

UNION INTERNATIONALE DES MAGISTRATS

ASSOCIATION EUROPEENNE DES MAGISTRATS

**RESOLUTION CONCERNING THE NEW SCHEME OF REMUNERATION OF
MAGISTRATES IN FRANCE ¹**

On regular Meeting of the European Association of Judges held in Naples, Italy, on 14th and 15th of May 2004, representatives of 31 member states unanimously delivered this,

Resolution

Concerning the new scheme of remuneration of magistrates in France

The EAJ is concerned about the recent decision of the French government to introduce a discretionary performance bonus into magistrates' salary. With this bonus system the government aims to get an influence on the performance of the magistrates, judges and public prosecutors.

The EAJ notes that international standards of judicial independence, set in Recommendation No. R (94) 12 of the Committee of Ministers of the Council of Europe "On the independence, efficiency and role of judges", UN Basic Principles on the Independence of the Judiciary, The Universal Charter of the Judge and the European Charter on the Statute for Judges clearly prohibit the interconnection of judicial remuneration with the results of the judges' work as

creating a possibility of pressure aimed at influencing judicial decisions and behaviour of judges. In the light of the mentioned international standards, any variations in judicial remuneration (reduction of remuneration as well as grant of additional bonuses) connected to the "productivity" of judicial activities is intolerable.

National legislation and governments which have the competence to determine judicial remuneration should respect the very essential, universally recognized principle of judicial independence.

The EAJ observed, that no other country has introduced a similar system, which infringes the independence of the judiciary (only Spain recently chose a system which in some aspects is alarming as well)

The EAJ therefore asks the authorities in France to reconsider the recently created system of a discretionary performance bonus for judges.

(1) <http://www.iaj-uim.org/AEM/Francia040515.html>

