



Statement
respecting the
Remuneration of Judges
In
Lithuania

1. At its meeting in Athens on 2 June 2023 the European Association of Judges (EAJ) noted with concern the current situation in Lithuania regarding the remuneration of judges.
2. The EAJ was informed that since 2008 judicial salaries, which consist of a basic remuneration and supplementary remuneration depending on the position of the judge, have only been raised for first instance judges by an inadequate amount and have not been raised at all for other members of the judiciary.
3. The EAJ was also informed that regardless of the high rate of inflation, which has recently been experienced in Lithuania, the budget of the courts has not been increased with the consequence that they are now seriously understaffed.
4. The EAJ points out that proper remuneration for judges is an essential element of an independent judiciary and the rule of law. The remuneration of judges “*should be commensurate with their profession and responsibilities, and be sufficient to shield them from inducements aimed at influencing their decisions.*”¹ This requirement is recognised also by several other standard setting documents.²
5. Further, and importantly, these principles are meanwhile settled case law of the Court of Justice of the European Union and therefore binding on all of the European Union’s member states. The Grand Chamber in its landmark decision in the case *Associação Sindical dos Juizes Portugueses* stated: “Like the protection against removal from office of the members of the body concerned (...), the receipt by those members of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence.”³
6. The EAJ considers that the inadequate level of remuneration of judges in Croatia does not meet those requirements.

¹ Council of Europe: Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities para 54

² CCJE Magna Carta of Judges, principle 7; CCJE Opinion No.1 para 61; Universal Charter of the Judge Article 8 et alt.

³ Judgment of 27 February 2018 in Case C-64/16 *Associação Sindical dos Juizes Portugueses*, paras 44 and 45; see also: Judgment of 7 February 2019 in Case C-49/18 *Carlos Escribano Vindel*, para 66.

7. Whilst the judgments in *Associação Sindical dos Juizes Portugueses* and the case of *Carlos Escribano Vindel* both deal with situations where reduction of remuneration was applied to all civil servants and public officials, this is not the position in the present case in Lithuania. This again violates European standards which say that safeguards should be provided “against a reduction in remuneration aimed specifically at judges”⁴ Under this aspect the EAJ also observes an infringement of the principle of non-discrimination, which is protected by Article 14 ECHR and Article 21 of the Charter of Fundamental Rights.

8. Finally, the EAJ reminds governments that there is an obligation on the State adequately to staff the judiciary with the necessary resources.⁵

9. The EAJ therefore urges the Lithuanian government and its authorities to proceed speedily with reviewing and improving the salaries and allowances paid to members of the judiciary.

⁴ Council of Europe: Recommendation CM/Rec (2010) 12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities para 54

⁵ *Ibid* para 35 and 33