

High Representative Rationalises Judicial Salaries in BiH

The High Representative, Paddy Ashdown, has today issued a Decision that resolves the huge disproportionality between judicial salaries in Bosnia and Herzegovina and the salaries of most citizens.

This Decision harmonises judicial salaries throughout the country, and fixes them at a level that will not be raised until such time as the average net salary in BiH has reached 800 KM. After that, judicial salaries will be aligned to increases in the average net salary across BiH.

This will produce savings of between 5 and 7 million KM, which will be spent on making BiH courts more efficient and effective.

The Council of Europe and the High Judicial and Prosecutorial Council have indicated their support for legislation that will regularise judicial salaries in this way.

The High Representative has issued this Decision because the existing laws on judicial salaries, enacted in 2000, have led to major annual salary increases for judges and prosecutors without any corresponding increase in the rate of economic growth.

In January 2005, the High Representative established a Working Group to examine this problem.

Among the most startling of its findings was that since 2000, when judges and prosecutors were awarded hefty salary increases, their incomes have risen by a further 40 to 44 percent. The real salary increases for judges and prosecutors over the last five years has ranged from 5.6 to 9.9 times that of the real average salary increases of citizens of BiH.

Salaries paid to judges and prosecutors in BiH are out of line with practice in other European countries. France, which has a national annual average gross salary approximately 4 times higher than that of BiH pays less to its judges who are at the beginning of their career than BiH does.

As a result, courts have accumulated, and continue to accumulate staggering debts. Many courts have had their electricity and telephone services disconnected as a result of their failure to pay their bills. Courts in BiH owe utility and postal companies a total of 60 million KM.

For example, courts and prosecutors offices in the Herzegovina-Neretva Canton have had their telephone lines disconnected, the electricity cut off and postal services terminated. Likewise, courts in Bihac – both municipal and cantonal – are in debt and cannot pay their bills, including salaries that they have owed for several months.

The Working Group made recommendations on new salary structures in June. However, these recommendations have not received enthusiastic backing from the domestic authorities, apparently because they are unwilling to rein in budget allocations for public officials who are among the highest paid in the country.

These laws should be implemented now so that the savings generated by this Decision can be allocated in next year's budget to measures that will improve the functioning of courts in BiH.

However, in order to give Parliaments the opportunity to introduce the recommendations to the Working Group themselves, today's Decision will only come into effect on 31 December.

The Council of Europe and the HJPC have approved the proposed laws.