

**NETWORK OF THE PRESIDENTS OF THE SUPREME JUDICIAL COURTS**

**OF THE EUROPEAN UNION**

**CONFERENCE OF THE NETWORK**

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**“Attractiveness of the Judiciary”**

**QUESTIONNAIRE**

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**PART I**

**ATTRACTIVENESS OF THE JUDICIARY TO JUDGES**

1. **Remuneration**
	1. **How are judges’ salaries determined? What factors influence the amount of judges' salaries (e.g., length of service, inflation)? Please specify.**
	2. **What is the starting gross salary of a:**
		1. **first instance judge?**
		2. **Supreme Court judge?**
	3. **What is the ratio between the starting gross salary in 1.2 and the average salary:**
		1. **in your country?**
		2. **of other comparable legal professions (e.g., attorneys, notaries)?**
	4. **What is the ratio between the starting salary in 1.2 and the starting salaries of members of parliament and ministers?**
	5. **Is there a rule in your country according to which judges’ salaries are raised or lowered based on the budgetary possibilities of the state, economic growth, or inflation? Please specify.**
	6. **Has the Constitutional Court ever ruled on the constitutionality of judges' salaries?**
	7. **Is there any discussion about the possibility of “freezing” judges’ salaries? Has it ever occurred? Were there any constitutional problems with such a decision?**
	8. **Has there been a debate (among legal professionals, the public or at the legislator level) about possible changes to the current system or the amount of judges' remuneration?**
2. **Other Material/Non-Material Benefits**
	1. **Please indicate (“X”) the benefits applicable to your country:**

|  |  |  |
| --- | --- | --- |
| Benefits | First instance judges | Supreme Court judges |
| Accommodation (e.g. apartment) |  |  |
| Accommodation allowance |  |  |
| Meal allowance |  |  |
| More than the legally prescribed number of vacation days |  |  |
| Sabbatical |  |  |
| Sick time (outside health insurance system) |  |  |
| Study leave |  |  |
| Working from home |  |  |
| Day care for children provided by the court |  |  |
| Provision of official court vehicle |  |  |
| Telephone, laptop |  |  |
| Language courses |  |  |
| Other educational courses |  |  |
| Salary supplements due to incompatibilities and prohibitions concerning other posts/activities |  |  |
| Others (please specify): |  |  |

* 1. **Do judges' benefits correspond to benefits applied to the public sector in general or are they special benefits for judges?**
	2. **Is there a public discussion around these issues? Are some of the benefits subject to criticism as inappropriate expenditure of public funds?**
1. **Guarantees, Health and Social Security**
	1. **Do judges make the same percentage contributions as others to the health and social security system)? Are all parts of their remuneration used as the basis for calculating their health and social insurance contributions?**
	2. **What is the maternity/paternity/parental leave system in your country? Are there any special advantages/disadvantages for judges?**
	3. **What impact does the use of the benefits in 3.2 have on the future career development of judges? Is one gender influenced by this more than another (e.g. is it possible to automatically return to the pre-existing position; does this time count towards the financial calculation; can the use of these benefits by judges be disadvantageous in relation to their career development)? Please specify.**
	4. **Is there a mandatory retirement age for judges in your country?**
		1. **If the answer is yes:**
			1. **At what age must judges retire?**
			2. **What are the consequences of reaching the statutory retirement age (e.g. loss of judicial status)? Please specify.**
		2. **Is there any debate regarding the mandatory retirement age?**
		3. **Is there a mandatory retirement age for Constitutional Court judges (where a separate Constitutional Court exists)?**
	5. **Do you have “emeritus” judges (e.g. legislation allowing older judges to remain partly within the judiciary)?**
		1. **If the answer is yes:**
			1. **Please specify how this functions.**
			2. **What is the financial and other remuneration of emeritus judges, both in service and outside of the active performance of duties?**
			3. **Are there any debates regarding the institution of emeritus judges?**
	6. **How are judges' pensions determined? Are there special rules for calculating their amount?**
	7. **Are there any additional social security or health insurance benefits for judges?**
	8. **What budget (in addition to EJTN funding) is allocated to the training of judges?**
2. **Special Obligations of a Judge**
	1. **What activities are allowed, partially allowed or prohibited for judges? Please indicate (”X”). If the answer is “Partially allowed” please specify.**

|  |  |  |  |
| --- | --- | --- | --- |
| Activities | Allowed | Partially allowed | Prohibited |
| Additional employment  |  |  |  |
| Involvement in management or supervisory boards of commercial companies  |  |  |  |
| Possibilities of self-employment/entrepreneurship |  |  |  |
|  Membership in the government |  |  |  |
| Membership of legislative bodies (including committees and commissions)  |  |  |  |
| Political participation (including regional/local government)  |  |  |  |
| Membership of labour unions  |  |  |  |
| Taking part in a strike |  |  |  |
| Artistic activities  |  |  |  |
| Professional sports activities  |  |  |  |
| Publishing and lecturing activities |  |  |  |
| Others (please specify): |  |  |  |

* 1. **Is it transparently set out (in the code of ethics, case law or legislation) which activities are considered to undermine the dignity of judicial office? Please specify.**
	2. **Do judges have to obtain security clearance?**
	3. **Are judges obliged to consent to being included in special lists (e.g. former or current membership of a political organization)? If the answer is yes, please specify.**
	4. **Do judges have a duty to provide detailed information about their assets? Is such information on judges' assets publicly available or available on request?**
	5. **Are there any other mandatory declarations/personal disclosures for judges, for example concerning the reconciliation (balancing) of public and private interests? Are such declarations publicly available?**
	6. **Does a judge have to subject himself/herself to an evaluation of his/her performance (compliance with deadlines, number of resolved cases, compliance with case law of higher courts, etc*.*)? Please specify.**
		1. **Are judges' attitudes towards evaluation procedures positive (i.e. contributing to attractiveness) or negative (i.e. contributing to unattractiveness)?**
	7. **Are judges entrusted with special duties in the electoral process in your country?**
	8. **Is there discussion in the public domain concerning changes to the regulation in this regard?**
1. **Selection and Promotion Procedures**
	1. **What are the statutory conditions for becoming a judge? Please specify.**
	2. **What is the procedure for becoming a judge (e.g. passing a judicial exam, who proposes candidates, who approves candidates)? Please specify.**
	3. **What is the average age of newly elected/appointed judges? Is it different than 5 or 10 years ago?**
	4. **Are judges leaving office more frequently than in the past few years?**
	5. **Please indicate (“X”) whether the selection procedure to become a judge is:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Not clear |
| Prompt  |  |  |  |
| Transparent (i.e, objective statutory criteria apply) |  |  |  |
| Unified (i.e. same for all courts and instances) |  |  |  |

* + 1. **If the answer is no or not clear, please elaborate on the reasons for this answer.**
	1. **Does the selection procedure ensure diversity of:**
		1. **Candidates?**
		2. **Judges?**
	2. **What is the ratio of men to women in:**

|  |  |  |
| --- | --- | --- |
|  | Men | Women |
| Local (district) courts |  |  |
| Regional courts |  |  |
| High courts |  |  |
| Supreme Court |  |  |

* + 1. **If your court system has more instances, please specify.**
	1. **What are the conditions in order to:**
		1. **be promoted to a higher instance court?**
		2. **hold a court office (e.g. president of a panel/division)?**
		3. **become the president of a court?**
	2. **What is the promotion procedure (e.g., who proposes promotion, who approves the candidates)?**
	3. **Please indicate (“X”) whether the promotion procedure is:**

|  |  |  |  |
| --- | --- | --- | --- |
|  | Yes | No | Not Clear |
| Prompt  |  |  |  |
| Transparent (i.e. objective statutory criteria apply) |  |  |  |
| Unified (i.e. same for all courts and instances) |  |  |  |

* + 1. **If the answer is no or not clear, please elaborate on the reasons for this answer.**
	1. **Does the promotion procedure ensure diversity of candidates?**
	2. **What is the ratio of men to women holding the office of:**

|  |  |  |
| --- | --- | --- |
|  | Men | Women |
| President of a local (district) court |  |  |
| President of a regional court |  |  |
| President of a high court |  |  |

* + 1. **If your court system has more instances, please specify.**
1. **Summary Questions**
	1. **Has there been any research in your country to assess the prestige/social status of judges among the general public?**
	2. **Are any special measures used to increase attractiveness, such as human resource management?**
	3. **Are surveys of law students conducted regarding their interest in choosing the profession of judge?**
	4. **Does the judiciary in your country experience a lack of candidates interested in becoming a judge?**
	5. **Are you experiencing a lack of judges that would affect the functioning of the judiciary?**
		1. **Are there any vacant judicial posts in your country due to the lack of interest or unsuitability of candidates?**
	6. **Please indicate (“X”) how the following factors, in your view, affect the attractiveness of the judiciary for those interested in becoming a judge.**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Highly negative | Rather negative | Neutral | Rather positive | Highly positive |
| Ethical standards  |  |  |  |  |  |
| Limitations on secondary activities of judges  |  |  |  |  |  |
| Prestige  |  |  |  |  |  |
| Promotion procedure  |  |  |  |  |  |
| Remuneration |  |  |  |  |  |
| Retirement policy |  |  |  |  |  |
| Selection procedure |  |  |  |  |  |
| Social and health benefits |  |  |  |  |  |