

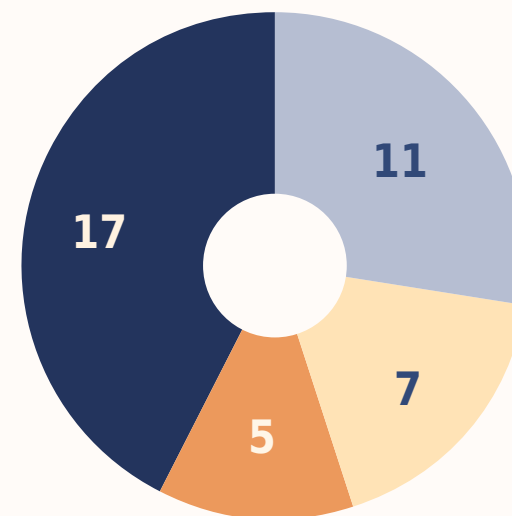


DISCIPLINARY LIABILITY OF JUDGES

Major shortcomings and challenges remain in terms of legislative framework and practice related to disciplinary liability of judges, among others:

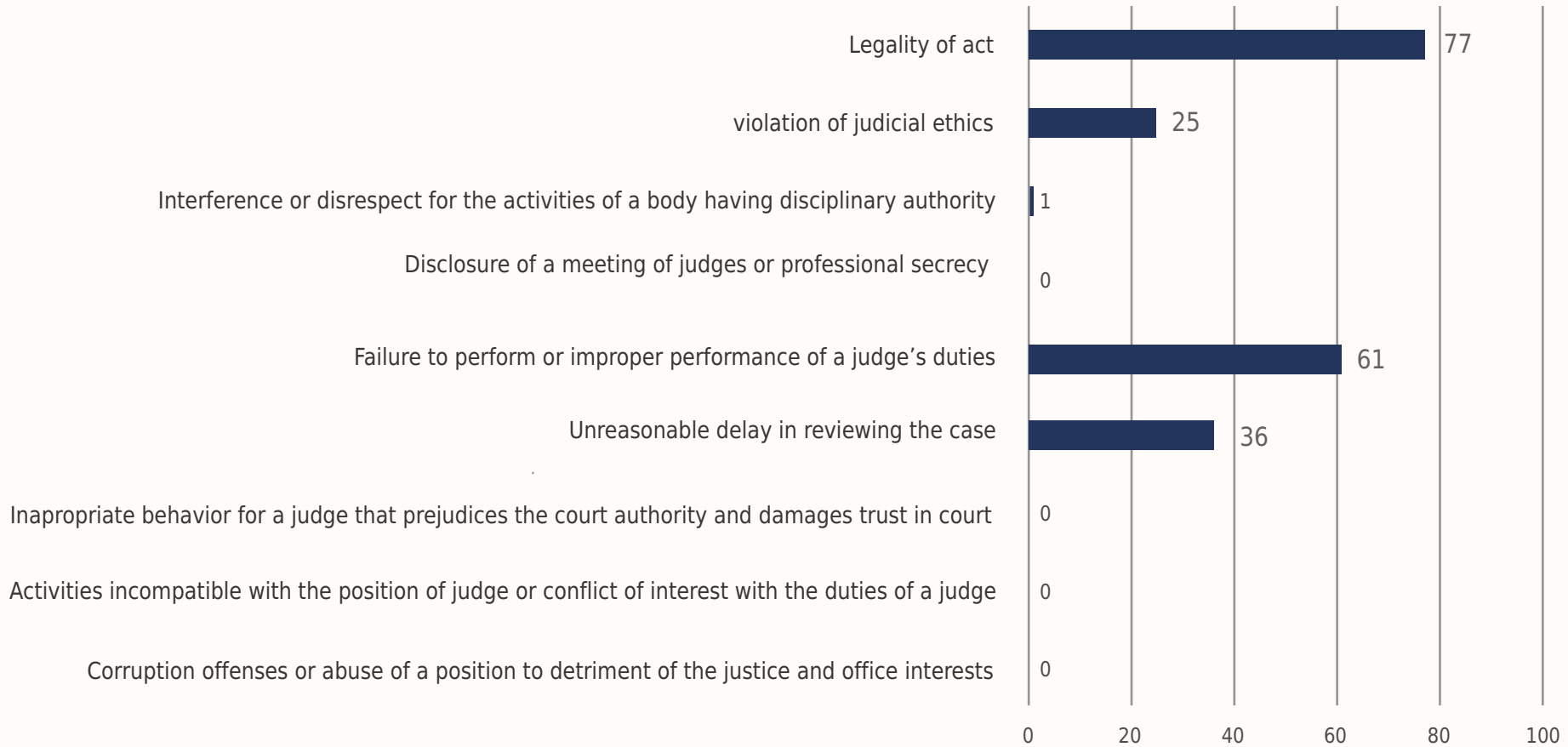
- High Council of Justice holds sessions on disciplinary liability of judges with insufficient frequency, which is a contributing factor to delays of disciplinary proceedings. In 2019, the High Council of Justice held only 2 sessions to consider disciplinary cases;
- Appointment procedure of an independent inspector is still flawed, which does not guarantee adequate institutional independence of the inspector;
- The legislative framework does not envisage publication of independent inspector's conclusions without identification data. Nor are the conclusions accessible to public upon public information requests, which presents a major challenge in terms of transparency;
- Decisions rendered by the High Council of Justice on bringing disciplinary charges against judges are not published;
- According to the legislation in force, it is possible that two panel members out of total number of 5 (provided that the panel session is attended by 3 members) can still impose disciplinary liability and sanction on a judge, which compromises fairness of disciplinary proceedings.

Cases Terminated by the Council 2019

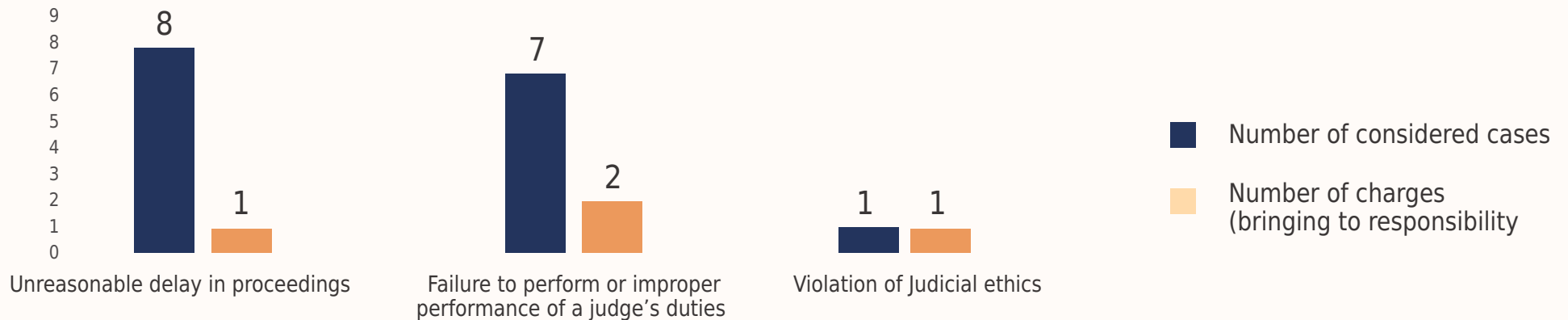


- Unreasonable delay in proceedings
- Failure to perform or improper performance of a judge's duties
- Violation of Judicial ethics
- Lawfulness of an act

Number of Disciplinary Complaints 2019



Cases Related to Bringing a Disciplinary Charge against a Judge in 2019



Steps that should be taken:

- It is important that bodies engaged with disciplinary proceedings against judges respond to disciplinary violations in a timely, objective and effective manner;
- It is important to develop unified and consistent practice in relation to disciplinary proceedings;
- In terms of the institutional independence of an Independent Inspector, it is important that he/she is appointed through a decision by a two-thirds majority of the total composition of the Council;
- For increased transparency of disciplinary proceedings, conclusions issued by an independent inspector and decisions rendered by the Council on bringing disciplinary charges against judges need to be published without identification data of the parties;
- For ensuring a fair decision by a disciplinary panel, it is important that the said decision is rendered by a majority of the total composition of the panel.