in the vote at a

separate delegate meeting (if more than a half of the congress delegates of the corresponding courts participate in the vote) are regarded as elected to the Council.

Members of the Council of Judges of Russia, proposed by the conferences of judges, are elected by a secret vote of the congress delegates. Judges who get the most votes of congress delegates participating in the vote are regarded as elected to the Council.

- If members are elected by Parliament, are these members elected with a simple or qualified majority?

They are not elected by the Parliament.

7. How is integrity and independence of members ensured in the selection process and during their time on the Council?

The procedures of selection, proposal/entry of candidates, voting, confirmation, as well as the issues of the Council's working procedures are regulated by Federal Law "On Bodies of the Judiciary", by Rules of Procedure of the All-Russia Congress of Judges and of conferences of judges of constituent entities, by Rules of Procedure of the Council of Judges, of council of judges of constituent entities of the Russian Federation and of individual courts.

8. How is the President and/or Vice-President of the Council selected and appointed?

At the first plenary session, the Council members elect the President and the Vice-Presidents from their own ranks.

9. What is the term of office for a member of the Council?

4 years. After that term expires, the powers of elected bodies of the judiciary are preserved until the next congress, conference or general assembly takes place.

10. May a member be removed from office against his/her will and, if so, under what circumstances?

If he/she commits a disciplinary offence, or if a decision to terminate her/his judicial powers enters into force, except when judicial powers are terminated in the course of honorary resignation or honorary removal.

### Resources and management

11. Which body provides funding for the Council for the Judiciary?	<input type="radio"/> other, if so specify The Judicial Department at the Supreme Court
12. Is the administration of the Council for the Judiciary independent from other branches of government?	<input type="radio"/> yes

### 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 conflicts have taken place so far.

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?

No conflicts have taken place so far.

### **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?

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?

17. How does the Council for the Judiciary in your judicial system interact with anti-corruption bodies?

A special commission has been created under the Council of Judges.

18. How does the Council for the Judiciary in your judicial system interact with NGOs?

19. How does the Council for the Judiciary in your judicial system interact with associations of judges?

Within their competence, the Council of Judges of Russia, as well as other bodies of the judiciary, engages in direct relations with bodies of judiciary and professional unions (associations) of judges of other countries, as well as with international organisations and mass media.

20. How does the Council for the Judiciary in your judicial system interact with media?

A special commission has been created under the Council of Judges.

21. What, if any, is the role of the Council for the Judiciary in the vetting of judges?

This issue is within the competence of the High Qualification Board of Judges.

### **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.

23. Has the role of the Council for the Judiciary in your judicial system changed in recent years? If so, how?

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?

New general jurisdiction courts of cassation and appeal, a military court of cassation and military appellate court have recently been created. Therefore, amendments were introduced into Federal Law "On Bodies of the Judiciary" pertaining to representation of their judges within the Council of Judges.

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?