



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**

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IAJ Statement on behalf of the Judicial Association of South Africa

It has been brought to the attention of the Presidency Committee of the International Association of Judges (IAJ) that an ongoing delay in addressing the salaries of South Africa's Magistrates (the Judges of the Lower Courts) has become a matter of significant concern. We understand that the issue of the remuneration of such judges remains unresolved, and is now at a critical juncture.

Despite being referred to Parliament by His Excellency President Cyril Ramaphosa on May 16, 2024, the issue of the salaries of Magistrates for the years 2023 and 2024 has yet to be tabled or considered in the subsequent parliamentary sessions. Although formally presented before Parliament in June of this year, the matter was neither tabled for discussion or consideration. Now that the parliamentary recess is over, it is our understanding that there is no certainty as to when the matter will be addressed. In the meanwhile, Magistrates have had no salary increase for over two years, and a promised review of such salaries has not moved forward despite a significant increase in their workload.

The IAJ writes in its role as the voice of the judicial associations of more than ninety countries to stress the primacy of judicial independence and its critical foundation: that the adequate remuneration of judges, reviewed on a sufficiently frequent basis to allow their salaries to remain on par with those of other government officials, is a fundamental requirement of the rule of law.

Two seminal documents, the Basic Principles on the Independence of the Judiciary, approved by the United Nations in 1985, and the International Association Universal Charter of the Judge, expressly incorporate and codify this requirement.

Specifically, Art. 11 of Basic Principles, Conditions of service and tenure, provides as follows:

11. The term of office of judges, their independence, security and adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.

Article 8 of the IAJ Universal Charter of the Judges, provides similarly:

Art. 8.1 – Remuneration:

A judge must receive sufficient remuneration to secure true economic independence, and, through this, his/ her impartiality and independence.

The remuneration must not depend on the results of the judge's work, or on his/her performances, and must not be reduced during his or her judicial service.

Rules on remuneration must be enshrined in legislative texts at the highest possible level.

The IAJ strongly encourages the government of South Africa to take into consideration in its actions respect for these fundamental principles: to ensure that judges are sufficiently remunerated so as to carry out their duties and responsibilities in an independent and impartial manner. It is that ability which is a universally recognized cornerstone of the principles of judicial independence and the rule of law.

Respectfully submitted

The Presidency Committee of the IAJ

Rome, 4th of September 2024