

RESOLUTION

ON THE REDUCTION OF THE REMUNERATION OF JUDGES IN LITHUANIA

At its meeting at Washington D.C., USA on 11 November 2012 the General Assembly of the European Association of Judges passed a resolution concerning the reduction of the remuneration of judges in Lithuania.

The EAJ was informed that due to the complicated economic situation the remunerations of all branches of office holders paid from the state budget were reduced by the end of 2008. The EAJ was also advised that the remuneration of judges suffered a disproportionately greater reduction than the remuneration of other members of the public service, since the percentage reductions applied to judicial salaries (initially 12 % and thereafter a further 8 %) were larger than those applied to salaries in all other branches where officeholders are paid from the State budget. Since judicial salaries were thus subject to a larger reduction than the reduction applied in other sectors, the principle of equality was not observed.

The EAJ is aware of the difficult situation of many economies in Europe. It accepts that under such serious circumstances the justice system must also bear a contribution. But the EAJ also underlines the importance of access to justice and the indispensable task of judiciary especially in times of crisis.

The European Association of Judges refers to international and European standards laid down in:

- Basic Principles on the Independence of the Judiciary, whose Principle 11, states that an adequate remuneration of judges shall be adequately secured by law;
- Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe on Judges: Independence, Efficiency and Responsibilities, in particular para. 54, which states that “judges’ remuneration should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decision” and that “specific legal provisions should be introduced as a safeguard against a reduction in remuneration aimed specifically at judges”;
- the European Charter on the Statute for Judges of 1998, Chapter 6, article 6.1, which stipulates that Judges exercising judicial functions in a professional capacity are entitled to remuneration, the level of which is fixed so as to shield them from pressures aimed at influencing their decisions and more generally their behaviour within their jurisdiction, thereby impairing their independence and impartiality;
- Opinion no 1 (2001) of the Consultative Council of European Judges (CCJE) for the attention of the Committee of Ministers of the Council of Europe on standards concerning the independence of the judiciary and the irremovability of judges, which states that the CCJE considered that it was generally important to make specific legal provision guaranteeing judicial salaries against reduction and to ensure at least de facto provision for salary increases in line with the cost of living.

The EAJ shares the opinion of the Consultative Council of European Judges (CCJE) expressed in the Report CCJE (2011)6 (Strasbourg, 18 January, 2012) that regardless of the rationale behind such measures, judicial remuneration cannot be reduced in a greater proportion than that of public officers, on pain of violating the principle of equality established as a general principle of law. In any case, even at times of economic crisis, the legislative and executive powers of various member states should keep in mind that a serious reduction of judges’ salaries is a threat to judges’ independence and to the proper administration of justice, and may jeopardise objectively and subjectively the judges’ work. Such measures should always be limited in time.

The EAJ expresses its concern that the above mentioned cuts in the remuneration system of Lithuanian judges are not in accordance with the European and international standards and infringe the principles stated in these international documents and its concern that reduction in judicial remuneration should only be implemented if the above mentioned principles are fully applied.