

Nordic Judges' Associations

Meeting of Chairmen in Reykjavik on 29 August 2014

-Summary-

The annual meeting of Chairmen of Nordic Judges' Associations was held in Reykjavik on 29 August 2014 with following delegates being present: Riikka Rask, Kimmo Vanne (Finland), Skúli Magnússon, Áslaug Björgvinsdóttir (Iceland), Ingjerd Thune, Wiggo Storhaug Larssen (Norway), Per Kjellsson (Sweden). Mikael Sjöberg (Denmark) was absent due to unforeseen circumstances.

The aim of the annual meeting is to create an inter-Nordic forum for the exchange of information and informal cooperation concerning any matters of interest to judges, including issues concerning the independence of the judiciary and the well functioning of the rule of law. Bearing this in mind, the delegates have, based on their proceedings, seen it appropriate to summarise the meeting in the following common points:

- **Courts' Finances and Budgetary Process.** It is recalled that the funding of the Courts is a vulnerable aspect with respect to the separation of powers and the independence of the Judiciary. While there can be no doubt that the Judiciary must accept budgetary restraints as any other agent of the State, it is of utmost importance that funding of the Judiciary is based upon transparent, objective and long-term criteria. Financing should always contribute to upholding an independent and accountable Judiciary. Furthermore, the budgetary process should be construed in such a way that the decision making relating to the budget takes place directly between the Parliament and the Judiciary (and the government/administrative powers should not be involved in the process). Due participation of the Judiciary in the budgetary process should be ensured by law. In cases of conflict concerning budgetary allocations to the Judiciary (i.e. "cuts"), a final decision should not be made without offering the representatives of the Judicial System the possibility to express views.
- **Recruitment of Judges.** The office of a judge should be seen as an attractive position by lawyers so that there can be no doubt about the Judiciary meeting high professional standards. The meeting expresses concerns as to the fact that there are few (in some cases none) applications for judicial positions in certain Nordic States, in particular in non-urban areas. The meeting also warns against the use of ad-hoc judges or interim appointments in these circumstances, cf. next point.
- **Interim Appointments of Judges.** Ad-hoc appointments and/or interim appointments for short time are problematic with regard to the independence of the Judiciary. Furthermore, a practice of interim appointments may create de facto fast-track into the Judiciary without a policy decision to such effect having been made.
- **Training and Continuous Education.** It was noted that there exist considerable differences between the Nordic States with respect to how freshly appointed judges are trained before taking the bench and how their continuous education is organised. Irrespective of these differences, it is regarded as highly problematic and undesirable that there are examples of interim appointment without there being any prior training and or requisite experience. It was also noted that Iceland seems, regrettably, to be unable to participate in Continuous Education organised on Nordic level due to lack of resources.
- **Courts' Administration and Judges' Working Conditions.** Possibilities of a comparative research of certain issues concerning courts' administration and judges' working conditions were discussed.