

THE COUNCIL OF THE BALTIC ASSOCIATIONS OF JUDGES

To whom it may concern

11.May 2023

Statement regarding financing of Lithuanian courts

Lithuania has a long-standing commitment to constitutionality and takes a great pride in the Polish-Lithuanian Commonwealth Constitution of May 3, 1791, which is widely regarded as the first written constitution in Europe and the second in the World. A year of 2022 was declared as the Year of Constitution of the State of Lithuania. Despite this impressive legacy, it is disappointing to note that the Lithuanian judiciary, one of the three key pillars of constitutional governance, chronically faces significant funding shortfalls that hinder their ability to function effectively.

In Lithuania, since 2008 the gross domestic product *per capita* and the average wage has increased more than twice. However, salaries (*neto*) of the majority of Lithuanian judges in 2023 just reached the 2008 level. General government total expenditure on law courts in EUR per inhabitant in Lithuania is the second lowest within the European Union (https://commission.europa.eu/system/files/2022-05/eu_justice_scoreboard_2022.pdf). As of December 31, 2022, the Lithuanian National Courts Administration reported that court debts for necessary goods and services were 1.66 million euros. The specified circumstances have created a situation where Lithuanian courts are already systematically lacking about 70 judges (which is about 10 percent), 150 assistant judges, even 94 of which are in the capital Vilnius. Judges, assistant judges and secretaries leave their jobs that have become unattractive due to uncompetitive salary and inadequate workload. Case hearing processes slow down as the remaining judges and other court employees are even more overloaded with work.

The essential principle that everyone whose rights and freedoms are violated has the right to effective judicial protection is expressed in many of the most significant international acts, including Article 6 of the European Convention of Human Rights and Article 47 of the EU Charter of Fundamental Rights. In order for that protection to be ensured, maintaining such a court or tribunal's independence is essential, as confirmed by the second subparagraph of Article 47 of the Charter, which refers to the access to an 'independent' tribunal as one of the requirements linked to the fundamental right to an effective remedy. The receipt by judges of a level of remuneration commensurate with the importance of the functions they carry out constitutes a guarantee essential to judicial independence (Judgement of the Court of Justice of the European Union of 27 February 2018 in a case *Associação Sindical dos Juizes Portugueses v. Tribunal de Contas*, C-64/16). It is therefore important to emphasize that decent remuneration of judges is not judge's privilege, but a guarantee for society that justice is administered by an impartial and independent tribunal.

The Council of the Baltic Associations of Judges (hereinafter referred to as the CBAJ) expresses its concern that the current financial situation of the Lithuanian judicial system may pose a threat not only to the proper administration of justice at the national level, but also to the implementation of Lithuania's obligations at the international level. We believe that not all domestic measures have yet been exhausted to solve the stated problems. The CBAJ calls on the competent Lithuanian authorities to establish with no further delay an objective model of courts' financing, thus protecting the public's right to an independent court and to a quality justice.

Sincerely,


Pavel Gontšarov

President of the Council of the Baltic Associations of Judges