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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**QUESTIONNAIRE**  
**ON THE STATUS AND THE FUNCTIONS**  
**OF SECRETARIES GENERAL**  
**OF CONSTITUTIONAL COURTS**

This questionnaire is intended for Secretaries General of Constitutional Courts, by which is meant principal administrators of Constitutional courts or equivalent jurisdictions and aims to outline the status and functions of Secretaries General. During the last Conference (Kiev, November 1999) certain Secretaries General presented the organisation and the functions of the Secretary General of their Constitutional Court, which enabled a comparison of the differences in status, functions and powers of Secretaries General of Constitutional Courts.

The Venice Commission Secretariat, during the preparation of the second Conference of Secretaries General (Madrid, 14-15 November 2002), noted that there was a real interest in gaining a better knowledge of the different functions of Secretaries General. In fact it emerged that the office of Secretary General does not exist in every Court, that the Chief Registrar of the Court may, in addition to legal functions, carry out administrative tasks which resemble that of a Secretary General and that the functions of Secretary General vary according to the country.

For this reason we have drawn up this questionnaire, the replies to which will be published for the 2nd Conference of Secretaries General, which should enable a comparative overview of the organisation of constitutional courts and equivalent jurisdictions, the status and functions of their Secretary General or Chief Registrar, as appropriate, and which we hope, will respond to the wishes and the requirements of all of you.

Before giving detailed answers, please reply if possible by yes or no, in order to facilitate the drawing up of the synoptic table.

## A. THE STATUS OF SECRETARY GENERAL

### Legal basis of the status of the Secretary General

- Constitution?
- Law on the Constitutional court?
- Regulations of the Court?
- Law on civil servant ?
- Specific law?
- Other?

### Nature and career development of the office:

#### *Nature of office:*

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

#### 2. *Situation with regard to other civil servants:*

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

- a : salaries;
- b : social benefits;
- c : pension

#### 3. *Recruitment of the Secretary General*

- a. General requirements:
  - General requirements for access to the civil service?
- b. Specific requirements regarding:
  - Training, legal or other? Required diplomas?
  - Age, required minimum age?
  - Seniority, Seniority required ?
  - Other ?
- c. Is the recruitment made upon competition or/and nomination?
- d. If the recruitment is made upon nomination:
  - Nomination by the President of the Court, by the Court?
  - Other ??
  - Approval necessary? By which body?
- e. Does the Secretary General take an oath when taking office?

#### 4. *Career development of the Secretary general:*

- a. determinate or indeterminate term of office ?
- b. cases of termination of the office other than retirement: specify
- c. disciplinary measures

5. *Is the Secretary General assisted by a Deputy?*

## **B. THE FUNCTION OF SECRETARY GENERAL**

The structure and organisation of Constitutional Courts vary considerably. However, there is a common point: the Constitutional Court or equivalent jurisdiction must be managed. The functions of the person responsible for the management of a court, what we understand here as a Secretary General, also vary considerably from one Court to another, in particular as to whether there is involvement or not in the legal functions of the Court.

This part of the questionnaire below should cover a large part of the organisation of your Court and the competences of the Secretary General, in particular concerning the question of organisation and management of the pre-judicial proceedings phase of all appeals and complaints dealt with by your jurisdiction. It seems to be on this point that there are most differences between the Courts, in particular when this phase is dealt with by a central registry or directly by the judges and separate from the general secretariat which is mainly responsible for administrative questions and the management of the Court.

We hope this questionnaire will cover the most important points. Nevertheless should you consider that the questions do not enable you to describe correctly the organisation of your Court or the functions of the general secretariat, please contact Ms Caroline Martin with any comments or additions to the questionnaire you may have.

## **I. THE SECRETARY GENERAL AND NON-JUDICIAL FUNCTIONS: THE ADMINISTRATION OF THE COURT**

### 1. Descriptive enumeration of the various departments of the Court:

#### a. Enumeration of the Court departments :

- Centralised registry or decentralised legal assistance with the judges?
- Documentation centre ?
- Library ?
- Department of legal research?
- Department of translation?
- Computer department?
- Financial department?
- Press relations department?
- Staff department?
- Protocol department?
- External relations department?
- Other?

#### b. Descriptive enumeration of the departments headed by the Secretary general:)

- Registry?
- Documentation centre ?
- Library ?
- Department of legal research?
- Department of translation?
- Computer department?
- Financial department?
- Press relations department?
- Staff department?
- Protocol department?
- External relations department?
- Other?

### 2. Staff of the Court:

Some figures on the staff working at the Court:

- Number of judges:
- Number of staff performing legal functions
- Number of staff performing administrative functions
- Total staff number at the Court:
- Number of staff headed by the Secretary General:

### 3. The Secretary general and staff management:

- a- Recruitment by the Secretary general? If yes, is that an exclusive or shared power?

- b- Does the Secretary general manage the career of the staff of the Court, in particular promotions? Is that an exclusive or shared power?
- c- Does the Secretary general have a disciplinary power, shared or exclusive?
- d- Does the Secretary general decide on professional training programmes?

4. The Secretary general and the budget of the Court:

- a- Is the Secretary General in charge of the preparation of the annual draft budget of the Court? Shared or exclusive competence?
- b- Does the Secretary general present the draft budget to any authority?
- c- Is the Secretary general responsible for the execution of the budget to the president of the Court, or any other authority?
- d- Does the Secretary general administer the budget? Shared or exclusive competence?
- e- What are the expenses that can be committed exclusively without the authorisation of the Secretary General?
- f- What are the expenses that can be committed without any authorisation by the Secretary General?
- g- What are the expenses that cannot be committed by the Secretary General alone?
- h- Is the Secretary general responsible for the closing of the annual budget of the Court? Exclusive or shared liability?
- 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

- a- Composition of the administrative meetings of the Court (number of judges involved)
- b- Convocation of the meetings (how many times per year/ month?) Does the Secretary general have any power to initiate in this matter?
- c- What are the types of decisions that require administrative meetings of the court?
- d- Is the Secretary general in charge of the record of the meetings?
- 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:

- a- Is the Secretary general in charge of the management of the Court's public relations?
- 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
  - Is she/he in charge of the organisation of press conferences
- c- Is the Secretary general in charge of the organisation of international relations of the Court?
- d- Has the Secretary general the power to initiate in this matter?

7. The Secretary General and publications

- a- Is the Secretary general in charge of the publication of the decisions of the Court?
- b- Does the Court provide summaries of decisions?
- c- Is the Secretary General in charge of the publications of the Court (Bulletin, leaflet, journal etc.)?
- 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 PHRASE OF THE COURT

Please indicate whether the following tasks, which correspond to the main tasks of a Registrar, are dealt by the Secretary general or performed under his/her authority:

1. Registration of complaints and all cases brought before the Court:
  - a. Registration of complaints, please specify the approximate number of cases registered per year
  - b. Does the Secretary General dispatch the cases among the registry or among the judges?
  - c. Does the Secretary General register cases?
2. The Secretary general and the preliminary assessment of admissibility of complaints:
  - a. Preliminary assessment of admissibility? Provided by the Constitution, law or Court regulations, or practice?
  - b. Scope of preliminary assessment: formal examination only or also on the merits?
  - c. What is the approximate number of cases that are found inadmissible? What is the percentage with regard to admissible complaints?
  - d. Is the Secretary general in charge of correspondence in this matter with the complainants?
  - e. Is the decision of non-admissibility systematically confirmed by a Court decision?
3. The Secretary general and the conduct of the proceedings
  - a. Does any text foresee a time limit in which a case must be dealt with?
  - b. What is the average time limit between receiving a complaint and the decision on its admissibility?
  - c. What is the average time limit between its admissibility and the final decision of the court?
  - 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
  - a. Is the Secretary general in charge of material assistance to judges?
  - b. Does the Secretary general supervise assistance in preparing decisions (draft decisions?)?
  - c. Does the Secretary general organise working sessions for judges (within the registry, among the judges, within the chambers)
  
5. The Secretary general and the hearings of the Court:
  - a. Number and rate of Court hearings/year
  - b. Does the Secretary general decide on the schedule of the hearings?
  - c. Does the Secretary general send out the summons to the hearings?
  - d. Is the presence of the Secretary general required at the hearings?
  
6. The Secretary general and court decisions?
  - a. Is the Secretary General in charge of notifying court decisions to the applicants?
  - b. Is the Secretary General in charge of the correspondence with the petitioners in a case?
  - c. Does the Secretary general follow the execution of the decisions of the Court?

Miscellaneous:

1. What is the most important part of your functions? Administrative or quasi judiciaire?
2. Have your duties or your functions changed recently?

If yes towards

A reduction

A specialisation

An increase of your functions?

Do you want this miscellaneous part be treated confidentially? Yes, no.