

Council of Europe
Conseil de l'Europe



Strasbourg, 3 May 1996
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Restricted
CDL-JU (96) 5

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

QUESTIONNAIRE
ON THE COMPOSITION
OF CONSTITUTIONAL COURTS

QUESTIONNAIRE

1. What are the aims pursued through the rules of designation of the members of constitutional jurisdictions?
2. Does the procedure for appointing constitutional judges aim to guarantee a representation of different political and legal tendencies in the composition of the constitutional court?
 - 2.1 By what means does the law attempt to ensure such representation? How are these measures implemented? What is the role, if any, of political organs (Parliament, President, government, political parties)?
 - 2.2 Is there an established practice particularly concerning the manner in which candidates are proposed to the authority or authorities called upon to appoint (whether by election or nomination) the judges of the constitutional court?
 - 2.3 To what extent does the procedure followed succeed in ensuring a balanced representation, as desired?
3. What are the legal constraints imposed on the institutions which appoint constitutional judges?
 - 3.1 In particular, must the constitutional court be composed wholly or in part of lawyers or judges?
 - 3.2 In practice, is a certain representation of lawyers or judges ensured even in the absence of a legal obligation to that effect?
 - 3.3 What are the reasons for such regulation or for such a practice?
 - 3.4 What evaluation can be made of the current system?
4. Must the constitutional court include members of linguistic, religious, ethnic or other groups?
 - 4.1 In practice, is a certain representation of such groups ensured even in the absence of a legal obligation to that effect?
 - 4.2 What are the objectives sought to be achieved by any such regulation or practice as seeks to ensure a representation of these groups on the constitutional court? Are these objectives met in practice?

5. How is the President of the Court appointed? What are his or her functions?
 - 5.1 To what extent does the mode of appointing the President (whether elected from among the court's members or appointed by another State organ) aim to establish a balance between the different political and legal tendencies represented on the Court?
6. Is the function of constitutional judge incompatible with other activities? Is that incompatible with membership (either past or continuing) of a political party?
7. Is there an age limit for the exercise of the function of constitutional judge? What is the average age of a constitutional judge?
8. Do the terms of office of members, and the question of whether they can be re-elected, aim to establish or to maintain a certain balance of representation?
9. Do members benefit from an immunity from prosecution? What is the competent body for lifting such immunity?
10. Can members of the constitutional court be dismissed from office by a decision of other authorities? Which is the competent authority for deciding upon such dismissal? Does the constitutional jurisdiction intervene in the process of revocation? Have there been cases of dismissal?
11. To what extent is the composition of the highest court in your country attributable to the powers which it exercises (in particular the exercise of ordinary jurisdiction) or to the number of appeals which it hears?
12. Would constitutional judges wish an improvement of their status or of the functioning of their Court?