



Mr Stevo Pendarovski
President of the Republic of North Macedonia

Your Excellency,

I am writing in my capacity as President of the European Association of Judges (“EAJ”), which is an association of the judges’ associations in 44 European countries and which has as one of its principal goals the maintenance of judicial independence and the rule of law.

The EAJ has been made aware that in terms of Decree No. 44-2867/1 of 7 April 2020 the salaries of judges in the Republic of North Macedonia have been reduced for at least the months of April and May by about 80% to approximately € 240 per month.

While the EAJ appreciates that this measure has been prompted by the current covid-19 coronavirus pandemic it nonetheless causes the EAJ great concern for the independence of the judiciary in North Macedonia. It is essential to the independence of the judiciary that judges be properly remunerated in a manner which upholds their dignity and avoids their being subject to financial pressures in the exercise of their duties. This requirement is well recognised in many international instruments. I mention –

The Committee of Ministers of the Council of Europe Recommendation CM/Rec (2010) 12, paragraph 53:

The principal rules of the system of remuneration for professional judges should be laid down by law “. At paragraph 54: *“Judges’ remuneration should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions ...”.*

The Consultative Council of European Judges (CCJE) Opinion No 18 (2015), paragraph 35: *“The full recognition of the basic safeguards of judicial independence, such as ... sufficient remuneration... is a prerequisite for any satisfactory discussions between the three powers of the state.”*

The CCJE points out at para51 that: *„remuneration of judges must fall under the responsibility of the legislature.”*

The European Charter on the Status of Judges Principle 6.1:

„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.”

The Universal Charter of the Judge, adopted by the International Association of Judges, article 13:

„The judges must receive sufficient remuneration to secure true economic independence. “

The Judges Charter in Europe, paragraph 8:

„Judicial salaries must be adequate to ensure that the judge has true economic independence and must not be cut at any stage of a judge's service “.

During a crisis such as the current crisis maintaining a functioning justice system is important to society and I have no doubt that, as elsewhere in Europe, judges in North Macedonia remain willing and anxious to serve the public during this crisis even if performance of that duty poses risks to their health and the health of their families. The existence of this crisis does not excuse continuing observance by the State of the fundamental need to maintain judicial independence and the rule of law, which in turn requires observance of the principle of proper remuneration set out in the international instruments mentioned above. A basic, minimal salary of approximately € 240 per month is not in any way commensurate with the position of a judge in society nor sufficient to secure the economic independence necessary to shield the judge from improper financial pressures in the exercise of judicial office. The measures contained in the Decree are manifestly in violation of the principles of judicial independence

The EAJ appreciates that in times of severe crisis the judiciary may require to join others in society by making some sacrifice. But the extent of that sacrifice imposed by the State cannot go so far as to destroy - in the way in which the Decree does-the principle that the amount of a judge's remuneration should remain in relative terms consistent with the position of the judge in society and adequate to shield the judge from financial pressures. Nor should the judiciary be required by the State to make a disproportionate sacrifice.

In that last regard, the EAJ is advised that some of those holding public office in the Republic of North Macedonia are to suffer only a 20 % reduction in their salary. There is no evident reason for treating the judiciary less favourably. As I have already emphasised, it is vital for society to maintain, even in these difficult times, the application of the rule of law by a judiciary whose independence is not compromised by a measure such as that by which Decree No. 44-2867/1 affects the judges of North Macedonia.

I would add that, in recognition of the crisis, the North Macedonian Association of Judges has recommended to all its members that they donate 20 % of their salary towards the coronavirus emergency fund.

On behalf of the EAJ, I therefore call upon the Government of the Republic of North Macedonia to revoke the provisions of the Decree in so far as affecting the country's judges and restore their salaries to their former amount or at least an amount consistent with full observance of the principles set out above.

Yours sincerely



Manuel José Igreja Matos

President of the European Association of Judges