

REPORT
FIRST STUDY COMMISSION
Yalta, Ukraine – October 2013

NOMINATION OF JUDGES

We recommend:

- Each country have objective criteria to secure the selection of the most qualified judges;
- Employ a process that must be transparent;
- In principle, judicial nominations be made by an independent body the membership of which is substantially composed of judges, and nominations should be based on objective criteria.

SECURITY OF TENURE IN OFFICE

We recommend:

- There be guarantees provided in law that the retirement age for judges cannot be changed for political reasons;
- If there is any change, it should not apply retrospectively;
- If there is a range or age span during which retirement must occur, i.e. 65 to 70, the judge should make the decision when to retire.

IMPROPER ATTEMPT TO INFLUENCE JUDGES' DECISIONS

We recommend:

- There be a law or constitutional provision that prohibits any improper attempt to influence a judge's judicial decision making process;
- Judicial remuneration must be recognized as a factor strongly related to the independence of the judiciary;
- No compensation should be delayed or reduced more for the judges than for civil servants in the case of a general reduction of salaries;
- Salaries must be adequate to provide an acceptable living standard;
- Salaries should be protected by law or the constitution.

DISCIPLINARY MEASURES

We recommend:

- Disciplinary measures against judges only be decided by the judiciary or bodies composed substantially of judges;
- No disciplinary body should comment upon judicial decisions.

ADMINISTRATIVE AUTHORITY OF CHIEF JUDGES

We recommend:

- Chief judges not have the power to assign a judge in order to affect the outcome of a case;
- The assignment of judges to hear cases be based on objective criteria.