

# 3. PROFESSIONALS

## 3.1 Judges

A judge is a person entrusted with giving, or taking part in, a judicial decision opposing parties who can be either legal or natural persons, during a trial. This definition should be viewed in the light of the European Convention on Human Rights and the case law of the European Court of Human Rights. More specifically, "*the judge decides, according to the law and following an organised proceeding, on any issue within his/her jurisdiction*".

To better take into account the diversity in the status and functions which can be linked to the word "judge", three types of judges have been defined in the CEPEJ's scheme:

- **professional judges** are described in the explanatory note of the evaluation scheme (Q46) as "those who have been trained and who are paid as such", and whose main function is to work as a judge and not as a prosecutor; the fact of working full-time or part-time has no consequence on their status;
- **professional judges who practice on an occasional basis** and are paid as such (Q48);
- **non-professional judges** who are volunteers, are compensated for their expenses, and give binding decisions in courts (Q49 and 49.1).

A variable part of the litigation can also be ensured according to the State by *Rechtspfleger* (see the part about non-judge staff for a specific analysis about this professional body).

The quality and efficiency of justice depend very much on the conditions of recruitment and training of judges, their number, the status that guarantees their independence, and the number of staff working in courts or directly with them as assistants or in the exercise of jurisdictional activity.