

IAJ/UIM
Study Commission IV — 2022

Judicial Workplace and Judicial Independence

1.What is the impact on judicial independence of the judicial workplace (including nominations and appointments, independence in decision making, governance, assignments, fund and other resources)?

Answer: The hierarchical organization of the judicial system in the sense of subordination of judges to the chairmen of courts or higher instances was one of the factors affecting the independence of judges in the exercise of official duties. The principle of "Judges obey only the law" previously protected judges from unlawful external influence, but there were certain costs within the judicial system itself. Currently, effective tools have been created to protect the external and internal independence of judges in the judicial system itself. The chairmen of the courts are deprived of powers in the sphere of bringing judges to disciplinary responsibility, they do not have the right of "veto" on personnel issues. Currently, many conditions have been created to ensure the true independence of judges, including issues of nomination and appointment, independence in decision-making, management, financing and other resources.

2.Please provide examples in the judicial workplace that foster judicial independence and identify barriers and practices that impede or negatively impact judicial independence.

Answer: The activity of judges requires the exclusion of any interference in the resolution of court cases in order to ensure the issuance of objective and impartial decisions, effective protection of the rights, freedoms and legitimate interests of citizens and organizations. A number of circumstances can be called a clear example of the independence of judges at the workplace: independence from the executive branch, proper financing of judicial bodies, reduction of the powers of court chairmen and exclusion of levers of pressure on judges, lifelong maintenance of judges upon retirement.

Barriers that hinder the independence of judges or negatively affect it: scandalization in the media of court cases and the activities of judges, pressure from the public and "engaged" journalists on high-profile and other cases, pressure

from the parties by sending complaints about the actions of judges, extra-judicial workload.

Proposal for 2023 topic:

Please submit your suggestions for possible topics for 2023 along with the answers to the questionnaire.

Answer: Proposed topic: «Immunity and guarantees of independence of judges».