



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 _____
 - c) For judges of certain court levels only _____
 - d) Are there Associations of Judges on some other criteria (i.e. women judges) _____

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?

Position as judge in any Swedish court.

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?

No, the association is covered by ordinary private-law legislation on associations.

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

Support of individual judges

6. a) How do the Associations of Judges interact with individual judges?
 b) Can judges get assistance from the Association (which kind)?
 c) Do the Associations of judges defend individual judges (against what)?

The Swedish association does not involve itself in individual cases.

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 association can react by supporting a judge in public and by informing the public of any transgressions of the independence of a judge that it finds.

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?

No.

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

Yes, the association is participating in producing and presenting material on judicial independence and ethics to newly appointed judges.

Resources

11. Are there membership fees?

Yes, 30 EUR/year.

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

None.

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 is selected on yearly basis by the members of the association. A secretariat is formed within the board.

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?

No such restrictions.

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

Not apart from being a member of the association.

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?

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

The association has a formal role as giving opinions on all draft legislation concerning the organisation and workings of courts, as well as procedural law involving courts.

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

There is no formal and continuous interaction of that kind, but the association can – and have – request meetings with the ministry of justice to make its view on specific topics known.

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

The association is politically unaffiliated.

- 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?

- 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)?

There is no Council of the Judiciary in Sweden, so there is no such relation. The agency The Swedish National Court Administration is headed by a person selected by the Government. The Judges Proposals Board, which nominates judges for appointment to Government, is composed of members different political parties represented in the parliament as well as professional judges, prosecutors and lawyers. The association has no role in the selection of any of these persons.

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

The association mainly interact on issues concerning independence and ethics, participating in training and seminars organised by the court administration. No problems in that relation.

Interactions with other organisations

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

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

No other associations.

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

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

The association is a member of the International Association of Judges and the Association of European Administrative Judges. It participates in international meetings and dialogue.

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?

Yes, there is. There is no relation between the association and the trade union.

Ethical standards

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

Yes, see above.

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

By providing training and materials for education and reflection on subjects such as judicial independence and ethics.

Perception

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

The association is a small professional organisation and is probably not well-known by the larger public.