



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
**At present, only the Association of Judges of Slovak Republic is officially registered with the Ministry of Interior of the Slovak Republic as the civic Association (circa 640 members).
 In the past (from 3rd October 2011 until 20th October 2017) was registered also the Association: Judges “For Open Justice”. Today is this Association transformed to the informal and independent Initiative of Judges “For Open Justice”.**
 - b) For judges of certain jurisdictions only
**The Association of Family Judges (circa 40 members)
 The Association of Criminal Judges of Bratislava**
 - c) For judges of certain court levels only
no
 - d) Are there Associations of Judges on some other criteria (i.e. women judges)
The National Association of Women Judges of Slovakia

Total number of all types of Associations of Judges
 as the civic Association: 4
 as the informal Initiative: 1

Other objectives _____

Membership

2. What are the requirements for membership in the Associations of Judges?
Mostly the only criterion is the existence of the status of judge of the general court of the Slovak Republic.
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 Constitution of the Slovak Republic guarantees the right to form and join associations (Art. 29 of the Constitution) and details on association are regulated by Act no. 83/1990 Coll. on association of citizens. That legislation is based on Art. 11, par. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms.
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 type="radio"/> yes <input type="radio"/> no 1
Defending and fostering the rule of law	<input type="radio"/> yes <input type="radio"/> no 2
Fighting for economic safeguards of judges	<input type="radio"/> yes <input type="radio"/> no 3
Fighting for social and physical security of judges	<input type="radio"/> yes <input type="radio"/> no
Contribution to the development of the law	<input type="radio"/> yes <input type="radio"/> no
Training of judges	<input type="radio"/> yes <input type="radio"/> no (e.g. The Association of Family Judges)
Ethics and accountability of judges	<input type="radio"/> yes <input type="radio"/> no
Involvement in judicial self-government, especially influencing the election of officers of self-government	<input type="radio"/> yes <input type="radio"/> no
Media work	<input type="radio"/> yes <input type="radio"/> no
Organising conferences	<input type="radio"/> yes <input type="radio"/> no (e.g. The Association of Family Judges)
International contacts and networking	<input type="radio"/> yes <input type="radio"/> no
Other objectives (which) - the cooperation of Family judges	<input type="radio"/> yes <input type="radio"/> no (e.g. The Association of Family Judges)

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Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?
Mostly informal communication through members of the bodies of an individual Association and informing/notifying via e-mail.
- b) Can judges get assistance from the Association (which kind)?
Especially the defence in disciplinary proceedings.
- c) Do the Associations of judges defend individual judges (against what)?
Against material unfounded proposals for disciplinary action of a judge.
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?
By approving the opinions, which are usually communicated to the executive and legislative authorities, judges and mass media.
8. Is there any influence of the Associations of judges on appointment or promotion of judges?
According to the legislation, it participates in proposals of candidates for members of the Judicial Council of the Slovak Republic (the highest independent constitutional body of the judiciary).
9. Is there any influence of the Associations of Judges in disciplinary procedures?
The influence is to ensure the defence of some members.
10. Is there any influence of the Associations of Judges on training?
Only informal, through members (e.g. the Association of Family Judges)

Resources

11. Are there membership fees?
Most Associations have an annual membership fee
12. What other resources are available for the Associations of Judges?
It depends on the statutes of an individual Association. In general the Associations have the possibility of receiving financial support from the Ministry of Justice of the Slovak Republic and also from judges, who are not members of the Association (e.g. the Association of Judges of Slovak Republic).

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?
It depends on the statutes of an individual Association, e. g. The Main Assembly (as the supreme body of the Association of Judges of Slovak Republic) elects the president of the Association of Judges of Slovak Republic and vice-presidents who are members of the National Council of the Association of Judges of Slovak Republic. Other members of the National Council of the Association of Judges of Slovak Republic are elected at the assembly of judges of the district court of the relevant regional court and The Supreme court

(chairman and vice-chairman of the relevant section). The term of office is 3 years.

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?
It depends on the statutes of an individual Association, there is no limitation on the recurrence of the above mentioned election functions.
15. Are there restrictions to become an officer of an Association of Judges?
It depends on the statutes of an individual Association, in general there is no restrictions

Interactions with state institutions and political parties

16. How do the Associations of Judges interact with the parliament?
Usually notification of opinion of the individual Association
- Are Associations of Judges involved in the process of law-making?
Yes
- If yes, how (is this formal or informal)?
There is a formal process governed by law (comment procedure, or participation of a representative of an individual Association in legislative commissions established by the Minister of Justice of Slovak Republic).
17. How do the Associations of Judges interact with the government, especially with the ministry of justice?
In its opinions, an individual Association can propose legislative changes and submit suggestions for the removal of difficult conditions for the execution of the judiciary in the areas of legislation, personnel and material and technical equipment of courts etc.
18. a) How do the Associations of Judges interact with political parties?
Usually only indirectly/through an intermediary – (e.g. the Association of Judges of Slovak republic exclusively with members of the National Council of the Slovak Republic/parliament).
- b) Are certain Associations of Judges connected with certain political parties?
No (I have no information about the official connection)
- c) Is there an influence of party politics within the Associations of Judges?
No (I have no information about this type of influence)
19. a) How do the Associations of Judges interact with the Council for the Judiciary?
Particularly within the framework of legislative work, an individual Association can submit suggestions to the Judicial Council of the Slovak Republic to use its legal authority – legislative initiative. At the same time, it can submit to the Judicial Council of the Slovak Republic also proposals for the petition by the President of the Judicial Council to the Constitutional Court of the Slovak Republic to declare the law unlawful, which interferes with the independence of the judiciary or judges.

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 Association (as a civic Association) is entitled to propose candidates for the members of the Judicial Council of the Slovak Republic in the election of the members of the Judicial Council of the Slovak Republic.

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

The Associations usually not communicate with the judicial administration, as this role is played by the bodies of the judiciary self-government (judiciary councils of the competent courts) in the implementation of the constitutional competence of cooperation between the bodies of judicial administration and the judiciary self-government.

Interactions with other organisations

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

Usually communicated informally, e.g. by taking part in the comment procedure

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

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

The communication with non-governmental organizations is usually informal. There are situations where an individual Association responds to the views of some third sector representatives if they do not respect the criteria of independence of the judiciary or judges in their statements.

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

The Association of Judges of Slovak Republic is a member of the European Association of Judges and the World Association of Judges, who are acquainted with the position of the Association of Judges of Slovak Republic in the negotiations of their main bodies.

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 judges are normally not members of a trade union at the workplace, in particular because they are unable to exercise the trade union's right to strike, which is prohibited by the Constitution.

Ethical standards

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

The Association of Judges of Slovak Republic participated with the opinions in approving the principles of judicial ethics by the Judicial Council of the Slovak Republic

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

Opinions and suggestions in legislation, suggestions for remedying shortcomings in the conditions of the judiciary (the lack of the personnel and material-technical equipment) were sent to the Minister of Justice of the Slovak

Republic, the Minister of Finance of the Slovak Republic, the Prime Minister of the Slovak Republic and the President of the National Council of the Slovak Republic to ensure timeliness and fairness of proceedings.

Perception

27. How does the public at large see the Associations of Judges?
The public responds to published information by the mass media and politicians about various events in the judiciary (often incomplete), mostly does not respond to a particular Association