



## **Statement on the proposed High Court Judges (Salaries and Allowances) Amendment Bill 2021**

The CMJA, CLA and CLEA are concerned that the provisions of the proposed High Court (Salaries and Allowances) Amendment Bill 2021 will seriously affect judicial independence in Kiribati. By virtue of its membership of the Commonwealth, Kiribati is committed to the shared fundamental values and principles of the Commonwealth, at the core of which are the belief in, and adherence to, democratic principles including respect for the authority of an independent and impartial judiciary.

In particular, we are concerned that the principles of security of tenure will be adversely affected by the provisions that all high court judges will be appointed on a contract basis.

The Courts are the guardians of justice, the corner-stone of a democratic system based on the rule of law.

The Commonwealth Charter states that *“we support an independent, impartial, honest and competent judiciary and recognise that an independent, effective and competent legal system is integral to upholding the rule of law, engendering public confidence and dispensing justice.”* The rule of law cannot exist or function if the government and other state authorities take measures that erode the authority, independence and integrity of the judiciary, including in relation to the security of tenure of judicial officers appointed.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state: *“Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place”*.

The Basic Principles on the Independence of Judges (1985) state that: *“The Independence of the Judiciary shall be guaranteed by the State and enshrined in the Constitutional or the law of the country. It is a duty of all governmental and other institutions to respect and observe the independence of the Judiciary”*.

The Basic Principles further state: *“The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.*

*Judges, whether appointed or elected, shall have guaranteed tenure until a mandatory retirement age or the expiry of their term of office, where such exists.”*

The Associations urge the Government and Parliament of Kiribati to respect the independence of the judiciary and to comply with the relevant constitutional provisions, Commonwealth Principles and other relevant international standards.

**16 April 2021**

**Commonwealth Magistrates' and Judges' Association (CMJA)**  
**Commonwealth Legal Education Association (CLEA)**  
**Commonwealth Lawyers Association (CLA)**

NOTE TO EDITORS:

The **Commonwealth Magistrates' and Judges' Association** is a not for profit organisation, registered in the UK, whose aims are to promote judicial independence, advance education in the law, the administration of justice the treatment of offenders and the prevention of crime in the Commonwealth. It brings together judicial officers of all ranks from all parts of Commonwealth and provides a forum for the promotion of the highest judicial standards at all levels. [www.cmja.org](http://www.cmja.org)

The **Commonwealth Legal Education Association** is an international non-profit organisation which fosters and promotes high standards of legal education in the Commonwealth. Founded in 1971, it is a Commonwealth-wide body with regional Chapters and Committees in South Asia, Southern Africa, West Africa, the Caribbean and the UK. [www.clea-web.com](http://www.clea-web.com)

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. [www.commonwealthlawyers.com](http://www.commonwealthlawyers.com)