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Published on *The Estonian Supreme Court* (<https://www.riigikohus.ee>)

Home > Study: Estonian judges do not feel pressurised in their work

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20 June 2017

In a study by the ENCJ, the umbrella organisation of the European Councils for the Judiciary, 82 Estonian judges were assessed that on a scale of 1 to 10 and rated their independence as 9.

The results of the study published last week showed that the average score given by European judges regarding their own independence was 8.9 points out of 10. The average rating for the independence of their colleagues was a little lower at 8.3. For Estonia, both of these indicators were slightly higher than the European average. The study involved 11,000 participating judges from 26 European countries.

The study revealed that 93% of the Estonian judges who responded to the survey did not feel pressurised in making their court judgments during the past two years. However, 7% noted that they had been unduly pressurised in the past two years, although they stated that this happened very rarely and the pressure was mainly applied by the participants in the proceedings. Only 1% of the judges felt regularly pressurised.

At the same time, 12% of the Estonian judges perceived negative changes with regard to wages, pensions, workload or decreases in the court's resources during the past two years. In response to a question about what would help increase the judges' independence, the first issues that the judges mentioned were wages, pensions and a reasonable workload.

The study also shed light on a number of matters of concern that have become Europe-wide trends: firstly, the appointment of judges and promotions on other grounds than the candidate's skills and experience; secondly, the ever-increasing influence of the media and its pressure on the work of judges; and thirdly, the acknowledgment by many judges that governments and parliaments do not always respect their independence.

The same problems are topical in Estonia: 30% of the Estonian judges found that, in the past two years, the media has not always respected their independence; and 17% were of the opinion that the actions of the media have influenced judges. A relatively large percentage of the judges (27%) have felt at times that the government does not respect their independence; while 20% of the respondents were critical of the Riigikogu in this matter. However, in comparison to other European states, a much smaller number of the Estonian respondents (12%) said that judges may have been appointed to their position on grounds other than their skills and experience.

The full summary version of the study titled "Independence, Accountability and Quality of the Judiciary" is available here [1].

Merje Talvik
Head of the Public Relations Department
Supreme Court
merje [dot] talvik@riigikohus [dot] ee

Tel.: 730 9042; 5333 9846

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[1] https://www.encj.eu/images/stories/pdf/GA/Paris/encj_report_ia_2017_adopted_ga.pdf