



LAWASIA

THE LAW ASSOCIATION FOR
ASIA AND THE PACIFIC
FOUNDED IN 1966

30 June 2026

STATEMENT REGARDING THE EXTENSION OF THE RETIREMENT AGE OF JUDGES IN SRI LANKA

LAWASIA shares the concern expressed by the Bar Association of Sri Lanka (BASL) on 25th May 2026 in a letter to His Excellency the President of Sri Lanka regarding the prospect of the Government of Sri Lanka introducing an amendment to the Constitution which would increase the retirement age of the Judges of the Court of Appeal and the Supreme Court.

LAWASIA supports the sentiments expressed by BASL in its letter of 25 May, namely:

“Extending the retirement age of the sitting Judges of these Courts at this point of time is likely to be viewed by the public as a blatant attempt to interfere with the judiciary... The independence of the Judiciary and the public confidence reposed in it, are indispensable pillars of the rule of law and the democratic framework of (Sri Lanka). In that regard it is of paramount importance that the Judiciary must not only remain independent in fact but also must be seen by the public to be wholly independent, impartial, and free from even the slightest perception of influence, favour, accommodation, or impropriety”

The Constitution of Sri Lanka recognizes the independence of the judiciary and its importance in preserving and maintaining the rule of law. The retirement age of senior judges is presently fixed by Article 107(5) of the Constitution. Constitutional amendment in any jurisdiction is a serious matter which must not be undertaken lightly. LAWASIA's principal concern is that the proposed constitutional amendment has the appearance of an ad hoc initiative without adequate consultation with BASL and/or relevant stakeholders. This in turn has the potential to undermine public confidence in the judiciary.

An independent, competent and respected judiciary is the cornerstone of any democracy. LAWASIA has long advocated the fundamental importance of this principle.

The essence of LAWASIA's formal position in relation to the independence of the judiciary lies in the *Beijing Statement of Principles on the Independence of the Judiciary in the LAWASIA Region*, adopted at the Conference of Chief Justices held in Beijing in 1997 and subsequently signed by 32 Chief Justices from across the Asia-Pacific.

The *Beijing Statement* in essence emphasises the fundamental importance of the independence of the judiciary, and comments on a range of related issues including the objectives of the judiciary, the appointment of judges, the tenure of judges, judicial conditions and the relationship between the judiciary and the executive.



Endorsing the concerns raised by another international organisation, the Commonwealth Lawyers Association, LAWASIA accordingly calls upon the authorities in Sri Lanka to:

- refrain from proceeding with the proposed constitutional amendments seeking to increase the retirement age of members of the Judiciary;
- resist piecemeal and ad hoc amendments to the Constitution of Sri Lanka.
- adhere to due process of consultation and stakeholder engagement in constitutional reform;
- desist from taking any steps which would undermine confidence in the Judiciary and irreparably diminish the independence of the judiciary; and
- ensure adherence to the rule of law and respect for the independence of the judiciary.

A handwritten signature in black ink, appearing to read 'TL Yap', is located below the list of points.

TL Yap
President
LAWASIA, The Law Association for Asia and The Pacific