



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI
PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY**

**STATEMENT
ON
IMPACT OF ECONOMIC CRISES ON THE JUDICIARY**

1. Due to an economic crisis, which affected many countries worldwide, some of them reduced resources for the judiciary. Such developments could lead to a reduction of the access to justice and to an infringement of the independence of judges.
2. It is vital that in such times of crisis sufficient resources for the judiciary are maintained.
3. Financial restraints also should not reduce fundamental rights of citizen, be it by amendments of the law, which abolishes necessary procedural rights, or be it by reducing the means for access to justice (e.g. legal aid).
4. It is of utmost importance that the financial independence of judges is respected and care should be taken not to endanger that independence in reducing salaries or ignoring the effects of inflation.

**The Central Council of the International Association of Judges,
convened in Washington D.C. on November 15th, 2012
adopts the following
Resolution**

The Central Council of the International Association of Judges, convened in Washington D.C. (USA) from 11 to 15 of November 2012, concerned for the independence of Justice:

- Reminds the principles of the United Nations upon the independence of the Judiciary (1985 – principle no 11) and the International Charter of the Judge (IAJ, 1999) which stipulates in its article 13 that “The judge must receive sufficient remuneration to secure true economic independence. The remuneration must not depend on the results of the judges work and must not be reduced during his or her judicial service”;
- Reminds that the international standards repeated by the Recommendation CM/REC(2010)12 of the Committee of Ministers of the Council of Europe, the European Charter on the statute for Judges of 1998 (Ch. 6, art. 6.1) and the opinion n°1 (2001) of the Consultative Council of European Judges (CCJE) ;
- Reminds that the remuneration of Judges and Prosecutors must be fixed in a way to shield them from oppressions which intend to alter their independence and impartiality;
- Underlines with concern the existence of serious economic problems in many countries which justify the efforts of the citizens, principally the reductions of the remunerations;
- Reminds that in 2011 the IAJ has defined that the judges may, before the present economic crisis, participate in the national effort in the same way as the other citizens; still, no reduction of their remuneration can be accepted if this reduction is higher than the reduction imposed to public servants, or if it leads to an inadequate remuneration with regard to their functions (1st study commission, 2011);
- Reminds that the reduction of the judges’ salaries, even in the context of a serious economic crisis, must remain exceptional, minimal and proportionate;

- Is concerned about very important reductions decided in some countries which do not respect these principles and jeopardize in unacceptable manner the judges' independence in these countries;
- Notes that the reduction of the judges' and prosecutors' salaries was judged unconstitutional by the Constitutional Courts of several countries¹.
- Calls Governments, worldwide, to respect the international principles which ensure the independence of the judiciary.

**RESOLUTION OF THE IAJ CENTRAL COUNCIL
ON THE REMUNERATION OF GREEK JUDGES**

At its meeting in Washington D.C., USA, on 15th November 2012 the Central Council of the International Association of Judges (IAJ) passed the following resolution.

The Greek Association of Judges, *Énosi Dikastón kai Eisaggeleon*, informed the IAJ that the remuneration of Judges in Greece had been reduced on two occasions.

Already in its first half of 2012 there had been a reduction up to 38.5%. The amount of this reduction was larger than the reduction applied in all other branches of office holders paid from the state budget.

On 11th May 2012 the European Association of Judges, Regional Group of the IAJ, adopted a resolution which expressed its concerns that the reduction of judges' income, which had occurred so far, could infringe European and international standards on the remuneration of judges.

Since then another Greek law imposed a further cut of income on the judges, which was not imposed on other professions paid from the state budget.

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

- Basic Principles on the Independence of the judiciary of the United Nations, whose Principle 11 states that an adequate remuneration of judges shall be adequately secured by law;
- Recommendation CM/rec(2012)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 decisions" 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 behavior 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

¹ See the rulings of the Constitutional Courts of the Lithuanian Republic, of Poland (18/02/2004), of the Czech Republic (14/07/2005), of Slovenia (07/12/2006), of Italy (no. 223 dated 8/10/2012) and, recently, of the Hellenic High Court (7 November 2012) on the new deduction of Greek judges' remuneration (in average of 60%).

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 for salary increases in line with the cost of living.

Taking into account these standards, the International Association of Judges is of opinion that the above mentioned severe cuts in the remuneration of Greek judges infringe the principles set out in those international standards and urges the competent Greek authorities to ensure that these principles are fully observed.