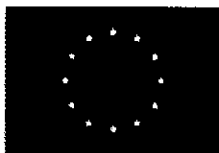


11 May 2012



### European Charter of Lay Judges

I. European countries have developed a variety of systems for non-career judges regarding participation in dispensing justice. Lay judges and arbitrators exercise their duties in a variety of forms:

- with prior training in the law or as juridical lay persons;
- based on their particular actual specialist knowledge or as general representatives of the public;
- judging alone or in a collective body (bench);
- in conjunction with and on equal standing as salaried judges or taking decisions as an individual on one's own authority as in a jury system;
- determining disputes or conciliating.



II. This Charter refers to all persons that take part in legal decision-making and / or arbitration who

- do not make a career as judges;
- may receive compensation but no salary;
- are elected or appointed for a period of time.<sup>1</sup>



III. The right of Participation by the people in dispensing justice is an element of civil emancipation and a fundamental principle in any democratic society. It helps to increase plausibility and comprehensibility in proceedings and judgments, and thus enhances confidence in the legal system. Lay judges bring valuable wide experience of life and familiarity with human nature to justice. It is also a means to improve efficiency in justice and increase acceptance of decisions.



IV. Those judges, who are able to make specialist knowledge available to a proceeding through their expertise in fields such as commerce, technology, economics, medicine and education, increase the quality of justice in special cases.



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<sup>1</sup> The signatory countries acknowledge that article II of this Charter cannot be applied to those honorary judges who regularly and continuously perform the same judicial functions as career judges, as is the case of honorary judges and public prosecutors in Italy.

- V. Lay judges and arbitrators enhance citizens' access to justice by relieving or replacing salaried judges in some areas and therefore provide a more time- and cost-effective delivery of justice.



- VI. All members of a court are independent both in person and in fact and have equal rights in decision-making. They should be subject to the same codes of conduct and disciplinary proceedings.



- VII. Election, nomination or appointment of lay judges and arbitrators must be in accordance with objective criteria and in consideration of suitability without political interference. The opportunity to be appointed as lay judges or arbitrators in EU member states should be open to all EU citizens.<sup>2</sup>



- VIII. The lay judges have the same responsibility as salaried judges to perform their duties with impartiality, diligence, hard work, fairness, balance and restraint, respecting the dignity of the person exercising the functions. In addition, outside the exercise of their functions lay judges avoid any behavior that compromises their credibility, prestige and decorum, or the prestige of the judicial institution.



- IX. Lay judges and arbitrators are to be protected from any discrimination or any disadvantage in their original profession.



- X. Lay judges and arbitrators are to be represented at every level in the governance and administration of matters relevant to their office.



- XI. Lay judges and arbitrators are to receive properly funded initial and continuing training and to have access to appropriate resources including information technology.



- XII. In order to implement the objectives of this Charter, the signatory organisations agree on coordinated European cooperation through a European wide organisation and to maintain contact with the bodies of the European Union and the Council of Europe supported as appropriate by a bureau and a research institute.

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<sup>2</sup> The Swedish Organisation (Nämndemännens riksförbund NRF) agrees to article VII without the words "without political interference".

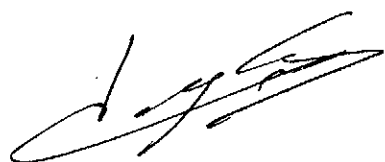
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XIII. The objective of such coordination is to disseminate the idea of participation by lay judges in jurisdiction in European countries and in European courts.

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XIV. The signatory organisations are encouraged to cooperate with  
– organisations representing salaried judges and prosecutors;  
– civil society organisations to enhance public confidence in the role of citizens in justice.

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XV. Additional organisations or associations of lay judges and arbitrators and of lay prosecutors are invited to subscribe to this Charter.

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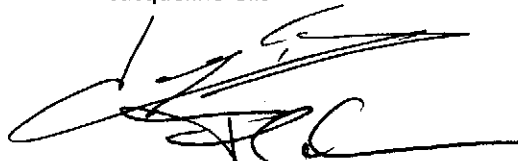
Brussels, 11 May 2012



Unie der Rechter in Handelszaken van België –  
Union des Juges Consulaires de Belgique  
**België - Belgique**  
Jacqueline Gils



Национално сдружение на съдебните  
заседатели в България  
**България**  
Krasimira Georgieva-Stamenova



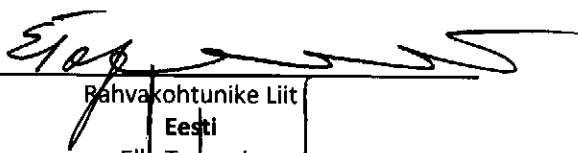
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Fritz Ganzhorn



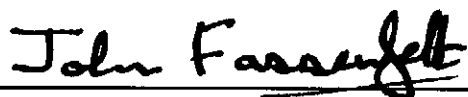
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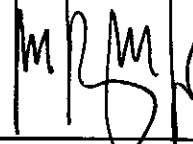
Bundesverband ehrenamtlicher  
Richterinnen und Richter e.V.  
**Deutschland**  
Hasso Lieber



Bahvakohtunike Liit  
**Eesti**  
Elle Topaasia



Magistrates' Association  
**England and Wales**  
John Fassenfelt



Asociación Democrática de Juzgados de Paz (ADJP)  
**España**  
Vicente Miguel Bermejo Sanchez



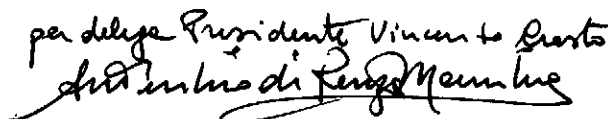
Federación Estatal de Asociaciones de Justicia  
de Paz y Proximidad (FEDEAJUPA)  
**España**  
Francisco Lasheras Dominguez



Association Nationale des Juges de Proximité  
**France**  
Gérard Chambard



Fédération Nationale des Assesseurs  
Près des Tribunaux Pour Enfants  
**France**  
Jean-Pierre Roques



Associazione Nazionale Giudici di Pace  
**Italia**  
Antonino di Renzo Mannino



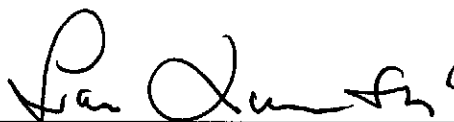
Federazione Magistrati Onorari di Tribunali  
**Italia**  
Maria Paola di Nicola



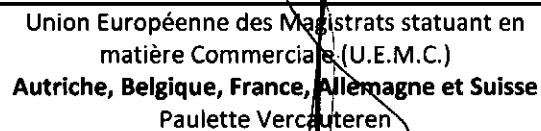
N.IRELAND LAY MAGISTRATES' ASSOCIATION  
(N.I.M.L.A.)  
**Northern Ireland**  
Deirdre Kennedy



Suomen lautamiehet ry - Finlands nämndemän rf  
**Suomi**  
Matti Laukkanen



Nämndemännens riksförbund NRF  
**Sverige**  
Lars Lassinantti



Union Européenne des Magistrats statuant en  
matière Commerciale (U.E.M.C.)  
**Autriche, Belgique, France, Allemagne et Suisse**  
Paulette Vercauteren