

THE STATUS AND FUNCTIONS OF SECRETARIES GENERAL OF CONSTITUTIONAL COURTS

A - STATUS OF THE SECRETARY GENERAL

I. LEGAL BASIS OF THE STATUS OF THE SECRETARY GENERAL

II. NATURE AND CAREER DEVELOPMENT OF THE OFFICE

1. Nature of the office

- 1.a Is the Secretary General a civil servant of the State?
- 1.b Is the Secretary General a civil servant integrated into the judiciary?
- 1.c Other

2. Situation with regard to other civil servants

Can the rank of the Secretary General be assimilated to other civil servants regarding

- 2.a Salaries
- 2.b Social benefits
- 2.c Pension

3. Recruitment of the Secretary General

- 3.a General requirements General requirements for access to the civil service?
- 3.b Specific requirements regarding
 - 3.b.i Training (legal or other) Required diplomas?
 - 3.b.ii Age, required minimum age?
 - 3.b.iii Seniority?
 - 3.b.iv Other?
- 3.c Is the recruitment made upon competition or/ and nomination?
- 3.d If the recruitment is made upon nomination
- 3.e Does the Secretary General take an oath when taking office?

4. Career development of the Secretary General

- 4.a Determinate (D) or indeterminate (I) term of office?
- 4.b Cases of termination of the office other than retirement
- 4.c Disciplinary measures

5. Is the Secretary General assisted by a Deputy?

B - THE FUNCTIONS OF THE SECRETARY GENERAL

I. THE SECRETARY GENERAL AND NON-JUDICIAL FUNCTIONS

1. Descriptive enumeration of the various departments of the Court

- 1.a Enumeration of the Court departments
 - 1.a.i Centralised registry (CR) or decentralised assistance (D) with the judges?
- 1.b Departments headed by the Secretary General

- 1.a Enumeration of the Court departments
 - 1.a.i Documentation centre
 - 1.a.ii Documentation centre
 - 1.a.iii Library
 - 1.a.iv Department of legal research
- 1.b Departments headed by the Secretary General

- 1.a Enumeration of the Court departments
 - 1.a.v Department of translation
 - 1.a.vi Computer department
 - 1.a.vii Financial department
- 1.b Departments headed by the Secretary General

- 1.a Enumeration of the Court departments
 - 1.a.viii Press relations department
 - 1.a.ix Staff department
 - 1.a.x Protocol department
- 1.b Departments headed by the Secretary General

- 1.a Enumeration of the Court departments
 - 1.a.xi External relations department
 - 1.a.xii Other
- 1.b Departments headed by the Secretary General

2. Staff of the Court

Some figures on the staff working at the Court

- 2.a Number of judges
- 2.b Number of staff performing legal functions
- 2.c Number of staff performing administrative functions
- 2.d Total staff number at the Court
- 2.e Number of staff headed by the Secretary General

3. The Secretary General and staff management

- 3.a Recruitment by the Secretary General? If yes, is it an exclusive power (EP) or a shared power (SP)?
- 3.b Does the Secretary General manage the career of the staff of the Court, in particular promotions? Is that an exclusive power (EP) or a shared power (SP)?

- 3.c Does the Secretary General have a disciplinary power, exclusive power (EP) or shared power (SP)?
- 3.d Does the Secretary General decide on professional trainings programmes?

4. The Secretary General and the budget of the Court

- 4.a Is the Secretary General in charge of the preparation of the annual draft budget of the Court?
- 4.b Does the Secretary General present the draft budget to any authority?
- 4.c Is the Secretary General responsible for the execution of the budget to the President of the Court, or any other authority?
- 4.d Does the Secretary General administer the budget?
- 4.e What are the expenses that can be committed by the Secretary General alone?
- 4.f What are the expenses that can be committed exclusively without any authorisation by the Secretary General?
- 4.g What are the expenses that cannot be committed by the Secretary General alone?
- 4.h Is the Secretary General responsible for the closing of the annual budget of the Court?
- 4.i Does the Secretary General present the closing of the budget for approval? To which authority?

5. The Secretary General and administrative meetings of the Court

- 5.a Composition of the administrative meetings of the Court (number of judges involved)
- 5.b Convocation of the meetings (how many times per year/month?) Does the Secretary General have any power to initiate in this matter?
- 5.c What are the types of decisions that require administrative meetings of the Court?
- 5.d Is the Secretary General in charge of the records of the meetings? 5.e Means of diffusion of the decisions memorandum? Letters? Diffusion of the record? Internet journal? Intranet?
- 5.e Means of diffusion of the decisions memorandum? Letters? Diffusion of the record ? Internet journal Intranet ?

6. The Secretary General and relations with the public

- 6.a Is the Secretary General in charge of the management of the Courts public relations?
- 6.b Is the Secretary General in charge of the relations with the press and more precisely is she/he in charge of the press releases?
- 6.c Is the Secretary General in charge of the organisation of international relations of the Court?
- 6.d Has the Secretary General the power to initiate in this matter?

7. The Secretary General and publications

- 7.a Is the Secretary General in charge of the publication of the decisions of the Court?
- 7.b Does the Court provide summaries of decisions?
- 7.c Is the Secretary General in charge of the publication of the Court Bulletin, leaflet, journal, etc?
- 7.d Is the Secretary General in charge of the content of the Internet web site of the Court?

II. THE SECRETARY GENERAL AND THE JUDICIAL PHASES OF THE COURT

1. Registration of complaints and all cases brought before the Court

- 1.a Registration of complaints, please specify the approximate number of cases registered per year
- 1.b Does the Secretary General dispatch the cases among the registry or among the judges?
- 1.c Does the Secretary General register cases?

2. The Secretary General and the preliminary assessment of admissibility of complaints

- 2.a Preliminary assessment of admissibility?
Provided by the Constitution , law, Court regulations, practice?
- 2.b Scope of preliminary assessment formal examination or also on the merits?
- 2.c The Secretary General and the conduct of the proceedings
 - 2.c.i What is the approximate number of cases that are found inadmissible?
 - 2.c.ii What is the percentage with regard to admissible complaints?
- 2.d Is the Secretary General in charge of the correspondence in this matter with the complainants?
- 2.e Is the decision of non-admissibility systematically confirmed by a Court decision?

3. The Secretary General and the conduct of the proceedings

- 3.a Does any texts foresee a time limit in which a case must be dealt with?
- 3.b What is the average time limit between receiving a complaint and the decision of its admissibility?
- 3.c What is the average time limit between its admissibility and the final decision of the Court?
- 3.d Is the Secretary General in charge of ensuring that the time limit of the proceedings is respected?

4. The Secretary General and assistance to the judges

- 4.a Is the Secretary General in charge of material assistance to judges?
- 4.b Does the Secretary General supervise assistance in preparing decisions (draft decisions)?
- 4.c Does the Secretary General organise working sessions for judges (within the registry, among the judges, within chambers)?

5. The Secretary General and the hearings of the Court

- 5.a Number and rate of Court hearings/year
- 5.b Does the Secretary General decide on the schedule of the hearings?
- 5.c Does the Secretary General send out the summons to the hearings?
- 5.d Is the presence of the Secretary General required at the hearings?

6. The Secretary General and Court decisions

- 6.a Is the Secretary General in charge of notifying Court decisions to the applicant?
- 6.b Is the Secretary General in charge of the correspondence with the petitioners in a case?
- 6.c Does the Secretary General follow the execution of the decisions of the Court?