



European Association of Judges

RESOLUTION concerning the Remuneration of Judges in Sweden

1. At its meeting in Cape Town on 18 October 2024 the European Association of Judges – “the EAJ” – was requested by the Swedish Association of Judges again to consider the system of judicial remuneration in Sweden.
2. The meeting was advised that in 2005 the Swedish government abandoned the previous system whereby judicial salaries were fixed according to a published scale of remuneration and introduced in its stead a system under which salaries for judges in Sweden are decided individually. That system is still in place. Subject to a minimum level of salary, usually set when a judge is appointed, the amount which each individual judge receives is decided by a chief judge or the president of the court in which the judge sits. This leads to colleagues sitting in the same court or at the same level in the court hierarchy being paid at different rates (irrespective of length of service).
3. In a recent survey carried out by the Swedish Association of Judges a number of judges reported that by reason of the system of individualised salaries they had felt under pressure from the chief judge or president of court responsible for deciding on their salary. Judges feel that because of the system they do not enjoy the independence in their judicial work which they ought to have. They are reluctant freely to express judicial views which may not accord with those of the chief judge or president in question, or to raise issues of court management, in case doing so could be reflected adversely in future decisions about their salaries. The Swedish Association of Judges has argued for a long time that this system jeopardises internal judicial independence; and in 2005 and 2007 the EAJ adopted resolutions similar to this resolution.
4. The EAJ shares and reiterates those concerns. The system allows, and may promote, differences in the remuneration of judges of equal standing who perform equal tasks for an equal duration of time in office which proceed on grounds which are not transparent and which are susceptible to being affected, if only subconsciously, by personal favouritism. The system is thus capable of impairing the independence of the judge in his or her judicial work.

5. The concerns of the EAJ are supported by the international standards of judicial independence set out in (a) Recommendation (2010) 12 of the Committee of Ministers of the Council of Europe on “Judges: independence, efficiency and responsibilities”¹ (b) the Universal Charter of the Judge² and (c) the European Charter on the Statute for Judges³ which clearly oppose the making of any link between a judge’s remuneration and the results of his or her judicial work. Such an interconnection creates the possibility of pressure on judges, which might either have the aim or the effect of influencing the judge’s decisions and behaviour.

6. The EAJ also endorses the Opinion of the Consultative Council of European Judges that in determining a judge’s remuneration “dependence on the judge’s performance could create difficulties for the independence of judges”⁴. Such a process could plainly influence judges’ behaviour (to the detriment of the parties in individual cases) and also endanger judicial independence⁵. The use of individual evaluations to determine the salary and pension of individual judges is to be avoided as this process could plainly influence judges’ behaviour and so endanger judicial independence and the interests of the parties.⁶

7. In the view of the EAJ all national legislation concerning judicial remuneration and all national government official and executives with the responsibility for determining judicial salaries should thus fully respect the fundamental and universally recognized principles of judicial independence.

The EAJ therefore again urges the Swedish government to replace the existing system for determining the salaries of Swedish judges with a system which fully excludes any possible impact on judicial independence in line with well-established international standards.

¹ CM Recommendation (2010) 12 on Judges: Independence, Efficiency and Responsibilities, Article 55-55

² Universal Charter of the Judge, Article 8-1 para 2

³ European Charter on the Statute for Judges, Article 6, para 6.1 and 6.2

⁴ CCJE Opinion 17(2014) on The Evaluation of Judges’ Work and Respect for Judicial Independence, para 28

⁵ Ibid para 46

⁶ Ibid conclusions 13